



# General Assembly

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## Human Rights Council

Twenty-second session

25 February-22 March 2013

Agenda item 1

**Organizational and procedural matters**

## Report of the Human Rights Council on its twenty-second session

*Vice-President and Rapporteur:* Luis Gallegos Chiriboga (Ecuador)

GE.17-20884(E)



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## Part One

### Resolutions, decisions and President's statements

#### I. Resolutions

##### 22/1.

##### Promoting reconciliation and accountability in Sri Lanka

*The Human Rights Council,*

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

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

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

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

*Recalling also* Human Rights Council resolution 19/2 of 22 March 2012 on promoting reconciliation and accountability in Sri Lanka,

*Reaffirming* that it is the responsibility of each State to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

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

*Welcoming* the announcement made by the Government of Sri Lanka that elections to the Provincial Council in the Northern Province will be held in September 2013,

*Welcoming and acknowledging* the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining, and resettling the majority of internally displaced persons, and noting nonetheless that considerable work lies ahead in the areas of justice, reconciliation and the resumption of livelihoods, and stressing the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts,

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

*Taking note also* of the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission of the Government of Sri Lanka and its commitments as set forth in response to the findings and recommendations of the Commission,

*Noting* that the national plan of action does not adequately address all of the findings and constructive recommendations of the Commission,

*Recalling* the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil

institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,

*Noting with concern* that the national plan of action and the Commission's report do not adequately address serious allegations of violations of international human rights law and international humanitarian law,

*Expressing concern* at the continuing reports of violations of human rights in Sri Lanka, including enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief,

*Calling upon* the Government of Sri Lanka to fulfil its public commitments, including on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

*Expressing appreciation* for the efforts of the Government of Sri Lanka in facilitating the visit of a technical mission from the Office of the United Nations High Commissioner for Human Rights, and encouraging the Government to increase its dialogue and cooperation with the Office of the High Commissioner,

*Noting* the call made by the High Commissioner for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law,

1. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka<sup>1</sup> and the recommendations and conclusions contained therein, in particular on the establishment of a truth-seeking mechanism as an integral part of a more comprehensive and inclusive approach to transitional justice;

2. *Encourages* the Government of Sri Lanka to implement the recommendations made in the report of the Office of the High Commissioner, and also calls upon the Government to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable;

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

4. *Encourages* the Government of Sri Lanka to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by extending invitations and providing access;

5. *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;

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<sup>1</sup> A/HRC/22/38.



6. *Requests* the Office of the High Commissioner, with input from relevant special procedures mandate holders, as appropriate, to present an oral update to the Human Rights Council at its twenty-fourth session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-fifth session.

*47th meeting  
21 March 2013*

[Adopted by a recorded vote of 25 to 13, with 8 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Benin, Brazil, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Germany, Guatemala, India, Ireland, Italy, Libya, Montenegro, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, United States of America

*Against:*

Congo, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Pakistan, Philippines, Qatar, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Botswana, Burkina Faso, Ethiopia, Japan, Kazakhstan, Kenya, Malaysia]

## **22/2.**

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

*The Human Rights Council,*

*Recalling* paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

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

*Taking note also* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner,<sup>2</sup>

*Recalling* the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner<sup>3</sup> and on the funding and staffing of the Office,<sup>4</sup>

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

*Reiterating its concern* that, in spite of stated efforts by the Office of the High Commissioner, the situation whereby one region accounts for 47.3 per cent remains,

<sup>2</sup> A/HRC/22/69.

<sup>3</sup> A/59/65-E/2004/48 and Add.1.

<sup>4</sup> JIU/REP/2007/8.

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

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

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

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

2. *Notes with concern* the fact that, in 2012, only two out of four regions increased their representation in the percentage of staff, and that no change was recorded in the overrepresentation status of one region;

3. *Welcomes* the statement made by the High Commissioner in her report<sup>2</sup> that enhancing the geographical diversity of the staff of her Office remains one of her priorities, and requests her to redouble her efforts with a view to redressing the current imbalance in geographical distribution of the staff of the Office, despite the budgetary contingency;

4. *Requests* the High Commissioner, in this regard, to establish specific and public targets and deadlines to be achieved;

5. *Also requests* the High Commissioner to work on the broadest geographical diversity of her staff by strengthening the measures aimed at achieving a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Takes note* of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

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

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

9. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion at the Professional level and, in particular, in senior management positions, as a principle of the staffing policies of the Office of the High Commissioner;

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

11. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to

improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in each and every department, and also recalls the request that he submit to the Assembly proposals for a comprehensive review of the system of desirable ranges with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

12. *Encourages* the General Assembly to consider further measures to promote desirable ranges of geographical balance in the staff of the Office of the High Commissioner, as requested in the present resolution

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

14. *Requests* the Joint Inspection Unit to undertake a comprehensive follow-up review of the management and administration of the Office of the High Commissioner, in particular with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon and containing concrete proposals for the implementation of the present resolution to the Human Rights Council at its twenty-seventh session;

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

*47th meeting  
21 March 2013*

[Adopted by a recorded vote of 31 to 15, with one abstention. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Japan, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland, United States of America

*Abstaining:*

Chile]

## **22/3.**

### **The work and employment of persons with disabilities**

*The Human Rights Council,*

*Recalling* the Convention on the Rights of Persons with Disabilities,

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

*Reaffirming also* all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 19/11 of 22 March 2012, and welcoming the efforts of all stakeholders to implement those resolutions,

*Reaffirming further* the right to work, as set out in article 23 of the Universal Declaration of Human Rights, which states that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, as well as, inter alia, States parties' obligations under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights, article 11 of the Convention on the Elimination of All Forms of Discrimination against Women and, most recently and with regard to persons with disabilities, in article 27 of the Convention on the Rights of Persons with Disabilities,

*Recalling* that the above-mentioned article 27 of the Convention reaffirms the right of persons with disabilities to work, including their right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible, and that States parties to the Convention are required to take appropriate steps, including through legislation, to ensure that persons with disabilities enjoy this right on an equal basis with others,

*Recalling also* relevant conventions, declarations, recommendations and codes of practice of the International Labour Organization,

*Recognizing* that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others,

*Emphasizing* that the right to work is a key factor in ensuring the full and effective participation and inclusion, as well as equality of opportunity, of persons with disabilities in society,

*Recognizing* the need to build awareness among persons with disabilities, their families, communities and all those working in education systems of the right of persons with disabilities to work and to enjoy equal employment opportunities,

*Recognizing also* that women and girls with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, including in the context of realizing their right to work on an equal basis with others,

*Recognizing further* the important role of the public and private sectors in employing persons with disabilities and the need to raise awareness of all employers of the valuable contribution that persons with disabilities can make in a diverse workplace,

*Welcoming* the decision of the General Assembly to hold a high-level meeting, on 23 September 2013, with the overarching theme "The way forward: a disability inclusive development agenda towards 2015 and beyond", in order to strengthen efforts to ensure accessibility for and inclusion of persons with disabilities in all aspects of development, and looking forward to the contribution that the outcome document thereon could make in mainstreaming the rights of persons with disabilities in the post-2015 development agenda,

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

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

3. *Welcomes* the thematic study on the work and employment of persons with disabilities prepared by the Office of the United Nations High Commissioner for Human Rights,<sup>5</sup> and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States parties to ensure that persons with disabilities can effectively and fully enjoy the right to work on an equal basis with others, including the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities;

5. *Also calls upon* States parties to adopt and implement appropriate measures, including legislative measures, to ensure that persons with disabilities enjoy the right to work on an equal basis with others, including by, inter alia:

(a) Prohibiting by law discrimination on the basis of disability in the area of work and at all phases of employment, including the denial of reasonable accommodation;

(b) Promoting equal access for persons with disabilities to the open labour market, in particular by promoting alternative approaches to sheltered employment schemes where such schemes are inconsistent with the Convention;

(c) Adopting positive measures, as appropriate, to increase employment of persons with disabilities in the public and private sectors, in particular for women and youth with disabilities, persons with intellectual or psychosocial disabilities, and ensuring that such positive measures are designed and promoted in a way that recognizes the value of diversity in the workplace and of equal career development for all;

(d) Employing persons with disabilities in the public sector and considering setting targets for such employment;

(e) Promoting inclusive and non-discriminatory opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business, including through microfinance schemes;

(f) Establishing accessibility requirements for all employers to eliminate barriers that hinder job seekers and employees with disabilities from access to the workplace on an equal basis with others;

(g) Ensuring reasonable accommodation is provided in both public and private sector employment;

(h) Ensuring also that persons with disabilities have equal access to education and vocational training that is non-discriminatory, accessible to and inclusive of persons with disabilities, including by providing reasonable accommodation, and by promoting continuous learning;

(i) Ensuring further that habilitation and rehabilitation programmes are non-discriminatory and adequately take into account the needs of persons with disabilities;

(j) Establishing and maintaining access to social protection programmes, including those created pursuant to recommendation No. 202 of the International Labour Organization concerning national floors for social protection, that support persons with

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<sup>5</sup> A/HRC/22/25.

disabilities in seeking, transitioning to and maintaining work, and that recognize the additional costs that persons with disabilities face in their access to the open labour market;

(k) Promoting public awareness campaigns to address negative attitudes, stigma and stereotypes of persons with disabilities, including women with disabilities, that hinder their opportunity to participate in work and employment on an equal basis with others;

6. *Reaffirms* the obligation of States parties to ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour;

7. *Calls upon* States parties, and urges private sector employers and workers' organizations to ensure that measures to assist persons with disabilities in their access to and maintaining employment are consistent with the Convention, including the general principles of inclusion in society, individual autonomy, including the freedom to make one's own choices, and independence of persons;

8. *Calls upon* States, in realizing the right to work for persons with disabilities, to engage the private sector and, in this regard, urges the private sector to employ persons with disabilities, to create a welcoming working environment and to identify and eliminate barriers that hinder their access to the workplace on an equal basis with others;

9. *Urges* States to consult closely with and actively involve persons with disabilities and their representative organizations in designing, implementing, evaluating and monitoring policies and programmes relating to the employment of persons with disabilities;

10. *Encourages* States and invites other relevant stakeholders, including national monitoring mechanisms, to collect appropriate information, including disability-specific and gender-specific statistical and research data, to enable the formulation and implementation of policies to improve the employment situation of persons with disabilities;

11. *Encourages* States to create or strengthen relevant monitoring or complaint mechanisms that, inter alia, promote, protect and monitor the implementation of the right to work for persons with disabilities;

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

13. *Acknowledges* the importance of international cooperation at all levels and, in this regard, encourages all relevant actors in taking measures of international cooperation to consider appropriate and effective measures in support of national efforts to promote employment opportunities for persons with disabilities on an equal basis with others;

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

15. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-fifth session, and that it will focus on the right of persons with disabilities to education;

16. *Requests* the Office of the High Commissioner to prepare a study on the right of persons with disabilities to education, in consultation with States and other relevant stakeholders, including the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, regional organizations, the Special Rapporteur on Disabilities of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High

Commissioner, in an accessible format, prior to the twenty-fifth session of the Human Rights Council;

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

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

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

#### **22/4.**

### **Rights of persons belonging to national or ethnic, religious and linguistic minorities**

*The Human Rights Council,*

*Recalling* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

*Taking into consideration* article 27 of the International Covenant on Civil and Political Rights, as well as other relevant existing international standards and national legislation,

*Recalling* all resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

*Recalling also* the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

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

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

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

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

*Acknowledging* that the United Nations has an important role to play with regard to the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, taking due account of, and giving effect to, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

*Noting* that 2012 marked the twentieth anniversary of the adoption of the Declaration,

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

*Recognizing*, in this context, the important role played by the Independent Expert on minority issues in promoting the implementation of the Declaration,

1. *Takes note* of the report of the Independent Expert on minority issues on persons belonging to linguistic minorities,<sup>6</sup> and of the report on the recommendations of the Forum on Minority Issues at its fifth session,<sup>7</sup> as well as of the report of the Special Rapporteur on freedom of religion or belief on persons belonging to religious minorities;<sup>8</sup>

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities<sup>9</sup> and of the summary of the panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;<sup>10</sup>

3. *Urges* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration and in other international human rights obligations and commitments;

4. *Also urges* States to develop appropriate mechanisms for effective participation of and consultation with persons belonging to minorities in order to take into account their views in decision-making processes affecting them, with a view to promoting greater participation in the political processes of the country and providing inclusive, informed and sustainable policymaking and implementation;

5. *Recommends* that States ensure that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

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<sup>6</sup> A/HRC/22/49.

<sup>7</sup> A/HRC/22/60.

<sup>8</sup> A/HRC/22/51.

<sup>9</sup> A/HRC/22/27.

<sup>10</sup> A/HRC/20/6.



6. *Urges* States to strive to ensure the protection of persons belonging to national or ethnic, religious and linguistic minorities who may be at a greater risk of violence and to develop, where appropriate, protection programmes;

7. *Takes note* of the successful completion, in November 2012, of the fifth session of the Forum on Minority Issues, which addressed the implementation of the Declaration and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic and, as part of its outcome, identified in its recommendations achievements, best practices and challenges for the further implementation of the Declaration, and encourages States to take into consideration relevant recommendations of the Forum;

8. *Commends* the Independent Expert on minority issues for the work undertaken to date, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

9. *Welcomes* the panel discussion held by the Human Rights Council at its nineteenth session to commemorate the twentieth anniversary of the adoption of the Declaration, and takes note with appreciation of other multilateral, regional and subregional initiatives aimed at celebrating the anniversary;

10. *Calls upon* States, while bearing in mind the themes of the first five sessions of the Forum on Minority Issues, and with a view to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Developing and implementing inclusive education policies that ensure equal access to education for persons belonging to national or ethnic, religious and linguistic minorities;

(b) Improving the representation and effective participation of persons belonging to national or ethnic, religious and linguistic minorities in all levels of political and public life;

(c) Ensuring the full and effective participation of persons belonging to national or ethnic, religious and linguistic minorities in economic life, including by promoting equal access to new information and communications technologies;

(d) Recognizing the importance of adopting measures, policies and programmes to address discrimination against and the exclusion of women and girls belonging to national or ethnic, religious and linguistic minorities;

11. *Encourages* States to ensure that due regard is given to the situation of persons belonging to national or ethnic, religious and linguistic minorities in times of national economic difficulties or other grave challenges, and to avoid adopting measures, including austerity measures, that disproportionately negatively affect them;

12. *Welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to increase further their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the meetings of the Forum;

13. *Takes note in particular* in this regard of the establishment of the United Nations network on racial discrimination and the protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between

relevant United Nations agencies, funds and programmes, and invites the network to cooperate with the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

14. *Invites* the human rights treaty bodies and special procedures of the Human Rights Council to continue to give attention, within their respective mandates, to the situation and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

15. *Reaffirms* that the universal periodic review, as well as the United Nations human rights treaty bodies, constitute important mechanisms for the promotion and protection of human rights and fundamental freedoms and, in that regard, calls upon States to effectively follow up on accepted universal periodic review recommendations relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and further encourages States parties to give serious consideration to the follow-up to treaty body recommendations on the matter;

16. *Encourages* regional intergovernmental bodies to promote greater attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities within their respective regions, including by actively raising awareness of and promoting the Declaration in their work, as well as by encouraging its implementation at the national level;

17. *Encourages* national human rights institutions to pay due attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, considering establishing, for instance, a department, section or focal point within their secretariats to address those rights;

18. *Encourages* civil society organizations, including non-governmental organizations, to promote awareness of the Declaration and to review the extent to which they integrate the rights of persons belonging to national or ethnic, religious and linguistic minorities and the Declaration into their work, as well as to inform persons belonging to national or ethnic, religious and linguistic minorities about their rights;

19. *Requests* the High Commissioner to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration;

20. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Independent Expert and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

**22/5.**

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

*The Human Rights Council,*

*Guided* by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

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

*Recalling also* its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

*Recognizing* that the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013 will be a step forward in strengthening the promotion and protection of economic, social and cultural rights worldwide, and noting with interest the fact that forty two States have signed the Optional Protocol and ten have ratified it since it was opened for signature on 24 September 2009,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolution 19/5 of 22 March 2012 with a view to improving the realization of economic, social and cultural rights;

2. *Also calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so, and calls upon States parties to consider reviewing their reservations thereto;

3. *Welcomes* the upcoming entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013 following its ratification by ten States, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so and to consider making declarations under articles 10 and 11;

4. *Acknowledges* the adoption of the provisional rules of procedure under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the Committee on Economic, Social and Cultural Rights at its forty-ninth session;

5. *Emphasizes* the importance of access to justice for all in the context of the realization of economic, social and cultural rights and, in this regard, encourages the strengthening and improvement of the administration of justice and public awareness of economic, social and cultural rights;

6. *Underlines* that realizing women's economic, social and cultural rights calls for an integrated approach that draws on the various human rights instruments addressing the issue;

7. *Also underlines* that States parties should pay particular attention to the mutual reinforcement of the rights and obligations contained in the International Covenant on

Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women;

8. *Encourages* States parties to make maximum use of the framework of the International Covenant on Economic, Social and Cultural Rights to pursue further substantive gender equality by using the provisions of article 3, which requires States parties to undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights, in conjunction with the substantive rights enshrined in part III of the Covenant, and also encourages them to take measures in this regard to implement the principle of non-discrimination;

9. *Underlines* the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality and participation, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizes that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner;

10. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving the internationally agreed development goals, including the Millennium Development Goals, and emphasizes the central role of the United Nations in enhancing global partnerships for development with a view to creating a supportive global environment for the attainment of the Millennium Development Goals;

11. *Recalls* Human Rights Council resolution 21/11 of 27 September 2012, in which the Council adopted the guiding principles on extreme poverty and human rights contained in the report of the Special Rapporteur on extreme poverty and human rights as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies;

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

13. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

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

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

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

17. *Takes note with interest* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights<sup>11</sup> and the recommendations therein, submitted pursuant to Human Rights Council resolution 19/5;

18. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on access to justice relating to violations of economic, social and cultural rights;

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/6. Protecting human rights defenders**

*The Human Rights Council,*

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

*Guided also by* the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

*Recalling* General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

*Recalling also* the continued validity and application of all the provisions of the above-mentioned Declaration,

*Recalling further* all previous resolutions on this subject, in particular Human Rights Council resolutions 13/13 of 25 March 2010 and 16/5 of 24 March 2011, and General Assembly resolution 66/164 of 19 December 2011,

*Recalling* the Vienna Declaration and Programme of Action,

*Reaffirming* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

*Acknowledging* that human rights defenders play an important role at the local, national, regional and international levels in the promotion and protection of human rights,

*Stressing* that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

*Mindful* that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

<sup>11</sup> A/HRC/22/24.

*Reiterating* the grave concerns expressed by the General Assembly in its resolution 66/164 with regard to the serious nature of risks faced by human rights defenders due to threats, attacks and acts of intimidation against them,

*Underscoring* that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

*Gravely concerned* that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

*Recognizing* in this regard that new forms of communication, including the dissemination of information online and offline, can serve as important tools for human rights defenders to promote and strive for the protection of human rights,

*Recognizing also* the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

*Welcoming* the steps taken by some States towards adopting policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including the decriminalization of defamation, that serve to protect human rights defenders from being prosecuted for peaceful activities, and against threats, harassment, intimidation, duress, arbitrary detention or arrest, violence and attacks by State and non-State actors,

1. *Takes note with appreciation* of the work of the Special Rapporteur on the situation of human rights defenders, including her two latest reports submitted pursuant to General Assembly resolution 66/164 and Human Rights Council resolution 16/5, on the use of legislation affecting the activities of human rights defenders,<sup>12</sup> and national human rights institutions,<sup>13</sup> respectively;

2. *Urges* States to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity, in the whole country and in all sectors of society, including by extending support to local human rights defenders;

3. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and, in this regard, condemns the imposition of any limitations on the work and activities of human rights defenders enforced in contravention of international human rights law;

4. *Calls upon* States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, including the principle of non-discrimination, and that such legislation is not used to impede or restrict the exercise of any human right, including freedom of expression,

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<sup>12</sup> A/67/292.

<sup>13</sup> A/HRC/22/47.

association and peaceful assembly, which are essential for the promotion and protection of other rights;

5. *Urges* States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work;

6. *Calls upon* States to ensure that human rights defenders can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law and, in this regard, to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts;

7. *Underlines* that the access to and use of information technologies and the media of one's choice, including radio, television and the Internet, should be promoted and facilitated at the national level, between States and at the international level as an integral part of the enjoyment of the fundamental rights to freedom of opinion and expression, and also encourages international cooperation aimed at the development of media and information and communications technologies in all countries;

8. *Calls upon* States to respect, protect and ensure the right to freedom of association of human rights defenders and, in this regard, to ensure, where procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

9. *Also calls upon* States:

(a) To ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy;

(b) To ensure that they do not discriminatorily impose restrictions on potential sources of funding aimed at supporting the work of human rights defenders in accordance with the Declaration referred to in paragraph 3 above, other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto;

10. *Further calls upon* States to ensure that measures to combat terrorism and preserve national security:

(a) Are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

(b) Clearly identify which offences qualify as terrorist acts by defining transparent and foreseeable criteria, including, inter alia, considering without prejudice those formulated by the Special Rapporteur on the promotion and protection of human rights while countering terrorism;

(c) Prohibit and do not provide for, or have the effect of, subjecting persons to arbitrary detention, such as detention without due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, or the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, nor

the unlawful deprivation of the right to life or the trial of suspects without fundamental judicial guarantees;

(d) Allow appropriate access for relevant international bodies, non-governmental organizations and national human rights institutions, where such exist, to persons detained under anti-terrorism and other legislation relating to national security, and to ensure that human rights defenders are not harassed or prosecuted for providing legal assistance to persons detained and charged under legislation relating to national security;

11. *Calls upon* States to ensure that all legal provisions and their application affecting human rights defenders are clearly defined, determinable and non-retroactive in order to avoid potential abuse to the detriment of fundamental freedoms and human rights, and specifically to ensure that:

(a) The promotion and the protection of human rights are not criminalized, and that human rights defenders are not prevented from enjoying universal human rights owing to their work, whether they operate individually or in association with others, while emphasizing that everyone shall respect the human rights of others;

(b) The judiciary is independent, impartial and competent to review effectively legislation and its application affecting the work and activities of human rights defenders;

(c) Procedural safeguards, including in criminal cases against human rights defenders, are in place in accordance with international human rights law in order to avoid the use of unreliable evidence, unwarranted investigations and procedural delays, thereby effectively contributing to the expeditious closing of all unsubstantiated cases, with individuals being afforded the opportunity to lodge complaints directly with the appropriate authority;

(d) Any provision or decision that may interfere with the enjoyment of human rights respects the fundamental principles enshrined in international law so that they are lawful, proportionate, non-discriminatory and necessary in a democratic society;

(e) Information held by public authorities is proactively disclosed, including on grave violations of human rights, and that transparent and clear laws and policies provide for a general right to request and receive such information, for which public access should be granted, except for narrow and clearly defined limitations;

(f) That provisions do not prevent public officials from being held accountable, and that penalties for defamation are limited in order to ensure proportionality and reparation commensurate to the harm done;

(g) Legislation aimed at preserving public morals is compatible with international human rights law;

(h) Legislation does not target activities of individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs;

(i) Dissenting views may be expressed peacefully;

12. *Expresses particular concern* about systemic and structural discrimination and violence faced by women human rights defenders, and calls upon States to integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights;



13. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

14. *Strongly calls upon* all States:

(a) To refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates;

(b) To fulfil the duty to end impunity for any such acts of intimidation or reprisals by bringing the perpetrators to justice and by providing an effective remedy for their victims;

(c) To avoid legislation that has the effect of undermining the right reaffirmed in paragraph 13 above;

15. *Reaffirms* the necessity for inclusive and open dialogue between civil society actors, particularly human rights defenders, and the United Nations in the field of human rights and, in this context, underlines that participation by civil society should be facilitated in a transparent, impartial and non-discriminatory manner;

16. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations;

17. *Stressing in particular* the valuable contribution of national human rights institutions, civil society and other stakeholders in providing input to States on the potential implications of draft legislation when such legislation is being developed or reviewed to ensure that it is in compliance with international human rights law;

18. *Invites* leaders in all sectors of society and respective communities, including political, social and religious leaders, and leaders in business and media, to express public support for the important role of human rights defenders and the legitimacy of their work;

19. *Encourages* States to include in their reports for the universal periodic review and to treaty bodies information on the steps taken to create a safe and enabling environment for human rights defenders, including by bringing legislation and its application affecting the activities of human rights defenders into line with international human rights law;

20. *Encourages* national human rights institutions, civil society and other stakeholders to provide information, including to States, in the context of the universal periodic review and the work of treaty bodies, on the enabling environment for human rights defenders, including legislation and its application affecting the activities of human rights defenders;

21. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights defenders, relevant regional mechanisms and national human rights institutions to offer their assistance for the consideration of States in bringing their legislation and its application into line with international human rights law;

22. *Invites* States to seek assistance, including that which may be provided by the above-mentioned actors, in the process of reviewing, amending or developing legislation that affects or would affect, directly or indirectly, the work of human rights defenders;

23. *Invites* the Special Rapporteur on the situation of human rights defenders to continue to execute the activities under the mandate stipulated in resolution 16/5 of the

Human Rights Council, including in follow-up to the present resolution, by reporting on progress;

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/7.**

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

*The Human Rights Council,*

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

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

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

*Recalling* the obligation of States to register all children immediately after birth, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

*Recognizing* the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed to promoting and protecting human rights,

*Welcoming* the continuing efforts of the Committee on the Rights of the Child towards universal birth registration, such as through recommendations widely addressed to States in this regard,

*Recalling* the resolutions adopted by the General Assembly and the Human Rights Council calling upon States to ensure the registration of all children immediately after birth, the most recent being Assembly resolution 66/141 of 19 December 2011 and Council resolution 19/9 of 22 March 2012,

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

*Recognizing also* the importance of birth registration, including late birth registration, for the development of vital statistics and the effective implementation of programmes and

policies intended to achieve internationally agreed development goals, including the Millennium Development Goals,

*Recognizing further* the efforts made at the regional level to achieve universal birth registration, including the Conference of African Ministers responsible for Civil Registration, the Universal Civil Identity Program in the Americas, and the High-level Meeting on the Improvement of Civil Registration and Vital Statistics in Asia and the Pacific,

1. *Expresses concern* at the high number of persons throughout the world whose birth is not registered;
2. *Reminds* States of their obligation to register births without discrimination of any kind and irrespective of the status of his or her parents;
3. *Calls upon* States to establish or strengthen existing institutions at all levels responsible for birth registration and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase, as needed, the number of birth registration facilities, paying attention to the local community level;
4. *Also calls upon* States to take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to emergency situations;
5. *Further calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;
6. *Calls upon* States to continuously raise awareness at the national, regional and local levels of birth registration, including by engagement in collaboration with all relevant actors in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;
7. *Urges* States to identify and remove physical, administrative, procedural and any other barriers that impede access to birth registration, including late registration, paying due attention to, among others, those barriers relating to poverty, disability, gender, nationality, displacement, illiteracy and detention contexts, and to persons in vulnerable situations;
8. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes, including the United Nations Children's Fund, the United Nations Population Fund, the Department of Economic and Social Affairs, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means to respect the right of everyone to be recognized everywhere as a person before the law;
9. *Invites* the above-mentioned United Nations bodies, agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;
10. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States, United Nations agencies, funds and programmes, non-governmental organizations and other relevant stakeholders, on legal, administrative, economic, physical and any other barriers to access to universal birth registration and possession of documentary proof of birth, as well as on good practices

adopted by States in fulfilling their obligation to ensure birth registration, and to submit it to the Human Rights Council at its twenty-seventh session;

11. *Decides* to consider this issue in accordance with its annual programme of work.

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/8.**

### **Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

*The Human Rights Council,*

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

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

*Recalling also* Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Human Rights Council resolutions 6/28 of 14 December 2007 and 15/15 of 24 September 2010, entitled “Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism”,

1. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 15/15;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur’s urgent appeals and providing the information requested;

3. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

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

5. *Decides* to continue consideration of this question in conformity with its annual programme of work.

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## 22/9. The right to food

*The Human Rights Council,*

*Recalling* all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

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

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

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

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

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

*Reaffirming* the commitment made in the ministerial declaration of the 2009 high-level segment of the Economic and Social Council to eliminating hunger and to securing food for all,

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

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

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

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

*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that

are not in accordance with international law and the Charter of the United Nations and that endanger food security,

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

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

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

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

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

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

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

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

*Recognizing* the need to increase sustainable private and public investments in agriculture from all relevant sources for the realization of the right to food,

*Welcoming* the adoption of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by the Committee on World Food Security at its thirty-eighth special session and the Council of the Food and Agriculture Organization of the United Nations at its one hundred and forty-fourth session, in 2012,

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

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers* it intolerable that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is approximately eight hundred and seventy million worldwide, 98 per cent of them living in developing countries, and that there is an additional one billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed twelve billion people;

4. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing countries, especially on least developed countries;

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

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

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

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

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

10. *Encourages* States to take steps with a view to progressively achieve the full realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms and to adopt national plans to combat hunger;

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

12. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food, and encourages States to increase such cooperation as a complement to North-South cooperation;

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

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

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

16. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts, as well as in programmes, practices and policies to scale up agroecological approaches;

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

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

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

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



21. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;
22. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;
23. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;
24. *Calls for* the early conclusion to and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions permitting the full realization of the right to food;
25. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;
26. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;
27. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;
28. *Recognizes* that the commitments made at the World Food Summit in 1996 to halve the number of people who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States and international financial and development institutions, as well as relevant United Nations agencies and funds, to give priority to and provide the necessary funding for realizing the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;
29. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;
30. *Calls upon* all States and, if appropriate, relevant international organizations:
  - (a) To combat the different forms of malnutrition as a means to realize the right to adequate food, including, if appropriate, by adopting a national strategy in this regard;
  - (b) To take measures and support programmes that are aimed at combating the irreversible effects of chronic undernutrition in early childhood, in particular by targeting the first thousand days of a child's life;
  - (c) To support the national plans and programmes of countries to improve nutrition in poor households, in particular plans and programmes that are aimed at combating

undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, from gestation to the age of 2 years;

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

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

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

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

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

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

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

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

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

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

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

42. *Takes note with appreciation* of the report of the Special Rapporteur on women's rights and the right to food and the recommendations contained therein,<sup>14</sup> including the addendum thereto which explores how the right to food is integrated into the activities of the Food and Agriculture Organization of the United Nations;<sup>15</sup>

43. *Decides* to extend the mandate of the Special Rapporteur on the right to food for a period of three years, to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

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

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

46. *Acknowledges* the work being carried out by the Human Rights Council Advisory Committee on the right to food and, in that regard, takes note of the final study on the promotion of human rights of the urban poor: strategies and best practices,<sup>16</sup> and the final study on rural women and the right to food,<sup>17</sup> both prepared by the Advisory Committee, and encourages States to take into account and consider implementing, as appropriate, the findings and recommendations contained in both studies;

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

48. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task by supplying all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

49. *Recalls* the requests made by the General Assembly in its resolution 67/174 of 20 December 2012 that the Special Rapporteur submit to the Assembly an interim report at its sixty-eighth session on the implementation of that resolution, and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

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<sup>14</sup> A/HRC/22/50.

<sup>15</sup> A/HRC/22/50/Add.3.

<sup>16</sup> A/HRC/22/61.

<sup>17</sup> A/HRC/22/72.

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

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

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/10.**

### **The promotion and protection of human rights in the context of peaceful protests**

*The Human Rights Council,*

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

*Reaffirming also* the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

*Reaffirming further* that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010 and 21/16 of 27 September 2012, on the rights to freedom of peaceful assembly and of association, 19/35 of 23 March 2012, on the promotion and protection of human rights in the context of peaceful protests, and 21/12 of 27 September 2012, on the safety of journalists,

*Recalling also* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

*Recognizing* that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

*Recognizing also* that any such restrictions must be based in law, in accordance with States' obligations under applicable international human rights instruments, and subject to a competent, independent, impartial and prompt administrative or judicial review,

*Acknowledging* that peaceful protests can occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

*Acknowledging also* that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, and of association, freedom of expression and of participation in the conduct of public affairs,

*Acknowledging further* that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

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

*Reaffirming also* that participation in public and peaceful protests should be entirely voluntary and uncoerced,

*Stressing* therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests without fear of reprisals or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

*Deeply concerned* about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

*Expressing its concern* at the number of attacks targeting journalists in the context of peaceful protests,

*Stressing* that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

*Recognizing* that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

*Stressing* the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

*Recalling* the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. *Takes note with appreciation* of the thematic report of the United Nations High Commissioner for Human Rights on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests,<sup>18</sup> submitted in accordance with Human Rights Council resolution 19/35;

2. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, in particular extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

3. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments;

<sup>18</sup> A/HRC/22/28.

4. *Urges* States to facilitate peaceful protests by providing protestors with access to public space and protecting them, where necessary, against any forms of threats, and underlines the role of local authorities in this regard;
5. *Underlines* the role that communication between protestors, local authorities and police can play in the proper management of assemblies, such as peaceful protests;
6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from gender-based violence, including sexual assault in the context of peaceful protests;
7. *Calls upon* all States to avoid using force during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;
8. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force by law enforcement officials, in particular applicable principles of law enforcement, such as the principles of necessity and proportionality, bearing in mind that lethal force may only be used to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;
9. *Also calls upon* States to investigate any death or injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by law enforcement officials;
10. *Further calls upon* States and, where applicable, the relevant governmental authorities to ensure adequate training of law enforcement officials and military personnel and to promote adequate training for private personnel acting on behalf of a State, including in international human rights law and, where appropriate, international humanitarian law;
11. *Encourages* States to make protective equipment and non-lethal weapons available to their law enforcement officials and to refrain from using lethal force during peaceful protests, while pursuing efforts to regulate and establish protocols for the use of non-lethal weapons;
12. *Underlines* the necessity to address the management of assemblies, such as peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of, and injuries to, protestors, bystanders, those monitoring such protests, and law enforcement officials, as well as any human rights violations or abuses;
13. *Recognizes* the important role played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, and other relevant stakeholders, in documenting human rights violations or abuses committed in the context of peaceful protests;
14. *Urges* States to ensure that national mechanisms, based on law in conformity with their international human rights obligations and commitments, can ensure accountability for human rights violations and abuses, including in the context of peaceful protests;
15. *Also urges* States to ensure that victims of human rights violations and abuses have, through existing national mechanisms, access to a remedy and that they obtain redress, including in the context of peaceful protests;
16. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such protests in a manner that conforms with their international human rights obligations and commitments;

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

(a) To organize, before the twenty-fifth session of the Human Rights Council, from within existing resources, a seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, with the participation of States, relevant Council special procedures, members of the treaty bodies and other stakeholders, including academic experts and civil society representatives, with the aim of building upon the above-mentioned report of the High Commissioner and other related work of the Council;

(b) To prepare a report on the deliberations held during the seminar and to submit it to the Human Rights Council at its twenty-fifth session;

18. *Decides* to continue its consideration of this topic at its twenty-fifth session under agenda item 3.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/11.**

### **Panel on the human rights of children of parents sentenced to the death penalty or executed**

*The Human Rights Council,*

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

*Reaffirming* the purposes and principles of the Convention on the Rights of the Child, in particular its articles 2, 3, 9 and 20, and the obligations of State parties thereto,

*Mindful* of all forms through which a child can be separated from his or her parents against their will, in particular when the separation results from any action initiated by a State,

*Welcoming* the day of general discussion on children of incarcerated parents, held by the Committee on the Rights of the Child on 30 September 2011, and taking note with interest of the outcomes thereof,

*Recalling* Human Rights Council resolution 19/37 of 23 March 2012 on the rights of the child,

*Deeply concerned* at the negative impact of the imposition and carrying out of the death penalty on the human rights of children of parents sentenced to the death penalty or executed,

1. *Acknowledges* the negative impact of a parent's death sentence and his or her execution on his or her children, and urges States to provide those children with the protection and assistance they may require;

2. *Calls upon* States to provide those children or, where appropriate, giving due consideration to the best interests of the child, another member of the family, with access to their parents and to all relevant information about the situation of their parents;

3. *Decides* to convene, at its twenty-fourth session, a panel discussion on the human rights of children of parents sentenced to the death penalty or executed, with a particular focus on the ways and means to ensure the full enjoyment of their rights;

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

5. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary, and to present it to the Human Rights Council at its twenty-fifth session;

6. *Decides* that the yearly supplement to the quinquennial report of the Secretary-General on the question of the death penalty, mandated by Human Rights Council decision 18/117 of 28 September 2011, will continue to inform on this matter.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/12.**

### **The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation**

*The Human Rights Council,*

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

*Guided* by the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

*Recalling* General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

*Recalling also* General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16 September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22 September 2010, 65/169 of 20 December 2010 and 67/192 of 20 December 2012,

*Recalling further* Human Rights Council resolutions 17/23 of 17 June 2011 and 19/38 of 23 March 2012,

*Reiterating* the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

*Reaffirming* that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international



economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

*Recognizing* that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

*Alarmed* at cases in which the proceeds of corruption-related crimes that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States and has a negative impact on the application by States of the maximum available resources to the full realization of all human rights for all,

*Deeply concerned* that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by corruption and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development, especially when an inadequate national and international response leads to impunity,

*Recalling* the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to facilitate the repatriation of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, as well as the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly those adopted at its fourth session,

*Taking note* of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, as well as international and regional organizations, in preventing and combating all forms of corruption,

*Recognizing* that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

*Appreciating* the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

*Affirming* the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights, and in line with the commitment made at the 2005 World Summit and the 2010 High-level Plenary Meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds,

*Concerned* at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

*Acknowledging* the progress made towards the implementation of the United Nations Convention against Corruption, while recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, and noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing also that legal difficulties are often exacerbated by factual and institutional obstacles,

*Noting with serious concern* that, as highlighted in the interim report by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,<sup>19</sup> despite the scarcity of available public data, most illicit financial outflows are from developing countries and that, despite increased efforts by the international community to curb the flow of illicit funds, recent studies indicate that such flows grew in real terms by an annual average of 8.6 per cent, exceeding the average rate of economic growth in developing countries, over the period 2001 to 2010, and they estimate that developing countries lost between seven hundred and eighty three billion United States dollars and one thousand, one hundred and thirty eight billion United States dollars in illicit financial outflows in 2010, while, as indicated in the comprehensive study prepared by the United Nations High Commissioner for Human Rights on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights,<sup>20</sup> only around 2 per cent of the estimated funds of illicit origin annually leaving the developing world are repatriated to their countries of origin,

*Noting* the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

*Convinced* that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law, and stressing that any resource that the State is deprived of because of corruption has potentially the same negative effect, regardless of whether it is exported or domestically retained,

1. *Takes note with appreciation* of the comprehensive study prepared by the United Nations High Commissioner for Human Rights<sup>20</sup> and the interim report by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;<sup>19</sup>

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<sup>19</sup> A/HRC/22/42.

<sup>20</sup> A/HRC/19/42 and Corr.1.

2. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;
3. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and in line with the commitments made at the 2005 World Summit and the 2010 High-level Plenary Meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urges all States to step up their efforts to trace, freeze and recover those funds;
4. *Acknowledges* the importance of compliance with international human rights law in relation to the repatriation of funds of illicit origin by, inter alia, promoting human rights-based policy coherence in the deliberations and actions by States Members of the Human Rights Council and in the intergovernmental process of implementing the United Nations Convention against Corruption;
5. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery, bearing in mind that, regardless of the capacities, resources and willingness of the requesting State's institutions and authorities, there is a victim society that is suffering the consequences of the transfer of those funds;
6. *Welcomes* the decision made at the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist States with regard to extradition and mutual legal assistance, and notes with appreciation the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;
7. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies, and expresses deep concern that such outflows, as estimated by the United Nations Development Programme, exceed the total official development assistance received by many of the least developed countries and, in some cases, surpass their debt service payments;
8. *Underscores* that the repatriation of funds of illicit origin would provide States that have undergone regime change with a further opportunity to improve the realization of economic, social and cultural rights and to fulfil their obligation to meet the legitimate aspirations of their peoples;
9. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights;
10. *Welcomes* recent national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the repatriation of funds of illicit origin, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of funds of illicit origin, ensuring their repatriation and the provision of technical assistance to developing countries;

11. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption and, in this regard, encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

12. *Calls upon* all States requested to repatriate funds of illicit origin to fully uphold their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds and to acknowledge that, in fulfilling their obligations in this regard under the United Nations Convention against Corruption, they also have a responsibility towards societies affected by corruption to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between anti-corruption agencies, law enforcement agencies and financial intelligence units, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

13. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

14. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests and, in this context, encourages requested States to provide information on legal frameworks and procedures to the requesting State;

15. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;<sup>21</sup>

16. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

17. *Requests* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to continue his efforts in preparing an in-

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<sup>21</sup> A/HRC/17/31, annex.

depth study on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the application by States of the maximum available resources to the full realization of all human rights, in particular economic, social and cultural rights, with special attention paid to developing countries and countries with economies in transition burdened by foreign debt, as mandated by the Human Rights Council in its resolution 19/38, and to present his study to the Council at its twenty-fifth session;

18. *Requests* the High Commissioner to provide all necessary facilities and assistance, from within existing resources, to allow the Independent Expert to carry out the mandate set out in the present resolution in the manner he independently planned, including by holding a consultation and data research, as indicated in his report, and calls upon all relevant stakeholders, including States, and United Nations bodies and agencies, as well as other international and regional entities, to cooperate fully with him in this regard;

19. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and different forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

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

*48th meeting  
21 March 2013*

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

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Japan, United States of America

*Abstaining:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland]

## **22/13.**

### **Situation of human rights in the Democratic People's Republic of Korea**

*The Human Rights Council,*

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

*Recalling* all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 19/13 of 22 March 2012 and Assembly resolution 67/181 of 20 December 2012, and urging the implementation of those resolutions,

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

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

*Recalling also* the statement made by the United Nations High Commissioner for Human Rights on 14 January 2013 calling for a full-fledged international inquiry into serious crimes in the Democratic People's Republic of Korea,

*Welcoming* the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and taking note of the nine patterns of human rights violations identified in his recent report,<sup>22</sup>

*Recalling* the view by the Special Rapporteur, expressed in his report, that there is a need for the establishment of an inquiry mechanism with adequate resources to investigate and more fully document the grave, systematic and widespread violations of human rights in the Democratic People's Republic of Korea, and stressing the urgent need for the implementation of the recommendations contained in the report,

*Recalling also* the fact that, on 28 February 2013, a group of special procedures mandate holders jointly expressed their support for an international inquiry into human rights abuses in the Democratic People's Republic of Korea,

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

*Deploring* the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea, and urging the Democratic People's Republic of Korea to immediately end those practices and to release all political prisoners unconditionally and without delay,

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

*Expressing its serious concern* at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report of its universal periodic review<sup>23</sup> in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the Democratic People's Republic of Korea to date to implement the recommendations contained in that report,

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

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<sup>22</sup> A/HRC/22/57.

<sup>23</sup> A/HRC/13/13.

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

*Recognizing* that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

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

1. *Strongly condemns* the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

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

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 19/13, for a period of one year;

4. *Also decides* to establish, for a period of one year, a commission of inquiry comprising three members, one of whom should be the Special Rapporteur, with the other two members appointed by the President of the Human Rights Council;

5. *Further decides* that the commission of inquiry will investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea as outlined in paragraph 31 of the report of the Special Rapporteur,<sup>22</sup> including the violation of the right to food, the violations associated with prison camps, torture and inhuman treatment, arbitrary detention, discrimination, violations of freedom of expression, violations of the right to life, violations of freedom of movement, and enforced disappearances, including in the form of abductions of nationals of other States, with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity;

6. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and the commission of inquiry, and to permit them and their staff unrestricted access to visit the country and to provide them with all information necessary to enable them to fulfil their mandates;

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

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

9. *Requests* the Secretary-General to provide the Special Rapporteur and the commission of inquiry with all assistance and adequate staffing necessary to carry out their mandates effectively and to ensure that these mechanisms work with the support of the Office of the United Nations High Commissioner for Human Rights;

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

11. *Requests* the commission of inquiry to present an oral update to the Human Rights Council at its twenty-fourth session and to the General Assembly at its sixty-eighth session, and a written report to the Council at its twenty-fifth session;

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

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/14. Situation of human rights in Myanmar**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 19/21 of 23 March 2012 and General Assembly resolution 67/233 of 24 December 2012,

*Welcoming* the work and reports of the Special Rapporteur on the situation of human rights in Myanmar,<sup>24</sup> as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 30 July to 4 August 2012 and from 11 to 16 February 2013,

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

1. *Welcomes* the continued positive developments in Myanmar and the stated commitment of the Government of Myanmar to continue on the path of political reform, democratization and national reconciliation and the promotion and protection of human rights;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within Parliament, civil society and opposition parties, and urges the Government to continue electoral reform and to pursue an inclusive and sustained dialogue with the democratic opposition and political, ethnic and civil society groups and actors, leading to national reconciliation and lasting peace in Myanmar;

3. *Further welcomes* the increasing space for political activity, assembly, speech and the press, including the establishment of an interim press council to help resolve media disputes and to draft a new media law, and encourages the Government to fulfil its commitment to carry out comprehensive media reform to allow for free and independent media, including the broadcast media, and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

4. *Expresses concern* about remaining human rights violations, including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law, and urges the Government of Myanmar to step up its efforts

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<sup>24</sup> A/67/383 and A/HRC/22/58.



to put an end to such violations and to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and international humanitarian law, while also calling for proper investigations into detention and prison conditions and allegations of the use of torture in prisons;

5. *Calls upon* the Government of Myanmar to continue to implement the recommendations of the Special Rapporteur and those accepted during the universal periodic review, as well as the calls contained in the above-mentioned Human Rights Council and General Assembly resolutions, and encourages the Government to fulfil its obligations as a party to international treaties and other legally binding instruments, and to become a party to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. *Welcomes* the continued release of prisoners of conscience in the past year, urges the Government to continue the process of releasing them without delay and without conditions and to ensure the full restoration of their rights and freedoms in accordance with the recommendations of the Special Rapporteur on the situation of human rights in Myanmar, and welcomes the establishment of the Political Prisoners Scrutiny Committee and the convening of its first meeting on 23 February 2013 to review the remaining cases of political prisoners, expecting that this mechanism will operate in a comprehensive, thorough and inclusive manner;

7. *Also welcomes* the progress made in the development of cooperation between the Government of Myanmar and the International Committee of the Red Cross, in particular allowing the institution to resume its visits to places of detention and to carry out activities in Rakhine State;

8. *Urges* the Government to accelerate its efforts to address discrimination, human rights violations, violence, displacement and economic deprivation affecting persons belonging to national or ethnic, religious and linguistic minorities, and, expressing particular concern at the situation of the Rohingya minority in Rakhine State, urges the Government to take action to bring about an improvement in their situation and to protect all their human rights, to repeal and/or amend laws that deny the Rohingya, inter alia, the right to birth registration, the ability to marry and freedom of movement, including equal access to citizenship, through a full review of the Citizenship Law of 1982 to ensure that it conforms to international obligations defined in treaties to which the Government of Myanmar is a party, including their right to a nationality;

9. *Expresses its serious concern* about persisting inter-communal tensions following the violence in Rakhine State, calls upon the Government to ensure that those responsible for the violence are held to account, and urges it to grant safe, timely, full and unhindered humanitarian access across Rakhine State to all persons in need and to facilitate the voluntary return of individuals to their original communities, while also calling upon it to continue to implement the various cooperation agreements between Myanmar authorities and the international community for the distribution of humanitarian aid in Rakhine State, and to ensure effective coordination of humanitarian assistance there, and to move speedily to respond to the recommendations of the Rakhine Investigative Commission report once it is published;

10. *Expresses deep concern* about the continuing armed conflict in Kachin State and the associated human rights violations and allegations of international humanitarian law violations, desecration of places of worship, sexual violence and torture, and, welcoming the recent resumption of peace talks between the Government of Myanmar and the Kachin Independence Organization, strongly encourages the intensification of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national

reconciliation, and also urges the Government to protect the rights and to address the needs of those affected by the conflict and of internally displaced persons, and to grant safe, timely, full and unhindered humanitarian access across Kachin State to all persons in need;

11. *Welcomes* the joint action plan on child soldiers, signed by the Government of Myanmar with the United Nations in 2012, and other commitments made by the Government to prevent the recruitment and use of children by the armed forces of Myanmar, including the Border Guard Forces, and calls upon the Government to collaborate fully with all parties to the United Nations country task force, and to grant the United Nations and other independent observers unhindered access to all areas where children may be recruited, and to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children in armed conflict for the purpose of halting this practice, and providing demobilization, rehabilitation and reintegration services to survivors;

12. *Calls upon* the Government to undertake judicial reform to ensure the independence, impartiality and accountability of the judiciary, lawyers and prosecutors, and notes with interest the steps taken by the Supreme Court to engage with and seek technical assistance from the international community, and the work of the Rule of Law and Tranquillity Committee in Parliament led by Daw Aung San Suu Kyi, and encourages the continuation and further acceleration of efforts in this regard, in line with the Government's own stated intention to strengthen the rule of law in Myanmar;

13. *Acknowledges with interest* the activities undertaken by the National Human Rights Commission, including its review of complaints and its conduct of investigative missions, and encourages the Government to expedite new legislation to reconstitute the Commission so that it is able to develop further its protection work and engagement with civil society, while recalling the need to ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles;

14. *Notes* the adoption of comprehensive action plans supporting the agreement between the Government of Myanmar and the International Labour Organization for the elimination of all forms of forced labour by 2015, and encourages the Government to continue its strong commitment to their implementation;

15. *Encourages* the international community to continue to support effectively the Government of Myanmar, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the implementation of the democratic transitional process and in its economic and social development, and encourages private companies to ensure that their investment and related activities in Myanmar respect human rights and take account of broader social and environmental objectives, in accordance with the Guiding Principles on Business and Human Rights;

16. *Recalls* the commitment of the Government of Myanmar to extend an invitation to the Office of the United Nations High Commissioner for Human Rights to establish a country office, and invites the Government to specify a timetable and process for the opening of the office in accordance with the mandate of the High Commissioner;

17. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011 and 19/21 of 23 March 2012 and, in addition, invites the Special Rapporteur to include in his next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building;

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

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

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

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/15.**

### **Contribution of parliaments to the work of the Human Rights Council and its universal periodic review**

*The Human Rights Council,*

*Acknowledging* the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws, and hence in contributing to the fulfilment by each State Member of the United Nations of its human rights obligations and commitments and to the strengthening of the rule of law,

*Considering* that the Human Rights Council and parliaments stand to gain considerably from exploring possible synergies to ensure that the universal periodic review has the greatest impact at the national level,

*Taking note* of the successive resolutions adopted by the General Assembly since 2010, in particular its resolutions 65/123 of 13 December 2010 and 66/261 of 29 May 2012, in which the Assembly recognized the importance of continued parliamentary support for the work of the Human Rights Council and encouraged the Inter-Parliamentary Union, as the world organization of national parliaments, to strengthen its contribution to the Human Rights Council, particularly with regard to the universal periodic review,

1. *Decides* to convene, at its twenty-third session, a panel discussion on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion from within existing resources, and to liaise with the Inter-Parliamentary Union, States Members of the United Nations and relevant United Nations bodies and agencies, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation;

3. *Also requests* the Office of the High Commissioner to prepare a conference room paper on the outcome of the panel discussion in the form of a summary.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

**22/16.**

**Promotion and protection of human rights in post-disaster and post-conflict situations**

*The Human Rights Council,*

*Recalling* Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and Human Rights Council decision 6/102 of 27 September 2007,

*Recalling also* the mandate of the Human Rights Council, as set forth in General Assembly resolution 60/251 of 15 March 2006, to promote and protect human rights and fundamental freedoms, as well as to promote the effective coordination and the mainstreaming of human rights within the United Nations system,

*Taking note* of Advisory Committee decision 9/1 of 10 August 2012 on research proposals, presented to the Human Rights Council for its consideration and approval in accordance with its functions as described in paragraphs 75 to 78 of the annex to Council resolution 5/1,

*Acknowledging* that the human rights and fundamental freedoms of millions of people around the world are affected in different ways by humanitarian crises, including armed conflict, natural disasters and man-made disasters, as well as during the stages of recovery, relief and rehabilitation,

*Taking into account* the discussions held within each mandate on the link between humanitarian crises and the enjoyment of human rights at the sessions of the Human Rights Council and during the humanitarian segment of the sessions of the Economic and Social Council, as well as the work being done by the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs, as well as at other relevant international organizations, such as the International Organization for Migration,

*Noting* that different thematic special procedures mandate holders, including the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, have made specific references in their reports to the need for a human rights-based approach to the delivery of humanitarian assistance,

*Recognizing* the efforts of Member States as well as the work done, both on the ground and at the level of headquarters, by different United Nations agencies, funds and programmes, inter alia, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the World Food Programme and the United Nations Children's Fund, by other agencies and organizations that work in post-disaster and post-conflict situations, in accordance with General Assembly resolution 46/182 of 19 December 1991 and other relevant resolutions of the Assembly and the Economic and Social Council, and acknowledging the efforts made in terms of effective coordination with the aim of avoiding any duplication,

1. *Requests* the Advisory Committee to prepare, from within existing resources, a research-based report on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations, with a focus on human rights mainstreaming in relief, recovery and reconstruction efforts, while respecting the humanitarian principles of humanity, impartiality, neutrality and independence and the needs-based approach of humanitarian assistance, in particular to foster the capacity of States

in such efforts, and to present the report to the Human Rights Council at its twenty-eighth session;

2. *Also requests* the Advisory Committee to seek the views and inputs of Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, relevant United Nations agencies, funds and programmes, such as the Inter-Agency Secretariat of the International Strategy for Disaster Reduction, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund, relevant human rights special procedures, as well as agencies and organizations that work in post-disaster and post-conflict situations, and civil society representatives, in order to prepare the above-mentioned research-based report;

3. *Encourages* the Advisory Committee, when elaborating the above-mentioned report, to take into account, as appropriate, the work done on the issue by competent United Nations bodies and mechanisms within their respective mandates;

4. *Requests* the Advisory Committee to present a progress report of the requested research-based report to the Human Rights Council at its twenty-sixth session for its consideration.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/17.**

### **Human rights in the occupied Syrian Golan**

*The Human Rights Council,*

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

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

*Recalling also* all relevant General Assembly resolutions, the most recent being resolution 67/122 of 18 December 2012, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

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

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

*Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human of the Palestinian People and Other Arabs of the Occupied Territories<sup>25</sup> and, in this connection, deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

<sup>25</sup> A/67/550.

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

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

*Reaffirming also* the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being Council resolution 19/14 of 22 March 2012,

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

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

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;<sup>25</sup>

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

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 26 years, and to treat them in conformity with international humanitarian law;

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

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset’s decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian

Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

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

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

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

*48th meeting  
21 March 2013*

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

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Ecuador, Ethiopia, Guatemala, India, Indonesia, Kazakhstan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Austria, Côte d'Ivoire, Czech Republic, Estonia, Gabon, Germany, Ireland, Italy, Japan, Kenya, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland]

## **22/18.**

### **Assistance to the Republic of Mali in the field of human rights**

*The Human Rights Council,*

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

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Council resolutions 5/1 and 5/2 of 18 June 2007, 20/17 of 6 July 2012 and 21/25 of 28 September 2012,

*Recalling* Security Council resolution 2085 (2012) of 20 December 2012,

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

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

*Welcoming* the solemn declarations on the situation in Mali of the Assembly of Heads of State and Government of the African Union of 16 July 2012 (Assembly/AU/Decl.1(XIX)) and of 28 January 2013 (Assembly/AU/Decl.3(XX)),

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Mali,<sup>26</sup>

*Welcoming* the deployment to Mali of a mission of observers of the United Nations High Commissioner for Human Rights,

*Noting with concern* the human rights situation in the Republic of Mali, particularly in the north of the country, and the serious humanitarian crisis and its consequences for the countries of the Sahel,

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

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

3. *Commends* the Government of Mali on the steps it has taken to bring all perpetrators of such acts before impartial courts, takes note of the signature of an agreement on judicial cooperation between the Republic of Mali and the International Criminal Court on 13 February 2013, and welcomes the establishment of a commission for dialogue and reconciliation in Mali;

4. *Welcomes* the current deployment of the African-led International Support Mission to Mali and the crucial support provided to Mali by the countries of the Economic Community of West African States and other member countries of the African Union in the region, including Chad, as well as all its other partners, for the restoration of peace and security throughout its territory;

5. *Calls upon* all forces and all armed groups present within the territory to ensure that international human rights law and international humanitarian law are strictly respected;

6. *Continues to support* current efforts by the African Union, the Economic Community of West African States and all other partners to resolve the crisis in the Republic of Mali and bring about a return to constitutional order;

7. *Calls upon* the Government of Mali to guarantee freedom of expression and invites it to organize free, transparent elections as soon as possible with a view to creating conditions conducive to a return to constitutional order, to a lasting and inclusive reconciliation of the different components of the Malian population and to the consolidation of peace, while ensuring that women participate fully in the election and reconciliation processes;

8. *Reiterates its appreciation* for the humanitarian assistance already provided to the populations affected by the crisis and urges the international community to continue to deliver, in consultation with the Government of Mali and the bordering countries concerned, adequate and secure humanitarian assistance to refugees and displaced persons;

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<sup>26</sup> A/HRC/22/33 and Corr.1.



9. *Decides* to establish a one-year mandate for an independent expert on the situation of human rights in Mali with a view to assisting the Government of Mali in its efforts to promote and protect human rights;
10. *Requests* the independent expert, within the bounds of his or her mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, all other international organizations concerned and with Malian civil society and to report to the Human Rights Council at its twenty-fifth session;
11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the independent expert with all the assistance needed to enable the expert to fully discharge his or her mandate;
12. *Encourages* the States Members of the United Nations, within the framework of their international cooperation activities, the relevant United Nations agencies, international financial institutions and all other relevant international organizations to provide technical and capacity-building assistance with a view to promoting respect for human rights and introducing judicial reforms through the institution of possible transitional justice mechanisms;
13. *Requests* the United Nations High Commissioner for Human Rights to provide it with an updated report on the human rights situation in Mali for its consideration at its twenty-third session;
14. *Decides* to remain seized of this matter.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/19.**

### **Technical assistance for Libya in the field of human rights**

*The Human Rights Council,*

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

*Confirming* that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

*Recognizing* the challenges facing Libya in laying the foundations for transitional justice and national reconciliation,

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

*Recognizing* the efforts made by Libya in building the basis for democracy, the rule of law and human rights,

*Recalling* General Assembly resolution 60/251 of 15 March 2006, and Assembly resolution 66/11 of 18 November 2011 on the restoration of the rights of membership of Libya in the Human Rights Council,

*Referring* to the communiqué of the International Ministerial Conference on Support to Libya in the Areas of Security, Justice and the Rule of Law, issued in Paris on 12 February 2013,

*Recalling* Human Rights Council resolution 5/1 of 18 June 2007, on building the institutions of the Council,

*Recalling also* Human Rights Council resolutions S-15/1 of 25 February 2011, 17/7 of 17 June 2011 and 18/9 of 29 September 2011,

*Recalling further* Human Rights Council resolution 19/39 of 23 March 2012, on assistance for Libya in the field of human rights,

1. *Takes note* of the statement of the United Nations High Commissioner for Human Rights on the assistance provided by the United Nations Support Mission in Libya, including technical assistance and other activities to build expertise and improve cooperation with Libya in relation to the promotion and protection of human rights;

2. *Welcomes* the renewal of the mandate of the United Nations Support Mission in Libya, and acknowledges the commitment of Libya to the process of transitional democracy and to affirming the rule of law and protection of human rights;

3. *Also welcomes:*

(a) The statement delivered by the Prime Minister of Libya on 25 February 2013 to the Human Rights Council during the high-level segment of its twenty-second session;

(b) The wish expressed by the Government of Libya to continue its cooperation with the Office of the High Commissioner and to renew the invitation to the High Commissioner to visit Libya;

(c) The election of the members of the General National Congress on 7 July 2012 in a democratic and transparent atmosphere, which was an essential step towards preparing the Constitution, and the formation, on 31 October 2012, of an interim Government that focused its priorities on respect for human rights and maintaining peace;

(d) The commitment of Libya to the rule of law and the establishment of legislative, executive and judicial branches of government in accordance with its international obligations, including the establishment of a committee on human rights within the General National Congress;

(e) The launch of the process for drawing up a national action plan on enhancing the protection of human rights in partnership with the High Commissioner with a view to building a State governed by the rule of law;

(f) The formation of a standing ministerial committee chaired by the Minister for Justice to receive complaints regarding human rights violations and to take the necessary action;

(g) The establishment of the National Council for Fundamental Freedoms and Human Rights on 28 December 2011 as an independent national human rights institution in conformity with the Paris Principles;

(h) Efforts to strengthen the role of and support for civil society and non-governmental organizations in enhancing, affirming and raising awareness of human rights;

(i) The ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as the progress towards ratifying 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;

(j) The strengthened role of the judiciary and the reactivation of the constitutional jurisdiction of the Supreme Court, as a result of which Law No. 37, which had been passed by the National Transitional Council in May 2012, was declared unconstitutional;

- (k) The issuance of new rules and regulations to guarantee freedom of speech, peaceful protest and assembly, as well as the formation of political parties;
4. *Urges* the Government of Libya to continue to investigate all violations of human rights and to guarantee fair trials for the accused;
  5. *Welcomes* the continued cooperation of the Government of Libya with the International Criminal Court;
  6. *Invites* the legislative authorities of Libya to promulgate the amended law on the implementation of national reconciliation and transitional justice to consolidate social peace and harmony;
  7. *Calls on* the international community to support the efforts of the Government of Libya to ensure protection of the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya, and encourages the Government to consider signing and ratifying the Convention relating to the Status of Refugees;
  8. *Welcomes* the efforts made by the Government of Libya to stabilize the security situation, and urges it to maintain this process through arms control and the reintegration into the community of the armed groups currently operating outside government control, and to continue its efforts to prevent cases of arbitrary arrest and the ill-treatment of detainees;
  9. *Also welcomes* the commitment of the Government of Libya to bring all detainees and detention camps under government authority, as reflected in Ministerial Decree No. 219 of 18 February 2013, and calls upon the Government to continue these efforts to establish full control of such facilities in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including those relating to due process, humane conditions of detention and fair trials;
  10. *Urges* the Government of Libya to take further steps to protect freedom of religion and belief according to its international obligations, to prevent attacks against persons belonging to religious or ethnic minorities, and to prosecute the perpetrators of such attacks;
  11. *Urges* the Libyan authorities to expedite the return of all persons displaced by the conflict since 2011, in accordance with the law on national reconciliation and transitional justice;
  12. *Welcomes* the efforts made by the Government of Libya to empower women and girls, particularly in relation to the Constitution, the electoral system, the police and the judiciary;
  13. *Takes note* of the final report of the international commission of inquiry on Libya,<sup>27</sup> and encourages the Government of Libya to implement fully the recommendations contained therein;
  14. *Welcomes* the technical support provided by the Office of the High Commissioner, the relevant international organizations and the Friends of Libya to promote the process of building a State governed by the rule of law;
  15. *Also welcomes* the outcome of the International Ministerial Conference held in Paris on 12 February 2013 to support Libya in its efforts to improve human rights and security, and requests international partners to provide their full support for the process;

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<sup>27</sup> A/HRC/19/68.

16. *Requests* the Office of the High Commissioner to prepare a written report, for submission to the Human Rights Council at its twenty-fifth session, reflecting human rights regarding the technical support and capacity-building needs of Libya, with a view to strengthening the promotion and protection of, and respect for, human rights and fundamental freedoms and exploring ways of cooperation to overcome the challenges in the areas of security, respect for the rule of law, transitional justice and human rights.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/20. Freedom of religion or belief**

*The Human Rights Council,*

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

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

*Recalling further* Human Rights Council resolution 19/8 of 22 March 2012, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights, on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

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

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

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

*Deeply concerned* at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role that these

rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

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

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

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

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

(d) Instances, both in law and in practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights as well as other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

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

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

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

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

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

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

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

(b) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture

or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

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

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

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

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

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

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

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

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

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

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

9. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard,

including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

10. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

11. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

12. *Welcomes* the thematic report presented by the Special Rapporteur on freedom of religion or belief<sup>28</sup> on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities, and noting the recommendations therein;

13. *Also welcomes* the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

14. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years, and invites the Special Rapporteur to discharge his mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit their countries and to provide him with all necessary information to enable him to fulfil his mandate even more effectively;

16. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

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

*49th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/21.**

### **Torture and other cruel, inhuman or degrading treatment or punishment: rehabilitation of torture victims**

*The Human Rights Council,*

*Recalling* all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Council,

*Reaffirming* that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment, and recalling in this regard the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and relevant provisions in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the

<sup>28</sup> A/HRC/22/51.

Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international or internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

*Noting* that torture and inhuman treatment are grave breaches of the Geneva Conventions of 1949 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 for the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

*Recalling* article 14 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment providing a right to redress for victims of torture, and General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

*Taking note* of the general comment of the Committee against Torture regarding the implementation of article 14 of the Convention,<sup>29</sup>

*Reaffirming and recalling* resolutions of the Human Rights Council and the General Assembly, including Assembly resolution 36/151 of 16 December 1981, in which the Assembly established the United Nations Voluntary Fund for Victims of Torture, in which States are urged to ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress and are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation,

*Noting* that, for the purposes of the present resolution, the term “victim” means a victim of torture or other cruel, inhuman or degrading treatment or punishment, and that a person should be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted or convicted and regardless of any familial or other relationship between the perpetrator and the victim,

*Recognizing* that redress depends upon and is obtained through prompt, effective and impartial investigations of torture or other cruel, inhuman or degrading treatment or punishment and acknowledgement of the violations, and that the provision of redress has an inherent preventive and deterrent effect in relation to future violations,

*Recognizing also* that the main purpose of rehabilitation is to enable victims to regain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to

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<sup>29</sup> CAT/C/GC/3.



implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Urges* all States that have not yet become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to do so, and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

4. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

5. *Recalls* in this respect the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a valuable tool in efforts to prevent and combat torture, and the updated set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity;

6. *Stresses* that national legal systems must ensure that victims obtain redress without suffering any reprisals for bringing complaints or giving evidence;

7. *Recognizes* the interdependence and equal importance of providing an effective remedy and reparation, including restitution, fair and adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition, to redress torture and other cruel, inhuman or degrading treatment or punishment;

8. *Calls upon* States to provide redress for victims of torture and other cruel, inhuman or degrading treatment or punishment encompassing effective remedy and adequate, effective and prompt reparation, which should include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, taking into full account the specific needs of the victim;

9. *Encourages* States to adopt a victim-oriented approach and to put victims and their individual needs at the centre of redress procedures, including by implementing procedures for the effective participation of victims in the redress process, consulting victims and organizations representing them in determining appropriate individual reparation, and taking measures to avoid retraumatization of the victim caused by or during the redress process;

10. *Urges* States to pay special attention to the provision of redress for gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment, and to adopt a gender-sensitive approach to redress;

11. *Recognizes* that sexual violence and gender-based violence that constitute torture or other cruel, inhuman or degrading treatment or punishment affect victims, their families, communities and societies, and stresses that effective remedies in those situations

should include access to health care, psychosocial support, legal assistance and socioeconomic reintegration services for victims of such violence;

12. *Urges* States to ensure that appropriate rehabilitation is promptly available to all victims without discrimination of any kind, provided either directly by the public health system or through the funding of private rehabilitation facilities, including those administered by civil society organizations, and to consider making rehabilitation available to the immediate family or dependents of the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

13. *Recognizes* the importance of full, holistic and specialized rehabilitation services, which include any necessary coordinated combination of medical and psychological care, as well as legal, social, community- and family-based, vocational, educational services and interim economic support and that are performed by specialists with a view to establish the restoration of functions or the acquisition of new skills required by the changed circumstances of a victim in the aftermath of torture or other cruel, inhuman or degrading treatment or punishment;

14. *Urges* States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

15. *Encourages* States to make rehabilitation services available at the earliest possible stage and without limitation in time until as full rehabilitation as possible is achieved;

16. *Calls upon* States to ensure that victims are duly informed about the availability of rehabilitation services and that procedures for obtaining rehabilitation are transparent;

17. *Encourages* States to ensure early assessment and evaluation of individuals' rehabilitation needs, and recalls in this regard the Istanbul Principles as a valuable tool, and also to ensure continuous evaluation of the quality of the rehabilitation services;

18. *Urges* States to respect the professional and moral independence, duties and responsibilities of rehabilitation personnel, as well as the confidentiality of the rehabilitation process, and to ensure that they or the victims are not subjected to reprisals or intimidation;

19. *Encourages* States to ensure that persons providing rehabilitation services, as well as other relevant professionals, receive initial and continuing, adequate and regular training relevant to implement the prohibition against torture and to provide rehabilitation;

20. *Encourages* bilateral and international cooperation on effective remedy and reparation, including rehabilitation for victims, encourages States and other donors to contribute generously to the United Nations Voluntary Fund for Victims of Torture, established to provide humanitarian, legal and financial aid to victims of torture and their relatives, and requests the Office of the United Nations High Commissioner for Human Rights to provide advisory services in cooperation with other relevant United Nations agencies to States on the provision of redress to torture victims;

21. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant special procedures and treaty bodies to continue to address effective remedy and reparation, including rehabilitation of victims;

22. *Takes note* of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.<sup>30</sup>

*49th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/22. Prevention of genocide**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

*Recalling* Human Rights Council resolution 7/25 on the prevention of genocide, adopted on 28 March 2008,

*Considering* that the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts in the prevention and punishment of the crime of genocide,

*Emphasizing* that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

*Deeply concerned* about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

*Taking into consideration* that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

*Affirming* that impunity for such crimes encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

*Acknowledging* the significant progress made by the international community in the past sixty five years, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention on the Prevention and Punishment of the Crime of Genocide,

*Recalling* General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development

<sup>30</sup> A/HRC/22/53.

of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

*Acknowledging with appreciation* that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

*Stressing* the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

*Acknowledging* the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,<sup>31</sup> and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Encouraging* States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity, promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

*Recognizing* that an important factor for the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

*Recalling* that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

*Recognizing* the important contribution of the United Nations human rights system to efforts to prevent situations in which the crime of genocide could be committed,

*Reaffirming* its full support for the mandate of the Special Adviser of the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

*Taking note* of the analysis framework developed by the Office of the Special Adviser on the Prevention of Genocide as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

*Taking note with appreciation* of the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan<sup>32</sup> and on the activities of the Special Adviser,<sup>33</sup> as well as of the convening of three interactive dialogues with the Special Adviser at the third, seventh and tenth sessions of the Council,

*Recalling* the 2005 World Summit Outcome,<sup>34</sup>

*Welcoming* the seminar organized in January 2009, pursuant to Human Rights Council resolution 7/25, commemorating the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and bringing together States, relevant United Nations entities and other international and regional organizations, civil society and academic

<sup>31</sup> E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

<sup>32</sup> E/CN.4/2006/84.

<sup>33</sup> A/HRC/7/37 and A/HRC/10/30.

<sup>34</sup> General Assembly resolution 60/1.

and research bodies to discuss existing preventive strategies, initiatives and mechanisms within the United Nations human rights system, and the role of Member States, regional bodies and other entities in the prevention of genocide,

*Acknowledging* the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union and other national, regional and international initiatives,

*Acknowledging* the successful outcomes of the Regional Forums on the Prevention of Genocide, the fourth of which was held in Phnom Penh, from 28 February to 1 March 2013,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

4. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

5. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to the States that have done so since the adoption by the Human Rights Council of its resolution 7/25 on 28 March 2008;

6. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

7. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

8. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

9. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the

capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

10. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

11. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

12. *Reiterates* the importance of the universal periodic review mechanism of the Human Rights Council, which is an important instrument for advancing human rights, and invites States to include, where appropriate, the information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

13. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

14. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan<sup>32</sup> and the analysis framework of the Special Adviser on the Prevention of Genocide, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

15. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

16. *Invites* Member States and regional and subregional organizations to look at the examples of best practices of prevention of genocide developed in other regions, as appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

17. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

18. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote,

as appropriate, educational programmes and projects that contribute to the prevention of genocide;

19. *Takes note* of the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, as well as other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

20. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, which will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and create a safer future;

21. *Requests* the High Commissioner to organize, from within existing resources, a high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide during its twenty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, and also requests the Office of High Commissioner to prepare and submit a summary report on the panel discussion;

22. *Invites* the Special Adviser to the Secretary-General on the Prevention of Genocide to an interactive dialogue dedicated to the tenth anniversary of the creation of the mandate of the Special Adviser at its twenty-fifth session;

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

*49th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/23.**

### **Situation of human rights in the Islamic Republic of Iran**

*The Human Rights Council,*

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

*Recalling* Human Rights Council resolutions 16/9 of 24 March 2011 and 19/12 of 22 March 2012, General Assembly resolution 67/182 of 20 December 2012 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

*Welcoming* the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,<sup>35</sup> and expressing serious concern at the developments noted in that report as well as the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

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

<sup>35</sup> A/HRC/22/56.

Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its twenty-fifth session and to the General Assembly at its sixty-eighth session;
2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country as well as to provide all information necessary to allow the fulfilment of the mandate;
3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*49th meeting  
22 March 2013*

[Adopted by a recorded vote of 26 to 2, with 17 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Botswana, Brazil, Chile, Costa Rica, Czech Republic, Estonia, Gabon, Germany, Guatemala, Ireland, Italy, Japan, Libya, Maldives, Montenegro, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, United States of America

*Against:*

Pakistan, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Benin, Burkina Faso, Congo, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Kenya, Kuwait, Malaysia, Mauritania, Philippines, Thailand, Uganda, United Arab Emirates]

## **22/24.**

### **Situation of human rights in the Syrian Arab Republic**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations,

*Recalling* General Assembly resolutions 66/176 of 19 December 2011, 66/253A of 16 February 2012, 66/253B of 3 August 2012 and 67/183 of 20 December 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, S-19/1 of 1 June 2012, 20/22 of 6 July 2012 and 21/26 of 28 September 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

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

*Recalling further* all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular its resolution 7595 of 6 March 2013, in which the League reviewed the very serious situation in the Syrian Arab Republic due to the escalating violence and killings in most of the Syrian territory, and the continuation of grave violations of human rights by the Syrian regime using heavy weapons, warplanes and Scud missiles to bomb neighbourhoods and populated areas, which has seriously increased the number of victims, caused human displacement inside the Syrian Arab Republic and an influx of



thousands of Syrians to the neighbouring countries fleeing violence, which targets even children and women who have been subjected to frightful massacres, threatening thus to lead to the collapse of the Syrian State and endangers the security, peace and stability of the region,

*Recalling* the outcome on the Syrian Arab Republic of the twelfth session of the Islamic Summit Conference, held in Cairo from 2 to 7 February 2013, where the Organization of Islamic Cooperation strongly condemned the ongoing bloodshed in the Syrian Arab Republic, underlined the primary responsibility of the Government of the Syrian Arab Republic for the continued violence and destruction of property, and expressed grave concern over the deteriorating situation, the increasing frequency of killings, which claim the lives of thousands of unarmed civilians, and the perpetration of massacres in towns and villages by the Syrian authorities,

*Recalling also* all meetings of the Group of Friends of the Syrian People, in particular the fourth Ministerial Meeting, held in Marrakech on 12 December 2012, where the participants acknowledged the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people,

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

*Expressing grave concern* at the continuing escalation of violence in the Syrian Arab Republic, in particular, the continued, widespread and systematic gross violations of human rights and the continued use of heavy weapons and aerial bombardments by the Syrian authorities against the Syrian population, and the failure of the Government of the Syrian Arab Republic to protect its population,

*Recalling* that the commission of inquiry stated that the issue of accountability for those responsible for international crimes deserves to be raised in a more robust manner to counter the pervasive sense of impunity in the country,

*Emphasizing* the need to hold accountable all those responsible for the violations and abuses committed,

*Expressing deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, and welcoming the efforts by neighbouring countries to host Syrian refugees while acknowledging the socioeconomic consequences of the presence of large-scale refugee populations in these countries, and also welcoming the valuable contribution of other countries in facing this humanitarian challenge,

*Deploring* the further deterioration of the humanitarian situation and the failure to ensure the safe and timely provision of humanitarian assistance to all areas affected by the fighting,

*Strongly condemning* the shelling as well as the shooting by the Syrian armed forces into neighbouring countries, which led to casualties and injuries of the civilians of those countries as well as of Syrian refugees, and underlining that such incidents violated international law and highlighted the grave impact of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability,

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

1. *Welcomes* the report of the independent international commission of inquiry on the Syrian Arab Republic submitted pursuant to Human Rights Council resolution 21/26;<sup>36</sup>
2. *Deeply regrets* the lack of cooperation of the Government of the Syrian Arab Republic with the commission of inquiry, in particular the persistent denial of access to members of the commission to the Syrian Arab Republic;
3. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts and acts of violence that may foment sectarian tensions;
4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the government-affiliated militia, such as those involving the shelling of populated areas with ballistic missiles, the use of heavy weapons and force against civilians, unlawful killings, extrajudicial executions, arbitrary arrest and detentions, massacres, enforced disappearances, widespread and systematic attacks against the civilian population, the use of torture and other forms of ill-treatment, sexual violence against women, men and children, indiscriminate shelling and aerial bombardment on civilian gatherings, and mass killings, as well as any human rights abuses by armed opposition groups, while noting that the commission of inquiry stated in its report that abuses committed by anti-Government armed groups did not reach the intensity and scale of the violations committed by government forces and its affiliated militia;
5. *Condemns in the strongest terms* all massacres taking place in the Syrian Arab Republic, and stresses the need to hold those responsible to account;
6. *Strongly condemns* the intentional and repeated attacks against medical facilities, personnel and vehicles, as well as the use of medical civilian facilities, including hospitals, for armed purposes;
7. *Calls for* all medical facilities to be free of weapons, including heavy weapons, consistent with applicable international law;
8. *Urges* all parties to protect medical personnel, facilities and transport, as well as to allow the provision of medical care on a non-discriminatory basis;
9. *Strongly condemns* all threats and acts of violence against humanitarian personnel and United Nations and associated personnel;
10. *Notes with grave concern* that violations of the rights of the child are being committed in the Syrian Arab Republic, in violation of the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, to which the Syrian Arab Republic is a party, and urgently calls for refraining from recruiting and involving children in the conduct of hostilities;
11. *Condemns* the widespread sexual violence committed against women, men and especially children, which constitutes an attack against human dignity, and underlines that perpetrators must be held accountable;
12. *Expresses deep concern* at the ongoing destruction of the diverse cultural heritage of the Syrian Arab Republic;
13. *Calls upon* the Syrian authorities to immediately put an end to all human rights violations and attacks against civilians, to protect the population and to comply fully with their obligations under applicable international law, and calls upon all parties to put an end to all forms of violence;

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<sup>36</sup> A/HRC/22/59.

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

15. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law, and to allow immediately access of independent monitors to all detention facilities;

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

17. *Reaffirms* its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, and expresses its full support for his efforts towards a political solution to the Syrian crisis leading to the peaceful transition to a pluralistic, democratic civil State with equality in citizenship and freedoms and full respect for human rights;

18. *Stresses* the imperative need to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into all abuses and all violations of international law, committed by all parties, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes;

19. *Encourages* members of the international community to ensure that there is no impunity for such violations or abuses, stressing that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses, which may amount to war crimes or crimes against humanity;

20. *Reaffirms* that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims, while underlining the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

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

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

23. *Welcomes* the unprecedented outcome of the International Humanitarian Pledging Conference for Syria, held in Kuwait on 30 January 2013, and urges donor States and organizations to rapidly provide the pledged funds to meet the dire needs of the Syrian people;

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

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

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

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

28. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council in its resolution S-17/1 to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, including massacres, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable, and requests the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic during an interactive dialogue at the twenty-third, twenty-fourth and twenty-fifth sessions of the Council;

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

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

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

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

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

*49th meeting  
22 March 2013*

[Adopted by a recorded vote of 41 to 1, with 5 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Ethiopia, Gabon, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, United Arab Emirates, United States of America

*Against:*

Venezuela (Bolivarian Republic of)

*Abstaining:*

Ecuador, India, Kazakhstan, Philippines, Uganda]

**22/25.**  
**Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict**

*The Human Rights Council,*

*Recalling* its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up of the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,<sup>37</sup>

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

1. *Renews* its recommendation that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations contained in the report of the Independent International Fact-Finding Mission on the Gaza Conflict is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators, and to remain also ready to consider whether additional action within its powers is required in the interests of justice;

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

*49th meeting*  
*22 March 2013*

[Adopted by a recorded vote of 43 to 1, with 3 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Estonia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Czech Republic, Ethiopia, Kenya]

**22/26.**  
**Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

*The Human Rights Council,*

<sup>37</sup> A/HRC/12/48.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. *Condemns* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they undermine the peace process, constitute a threat to the two-State solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law, and calls upon the Government of Israel to reverse immediately its decisions, which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions;

4. *Expresses its grave concern* at:

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

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

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

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

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

5. *Urges* Israel, the occupying Power:

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

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

(c) To immediately reverse its decision to unfreeze the planning process on the E-1 plan which, if implemented, would seriously undermine the prospects of a negotiated resolution of the conflict by jeopardizing the prospects of a contiguous and viable Palestinian State and of Jerusalem as the future capital of two States, and could also entail the forced transfer of the Palestinian civilian population;

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

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

8. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors’ Conference for the Palestinian State, and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1850 (2008) of 16 December 2008, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

9. *Requests* the Secretary-General to report on the implementation of the present resolution at its twenty-fifth session;

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

*50th meeting  
22 March 2013*

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

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova,



Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Côte d'Ivoire, Kenya]

## **22/27.**

### **Right of the Palestinian people to self-determination**

*The Human Rights Council,*

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

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

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,<sup>38</sup> and in particular Part I, paragraphs 2 and 3, thereof relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

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

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

*Recalling further* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

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

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

<sup>38</sup> A/CONF.157/23.

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State;
2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;
3. *Stresses* the need for respect for and the preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;
4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;
5. *Decides* to continue the consideration of this question at its twenty-fifth session.

*50th meeting  
22 March 2013*

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

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America]

## **22/28.**

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

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights,

*Recalling also* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* relevant resolutions of the Human Rights Council,

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

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

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

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

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

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

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

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

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

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

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

*Gravely concerned in particular* about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and the military operations between December 2008 and January 2009, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

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

*Expressing deep concern also* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures

akin to permanent border crossings, and a permit regime, all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy, which remains that of a humanitarian crisis in the Gaza Strip, while taking note of recent developments with regard to the situation of access there,

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

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

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

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

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

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

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians and the destruction and confiscation of civilian property, and that it fully respect human rights law and comply with its legal obligations in this regard;

3. *Expresses deep concern* over the conditions of the Palestinian prisoners and detainees in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and further expresses its concern about the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012, for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law;

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

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

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

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

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

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

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

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

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

13. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its twenty-fourth session;

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

50th meeting  
22 March 2013

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

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America]

**22/29.**

**Follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Recalling* relevant Human Rights Council resolutions, including resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

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

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

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

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

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention

and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

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

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, are illegal under international law and constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts aimed at invigorating the peace process and realizing the two-State solution,

1. *Welcomes* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People throughout the occupied Palestinian Territories, including East Jerusalem,<sup>39</sup> and requests that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained therein in accordance with their respective mandates;

2. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

3. *Requests* the Working Group on the issue of human rights and transnational corporations and other business enterprises, including in consultation with relevant special procedures mandate holders, to fulfil its mandate accordingly;

4. *Requests* the United Nations High Commissioner for Human Rights to present a report detailing the implementation of the recommendations contained in the report of the independent international fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People throughout the Occupied Palestinian Territory, including in East Jerusalem, to the Human Rights Council at its twenty-fifth session;

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

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 45 to 1, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d’Ivoire, Czech Republic, Ecuador, Estonia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

<sup>39</sup> A/HRC/22/63.

*Against:*  
United States of America]

**22/30.**  
**Intergovernmental Working Group on the Effective Implementation of  
the Durban Declaration and Programme of Action**

*The Human Rights Council,*

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

*Recalling also* all previous resolutions of the General Assembly on this matter, and underlining the need for States to implement their national plans of action to combat racism, racial discrimination, xenophobia and related intolerance,

*Recalling further* all its previous resolutions and those of the Commission on Human Rights, in particular Human Rights Council resolutions 1/5 of 30 June 2006 and 11/12 of 18 June 2009, in which the Council renewed and extended the mandate of the Intergovernmental Working Group,

*Underlining* that the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance remains a solid basis and the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the combating of racism, racial discrimination, xenophobia and related intolerance,

1. *Takes note* of the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;
2. *Decides* to extend the mandate of the Intergovernmental Working Group for a period of three years;
3. *Also decides* to remain seized of this important issue under the relevant agenda item.

*50th meeting*  
*22 March 2013*

[Adopted by a recorded vote of 34 to 1, with 12 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*  
United States of America

*Abstaining:*  
Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Montenegro, Poland, Republic of Moldova, Romania, Spain, Switzerland]



**22/31.**

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

*The Human Rights Council,*

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

*Reaffirming also* Human Rights Council resolutions 16/18 of 24 March 2011 and 19/25 of 23 March 2012, and General Assembly resolutions 66/167 of 19 December 2011 and 67/178 of 20 December 2012,

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

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

*Reaffirming also* the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

*Expressing deep concern* at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

*Reaffirming* that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Reaffirming also* that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

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

*Reaffirming* the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

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

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

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

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

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

*Expressing concern* at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels and, in this regard, emphasizing the importance of respect for religious and cultural diversity, as well as interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

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

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

*Welcoming* in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme “United in Diversity” and the holding of five regional workshops on related issues by the Office of the United Nations High Commissioner for Human Rights, in Austria, Chile, Kenya, Morocco and Thailand,

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

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

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

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts meetings in the framework of the Istanbul Process, and notes also in this regard the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of five regional workshops on separate but related issues, including the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national,

racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein.

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

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

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

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

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

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

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

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

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

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

7. *Calls upon* all States:

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

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

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

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

8. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

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

10. *Requests* the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-fifth session, a report based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7 above, as well as their views on potential follow-up measures for further improvement of the implementation of that plan;

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

50th meeting  
22 March 2013

[Adopted without a vote.]

## **22/32.**

### **Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health**

*The Human Rights Council,*

*Emphasizing* that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols thereto, as well as other human rights instruments,

*Reaffirming* all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 19/37 of 23 March 2012, and Assembly resolutions 67/146 and 67/152 of 20 December 2012,

*Reaffirming also* the right of everyone to a standard of living adequate for their health and well-being, which is enshrined in the Universal Declaration of Human Rights, and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as enshrined in the International Covenant of Economic, Social and Cultural Rights as well as in the Convention on the Rights of the Child,

*Welcoming* the work of the Committee on the Rights of the Child, and taking note of its general comments Nos. 4 (2003), 7 (2005) and 13 (2011), as well as of general comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights and general recommendation No. 24 (1999) of the Committee on the Elimination of Discrimination against Women,

*Reaffirming* that States should take all appropriate measures to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health without discrimination of any kind and, in doing so, be guided by the best interests of the child, ensuring the meaningful participation of children, consistent with their evolving capacities, in all matters and decisions affecting their lives, and take steps to ensure the allocation of available resources to the maximum extent possible to achieve the full realization of the right of the child to the highest attainable standard of health, including by strengthening international cooperation in this field,

*Reaffirming also* the commitments made by States to make every effort to accelerate the achievement of the internationally agreed development goals, including Millennium Development Goals 4, 5 and 6 by 2015, and taking into account the ongoing consultations on the United Nations development agenda beyond 2015,

*Reaffirming further* that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted,

*Taking note* of the discussions held during the full-day annual meeting on the rights of the child focused on the enjoyment of the highest attainable standard of health, and taking note of the report of the United Nations High Commissioner for Human Rights on the right of the child to the enjoyment of the highest attainable standard of health,<sup>40</sup>

*Welcoming* the work of special procedures mandate holders of the Human Rights Council relevant to the right of the child to health, as well as of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

*Welcoming also* the Global Strategy for Women's and Children's Health launched in September 2010 by the Secretary-General, as well as the strong political and financial commitments made by States with regard to its implementation and supporting initiatives, including the Commission on Information and Accountability for Women's and Children's Health,

*Welcoming further* the Rio Political Declaration on Social Determinants of Health, adopted in May 2012 at the sixty-fifth World Health Assembly, in which the States Members of the World Health Organization expressed their political will to reduce health inequities through action particular to each society, on the social determinants of health,

*Recognizing* that environmental damage and occupational risks have potentially negative effects on children and their enjoyment of their right to the highest attainable standard of health and to an adequate standard of living,

*Profoundly concerned* that the situation of children in many parts of the world remains critical and has been negatively affected by the world financial and economic crisis,

*Recognizing* that, in early childhood, children are more vulnerable to disease, trauma, all forms of physical and mental violence, neglect, injury, maltreatment and abuse,

*Recalling* Human Rights Council resolutions 11/8 of 17 June 2009, 18/2 of 28 September 2011 and 21/6 of 27 September 2012 on preventable maternal mortality and morbidity, as well as the report of the Office of the United Nations High Commissioner for Human Rights on preventable maternal mortality and morbidity and human rights and the related technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality,<sup>41</sup>

*Deeply concerned* that more than six million nine hundred thousand children under the age of 5 die each year, mostly from preventable and treatable causes, caused by lack of access to health care and services, including access to skilled birth attendants and immediate newborn care, as well as to health determinants, such as safe drinking water and sanitation,

<sup>40</sup> A/HRC/22/31.

<sup>41</sup> A/HRC/21/22 and Corr.1 and 2.

safe and adequate nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

*Noting* that access to clean water and sanitation can reduce the risk of child mortality by 50 per cent, as well as reduce diseases such as anaemia, and vitamin deficiency, which undermine maternal health, and malaria, diarrhoea and malnutrition,

*Recognizing* that addressing inequities in child health and encouraging an equally high standard of health care within countries is crucial to reducing child mortality, achieving improvements in child well-being and in the realization of children's rights,

*Deeply concerned* about the multiple discrimination and stigmatization children face because of factors such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, immigration status or other status, which have a negative impact on their development, survival and right to health,

*Underlining* the need to mainstream a gender perspective and to recognize the child as a rights-holder in all policies and programmes relating to children's health,

*Recognizing* that realizing the right of the child to the enjoyment of the highest attainable standard of health is strengthened by a progressive path towards universal health coverage, with specific priority for the needs of the poorest and most vulnerable children, by providing functioning health systems that include universal access to comprehensive quality health care, including public health measures and protection, and that addresses determinants of health through an integrated, multi-sectoral approach,

*Recognizing also* that the realization of the right of the child to the enjoyment of the highest attainable standard of health is strengthened by health financing systems which evolve so as to avoid significant direct payments at the point of delivery, and include a method for pre-payment of financial contributions for health care and services, as well as a mechanism to pool risks among the population,

## **I. Implementation of the right of the child to the enjoyment of the highest attainable standard of health**

1. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties, as a matter of priority, to the Convention and the first two Optional Protocols thereto, and to consider signing and ratifying the third Optional Protocol thereto, on a communications procedure, and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the objective and purpose of the Convention and the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them;

2. *Calls upon* States to take all necessary measures to ensure that the right of the child to the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, without any kind of discrimination, including through the enactment and implementation of laws, strategies and policies, gender- and child-responsive budgeting and resource allocation, and adequate investment in health systems, including comprehensive and integrated primary health care, including in efforts to achieve Millennium Development Goals 4 and 5 and in the health work force;

3. *Reaffirms* the right of the child to express their views freely in all matters and decisions affecting their health, and that those views should be given due weight in accordance with their evolving capacities, and calls upon States to provide disability-, gender- and age-sensitive assistance to enable active and equal participation of all children;

4. *Calls upon* States to ensure the enjoyment by all children of all their civil, cultural, economic, political and social rights without discrimination of any kind, and to take effective and appropriate measures to ensure the right of all children to the enjoyment of the highest attainable standard of health, on an equal basis with others, as well as access to quality, affordable and equitable health care and social services, without discrimination of any kind, and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

5. *Reaffirms* the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of their rights;

6. *Urges* States to enforce law and judicial procedures in a child-friendly way, including guaranteeing that remedies are available to children when rights are violated;

7. *Calls upon* States to ensure that children have access to relevant information, education, counselling and services to be able to make informed choices concerning behaviour that may represent a risk to their health and development;

8. *Urges* all States to ensure birth registration free of cost to all children immediately after birth through universal, accessible, simple, expeditious and effective registration procedures, in accordance with article 7 of the Convention on the Rights of the Child and article 24 of the International Covenant on Civil and Political Rights, to continuously raise awareness of the importance of birth registration at the national, regional and local levels, to ensure free or low-fee late birth registration, to identify and remove physical, administrative, procedural and any other barriers, paying due attention to, among others, those barriers relating to poverty, disability, gender, nationality, displacement, statelessness, illiteracy and detention contexts, and to persons in vulnerable situations that impede access to birth registration, including late birth registration, and to ensure that children who have not been registered enjoy their human rights;

9. *Calls upon* States to strengthen their international commitment, cooperation and mutual assistance with the objective of fully realizing the right of the child to the highest attainable standard of health, including through the sharing of good practices, research, policies, monitoring and capacity-building;

## **II. Health issues relating to children requiring special attention**

### *Maternal and child mortality and morbidity*

10. *Affirms* the importance of applying a human rights-based approach to reducing and eliminating preventable maternal and child mortality and morbidity, and requests all States to renew their political commitment in that respect at all levels, and also calls upon States, in adopting a human rights-based approach, especially to scale up efforts to achieve integrated management of maternal, newborn and child health care and to take action to address the main causes of maternal and child mortality;

### *Malnutrition*

11. *Calls upon* all States and, if appropriate, relevant international organizations, to combat all forms of malnutrition and to support the national plans and programmes of countries to improve nutrition in poor households, in particular plans and programmes that are aimed at combating undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, up to the age of 2 years, and

to reaffirm the rights of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able to fully develop and maintain their physical and mental capacities;

12. *Recognizes* the importance of the implementation of the human right to safe drinking water and sanitation for the full realization of the right of the child to the enjoyment of the highest attainable standard of physical and mental health, and therefore urges States, and through them services providers, to ensure a regular supply of safe, acceptable, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity, guided also by the principles of equity, equality and non-discrimination, bearing in mind that the human right to safe drinking water and sanitation for their populations is to be progressively realized with full respect for national sovereignty;

13. *Welcomes* the comprehensive implementation plan on maternal, infant and young child nutrition of the World Health Organization, adopted on 26 May 2012 at the sixty-fifth World Health Assembly, with its targets and time frame, and urges States and, where appropriate, international organizations and partners and the private sector to establish adequate mechanisms to safeguard against potential conflicts of interest and to put the comprehensive implementation plan into practice;

#### *Mental health*

14. *Urges* States to develop and strengthen, according to national priorities and within their specific contexts, comprehensive policies and strategies that address the promotion of mental health during all stages of childhood and adolescence, including infancy and early childhood, and paying particular attention to children in high-risk situations, through actions to enhance protective factors and to address risk factors, including violence at the community, family and individual levels, as well as through the prevention of mental disability, and early identification, care, support, treatment, recovery and reintegration of children and adolescents with mental disability;

15. *Calls on* States to provide support to children with mental disability and their families to prevent placement of children in institutions, and to ensure that decisions take fully into account the principle of the best interests of the child, promote living arrangements in family settings within the community and that procedural safeguards and an independent and impartial review body in line with international standards are in place to ensure that children in mental health institutions enjoy their fundamental freedoms and basic rights;

#### *Substance abuse*

16. *Recalls* the need to adopt strategies, to prevent and to address the harmful use of alcohol and illicit substances with a holistic and human rights perspective, and to provide information, education and counselling on the effects of substance abuse, but also the importance of family and school support for its prevention and the treatment, rehabilitation and reintegration of children and adolescents with substance abuse issues;

#### *Sexual and reproductive health*

17. *Urges* States:

(a) To ensure that the right to the highest attainable standard of sexual and reproductive health is fully realized by giving full attention to the sexual and reproductive health needs of children and adolescents, consistent with their evolving capacities, through providing information, education and services, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and



Development,<sup>42</sup> and the outcomes of their review conferences, on an equitable and universal basis, with their full involvement and the support of the international community, with full respect for their privacy and confidentiality, free of discrimination, and to provide them with youth-friendly and evidence-based comprehensive education, consistent with their evolving capacities, on sexual and reproductive health, human rights and gender equality to enable them to deal in a positive and responsible way with their sexuality;

(b) To increase resources at all levels, particularly in the education and health sectors, so as to enable young people, especially girls, to gain the knowledge, attitudes and life skills that they need to overcome their challenges, particularly through expanded and improved family planning services, including the prevention of HIV infection and early pregnancy, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health; and to provide quality services for the management of complications arising from abortion, and, in circumstances where abortion is not against the law, training and equipping health service providers and other measures to ensure that such abortion is safe and accessible;

(c) To ensure confidentiality and informed consent in the provision of health care and services, in particular with regard to sexual and reproductive health, to children and adolescents according to their evolving capacities;

#### *Freedom from violence*

18. *Welcomes* the renewal by the General Assembly of the mandate of the Special Representative of the Secretary-General on Violence against Children for a further period of three years;<sup>43</sup>

19. *Also welcomes* the joint report on prevention and responses to violence against children within the juvenile justice system of the Special Representative of the Secretary-General on Violence against Children, the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime,<sup>44</sup> and the report of the Special Representative of the Secretary-General on Violence against Children;<sup>45</sup>

20. *Calls upon* States to take, as a matter of urgency, all appropriate measures to identify and prevent and to protect children from all forms of violence in all settings, including physical, mental and sexual violence, to tackle all forms of bullying, child abuse and exploitation, domestic violence and neglect, including early and forced marriage, child trafficking, sale of children, child pornography, child prostitution and violence perpetrated by the security forces, law enforcement authorities, employees and officials in alternative care settings, detention centres or welfare institutions, including orphanages, giving priority to the gender dimension, and to address its underlying causes through a systematic, comprehensive and multi-sectoral approach, and also urges States to equip their health systems and to provide training to health workers as well as to school workers to identify and to report cases of violence, and also to provide child-sensitive and confidential counselling, reporting and complaint mechanisms and recovery, rehabilitation and reintegration services to child victims;

21. *Calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they have the right to maintain contact with their family through correspondence and

<sup>42</sup> A/CONF.171/13/Rev.1.

<sup>43</sup> General Assembly resolution 67/152.

<sup>44</sup> A/HRC/21/25.

<sup>45</sup> A/HRC/22/55.

visits from the moment they are arrested, save in exceptional circumstances, and that no child is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health care and services, hygiene and environmental sanitation, education, basic instruction and vocational training, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

*Harmful practices*

22. *Calls upon* States to take all necessary measures to abolish harmful practices compromising the dignity and integrity of the child, and prejudicial to the health of boys and girls, particularly by preventing and explicitly condemning such practices including but not limited to female infanticide, female genital mutilation, virginity tests, early and forced marriage, forced sterilization, prenatal sex selection, breast ironing and harmful practices against children with disabilities and children with albinism, and to develop age-appropriate, gender-sensitive, safe and confidential programmes and medical, social and psychological support services to protect, treat, counsel and reintegrate child victims;

23. *Urges* States to ensure a clear ban on harmful practices, which should be accompanied by preventive measures that should include education, information-sharing, enhancement of awareness and engaging stakeholders, including community and religious leaders, for promoting the abandonment of those practices and respect for children's rights, helping to overcome discriminatory attitudes and superstitious beliefs, thus supporting a process of social change for the abandonment of harmful practices that compromise the dignity and integrity of the child and are prejudicial to the health of boys and girls;

*Injuries and accidents*

24. *Calls on* States to reduce the burden of child injuries, and to adopt measures to reduce road traffic accidents, drowning, burns and other accidents in the home;

*Children affected by armed conflict*

25. *Calls upon* all States and other parties to armed conflict to respect fully international humanitarian law, and condemns in the strongest terms all violations of applicable international law committed against children in armed conflict involving the recruitment and use of children, killing or maiming, rape or other sexual violence, abduction, attacks against schools and hospitals, denial of humanitarian access and the forced displacement of children and their families, and urges all parties to armed conflict to end all violations that affect their physical and psychological well-being and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of crimes committed, taking into account transitional justice measures;

26. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council in the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of the Security Council resolutions on children and armed conflict, in particular resolutions 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011, and of the undertaking by the Security Council to pay special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

27. *Calls on* parties to armed conflict, consistent with applicable international law, to refrain from actions that impede the children's access to health services and, in this regard, also calls upon such parties to refrain from attacking hospitals and other medical facilities, as well as medical personnel and the transport of medical supplies, including through physical

attacks, abductions and looting, and further calls upon parties to armed conflict to respect the prohibition under international humanitarian law of attacks on schools and hospitals and medical facilities as such, to facilitate humanitarian access to children in conflict-affected areas;

*Non-communicable diseases*

28. *Calls upon* States and, where relevant, international organizations, civil society and the private sector to advance the development, strengthening, implementation and promotion of multi-sectoral, cost-effective, population-wide interventions and policies, in particular among children and adolescents, in order to reduce the impact of non-communicable disease risk factors, such as tobacco use, unhealthy diet, physical inactivity and harmful use of alcohol, through the development and implementation of relevant international agreements and strategies, and education, legislative, regulatory and fiscal measures, where appropriate, by involving all relevant sectors, civil society, communities and the private sector, without prejudice to the right of sovereign nations to determine and establish their taxation policies and other policies;

*Children affected by HIV/AIDS*

29. *Calls on* States and all relevant stakeholders to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV by providing care, support and treatment to those children, their families and caregivers, by promoting rights-based and child-oriented HIV and AIDS policies and programmes, and protection for children orphaned and affected by HIV; by involving children and their caregivers, as well as the private sector, to ensure access to affordable, effective and quality prevention, care and treatment, including through correct information, access to voluntary and confidential testing, sexual and reproductive health care, services and education, and access to safe, affordable, effective, quality and age-appropriate pharmaceutical products and medical technologies; by intensifying efforts to develop affordable, accessible and quality tools for early diagnosis, child-friendly combinations and new treatments for children, and prioritizing prevention of mother-to-child transmission of the virus; and by building, where needed, and supporting social security systems to protect them;

30. *Takes note* of the Global Plan towards the Elimination of New HIV Infections among Children by 2015 and Keeping Their Mothers Alive: 2011-2015;

*Environmental health*

31. *Calls on* States to, where possible, develop multi-sectoral environmental health strategies to address the health conditions caused by environmental exposure to pollutants and other environmental harm, which are affecting children disproportionately, including through public awareness-raising, education, research, surveillance, testing and treatment of health conditions caused by environmental threats, with a particular focus on child health, and to support efforts to highlight the responsibilities of businesses in relation to environmental health;

32. *Also calls on* States to recognize the link between hazardous child labour and environmental health, and urges measures to end children's exposure to hazardous chemicals in activities such as artisanal mining, and to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous, to interfere with children's education or to be harmful to their health or physical, mental, spiritual, moral or social development, and to eliminate immediately the worst forms of child labour;

*Palliative care*

33. *Further calls on* States to promote the full integration of palliative care services into treatment and support programmes for children with chronic illnesses, untreatable conditions and/or treatment failures; treatment guidelines for cancer, AIDS-related complications, neurological and other relevant conditions should include guidance on the provision of paediatric palliative care; such services should also address the psychological, social and spiritual needs of the children, their parents or guardians, their siblings and other relatives, and the adequate training of paediatric palliative care providers;

34. *Calls on* States, including through international cooperation, to improve access to essential, safe, affordable, effective and quality medicines that are controlled under international or national law, and to strengthen national regulatory systems as they consider all possible incentives, including regulatory capacity and flexibilities in guaranteeing access to these essential medicines;

*Access to health services and medicines during emergencies*

35. *Acknowledges* that children are among the most vulnerable affected during crises, both human-made crises, such as armed conflicts, and natural disasters, and that those situations can debilitate or destroy the lifelines – health services and medicines, water supply, power and food supply systems – needed for day-to-day survival, well-being and growth, with negative health consequences, and requests States, as well as parties to conflict, to allow and facilitate provision of and non-discriminatory access to emergency health care;

*Children with disabilities*

36. *Conscious* that there is an estimated number of one hundred and fifty million children with disabilities around the world, acknowledges that national prevalence rates of disability are influenced by trends in health conditions, environmental and other factors, such as road traffic accidents, natural disasters, conflict, diet and substance abuse, and takes note in this connection of the World report on disability of 2011 by the World Health Organization and the World Bank;

37. *Calls upon* States to ensure the realization of the right to the enjoyment of the highest attainable standard of health of children with disabilities without discrimination of any kind, to provide all children with disabilities with the same range, quality and standard of free or affordable, gender-sensitive and age-appropriate health care and programmes as provided to other children, to give priority to the child's well-being and support, and to facilitate families in their child-care and child-raising efforts; and to develop strategies for the prevention and elimination of all forms of violence against children with disabilities, as well as providing those health services required by children with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, as well as access to health-related rehabilitation, reintegration and services designed to minimize and prevent further disabilities, and prevent exclusion on the basis of disability; states should also develop strategies for the prevention and elimination of all forms of violence against children with disabilities;

38. *Calls on* States to ensure that health professionals provide care on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of children with disabilities through training and the promulgation of ethical standards for public and private health care;

39. *Calls upon* States parties to the Convention on the Rights of the Child to ensure that children with disabilities have a right to express their views freely on all health-related matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and are provided with disability- and age-

appropriate assistance to ensure their enjoyment of the right to the highest attainable standard of health;

*Indigenous children*

40. *Acknowledges* that indigenous boys and girls have an equal right to the enjoyment of the highest attainable standard of physical and mental health as other children, and that States shall take the necessary steps with a view to achieving progressively the full realization of this right;

41. *Calls on* States to take effective and appropriate measures to ensure the right of indigenous children to available, accessible, acceptable and quality health facilities, goods and health services and programmes, on an equal basis with others, while also taking into account traditional preventive care, healing practices and medicines, and guaranteeing protection from violence, and ensuring that indigenous adolescent boys and girls have access to culturally sensitive and age-appropriate information and education on health-related issues that are in an accessible format, including on reproductive health and HIV prevention;

42. *Also calls on* States to ensure that indigenous children have access to the same range, quality and standard of free or affordable, cultural- and gender-sensitive, and age-appropriate health care and programmes as provided to other children, and to take measures, in consultation with indigenous peoples, to promote healthy lives, to eliminate child and maternal mortality and malnutrition and to develop measures to support those services inside their communities;

*Migrant children*

43. *Calls upon* all States to ensure for migrant children, as well as for children of migrant parents, the enjoyment of all human rights of every child within their jurisdiction, without discrimination of any kind, to provide access to health care, social services and education of good quality in accordance with domestic laws consistent with applicable international obligations, and to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence and exploitation, receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

### **III. Measures for implementation**

*Health system strengthening*

44. *Recognizes* that the effective and financially sustainable implementation of universal health coverage is based on a resilient and responsive health system that provides comprehensive primary health-care services, with extensive geographical coverage, including in remote and rural areas, and with special emphasis on access to populations most in need, and has an adequate skilled, well-trained and motivated workforce, as well as capacities for broad public health measures, health protection and addressing determinants of health through policies across sectors, including promoting the health literacy of the population;

45. *Acknowledges* that universal health coverage implies that all children have access, without discrimination, to nationally determined sets of the needed promotive, preventive, curative and rehabilitative basic health services and essential, safe, affordable, effective and quality medicines, while ensuring that the use of these services does not expose the users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population;

46. *Recognizes* the responsibility of Governments to urgently and significantly scale up efforts to accelerate the transition towards universal access to affordable and quality health-care services;

47. *Also recognizes* the need to regularly collect, analyse and share disaggregated data on children's health at the subnational, national, regional and global levels;

*Accountability*

48. *Encourages* States to strengthen and harmonize monitoring systems in order to report regularly on the implementation of the right of the child to the enjoyment of the highest attainable standard of health in their periodic reports to human rights treaty bodies, including the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, and in the context of their review under the universal periodic review mechanism of the Human Rights Council;

49. *Urges* States to consider implementing the recommendations made by the Commission on Information and Accountability for Women's and Children's Health to improve the accountability of results and resources, including by strengthening the accountability mechanisms for health in their own countries; strengthening their capacity to monitor, including utilizing local evidence, and evaluate progress to improve their own performance; and contributing to the strengthening and harmonization of existing international mechanisms to track progress on all commitments made;

50. *Encourages* the implementation of rights-based budget monitoring and analysis for expenditure on children in general, especially child health, as well as child impact assessments on how investments, particularly in the health sector, may serve the best interests of the child;

51. *Recommends* that consideration be given to including universal health coverage in the discussions on the post-2015 development agenda in the context of the global health challenge, and stresses the need for better coordination among accountability and monitoring mechanisms for the realization of the right of the child to the highest attainable standard of health;

52. *Encourages* States to work towards the development, strengthening, implementation and promotion, as appropriate, of effective legislation or regulatory mechanisms to mitigate the potential adverse impact of business activities on children, including in the development, manufacture, supply and marketing practices of products and services, in line with the Guiding Principles on Business and Human Rights;

*Follow-up*

53. *Requests* all United Nations bodies, agencies, mechanisms, plans and programmes that review data relevant to the implementation of the right to the highest attainable standard of health to routinely incorporate the health of children into their work in accordance with their mandates;

54. *Encourages* the special procedures mandate holders, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and other human rights mechanisms of the Human Rights Council, within their respective mandates, to integrate the rights of the child and, in particular, the right of the child to the enjoyment of the highest attainable standard of health, into the implementation of their mandates, where appropriate;

55. *Requests* the High Commissioner to prepare a summary on the full-day meeting on the rights of the child as a follow-up to paragraph 7 of Human Rights Council resolution 7/29 of 28 March 2008, before the twenty-third session of the Council;

56. *Invites* the World Health Organization to prepare, in collaboration with relevant United Nations agencies, in particular the Office of the High Commissioner, the United Nations Children’s Fund and the Joint United Nations Programme on HIV/AIDS, as well as the special procedures mandate holders and the Special Representative of the Secretary-General on Violence against Children, a study on mortality of children under 5 years of age as a human rights concern before the twenty-fourth session of the Human Rights Council;

57. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and Human Rights Council resolution 7/29, and to focus its next full-day meeting on the theme of “access to justice for children”, and invites the Office of the High Commissioner to prepare a report on that issue, in close collaboration with relevant stakeholders, including States, the United Nations Children’s Fund, other relevant United Nations bodies and agencies, relevant special procedures mandate holders and the Special Representative of the Secretary-General on Violence against Children, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Council at its twenty-fifth session, to inform the annual day of discussion on children’s rights, and to request the High Commissioner to circulate a summary report of the next full-day meeting on the rights of the child.

*50th meeting*  
22 March 2013

[Adopted without a vote.]

## **22/33.**

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

*The Human Rights Council,*

*Guided by* the Charter of the United Nations,

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

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

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

1. *Decides* to extend the mandate of the open-ended intergovernmental working group for a further period of two years in order for it to undertake and fulfil the mandate as outlined in paragraph 77 of its report;<sup>46</sup>

<sup>46</sup> A/HRC/22/41.

2. *Also decides* that the open-ended intergovernmental working group shall present its recommendations to the Human Rights Council at its thirtieth session;

3. *Affirms* the importance of providing the open-ended intergovernmental working group with the expertise and expert advice necessary to fulfil its mandate and, in this context, decides that the working group shall invite experts and all relevant stakeholders to participate in its work, including members of the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate.

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 31 to 11, with 5 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Montenegro, Poland, Republic of Korea, Romania, Spain

*Abstaining:*

Japan, Kazakhstan, Republic of Moldova, Switzerland, United States of America]

## **22/34.**

### **Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

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

*Guided also* by the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments,

*Recalling* the World Conference on Human Rights, held in 1993, and its outcome, the Vienna Declaration and Programme of Action, concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

*Recalling also* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, and its outcome, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

*Recalling further* all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance, and on the right to education,

*Reaffirming* the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic,



Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, the United Nations Declaration on Human Rights Education and Training and other relevant international instruments,

*Acknowledging* that the Durban Declaration and Programme of Action recognizes that education at all levels and all ages, including within the family, in particular human rights education, is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and affirms that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance,

*Recognizing* the important role played by the United Nations Educational, Scientific and Cultural Organization in relation to education against racism, racial discrimination, xenophobia and related intolerance, in particular the Slave Route Project and the Teaching Respect for All initiative,

*Encouraging* all States, in cooperation with the United Nations, the United Nations Educational, Scientific and Cultural Organization and other relevant international organizations, to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance in order to ensure respect for the dignity and worth of all human beings and to enhance mutual understanding among all cultures and civilizations,

*Welcoming* the efforts made by the Office of the United Nations High Commissioner for Human Rights and by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in this regard,

*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,

1. *Underlines* the need for increased political will and commitment in using education as a tool to prevent and combat racism, racial discrimination, xenophobia and related intolerance;

2. *Also underlines* the importance of the full and effective implementation of the paragraphs of the Durban Declaration and Programme of Action concerning the role of education in preventing and eliminating racism, racial discrimination, xenophobia and related intolerance;

3. *Reaffirms* that education, development and the faithful implementation of all international human rights norms and obligations, including enactment of laws and political, social and economic policies, are crucial to combat racism, racial discrimination, xenophobia and related intolerance;

4. *Recognizes* that quality education, the elimination of illiteracy and access to free primary education for all can contribute to more inclusive societies, equity, stable and harmonious relations and friendship among nations, peoples, groups and individuals, and a culture of peace, fostering mutual understanding, solidarity, social justice and respect for all human rights for all;

5. *Underlines* the essential role of education, including human rights education and education that is sensitive to and respects cultural diversity, especially among children and young people, in the prevention and eradication of all forms of intolerance and discrimination, and welcomes the catalytic role that non-governmental organizations play in promoting human rights education and raising awareness about racism, racial discrimination, xenophobia and related intolerance;

6. *Urges* States, in particular:

(a) To adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin, at all levels of education, both formal and non-formal;

(b) To take all appropriate measures to eliminate obstacles limiting the access of children to education;

(c) To ensure that all children have access without discrimination to education of good quality;

(d) To support efforts to ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance;

7. *Also urges* States to introduce and, as applicable, to reinforce anti-discrimination and anti-racism components in human rights programmes in school curricula, to develop and improve relevant educational material, including history and other textbooks, and to ensure that all teachers are effectively trained and adequately motivated to shape attitudes and behavioural patterns based on the principles of non-discrimination, mutual respect and tolerance;

8. *Draws attention* to the potential of increasing the use of new information and communications technologies, including the Internet, to create educational and awareness-raising networks against racism, racial discrimination, xenophobia and related intolerance, both in and out of school, as well as to the ability of the Internet to promote universal respect for human rights and also respect for the value of cultural diversity;

9. *Stresses the need* for States parties to implement fully their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination as the principal convention in the fight against racism, and in particular their obligations thereunder with respect to the elimination of racial discrimination, the right to education and training and their obligations to adopt immediate and effective measures in the fields of teaching, education, culture and information;

10. *Recalls* the importance of international cooperation in promoting education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance and to share good practices;

11. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to address the role of education to prevent racism, racial discrimination, xenophobia and related intolerance in his next reports as appropriate and, in this context, encourages all States and other stakeholders to provide information on good practices to the Special Rapporteur and to the Office of the United Nations High Commissioner for Human Rights, to be made publicly available on the website of the Special Rapporteur and entered into the global database, to be established by the Office of the High Commissioner, containing information on practical means to address racism, racial discrimination, xenophobia and related intolerance.

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 46 to 0, with 1 abstention. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Abstaining:*

United States of America]

## II. Decisions

### 22/101.

#### 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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of the Czech Republic on 22 October 2012 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 Czech Republic (A/HRC/22/3), 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/22/3/Add.1 and A/HRC/22/2, chapter VI).

*34th meeting  
13 March 2013*

[Adopted without a vote]

### 22/102.

#### 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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Argentina on 22 October 2012 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 Argentina (A/HRC/22/4), 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/22/4/Add.1 and A/HRC/22/2, chapter VI).

*34th meeting  
13 March 2013*

[Adopted without a vote]

**22/103.****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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Gabon on 23 October 2012 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 Gabon (A/HRC/22/5), 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/22/2, chapter VI).

*34th meeting  
13 March 2013*

[Adopted without a vote]

**22/104.****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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Ghana on 23 October 2012 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 Ghana (A/HRC/22/6), 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/22/2, chapter VI).

*35th meeting  
14 March 2013*

[Adopted without a vote]

**22/105.****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 resolutions 5/1 of 18 June 2007 and 16/21

of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Ukraine on 24 October 2012 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 Ukraine (A/HRC/22/7), 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/22/7/Add.1 and A/HRC/22/2, chapter VI).

*35th meeting  
14 March 2013*

[Adopted without a vote]

## **22/106.**

### **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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Guatemala on 24 October 2012 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 Guatemala (A/HRC/22/8), 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/22/8/Add.1 and A/HRC/22/2, chapter VI).

*35th meeting  
14 March 2013*

[Adopted without a vote]

## **22/107.**

### **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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Benin on 25 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Benin constituted of the report of the Working Group on Benin (A/HRC/22/9), 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/22/2, chapter VI).

*36th meeting  
14 March 2013*

[Adopted without a vote]

## **22/108.**

### **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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of the Republic of Korea on 25 October 2012 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 constituted of the report of the Working Group on the Republic of Korea (A/HRC/22/10), 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/22/10/Add.1 and A/HRC/22/2, chapter VI).

*36th meeting  
14 March 2013*

[Adopted without a vote]

## **22/109.**

### **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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Switzerland on 29 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Switzerland constituted of the report of the Working Group on Switzerland (A/HRC/22/11), 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/22/11/Add.1 and A/HRC/22/2, chapter VI).

*36th meeting*

14 March 2013

[Adopted without a vote]

**22/110.**  
**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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Pakistan on 30 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Pakistan constituted of the report of the Working Group on Pakistan (A/HRC/22/12), 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/22/12/Add.1 and A/HRC/22/2, chapter VI).

*37th meeting*  
*14 March 2013*

[Adopted without a vote]

**22/111.**  
**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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Zambia on 30 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Zambia constituted of the report of the Working Group on Zambia (A/HRC/22/13), 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/22/13/Add.1 and A/HRC/22/2, chapter VI).

*37th meeting*  
*14 March 2013*

[Adopted without a vote]



**22/112.****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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Japan on 31 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Japan constituted of the report of the Working Group on Japan (A/HRC/22/14), 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/22/14/Add.1 and A/HRC/22/2, chapter VI).

*37th meeting  
14 March 2013*

[Adopted without a vote]

**22/113.****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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Peru on 1 November 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Peru constituted of the report of the Working Group on Peru (A/HRC/22/15), 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/22/15/Add.1 and A/HRC/22/2, chapter VI).

*38th meeting  
15 March 2013*

[Adopted without a vote]

**22/114.****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 resolutions 5/1 of 18 June 2007 and 16/21

of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Sri Lanka on 1 November 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Sri Lanka constituted of the report of the Working Group on Sri Lanka (A/HRC/22/16), 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/22/16/Add.1 and A/HRC/22/2, chapter VI).

*38th meeting  
15 March 2013*

[Adopted without a vote]

## **22/115. Human Rights Council webcast**

At its 47th meeting, on 21 March 2013, the Human Rights Council decided to adopt the text below:

*"The Human Rights Council,*

*Recalling* Human Rights Council resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Human Rights Council, in particular paragraph 61 of the annex thereto, in which the Council decided to establish a task force to study the issues of secretariat services, accessibility for persons with disabilities and use of information technology, as envisaged in paragraphs 57, 58, 59 and 60 of the annex,

*Recalling also* Human Rights Council decision 19/119 of 22 March 2012, in which the Council endorsed the report of the task force, annexed to decision 19/119, including its recommendations with the modalities made in the report,

*Recalling further* General Assembly resolution 66/246 of 24 December 2011, in which the Assembly stressed the importance of an open, transparent and all-inclusive United Nations, and decided to approve the live webcasting and subsequent storage of all the formal meetings of its six Main Committees,

*Taking note* of the current arrangement between the Department of Public Information, the Office of the United Nations High Commissioner for Human Rights and the Information Service, which relies mainly on extrabudgetary resources to fund webcast coverage of the meetings of the Human Rights Council,

*Recalling* the added value of the live webcasting and subsequent storage of the formal meetings held in the framework of the sessions of the Human Rights Council and the Working Group on the Universal Periodic Review, which constitute archive records of Council meetings, in particular in view of the lack of summary records, as well as being an important tool for public outreach,

*Recommends* that the General Assembly consider ways to ensure sustainable live webcasting and subsequent storage of the meetings of the Human Rights Council held in the framework of the sessions of the Council and of the Working Group on the Universal Periodic Review."

**22/116.****Enhancement of international cooperation in the field of human rights**

At its 47th meeting, on 21 March 2013, the Human Rights Council decided to adopt the text below:

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

*Recalling all previous decisions and resolutions on the enhancement of international cooperation in the field of human rights adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,*

*Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,*

*Recalling that, in Human Rights Council resolution 19/33 of 23 March 2012, the Council requested the Office of the United Nations High Commissioner for Human Rights to organize, before the twenty-second session of the Council, a seminar on the enhancement of international cooperation in the field of human rights and to prepare a report on the deliberations held during the seminar and to submit it to the Council at its twenty-second session,*

*Acknowledging the holding of the seminar on the enhancement of international cooperation in the field of human rights on 15 February 2013, with the participation of States, relevant United Nations agencies, funds and programmes, and other stakeholders, including academic experts and civil society,*

*Taking note of the note by the Secretary-General<sup>47</sup> indicating that the above-mentioned report will be submitted to the Human Rights Council at its twenty-third session,*

*Decides to examine this question at its twenty-third session under the same agenda item.”*

**22/117.****High-level panel discussion on the question of the death penalty**

At its 48th meeting, on 21 March 2013, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

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

*Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,*

*Recalling also General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010 and 67/176 of 20 December 2012 on the question of a moratorium on the use of the death penalty,*

*Recalling further all previous resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,*

*Recalling Human Rights Council decision 18/117 of 28 September 2011,*

<sup>47</sup> A/HRC/22/23.

*Taking note* of the reports of the Secretary-General on the question of the death penalty, the latest of which highlights the significant developments towards the universal abolition of the death penalty and some noticeable steps towards restricting its use in countries that have retained it, and also reminds those States that still intend to implement the death penalty of the need to protect the rights of those facing the death penalty, in particular, in accordance with the International Covenant on Civil and Political Rights,<sup>48</sup>

*Acknowledging* the interest in holding national and international debates on the question of the death penalty,

1. *Decides* to convene, at its twenty-fifth session, a high-level panel discussion on the question of the death penalty with the aim of exchanging views on advances, best practices and challenges relating to the abolition of the death penalty and to the introduction of a moratorium on executions, as well as on national debates or processes on whether to abolish the death penalty;

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

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

[Adopted by a recorded vote of 28 to 10, with 9 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Gabon, Germany, Ireland, Italy, Kazakhstan, Montenegro, Peru, Philippines, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America, Venezuela (Bolivarian Republic of)

*Against:*

Botswana, Ethiopia, India, Indonesia, Kenya, Kuwait, Malaysia, Qatar, Uganda, United Arab Emirates

*Abstaining:*

Guatemala, Japan, Libya, Maldives, Mauritania, Pakistan, Republic of Korea, Sierra Leone, Thailand]

<sup>48</sup> See A/HRC/21/29.

### III. President's statements

#### PRST 22/1.

#### Mainstreaming human rights throughout the United Nations system

At the 50th meeting, held on 22 March 2013, the President of the Human Rights Council read out the following statement:

*“The Human Rights Council,*

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

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

*Welcomes* the high-level panel discussion on the mainstreaming of human rights throughout the United Nations system, held at the twenty-second session of the Human Rights Council.”

#### PRST 22/2.

#### Technical assistance and capacity-building in human rights in Haiti

At the fiftieth meeting, held on 22 March 2013, the President of the Human Rights Council read out the statement below:

1. The Human Rights Council takes note of the report of the Independent Expert on the situation of human rights in Haiti,<sup>49</sup> and welcomes the latest legal and political developments in Haiti, which have been marked by progress in civil, political, economic, social and cultural rights:

(a) The implementation of the universal, free and compulsory education programme through the National Education Fund launched on 26 May 2011, with a sum of approximately \$360 million over five years, for 1.5 million children;

(b) The implementation of the strategic development plan to identify immediate reconstruction needs in a long-term development perspective;

(c) The implementation of social programmes for the most disadvantaged, “Ti Maman chéri”, “Aba grangou” and “Ede pep”, which form part of the national strategy on the rule of law;

(d) The inclusion of women in political affairs, with a quota of 44 per cent in Government posts.

2. The Council welcomes the commitment of the Haitian authorities to set up a structure to organize the next legislative and municipal elections in Haiti.

3. The Council applauds the reaffirmation of the commitment and determination of the Haitian authorities to improve the living conditions of Haitian women and men by, inter alia,

<sup>49</sup> A/HRC/22/65.

paying greater attention to respect for human rights, and welcomes the efforts of the Government of Haiti in that regard.

4. The Council also applauds the priorities set by the President of the Republic, which include the rule of law, education, the environment, employment and energy, and urges donors to honour their commitments without delay.

5. In that context, the Council welcomes the decision of the Government of Haiti to pursue the strengthening of the rule of law, notably by combating impunity, crime and the causes of crime, so as to ensure the functioning of institutions and public services and the enjoyment of all human rights, and encourages the Government to take all necessary measures to achieve that goal.

6. The Council applauds the efforts made by the Government of Haiti to strengthen national human rights institutions, in particular the Office of Citizen Protection.

7. The Council invites the Government of Haiti to continue to adopt the political and legal measures necessary to safeguard the rights of members of vulnerable groups, including the victims of child trafficking, to increase women's participation in political affairs and to continue to combat gender-based violence and discrimination.

8. The Council is aware of the many obstacles to development in Haiti and the difficulties encountered by its leaders following the earthquake of 12 January 2010. It recognizes that the full enjoyment of civil and political, economic, social and cultural human rights is a factor in peace, stability and development in Haiti.

9. The Council encourages the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the group of countries known as the Friends of Haiti, United Nations agencies and, in particular, the Office of the United Nations High Commissioner for Human Rights, to step up their cooperation with the Haitian authorities with a view to the full realization in Haiti of civil, political, economic, social and cultural rights, including the right to development.

10. The Council welcomes the request of the Haitian authorities for a one-year extension of the mandate of an Independent Expert on the situation of human rights in Haiti, which concerns technical assistance and capacity-building, and decides to approve that request.

11. The Council encourages the mandate holder to work with international institutions, donors and the international community to raise their awareness of the need to provide their expertise and sufficient resources to support the efforts of the Haitian authorities to rebuild the country and pursue sustainable development.

12. The Council also encourages the mandate holder to work with Haitian non-governmental organizations and civil society in Haiti.

13. The Council invites the mandate holder to assist the Government of Haiti in acting upon the recommendations made in the course of the universal periodic review. The mandate holder will also provide his or her experience, expertise and contribution to the cause of human rights, including civil and political rights, with particular emphasis on economic, social and cultural rights, in Haiti.

14. The Council invites the mandate holder to assist the Government of Haiti in acting upon the recommendations made by the special procedures, in particular those of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

15. The Council also invites the mandate holder to undertake a mission to Haiti and to report to the Council at its twenty-fifth session. It encourages Haiti to continue to cooperate with the mandate and is ready to support Haiti in establishing a national human rights plan.

## Part Two

### Summary of proceedings

#### I. Organizational and procedural matters

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

1. The Human Rights Council held its twenty-second session at the United Nations Office at Geneva from 25 February to 22 March 2013. The President of the Council opened the session.

2. At the 1st meeting, on 25 February 2013, the President of the General Assembly, the United Nations High Commissioner for Human Rights and the Federal Councillor and the Head of the Federal Department of Foreign Affairs of Switzerland, Didier Burkhalter, addressed the plenary.

3. At the 18th meeting, on 6 March 2013, the Vice-President of the Human Rights Council expressed his condolences to the delegation of the Bolivarian Republic of Venezuela for the death of President Hugo Chavez.

4. At the same meeting, at the request of the representative of Cuba, on behalf of the Group of Latin American and Caribbean States, the Human Rights Council observed a minute of silence to honour the memory of the President of the Bolivarian Republic of Venezuela. The representatives of Bolivia (Plurinational State of) (on behalf of the Bolivarian Alliance for the Peoples of Our America), Cuba (on behalf of the Group of Latin American and Caribbean States) and Venezuela (Bolivarian Republic of) made statements. At the 20th meeting, on the same day, the President of the Human Rights Council and the representative of the Islamic Republic of Iran (on behalf of the Movement of Non-Aligned Countries) also made statements.

5. At the 24th meeting, on 8 March 2013, the Human Rights Council observed International Women's Day. The Council watched a short video recorded at the high-level side event "The Power of Empowered Women" held on 26 February 2013. The observer for the European Union made a statement on behalf of the Group of Women Ambassadors to the United Nations in Geneva that organized the event. The observer for the non-governmental organization CIVICUS – World Alliance for Citizen Participation also made a statement.

6. At the 49th meeting, on 22 March 2013, the President of the Human Rights Council and the representative of Jordan (on behalf of the Group of Asian States) expressed their condolences to the delegation of Bangladesh for the death of President Zillur Rahman. At the request of the representative of Jordan (on behalf of the Group of Asian States), the Council observed a minute of silence to honour the memory of the President of Bangladesh. The representatives of Bangladesh, Ecuador (on behalf of the Group of Latin American and Caribbean States), Gabon (on behalf of the Group of African States), Iran (Islamic Republic of) (on behalf of the Movement of Non-Aligned Countries), Ireland (on behalf of the European Union), Montenegro (on behalf of the Group of Eastern European States), Pakistan (on behalf of the Organization of Islamic Cooperation) and Spain (on behalf of the Group of Western European and Other States) made statements.

7. In accordance with rule 8 (b) of the rules of procedure of the Human Rights Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting on the twenty-second session was held on 11 February 2013.

8. The twenty-second session consisted of 50 meetings held over 20 days.

## **B. Attendance**

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

## **C. High-level segment**

10. At its 1st and 3rd to 7th meetings, from 25 to 28 February 2013, the Human Rights Council held a high-level segment, at which 88 dignitaries addressed the plenary, including one president, two vice-presidents, one prime minister, eight deputy prime ministers, 42 ministers, 26 deputy ministers and eight representatives of observer organizations.

11. The following dignitaries addressed the Human Rights Council during the high-level segment, in the order that they spoke:

(a) At the 1st meeting, on 25 February 2013: the Vice-President of Iraq, Khudheir Mussa Jafar Al-Khuzai; the Vice-President of Colombia, Angelino Garzón; the Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs of Bosnia and Herzegovina, Zlatko Lagumdžija; the Minister for Justice of Namibia, Utoni Nujoma; the Minister for Foreign Affairs of the Netherlands, Frans Timmermans; the Minister of State, Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland, Sayeeda Warsi; the Minister for Foreign Affairs and Cooperation of Morocco, Saad Dine El Otmani; the President of Germany, Joachim Gauck; the Minister for Foreign Affairs of the Congo, Basile Ikouebe; the Minister for Foreign Affairs of Turkey, Ahmet Davutoğlu; the Deputy Minister for International Relations and Cooperation of South Africa, Ebrahim Ebrahim; the Deputy Minister for Foreign Affairs of Argentina, Eduardo Zuain;

(b) At the 3rd meeting, on the same day: the Prime Minister of Libya, Ali Zeidan; the Deputy Prime Minister and Minister for Foreign Affairs of Montenegro, Igor Lukšić; the Minister for Foreign Affairs of Brazil, Antonio de Aguiar Patriota; the Minister for Foreign Affairs of Latvia, Edgars Rinkēvičs; the Minister of State for Foreign Affairs of Qatar, Khalid Bin Mohammad Al-Attiyah; the Minister for Foreign Affairs of Poland, Radosław Sikorski; the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, Nikola Poposki; the Minister for Foreign Affairs of Afghanistan, Zalmay Rassoul; the Chairman of the Human Rights Commission of Saudi Arabia, Bandar bin Mohammed Al-Aiban; the Minister for Foreign Affairs of Viet Nam, Pham Binh Minh; the Secretary of Foreign Affairs of Mexico, José Antonio Meade Kuribreña; the Secretary of State for International Cooperation and Latin America of Spain, Jesús Manuel Gracia Aldaz; the Secretary of State for European and International Affairs of Austria, Reinhold Lopatka; the Deputy Minister for Foreign Affairs and European Integration of the Republic of Moldova, Andrei Popov; the President of the National Constitutional Assembly of Tunisia, Mustapha Ben Jaafar; the Deputy Minister for Foreign Affairs of Azerbaijan, Khalaf Khalafov; the State Secretary of Norway, Gry Larsen; the Deputy Minister for Foreign Affairs of Slovenia, Božo Cerar;



(c) At the 4th meeting, on 26 February 2013: the Government Councillor, Minister for External Relations of Monaco, José Badia; the Deputy Prime Minister and Minister for Foreign and European Affairs of Slovakia, Miroslav Lajčák; the Minister for Foreign Affairs of Albania, Edmond Panariti; the Minister for Human Rights Issues of Bahrain, Salah Ali Abdulrahman; the Deputy Minister of Justice of Mozambique, Alberto Nkutumula; the Minister for Foreign Affairs of Algeria, Mourad Medelci; the Parliamentary Vice-Minister for Foreign Affairs of Japan, Toshiko Abe; the Minister Delegate for Francophony of France, Yamina Benguigui; the Deputy Minister for Foreign Affairs of the Russian Federation, Gennady Gatilov; the Deputy Prime Minister and Minister for Foreign Affairs of the Czech Republic, Karel Schwarzenberg; the Secretary of Relations with States of the Holy See, Dominique Mamberti; the Assistant Secretary of State for International Organization Affairs of the United States of America, Esther Brimmer; the Deputy Minister for Foreign Affairs of Lithuania, Neris Germanas; the Deputy Prime Minister and Minister for Foreign Affairs of Luxembourg, Jean Asselborn; the Secretary-General of the Council of Europe, Thorbjørn Jagland;

(d) At the 5th meeting, on the same day: the Deputy Prime Minister for the Social Sector and Human Rights of Equatorial Guinea, Alfonso Nsue Mokuy; the Minister for Justice of Rwanda, Tharcisse Karugarama; the Acting Minister for Gender, Family and Human Rights of Maldives, Mariyam Shakeela; the Minister for Foreign Affairs of Mongolia, Luvsanvandan Bold; the Minister for Foreign Affairs of Estonia, Urmas Paet; the Minister for Human Rights and Civil Promotion of Burkina Faso, Julie Prudence Somda-Nigna; the Minister for Justice of Sierra Leone, Franklyn Bai Kargbo; the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania, Mohamed Abdallahi Ould Khattra; the Deputy Minister for Foreign and European Affairs of Croatia, Joško Klisović; the Deputy Minister for Foreign Affairs of Kazakhstan, Alexei Volkov; the Secretary of State for Global Affairs of Romania, Ovidiu Dranga; the Assistant High Commissioner for Protection of the United Nations High Commissioner for Refugees, Erika Feller; the President of the International Committee of the Red Cross, Peter Maurer;

(e) At the 6th meeting, on 27 February 2013: the Deputy Prime Minister and Minister for Foreign Affairs and Trade of Ireland, Eamon Gilmore (on behalf of the European Union); the Deputy Prime Minister and Minister for Foreign Affairs of Belgium, Didier Reynders; the Minister for Justice and Human Rights of Angola, Rui Carneiro Mangureira; the Minister for Justice and Legal Affairs of Zimbabwe, Patrick Chinamasa; the Minister for Law, Constitutional Affairs and Human Rights of Lesotho, Haae Phoofolo; the Minister for Labour of Jordan, Nidal Alkatamine; the Minister for Human Rights of Yemen, Hooria Mashhoor Ahmed; the Chairman of the National Human Rights Centre of Uzbekistan, Akmal Saidov; the Minister for Development Cooperation of Denmark, Christian Friis Bach; the Minister for Justice of Senegal, Aminata Touré; the Minister for Plantation Industries and Special Envoy of the President of Sri Lanka on Human Rights of Sri Lanka, Mahinda Samarasinghe;

(f) At the 7th meeting, on the same day: the Deputy Minister for Foreign Affairs of Serbia, Roksanda Ninčić; the Vice Minister for Foreign Affairs of Thailand, Jullapong Nonsrichai; the Deputy Minister for Multilateral and Global Affairs of the Republic of Korea, Kim Bong-hyun; the Deputy Minister for Foreign Affairs of Armenia, Ashot Hovakimian; the Vice Minister of Popular Power for Foreign Affairs of the Bolivarian Republic of Venezuela, Temir Porras Ponceleon;

(g) At the 8th meeting, on 28 February 2013: the Minister for Human Rights and Fundamental Freedoms of Chad, Amina Kodjiyana; the Minister for Foreign Affairs of Gabon, Emmanuel Isoze NgonDET; the Secretary-General of the Organization of Islamic Cooperation, Ekmeleddin Ihsanoglu; the Deputy Minister for Justice of Mozambique, Alberto Nkutumula (on behalf of the Community of Portuguese-speaking Countries); the

Minister of State for Foreign Affairs of the United Arab Emirates, Anwar Mohammad Gargash; the Deputy Minister for Foreign Affairs of the Islamic Republic of Iran, Mohammad Mehdi Akhondzadeh Basti; the Vice-Minister for Human Rights of the Democratic Republic of the Congo, Sakina Binti; the Minister for Justice of the Sudan, Mohamed Bushara Dousa; the Secretary of State for Foreign Affairs and Cooperation of Portugal, Luís Brites Pereira; the Special Adviser on the Prevention of Genocide of the United Nations, Adama Dieng; the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS); the Secretary-General of the Commonwealth Secretariat, Kamallesh Sharma; the Secretary-General of the Inter-Parliamentary Union.

12. At the 3rd meeting, on 25 February 2013, a statement in exercise of the right of reply was made by the representative of the Democratic People's Republic of Korea.

13. At the 5th meeting, on 26 February 2013, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea, Japan and Sri Lanka.

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

15. At the 6th meeting, on 27 February 2013, the Human Rights Council observed a minute of silence to honour the memory of Stéphane Hessel.

16. At the 8th meeting, on 28 February 2013, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, the Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Japan, Morocco, the Republic of Korea and Rwanda.

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

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

18. At the 2nd meeting, on 25 February 2013, pursuant to Human Rights Council resolution 21/20, the Council held a high-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action. The Council listened to a video message from the Secretary-General on the subject of the panel discussion. Opening statements for the panel were delivered by the Director of the Human Rights Council and Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on behalf of the High Commissioner; the State Secretary for European and International Affairs of Austria, Reinhold Lopatka; the Deputy Minister for Foreign Affairs of the Russian Federation, Gennady Gatilov; and the European Union Special Representative for Human Rights, Stavros Lambrinidis. At the same meeting, the panellists Adama Dieng, Safak Pavey, Carla Del Ponte, Hina Jilani, Albert Sasson and Gustavo Gallón made statements.

19. During the ensuing panel discussion, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* (on behalf of the Group of Arab States), China\* (on behalf of Algeria, Angola, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Cuba, Djibouti, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Kazakhstan,

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\* Observer of the Human Rights Council speaking on behalf of Member and observer States.

Kuwait, the Lao People's Democratic Republic, Malaysia, Myanmar, Nicaragua, Pakistan, the Philippines, the Russian Federation, Saudi Arabia, Singapore, South Africa, Sri Lanka, the Sudan, Uganda, the United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe), Chile (on behalf of the Group of Latin American and Caribbean States), Gabon (on behalf of the Group of African States), Iran (Islamic Republic of)\* (on behalf of the Movement of Non-Aligned Countries), Morocco\* (on behalf of the International Organization of la Francophonie), Pakistan (on behalf of the Organization of Islamic Cooperation), Slovenia\* (on behalf of the Platform for Human Rights Education and Training), United States of America;

- (b) Representatives of observer States: Mozambique, Uzbekistan;
- (c) Observer for a non-governmental organization: European Disability Forum.

### **High-level panel discussion on human rights mainstreaming**

20. At its 11th meeting, on 1 March 2013, pursuant to its resolution 16/21, the Human Rights Council held a half-day high-level panel discussion on human rights mainstreaming on the theme of human rights and the post-2015 development agenda, with a focus on areas relating to the right to education. The Secretary-General, the United Nations High Commissioner for Human Rights and the Secretary of State for Foreign Affairs and Cooperation of Portugal, Luís Brites Pereira, made introductory remarks for the panel discussion.

21. At the same meeting, the Consort of the Emir of Qatar, Chairperson of Qatar Foundation for Education, Science and Community Development and Special Envoy of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for Basic and Higher Education, Her Highness Sheika Moza bint Nasser, and the Assistant-Secretary-General and Special Adviser of the Secretary-General on Post-2015 Development Planning delivered keynote addresses.

22. At the same meeting, the panellists Irina Bokova (UNESCO), Guy Ryder (International Labour Organization (ILO)), Margaret Chan (World Health Organization (WHO)), Rebeca Grynspan (United Nations Development Programme) and Yoka Brandt (United Nations Children's Fund (UNICEF)) made statements. The Human Rights Council divided the panel discussion into two parts.

23. During the ensuing panel discussion for the first part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* (on behalf of the Group of Arab States), Bangladesh\* (also on behalf of Algeria, Bahrain, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, China, Cuba, Djibouti, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kenya, the Lao People's Democratic Republic, Malaysia, Morocco, Myanmar, Nepal, Pakistan, the Philippines, the Russian Federation, Saudi Arabia, Singapore, Sri Lanka, South Sudan, the Sudan, Thailand, the United Arab Emirates, Uganda, Venezuela (Bolivarian Republic of) and Viet Nam), Ethiopia (also on behalf of Botswana, Bulgaria, Burundi, Colombia, Denmark, Djibouti, Ghana, Morocco, Mozambique, the Netherlands, New Zealand, Nigeria, Norway, Rwanda, Sierra Leone, Slovenia, Somalia, South Africa, South Sudan, the Sudan, Sweden, Turkey and Uruguay), Gabon (on behalf of the Group of African States), Honduras\* (on behalf of the Group of Latin American and Caribbean States), Maldives, Morocco\* (also on behalf of Argentina, Austria, Belgium, Côte d'Ivoire, Finland, France, Greece, Iceland, Maldives, Monaco, Norway, Peru, Sweden, Switzerland and Uruguay), New Zealand\* (also on behalf of Burkina Faso, the Congo, Ecuador, Finland, Mexico, Morocco, Qatar, the Philippines, Serbia, Slovenia, Thailand, Turkey and Uruguay), Thailand (on behalf of on behalf of the Association of Southeast Asian Nations (ASEAN)), United States of America,

Uruguay\* (also on behalf of Bangladesh, Croatia, Egypt, France, Germany, Maldives, Morocco, Slovenia and Spain);

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

(c) Observer for United Nations entities, specialized agencies and related organizations: Coordinating Committee of Special Procedures of the Human Rights Council;

(d) Observers for non-governmental organizations: Open Society Institute, Save the Children International, World Environment and Resources Council.

24. During the ensuing panel discussion for the second part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, Chile, Costa Rica, Estonia, Italy, Sierra Leone, Switzerland;

(b) Representatives of observer States: Algeria, Australia, Bahrain, Cuba, Egypt, Turkey;

(c) Observers for a non-governmental organization: Action Canada for Population and Development.

25. At the same meeting, the panellists made their concluding remarks.

26. At the same meeting, the Deputy High Commissioner also made concluding remarks.

#### **D. General segment**

27. At the 9th meeting, on 28 February 2013, a general segment was held, during which the following addressed the Human Rights Council:

(a) Representatives of States Members of the Council: Botswana, Ethiopia, India, Malaysia, Peru;

(b) Representatives of observer States: Belarus, Cambodia, Cuba, China, Democratic People's Republic of Korea, Djibouti, Egypt, Georgia, Myanmar, Nepal, South Sudan, Turkmenistan, Ukraine;

(c) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;

(d) Invited members of civil society: Mithika Mwenda (by video message), Barryl Biekman, Anna Dobrovskaia and Nilmaka Fernando.

28. At the same meeting, on the same day, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

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

#### **E. Agenda and programme of work**

30. At its 9th meeting, on 28 February 2013, the Human Rights Council adopted its agenda and programme of work for the twenty-second session.

## F. Organization of work

31. At the 1st meeting, on 25 February 2013, the President of the Human Rights Council outlined the modalities for the inscription in the lists of speakers for two high-level panels, which were exceptionally opened online on 22 February 2013.
32. At the 2nd meeting, on the same day, the President outlined the modalities for the interactive debate of the high-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action, which would be two minutes for States Members of the Council and two minutes for observer States and other observers.
33. At the 9th meeting, on 28 February 2013, the President outlined the modalities for the general segment, which would be five minutes for statements by States Members of the Council and three minutes for statements by observer States and other observers.
34. At the same meeting, on the same day, the President outlined the modalities for the interactive dialogue on the annual report of the High Commissioner, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
35. At the 12th meeting, on 4 March 2013, the President outlined the modalities for the general debate on the reports of the Office of the High Commissioner and the Secretary-General, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
36. At the 13th meeting, on 4 March 2013, the President outlined the modalities for clustered interactive dialogue with special procedures mandate holders, which would be 10 minutes for the presentation by the mandate holder of the main report, with a further two minutes to present each additional report; five minutes for countries concerned, if any, and States Members of the Council; three minutes for statements by observer States of the Council and other observers; and five minutes for concluding remarks by the mandate holder.
37. At the 21st meeting, on 7 March 2013, the President outlined the modalities for the annual full-day meeting on the rights of the child, which would be seven minutes for panellists, two minutes for States Members of the Council and two minutes for observer States and other observers.
38. At the 24th meeting, on 8 March 2013, the President outlined the modalities for the general debate on agenda item 3, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
39. At the 26th meeting, on 11 March 2013, the President outlined the modalities for individual interactive dialogue with special procedures mandate holders, which would be 10 minutes for the presentation by the mandate holder of the report, five minutes for countries concerned (if any), three minutes for Member States and two minutes for observer States and other observers.
40. At the 34th meeting, on 13 March 2013, the President outlined the modalities for the consideration of the outcomes of the universal periodic review under agenda item 6, which would be 20 minutes for the State concerned to present its views; where appropriate, two minutes for the national human rights institution with “A” status of the State concerned; up to 20 minutes for States Members of the Human Rights Council, observer States and United Nations agencies to express their views on the outcome of the review, with speaking time according to the number of speakers in accordance with the modalities set out in the appendix to resolution 16/21; and up to 20 minutes for stakeholders to make general comments on the outcome of the review.

## **G. Meetings and documentation**

41. The Human Rights Council held 50 fully serviced meetings during its twenty-second session.
42. The resolutions and decisions adopted by the Human Rights Council are contained in part one of the present report.

## **H. Selection and appointment of members of the Expert Mechanism on the Rights of Indigenous Peoples**

43. At its 47th meeting, on 21 March 2013, the Human Rights Council, pursuant to its resolutions 5/1, 6/36 and 16/21 and its decision 6/102, appointed two experts to the Expert Mechanism on the Rights of Indigenous Peoples. The Council had before it a note by the President of the Council containing the candidates for appointment.
44. The Human Rights Council appointed the members Albert Deterville (Saint Lucia) and Alexey Tsykarev (Russian Federation).

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

### **Human Rights Council webcast**

45. At the 47th meeting, on 21 March 2013, the President of the Human Rights Council introduced draft decision A/HRC/22/L.32.
46. At the same meeting, the draft decision was adopted without a vote (for the text as adopted, see part one, chap. II, decision 22/115).

### **Mainstreaming human rights throughout the United Nations system**

47. At the 50th meeting, on 22 March 2013, the President of the Human Rights Council introduced draft President's statement A/HRC/22/L.56.
48. At the same meeting, the representatives of Chile, Gabon (on behalf of the Group of African States) and Qatar made general comments in relation to the draft statement.
49. Also at the same meeting, the draft President's statement was adopted by the Council (for the text of the President's statement, see part one, chap. III, PRST/22/1).

## **J. Adoption of the report on the session**

50. At the 50th meeting, on 22 March 2013, the representatives of Australia, Bahrain, Belarus, China, Cuba, Egypt, Jamaica, Malta, the Russian Federation and Singapore made statements as observer States with regard to the resolutions adopted.
51. At the same meeting, the Vice-President and Rapporteur of the Human Rights Council made a statement in connection with the draft report of the Council on its twenty-second session (A/HRC/22/2).
52. Also at the same meeting, the Human Rights Council adopted the draft report ad referendum and entrusted its finalization to the Rapporteur.
53. At the same meeting, the representatives of Morocco (also on behalf of Bahrain (on behalf of the Group of Arab States), Chile, Costa Rica, France, Gabon (on behalf of the Group of African States), Honduras, Italy, Norway, Pakistan (on behalf of the Organization of

Islamic Cooperation), Romania, Turkey and Uruguay) and the observers for the International Service for Human Rights (also on behalf of Amnesty International, the Asian Forum for Human Rights and Development, the Canadian HIV/AIDS Legal Network, CIVICUS – World Alliance for Citizen Participation, the East and Horn of Africa Human Rights Defenders Project and the Human Rights House Foundation) and Nord-Sud XXI made statements in connection with the session.

54. Also at the same meeting, the representative of Azerbaijan (also on behalf of Afghanistan, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan) made a statement with regard to the celebration of the International Day of Nowruz.

55. At the same meeting, the President of the Human Rights Council made a closing statement.

## II. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### A. Annual report of the United Nations High Commissioner for Human Rights

56. At the 9th meeting, on 28 February 2013, the United Nations High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/22/17).

57. During the ensuing interactive dialogue, at the 9th meeting on the same day, the 10th meeting on 1 March 2013 and the 12th meeting on 4 March, the following made statements and asked the High Commissioner questions:

(a) Representatives of States Members of the Council: Angola, Argentina, Austria, Bahrain\* (on behalf of the Group of Arab States), Brazil, Botswana, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Gabon (on behalf of the Group of African States), Germany, Indonesia, Iran (Islamic Republic of)\* (on behalf of the Movement of Non-Aligned Countries), Malaysia, Maldives, Montenegro, India, Italy, Japan, Kuwait, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru (on behalf of the Latin American and Caribbean Group), Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Spain, Switzerland (also on behalf of Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay), Thailand, Turkey\* (also on behalf of Afghanistan, Algeria, Argentina, Armenia, Australia, Azerbaijan, Bahrain, Botswana, Burkina Faso, Chile, Côte d'Ivoire, Djibouti, Greece, Guatemala, Honduras, Indonesia, Italy, Kazakhstan, Kuwait, Liechtenstein, Luxembourg, Maldives, Mexico, Monaco, Morocco, Nigeria, Norway, Pakistan, Peru, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saudi Arabia, Senegal, Somalia, Switzerland, Thailand, Tunisia, the United Arab Emirates and Uruguay), Uganda, United Arab Emirates, United States of America;

(b) Representatives of observer States: Algeria, Armenia, Australia, Azerbaijan, Belarus, Belgium, China, Cuba, El Salvador, Egypt, France, Honduras, Iran (Islamic Republic of), Jamaica, Jordan, Morocco, Nepal, Nigeria, Norway, Paraguay, Russian Federation, Rwanda, Saudi Arabia, South Africa, Sri Lanka, Syrian Arab Republic, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Uzbekistan;

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

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

(e) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions (by video message);

(f) Observers for non-governmental organizations: British Humanist Association (also on behalf of the Center for Inquiry and the International Humanist and Ethical Union), Cairo Institute for Human Rights Studies, CIVICUS-World Alliance for Citizen Participation, Commission to Study the Organization of Peace, European Region of the International Lesbian and Gay Federation, European Union of Public Relations, Helsinki Foundation for Human Rights, International Human Rights Association of American



Minorities, International Service for Human Rights, Lawyers' Rights Watch Canada (also on behalf of the International Movement Against All Forms of Discrimination and Racism), Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, Pasumai Thaayagam Foundation, World Federation of Democratic Youth (also on behalf of France Libertés : Fondation Danielle Mitterrand), World Muslim Congress.

58. At the 10th meeting, on 1 March 2013, and the 12th meeting, on 4 March, the High Commissioner answered questions.

59. At the 12th meeting, on 4 March 2013, the High Commissioner answered questions and made her concluding remarks.

60. At the 14th meeting on 4 March 2013, a statement in exercise of the right of reply was made by the representatives of Bahrain and Nepal.

## **B. Reports of the Office of the High Commissioner and the Secretary-General and general debates on agenda item 2**

61. At the 12th meeting, on 4 March 2013, the Director of the Research and Right to Development Division of OHCHR presented the thematic reports prepared by OHCHR and the Secretary-General.

62. During the ensuing general debate on thematic reports at the same meeting, statements were made by the following:

(a) Representatives of States Members of the Human Rights Council: Gabon (on behalf of the Group of African States), India, Ireland (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Libya, Peru, Philippines, Romania, United States of America;

(b) Representatives of observer States: Algeria, Cuba, Iceland, Malta, Morocco;

(c) Observers for non-governmental organizations: African Technology Development Link, Amnesty International, Associazione Comunità Papa Giovanni XXIII (also on behalf of Caritas Internationalis (International Confederation of Catholic Charities), Dominicans for Justice and Peace – Order of Preachers, the International Volunteerism Organization for Women, Education and Development – VIDES and Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco), Cairo Institute for Human Rights Studies, Center for Environmental and Management Studies, Center for Inquiry, Commission to Study the Organization of Peace, Eurasian Harm Reductions Network, Human Rights Advocates Inc., Human Rights Watch, Indian Council of South America, International Association for Democracy in Africa, International Association of Schools of Social Work, Liberation, Nord-Sud XXI, Rencontre africaine pour la défense des droits de l'homme, United Nations Watch, Union of Arab Jurists, Verein Sudwind Entwicklungspolitik, World Environment and Resources Council.

63. At the 14th meeting, on 4 March 2013, a statement in exercise of the right of reply was made by the representative of Mauritania.

64. At the 29th meeting, on 12 March 2013, the Deputy High Commissioner presented the report of the High Commissioner on the situation of human rights in Mali (A/HRC/22/33) (see also chap. IV).

65. At the 40th meeting, on 18 March 2013, the High Commissioner presented the reports concerning the human rights situation in Palestine and other occupied Arab territories (A/HRC/22/35 and Add.1 and A/HRC/22/36) (see also chap. VII).

66. At the 45th meeting, on 20 March 2013, the Deputy High Commissioner for Human Rights introduced the country-specific reports submitted under agenda item 2 (A/HRC/22/17/Add.1, Add.2 and Corr.1 and Corr.2, Add.3 and Corr.1, A/HRC/22/18, A/HRC/22/38 and A/HRC/22/48).

67. At the same meeting, on the same day, the representatives of Bolivia (Plurinational State of), Colombia, Cyprus, Guatemala, Iran (Islamic Republic of) and Sri Lanka made statements as the States concerned.

68. During the ensuing general debate on the country-specific reports of the High Commissioner and the Secretary-General submitted under agenda item 2 at the same meeting, on the same day, the following made statements:

(a) Representatives of States Members of the Human Rights Council: Russian Federation (also on behalf of Belarus, China, Cuba, Egypt, Iran (Islamic Republic of), Kenya, Myanmar, Nicaragua, Pakistan, the Sudan, Uganda, Venezuela (Bolivarian Republic of) and Zimbabwe), Thailand, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Belarus, Canada, China, Cuba, Greece, Hungary, Norway, Turkey, United Kingdom of Great Britain and Northern Ireland, Viet Nam;

(c) Observers for non-governmental organizations: ACT Alliance-Action by Churches Together, Action contre la faim, Amnesty International, Asian Forum for Human Rights and Development, Bischöfliches Hilfswerk Misereor e.V., Colombian Commission of Jurists, Corporación para la Defensa y Promoción de los Derechos Humanos REINICIAR, Helios Life Association, Human Rights Watch, International Fellowship of Reconciliation, Lawyers' Rights Watch Canada, Lutheran World Federation, Oidhaco, Bureau International des Droits Humains – Action Colombie, Pasumai Thaayagam Foundation, Verein Sudwind Entwicklungspolitik, World Organisation against Torture.

69. At the same meeting, the representative of Colombia made a statement.

70. Also at the same meeting, a statement in exercise of the right of reply was made by the representative of Bolivia (Plurinational State of).

## C. Consideration of and action on draft proposals

### Promoting reconciliation and accountability in Sri Lanka

71. At the 47th meeting, on 21 March 2013, the representative of the United States of America introduced draft resolution A/HRC/22/L.1/Rev.1, sponsored by the United States of America and co-sponsored by Austria, Belgium, Bulgaria, Canada, Croatia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Malta, Monaco, Montenegro, Norway, Poland, Portugal, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Albania, Australia, Bosnia and Herzegovina, Cameroon, Cyprus, the Czech Republic, Latvia, Luxembourg, the Netherlands and New Zealand joined the sponsors.

72. At the same meeting, the representatives of Brazil, Ecuador, India, Ireland (on behalf of States members of the European Union that are members of the Council), Montenegro, Pakistan, Sierra Leone, Switzerland and Venezuela (Bolivarian Republic of) made general comments in relation to the draft resolution.

73. Also at the same meeting, the representative of Sri Lanka made a statement as the State concerned.

74. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

75. Also at the 47th meeting, the representatives of Indonesia, Japan, the Republic of Korea and Thailand made a statement in explanation of vote before the vote.

76. At the same meeting, at the request of the representative of Pakistan, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 25 votes to 13, with 8 abstentions.

77. For the text as adopted and voting results, see part one, chapter I, resolution 22/1.

78. Also at the 47th meeting, the representative of Maldives made a statement in explanation of vote after the vote.

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

79. At the 47th meeting, on 21 March 2013, the representative of Cuba introduced draft resolution A/HRC/22/L.17, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), China, Djibouti, Ecuador, El Salvador, Maldives, the Russian Federation, Sri Lanka, Venezuela (Bolivarian Republic of) and the State of Palestine. Subsequently, Angola, Bangladesh, Burkina Faso, Côte d'Ivoire, the Democratic People's Republic of Korea, the Dominican Republic, Eritrea, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Malaysia, Namibia, Nicaragua, Pakistan, Senegal, Singapore, Somalia and the Syrian Arab Republic joined the sponsors.

80. At the same meeting, the representative of Cuba orally revised the draft resolution.

81. Also at the same meeting, the representatives of Ireland, on behalf of States members of the European Union that are members of the Council, and Pakistan made general comments in relation to the draft resolution.

82. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

83. Also at the same meeting, at the request of the representative of Ireland, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 31 votes to 15, with 1 abstention.

84. For the text as adopted and voting results, see part one, chapter I, resolution 22/2.

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

#### **A. Panel discussions**

##### **Annual interactive debate on the rights of persons with disabilities**

85. At its 19th meeting, on 6 March 2013, the Human Rights Council held pursuant to its resolution 19/11, its annual interactive debate, on the rights of persons with disabilities in the form of a panel discussion. The topic of discussion was the work and employment of persons with disabilities. The United Nations High Commissioner for Human Rights made introductory remarks for the panel discussion.

86. At the same meeting, the panellists Ronald McCallum, Barbara Murray, Frederick Ouko Alucheli, Susan Scott-Parker and Valery Nikitich Rukhledev made statements. The Human Rights Council divided the panel discussion into two parts.

87. During the ensuing panel discussion for the first part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* (on behalf of the Group of Arab States), Estonia, Maldives, Mexico\* (on behalf of the Group of Latin American and Caribbean States), Peru, Philippines;

(b) Representatives of observer States: Australia, Egypt, New Zealand, South Africa;

(c) Observers for intergovernmental organizations: Council of Europe, European Union;

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

(e) Observers for a non-governmental organization: European Disability Forum.

88. At the end of the first part, at the same meeting, the panellists answered questions and made comments. The Council then viewed a video of the Genashtim project from Singapore.

89. During the ensuing panel discussion for the second part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Austria, Chile, Costa Rica, Gabon (on behalf of the Group of African States), Indonesia, Poland, Spain;

(b) Representatives of observer States: Belgium, China, Cuba, Finland, Singapore, Sri Lanka, Togo;

(c) Observer for United Nations entities, specialized agencies and related organizations: UNICEF;

(d) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;

(e) Observer for a non-governmental organization: Association of World Citizens.

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\* Observer of the Human Rights Council speaking on behalf of Member and observer States.

90. At the same meeting, the panellists answered questions and made their concluding remarks.

#### **Annual full-day meeting on the rights of the child**

91. An annual full-day meeting on the rights of the child was held on 7 March 2013, in accordance with Human Rights Council resolution 19/37. The topic of the meeting was the right of the child to the enjoyment of the highest attainable standard of health. The meeting was divided into two panel discussions: the first, at the 21st meeting, on 7 March 2013; the second, at the 23rd meeting, on the same day. Richard Horton, Editor-in-Chief of *The Lancet*, moderated the discussion for the panel.

92. At the 21st meeting, the High Commissioner made introductory remarks for the first panel. The Council then viewed the video “Our health, our right, our voices!”, produced by Save the Children and World Vision.

93. At the same meeting, the panellists of the first panel – Flavia Bustreo, Gustavo Giachetto, Ignacio Packer, Najat Maalla M’jid, Selina Amin and youth representatives Tama and Jonas – made statements. The Council divided the first panel discussion into two parts, both held at the 21st meeting.

94. During the ensuing panel discussion for the first panel, for the first part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Gabon (on behalf of the Group of African States), Qatar, Switzerland, Thailand, United States of America, Uruguay\* (on behalf of the Group of Latin American and Caribbean States);

(b) Representatives of observer States: Armenia, Jordan, Slovenia, Sudan, Syrian Arab Republic, Turkey;

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

(d) Observers for non-governmental organizations: Caritas Internationalis (International Confederation of Catholic Charities), Human Rights Watch.

95. At the end of the first part, at the same meeting, the panellists answered questions and made comments.

96. During the ensuing panel discussion for the first panel, for the second part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* on behalf of the Group of Arab States), Congo, Estonia, Germany, Sweden\* (also on behalf of Australia, Colombia, the Czech Republic, Denmark, Ethiopia, Finland, France, Ghana, Iceland, Mexico, Montenegro, the Netherlands, New Zealand, Norway, the Republic of Korea, Singapore, Slovenia, Spain, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and Uruguay), United Arab Emirates;

(b) Representatives of observer States: Haiti, Iran (Islamic Republic of), Nepal, Norway, Paraguay, Sri Lanka;

(c) Observers for intergovernmental organizations: Council of Europe, European Union, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: Defence for Children International (also on behalf of Child Helpline International, Franciscans International, the International Catholic Child Bureau, Terre des Hommes International Federation and the

World Organization against Torture), World Vision International (also on behalf of Save the Children International).

97. At the same meeting, the panellists of the first panel answered questions and made their concluding remarks.

98. At the 23rd meeting, on the same day, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid, read an opening statement for the second panel on behalf of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover. The Council then viewed the video "Our health, our right, our action!", produced by Save the Children and World Vision.

99. At the same meeting, the panellists of the second panel – Paul Hunt, Maria Herczog, Marta Santos Pais, Isabel de la Mata, Thomas Chandy and Oscar Parra – made statements. The Council divided the second panel discussion into two parts, both held at the 23rd meeting.

100. During the ensuing panel discussion for the second panel, for the first part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Chile, Costa Rica, Indonesia, Malaysia, Spain;

(b) Representatives of observer States: Algeria, Australia, Egypt, Russian Federation;

(c) Observer for the Holy See;

(d) Observer for United Nations entities, specialized agencies and related organizations: UNICEF;

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

(f) Observer for a national human rights institution: South African Human Rights Commission;

(g) Observer for a non-governmental organization: Al Zubair Charity Foundation.

101. At the end of the first part, at the same meeting, the panellists answered questions and made comments.

102. During the ensuing panel discussion for the second panel, for the second part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, Maldives, Peru, Romania, Sierra Leone;

(b) Representatives of observer States: Belgium, Bulgaria, China, Cuba, South Africa;

(c) Observers for United Nations entities, specialized agencies and related organizations: ILO, UNAIDS;

(d) Observers for non-governmental organizations: Consortium for Street Children, Human Rights Advocates Inc., Maarij Foundation for Peace and Development.

103. At the same meeting, the panellists of the second panel answered questions and made their concluding remarks.

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

104. At the 33rd meeting, on 13 March 2013, pursuant to its resolution 21/13, the Human Rights Council held a panel discussion on the negative impact of corruption on the enjoyment of human rights. The High Commissioner made an opening statement for the panel. Miklos Marschall moderated the discussion for the panel.

105. At the same meeting, the panellists Sangeetha Pursuhottam, Marling Haydee Rodriguez Cerro, Dzidek Kedzia, Phil Matsheza, Claudia Sayago, Suzanne Hayden and Abdeslam Abouddrar made statements. The Council divided the panel discussion into two parts.

106. During the ensuing panel discussion for the first part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Benin, Burkina Faso, Canada\* (on behalf of the on behalf of members and observers of the International Organization of la Francophonie), Estonia, Gabon (on behalf of the Group of African States), Liechtenstein\* (also on behalf of Austria, Slovenia and Switzerland), Malaysia, Poland, United States of America;

(b) Representatives of observer States: Georgia, Morocco, Togo;

(c) Observers for non-governmental organizations: International Association of Schools of Social Work (also on behalf of the Indian Council of South America), Reporters Without Borders International.

107. At the end of the first part, at the same meeting, the panellists answered questions and made comments.

108. During the ensuing panel discussion for the second part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* (on behalf of the Group of Arab States), Brazil, Guatemala, Indonesia, Maldives, Montenegro;

(b) Representatives of observer States: Algeria, Australia, Egypt, United Republic of Tanzania, Uruguay;

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

(d) Observers for non-governmental organizations: Commission africaine des promoteurs de la santé et des droits de l'homme, Indian Council of South America.

109. At the same meeting, the panellists answered questions and made their concluding remarks.

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

### **Special Rapporteur on the right to food**

110. At the 13th meeting, on 4 March 2013, the Special Rapporteur on the right to food, Olivier De Schutter, presented his report (A/HRC/22/50, Corr.1 and Add.1–3).

111. At the same meeting, the representatives of Canada, Cameroon and the Food and Agriculture Organization of the United Nations made statements as the parties concerned.

112. During the ensuing interactive dialogue, at the 13th and 14th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* (on behalf of the Group of Arab States), Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Ethiopia, Gabon (on behalf of the Group of African States), Guatemala, India, Indonesia, Kuwait, Libya, Malaysia, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru, Sierra Leone, Switzerland, Thailand, United States of America, Venezuela (Bolivarian Republic of) (also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador and Nicaragua);

(b) Representatives of observer States: Afghanistan, Algeria, Angola, China, Cuba, Djibouti, Egypt, Iran (Islamic Republic of), Luxembourg, Mexico, Morocco, Norway, Saudi Arabia, Senegal, Syrian Arab Republic;

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

(d) Observers for non-governmental organizations: African Technology Development Link, Centre for Equality Rights in Accommodation (also on behalf of Action Canada for Population and Development), Foodfirst Information and Action Network, International Association for Democracy in Africa.

113. At the 14th meeting, on 4 March 2013, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

114. At the 13th meeting, on 4 March 2013, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, presented her report (A/HRC/22/46 and Add.1–3).

115. At the same meeting, the representatives of Rwanda and the State of Palestine made statements as the States concerned.

116. Also at the same meeting, the representative of the National Commission for Human Rights of Rwanda made a statement.

117. During the ensuing interactive dialogue, at the 13th and 14th meetings on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain\* (on behalf of the Group of Arab States), Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Gabon (on behalf of the Group of African States), Germany, Guatemala, India, Indonesia, Malaysia, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru, Sierra Leone, Switzerland, Thailand, United States of America, Venezuela (Bolivarian Republic of) (also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador and Nicaragua);

(b) Representatives of observer States: Algeria, Angola, Cuba, Egypt, Finland, Morocco, Saudi Arabia;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Human Settlements Programme;

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

(e) Observer for the International Federation of Red Cross and Red Crescent Societies;



(f) Observers for non-governmental organizations: BADIL Resource Centre for Palestinian Residency and Refugee Rights, Conectas Direitos Humanos, International Federation for Human Rights Leagues.

118. At the 14th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

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

119. At the 14th meeting, on 4 March 2013, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, presented his report (A/HRC/22/53 and Add.1–4).

120. At the same meeting, the representatives of Morocco and of Tajikistan made statements as the States concerned.

121. Also at the same meeting, the representative of the National Human Rights Commission of Morocco made a statement.

122. At the 15th meeting, on 5 March 2013, the representative of Uruguay made a statement as the States concerned.

123. At the same meeting, during the ensuing interactive dialogue, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Austria, Botswana, Brazil, Chile, Costa Rica, Czech Republic, Estonia, Gabon (on behalf of the Group of African States), Indonesia, Pakistan (on behalf of the Organization of Islamic Cooperation), Poland, Sierra Leone, Switzerland, Thailand, United States of America;

(b) Representatives of observer States: Algeria, Australia, Belarus, Belgium, Croatia, Cuba, Denmark, Egypt, France, Mexico, Norway, Paraguay, Russian Federation, Senegal, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for intergovernmental organizations: European Union, International Organization of la Francophonie;

(d) Observers for non-governmental organizations: Action Canada for Population and Development, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland, Union of Arab Jurists.

124. Also at the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on the situation of human rights defenders**

125. At the 14th meeting, on 4 March 2013, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented her report (A/HRC/22/47 and Add.1–4).

126. At the same meeting, the representatives of Honduras, Ireland and Tunisia made statements as the States concerned.

127. Also at the same meeting, the Council listened to a video message by the representative of the Irish Human Rights Commission.

128. During the ensuing interactive dialogue, at the 15th meeting, on 5 March 2013, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Czech Republic, Estonia, Gabon (on behalf of the Group of African States), Germany, India, Indonesia, Pakistan (on behalf of the Organization of Islamic Cooperation), Poland, Qatar, Republic of Moldova, Spain, Switzerland, Thailand, United States of America;

(b) Representatives of observer States: Algeria, Australia, Belarus, Belgium, Cuba, Democratic Republic of the Congo, Denmark, Egypt, France, Nepal, Netherlands, Norway, Russian Federation, Slovenia, Sri Lanka, Togo, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for intergovernmental organizations: European Union, International Organization of la Francophonie;

(d) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;

(e) Observers for non-governmental organizations: Cairo Institute for Human Rights Studies, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland, Human Rights House Foundation, International Commission of Jurists, International Service for Human Rights.

129. At the same meeting, the Special Rapporteur answered questions and made her concluding remarks.

130. At the 17th meeting, on 5 March 2013, a statement in exercise of the right of reply was made by the representative of Angola.

#### **Working Group on Arbitrary Detention**

131. At the 16th meeting, on 5 March 2013, a member of the Working Group on Arbitrary Detention, Mads Andenas, presented the report of the Working Group (A/HRC/22/44 and Add.1–2).

132. At the same meeting, the representative of El Salvador made a statement as the State concerned.

133. During the ensuing interactive dialogue, at the 16th and 17th meetings, on the same day, the following made statements and asked questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Brazil, Costa Rica, Gabon (on behalf of the Group of African States), Indonesia, Libya, Malaysia, Pakistan (on behalf of the Organization of Islamic Cooperation), Republic of Korea, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Belarus, Burundi, China, Cuba, Democratic People's Republic of Korea, France, Greece, Iraq, Morocco, Norway, Panama, Sri Lanka, United Kingdom of Great Britain and Northern Ireland;

(c) Observer for the State of Palestine;

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

(e) Observers for non-governmental organizations: Canners International Permanent Committee, Human Rights House Foundation, Indian Council of South America, Rencontre africaine pour la défense des droits de l'homme, Society for Threatened Peoples.

134. At the 17th meeting, on the same day, the member of the Working Group answered questions and made his concluding remarks.

135. At the same meeting, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea and the Republic of Korea.

136. Also at the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and the Republic of Korea.

**Special Rapporteur on the promotion and protection of human rights while countering terrorism**

137. At the 16th meeting, on 5 March 2013, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, presented his report (A/HRC/22/52).

138. During the ensuing interactive dialogue, at the 16th and 17th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Costa Rica, Gabon (on behalf of the Group of African States), Indonesia, Malaysia, Pakistan (also on behalf of the Organization of Islamic Cooperation), Poland, Romania, Switzerland, United States of America;

(b) Representatives of observer States: Algeria, Bulgaria, China, Egypt, France, Iran (Islamic Republic of), Iraq, Lithuania, Mexico, Morocco, Russian Federation, Sri Lanka, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for intergovernmental organizations: European Union, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: American Civil Liberties Union, Open Society Institute, Rencontre africaine pour la défense des droits de l'homme, Reporters Without Borders International.

139. At the 17th meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

**Working Group on Enforced or Involuntary Disappearances**

140. At the 17th meeting, on 5 March 2013, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Olivier de Frouville, presented the report of the Working Group (A/HRC/22/45 and Add.1-3).

141. At the same meeting, the representatives of Chile and Pakistan made statements as the States concerned.

142. During the ensuing interactive dialogue, at the 17th meeting, on the same day, and at the 18th meeting, on 6 March 2013, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Brazil, Costa Rica, Ecuador, Indonesia, Japan, Libya, Montenegro, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru, Poland, Republic of Korea, Thailand, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, China, Colombia, Cuba, Democratic People's Republic of Korea, El Salvador, France, Mexico, Morocco, Sri Lanka, Sudan, Uruguay;

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

(d) Observers for non-governmental organizations: Amnesty International, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, Society for Threatened Peoples.

143. At the 18th meeting, on 6 March 2013, the Chairperson-Rapporteur answered questions and made his concluding remarks.

144. At the 20th meeting, on 6 March 2013, a statement in exercise of the right of reply was made by the representative of China.

#### **Special Rapporteur on freedom of religion or belief**

145. At the 17th meeting, on 5 March 2013, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, presented his report (A/HRC/22/51 and Add.1–2).

146. At the same meeting, the representative of Cyprus made a statement as the State concerned.

147. During the ensuing interactive dialogue, at the 17th meeting, on the same day, and at the 18th meeting, on 6 March 2013, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Bahrain<sup>†</sup> (on behalf of the Group of Arab States), Brazil, Costa Rica, Czech Republic, Germany, India, Indonesia, Italy, Kuwait, Malaysia, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru, Poland, Qatar, Sierra Leone, Switzerland, Thailand, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Armenia, Australia, Bangladesh, Belgium, Canada, China, Cuba, France, Greece, Morocco, Netherlands, Norway, Saudi Arabia, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland;

(c) Observer for the Holy See;

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

(e) Observers for non-governmental organizations: European Centre for Law and Justice, International Fellowship of Reconciliation, International Humanist and Ethical Union, Jubilee Campaign, Society for Threatened Peoples.

148. At the 18th meeting, on 6 March 2013, the Special Rapporteur answered questions and made his concluding remarks.

#### **Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

149. At the 20th meeting, on 6 March 2013, the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John Knox, presented his report (A/HRC/22/43).

150. During the ensuing interactive dialogue, at the same meeting, on the same day, and at the 22nd meeting, on 7 March 2013, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Bahrain<sup>†</sup> (on behalf of the Group of Arab States), Chile, Costa Rica, Côte d'Ivoire, Gabon (also on behalf of the Group of African States), Germany, Indonesia, Maldives, Pakistan (on behalf of the

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

Organization of Islamic Cooperation), Peru, Philippines, Sierra Leone, Switzerland, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Bolivia (Plurinational State of), China, Cuba, Egypt, Morocco, Saudi Arabia, Slovenia, Sudan, Togo;

(c) Observers for United Nations entities, specialized agencies and related organizations: United Nations Environment Programme, United Nations Institute for Training and Research;

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

(e) Observers for non-governmental organizations: East and Horn of Africa Human Rights Defenders Project (also on behalf of the Center for International Environmental Law and Earthjustice), Franciscans International, Friends World Committee for Consultation, International Association of Schools of Social Work, Nord-Sud XXI, Women's International League for Peace and Freedom (also on behalf of the Brahma Kumaris World Spiritual University, the Commission of the Churches on International Affairs of the World Council of Churches, Franciscans International, the International Alliance of Women, the International Association of Gerontology and Geriatrics, the International Youth and Student Movement for the United Nations, the Southern Diaspora Research and Development Center, Inc. and the United Methodist Church – General Board of Church and Society).

151. At the 22nd meeting, on 7 March 2013, the Independent Expert answered questions and made his concluding remarks.

**Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights**

152. At the 20th meeting, on 6 March 2013, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Cephias Lumina, presented his report (A/HRC/22/42).

153. During the ensuing interactive dialogue, at the same meeting, on the same day, and at the 22nd meeting, on 7 March 2013, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Côte d'Ivoire, Ecuador, Gabon (also on behalf of the Group of African States), Libya, Pakistan (on behalf of the Organization of Islamic Cooperation), Sierra Leone, Tunisia<sup>†</sup> (also on behalf of Egypt and Libya), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, China, Cuba, Egypt, Saudi Arabia, Sudan, Tunisia;

(c) Observer for a non-governmental organization: Centre Europe – Tiers Monde (also on behalf the American Association of Jurists and the International Association of Democratic Lawyers).

154. At the 22nd meeting, on 7 March 2013, the Independent Expert answered questions and made his concluding remarks.

**Special Rapporteur on the sale of children, child prostitution and child pornography**

155. At the 22nd meeting, on 7 March 2013, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid, presented her report (A/HRC/22/54 and Add.1-2).

156. At the same meeting, the representatives of Guatemala and Honduras made statements as the States concerned.

157. During the ensuing interactive dialogue at the same meeting, on the same day, and at the 24th meeting, on 8 March 2013, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Austria, Bahrain<sup>†</sup> (on behalf of the Group of Arab States), Benin, Botswana, Brunei Darussalam<sup>†</sup> (on behalf of ASEAN), Burkina Faso, Chile, Estonia, Gabon (on behalf of the Group of African States), Germany, Indonesia, Kuwait, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru, Qatar, Sierra Leone, Switzerland, Thailand, United States of America, Uruguay<sup>†</sup> (on behalf of the Group of Latin American and Caribbean States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Belarus, Belgium, China, Cuba, Egypt, France, Luxembourg, Morocco, Paraguay, Saudi Arabia, Senegal, Slovakia, Slovenia, Togo;

(c) Observer for the Holy See;

(d) Observer for United Nations entities, specialized agencies and related organizations: ILO;

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

(f) Observers for non-governmental organizations: International Catholic Child Bureau, Maarij Foundation for Peace and Development, Save the Children International (also on behalf of the Consortium for Street Children, Terre des Hommes International Federation and World Vision International), Union of Arab Jurists (also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination).

158. At the 24th meeting, on 8 March 2013, the Special Rapporteur answered questions and made her concluding remarks.

**Independent Expert on minority issues**

159. At the 31st meeting, on 12 March 2013, the Independent Expert on minority issues, Rita Izsák, presented her report (A/HRC/22/49 and Add.1).

160. At the same meeting, the representative of Bosnia and Herzegovina made a statement as the State concerned.

161. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Chile, Ecuador, Ethiopia, Republic of Moldova, Romania, Switzerland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Bulgaria, China, Greece, Hungary, Iran (Islamic Republic of), Latvia, Nepal, Russian Federation, Slovenia, Sri Lanka;

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

(d) Observers for non-governmental organizations: Center for Environmental and Management Studies, Ecumenical Federation of Constantinopolitans, World Environment and Resources Council.

162. At the same meeting, the Independent Expert answered questions and made her concluding remarks.

163. Also at the same meeting, a statement in exercise of the right of reply was made by the representative of Estonia.

### **C. Interactive dialogue with the Special Representative of the Secretary-General on Violence against Children**

164. At the 22nd meeting, on 7 March 2013, the Special Representative of the Secretary-General on Violence against Children, Marta Santos Pais, presented her report (A/HRC/22/55).

165. During the ensuing interactive dialogue, at the same meeting, on the same day, and at the 24th meeting, on 8 March 2013, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Austria, Bahrain<sup>†</sup> (on behalf of the Group of Arab States), Benin, Botswana, Brunei Darussalam<sup>†</sup> (on behalf of ASEAN), Burkina Faso, Chile, Estonia, Gabon (on behalf of the Group of African States), Germany, Indonesia, Kuwait, Libya, Pakistan (on behalf of the Organization of Islamic Cooperation), Peru, Qatar, Sierra Leone, Thailand, United States of America, Uruguay<sup>†</sup> (on behalf of the Group of Latin American and Caribbean States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Belgium, China, Croatia, Cuba, Egypt, France, Georgia, Luxembourg, Mexico, Morocco, Norway, Paraguay, Saudi Arabia, Senegal, Slovakia, Slovenia, Sudan, Syrian Arab Republic, Togo;

(c) Observer for the State of Palestine;

(d) Observer for United Nations entities, specialized agencies and related organizations: ILO;

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

(f) Observers for non-governmental organizations: African Technology Development Link, International Catholic Child Bureau, Liberation, Maarij Foundation for Peace and Development, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Save the Children International (also on behalf of the Consortium for Street Children, Terre des Hommes International Federation and World Vision International), Union of Arab Jurists (also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination).

166. At the 24th meeting, on 8 March 2013, the Special Representative answered questions and made her concluding remarks.

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

167. At the 24th meeting, on 8 March 2013, the Chairperson-Rapporteur of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, Abdul S. Minty, introduced the report of the working group (A/HRC/22/41) on its second session.

**E. General debate on agenda item 3**

168. At the 24th meeting, on 8 March 2013, at the 25th meeting, on the same day, and at the 26th meeting, on 11 March, the Human Rights Council held a general debate on agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Argentina, Bahrain<sup>†</sup> (on behalf of the Group of Arab States), Barbados<sup>†</sup> (also on behalf of Bahrain, Botswana, Brunei Darussalam, China, the Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kuwait, the Lao People's Democratic Republic, Libya, Malaysia, Myanmar, Oman, Qatar, Saudi Arabia, Singapore, Solomon Islands, Swaziland, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe), Chile, Croatia<sup>†</sup> (also on behalf of Austria and Slovenia), Ecuador (also on behalf of the Group of Latin American and Caribbean States), Finland<sup>†</sup> (also on behalf of Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, China, Columbia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mexico, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Sudan, Spain, the Sudan, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe and the State of Palestine), India, Ireland (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Kuwait, Pakistan, Singapore<sup>†</sup> (also on behalf of Bahrain, Botswana, Brunei Darussalam, China, the Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic), Iraq, Jamaica, Kuwait, the Lao People's Democratic Republic, Libya, Malaysia, Myanmar, Oman, Qatar, Saudi Arabia, Singapore, Solomon Islands, Swaziland, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe), South Africa<sup>†</sup> on behalf of the Group of African States), Spain, Switzerland (also on behalf of Austria, Liechtenstein and Slovenia), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Cuba, Denmark, Netherlands, New Zealand, Sudan, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Yemen;



(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observers for non-governmental organizations: Action Canada for Population and Development, Action internationale pour la paix et le développement dans la région des Grands Lacs, African Technical Association, African Technology Development Link, Agence internationale pour le développement, Agir ensemble pour les droits de l'homme, Amnesty International, Asian Forum for Human Rights and Development, Association of World Citizens, Baha'i International Community, British Humanist Association, Canners International Permanent Committee, Center for Environmental and Management Studies, Center for Inquiry, Centre Europe - Tiers Monde (also on behalf of the American Association of Jurists and the International Association of Democratic Lawyers), Centre for Human Rights and Peace Advocacy, CIVICUS - World Alliance for Citizen Participation, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, Commission to Study the Organization of Peace, Conectas Direitos Humanos, Ecumenical Federation of Constantinopolitans, European Union of Public Relations, France Libertés : Fondation Danielle Mitterrand (also on behalf of the American Association of Jurists, Habitat International Coalition, the International Youth and Student Movement for the United Nations, Mouvement contre le racisme et pour l'amitié entre les peuples and the World Federation of Democratic Youth), Friends World Committee for Consultation, Helios Life Association, Human Rights Advocates Inc., Human Rights Now, Human Rights Watch, Imam Ali's Popular Students Relief Society, Indian Council of South America, International Association for Democracy in Africa, International Association of Schools of Social Work, International Buddhist Relief Organisation, International Commission of Jurists, International Educational Development Inc., International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, International Muslim Women's Union, International Organization for the Elimination of All Forms of Racial Discrimination, Iranian Elite Research Center, Islamic Women's Institute of Iran, Jubilee Campaign, Lawyers' Rights Watch Canada, Liberal International (World Liberal Union), Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of International Educational Development, Inc., France Libertés : Fondation Danielle Mitterrand and Femmes Solidaires), Nord-Sud XXI, ONG Hope International, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, Organization for Defending Victims of Violence, Pasumai Thaayagam Foundation, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Rencontre africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Society Studies Centre (MADA ssc), Soka Gakkai International (on behalf of the Al-Hakim Foundation, the Asian Forum for Human Rights and Development, the Asia-Pacific Human Rights Information Center, Association Points-Coeur, Globethics.net Foundation, Human Right Education Associates, the International Association for Religious Freedom, the International Association of Peace Messenger Cities, the International Federation of University Women, the International Movement Against All Forms of Discrimination and Racism, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Organization for the Right to Education and Freedom of Education, Servas International, the Sovereign Military Order of the Temple of Jerusalem, Teresian Association and the United Network of Young Peacebuilders (UNOY Peacebuilders)), Union of Arab Jurists, United Nations Watch, United Schools International, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, Women's Human Rights International Association (also on behalf of France Libertés : Fondation Danielle Mitterrand and Mouvement contre le racisme et pour l'amitié entre les peuples), Women's International League for Peace and Freedom, World Barua Organization, World Environment and Resources Council, World Federation of Democratic Youth, World Muslim Congress.

169. At the 25th meeting, on 8 March 2013, statements in exercise of the right of reply were made by the representatives of Canada, Cuba, Maldives, Nepal and Viet Nam.

170. At the 26th meeting, on 11 March 2013, statements in exercise of the right of reply were made by the representatives of China and Nigeria.

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

### Enhancement of international cooperation in the field of human rights

171. At the 47th meeting, on 21 March 2013, the representative of the Islamic Republic of Iran, on behalf of the Movement of Non-Aligned Countries, introduced draft decision A/HRC/22/L.2, sponsored by the Islamic Republic of Iran on behalf of the Movement of Non-Aligned Countries. Subsequently, Montenegro joined the sponsors.

172. At the same meeting, the representative of the Islamic Republic of Iran, on behalf of the Movement of Non-Aligned Countries, orally revised the draft decision.

173. Also at the same meeting, the representative of Ireland, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft decision.

174. At the same meeting, the draft decision, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter II, decision 22/116).

### **The work and employment of persons with disabilities**

175. At the 47th meeting, on 21 March 2013, the representative of Mexico introduced draft resolution A/HRC/22/L.4, sponsored by Mexico and New Zealand and co-sponsored by Andorra, Armenia, Australia, Austria, Belgium, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Honduras, Iceland, Luxembourg, Montenegro, Norway, Panama, Paraguay, the Philippines, Portugal, Qatar, Slovenia and the former Yugoslav Republic of Macedonia. Subsequently, Algeria, Angola, Argentina, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cambodia, Canada, Colombia, Côte d'Ivoire, Cuba, Djibouti, Egypt, Germany, Guatemala, Hungary, Indonesia, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Maldives, Malta, Montenegro, Morocco, Nicaragua, Peru, Poland, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Rwanda, San Marino, Senegal, Serbia, Slovakia, Spain, Sweden, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and the State of Palestine joined the sponsors.

176. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of OHCHR Programme Support and Management Services made a statement in relation to the budgetary implications of the draft resolution.

177. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/3).

178. At the 50th meeting, on 22 March 2013, the representative of Japan made a statement in explanation of vote after the vote.

### Rights of persons belonging to national or ethnic, religious and linguistic minorities

179. At the 47th meeting, on 21 March 2013, the representative of Austria introduced draft resolution A/HRC/22/L.7, sponsored by Austria and co-sponsored by Albania, Armenia, Bosnia and Herzegovina, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Ethiopia, Finland, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mexico, Montenegro, Norway, Peru, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Angola, Argentina, Australia, Benin, Brazil, Burkina Faso, Cape Verde, Colombia, Côte d'Ivoire, Ecuador, Egypt, Japan, Latvia, Lithuania, Malta, the Republic of Korea, San Marino, Serbia, Ukraine, the United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.

180. At the same meeting, the representative of Austria orally revised the draft resolution.

181. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/4).

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

182. At the 47th meeting, on 21 March 2013, the representative of Portugal introduced draft resolution A/HRC/22/L.8, sponsored by Portugal and co-sponsored by Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Ireland, Luxembourg, Mexico, Montenegro, Mozambique, the Netherlands, Panama, Peru, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Uruguay, Venezuela (Bolivarian Republic of) and the State of Palestine. Subsequently, Algeria, Angola, Argentina, Cape Verde, Côte d'Ivoire, Italy, Japan, Kazakhstan, Latvia, Lithuania, Malta, Morocco, Nicaragua, Norway, Rwanda, Thailand, Turkey and Ukraine joined the sponsors.

183. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

184. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/5).

#### Protecting human rights defenders

185. At the 47th meeting, on 21 March 2013, the representative of Norway introduced draft resolution A/HRC/22/L.13, sponsored by Norway and co-sponsored by Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Brazil, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Latvia, Libya, Liechtenstein, Lithuania, Maldives, Malta, Mexico, Montenegro, the Netherlands, Nicaragua, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and the State of Palestine. Subsequently, Benin, Djibouti, Ghana, Lebanon, Luxembourg, Mauritius, Morocco, Mozambique, Nigeria, Serbia, Sierra Leone, Somalia and Ukraine joined the sponsors.

186. At the same meeting, the representative of Norway orally revised the draft resolution.

187. Also at the same meeting, the Russian Federation withdrew its amendments A/HRC/22/L.46, A/HRC/22/L.47, A/HRC/22/L.48, A/HRC/22/L.49 and A/HRC/22/L.50 to the draft resolution.

188. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution. The representative of Ethiopia also made general comments in relation to the draft resolution, disassociating the delegation from the consensus on paragraphs 8 and 9 of the draft resolution as orally revised.

189. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 22/6).

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

190. At the 47th meeting, on 21 March 2013, the representatives of Mexico and Turkey introduced draft resolution A/HRC/22/L.14/Rev.1, sponsored by Mexico and Turkey and co-sponsored by Algeria, Angola, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Burkina Faso, Chile, Colombia, Costa Rica, Croatia, Cuba, the Czech Republic, Denmark, Djibouti, El Salvador, Estonia, Finland, France, Georgia, Germany, Guatemala, Honduras, Iceland, Ireland, Latvia, Maldives, Monaco, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Slovakia, Spain, Sri Lanka, Sweden, Thailand, Tunisia, the United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe and the State of Palestine. Subsequently, Albania, Brazil, Côte d'Ivoire, Ecuador, Ethiopia, Indonesia, Italy, Lithuania, Mali, Montenegro, Morocco, Namibia, Nicaragua, Pakistan, Romania, the Russian Federation, Rwanda, Senegal, Slovenia, South Sudan, Switzerland, Togo and Ukraine joined the sponsors.

191. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

192. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/7).

Protection of human rights and fundamental freedoms while countering terrorism:  
mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

193. At the 47th meeting, on 21 March 2013, the representative of Mexico introduced draft resolution A/HRC/22/L.15, sponsored by Mexico and co-sponsored by Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Ireland, Norway, Peru, Portugal, Slovakia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Argentina, Brazil, Burkina Faso, Canada, Colombia, Côte d'Ivoire, Denmark, Estonia, Japan, Latvia, Lithuania, Monaco, Montenegro, the Netherlands, Poland, San Marino, Slovenia, Ukraine and the United States of America joined the sponsors.

194. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

195. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/8).

The right to food

196. At the 47th meeting, on 21 March 2013, the representative of Cuba introduced draft resolution A/HRC/22/L.16, sponsored by Cuba and co-sponsored by Andorra, Austria,

Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, China, the Congo, Croatia, Djibouti, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Luxembourg, Maldives, Mexico, Panama, Peru, Portugal, South Africa, Spain, Sri Lanka, Thailand, Timor-Leste, Turkey, Venezuela (Bolivarian Republic of), Viet Nam and the State of Palestine. Subsequently, Angola, Australia, Bahrain (on behalf of the Group of Arab States), Bangladesh, Burkina Faso, Cape Verde, Costa Rica, Cyprus, the Democratic People's Republic of Korea, the Dominican Republic, Eritrea, Ethiopia, France, Georgia, Indonesia, Iran (Islamic Republic of), Ireland, Japan, Lithuania, Monaco, Montenegro, Nicaragua, Norway, Pakistan, San Marino, Senegal and Switzerland joined the sponsors.

197. At the same meeting, the representative of Cuba orally revised the draft resolution.

198. Also at the same meeting, the representatives of Ireland, on behalf of States members of the European Union that are members of the Council, and the United States of America made general comments in relation to the draft resolution.

199. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

200. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/9).

#### Promotion and protection of human rights in the context of peaceful protests

201. At the 48th meeting, on 21 March 2013, the representative of Switzerland introduced draft resolution A/HRC/22/L.10, sponsored by Costa Rica, Switzerland and Turkey and co-sponsored by Angola, Argentina, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Colombia, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Iceland, Ireland, Liechtenstein, Luxembourg, Maldives, Norway, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden and the State of Palestine. Subsequently, Albania, Australia, Brazil, Canada, Cape Verde, Denmark, Hungary, Italy, Latvia, Lithuania, Montenegro, the Netherlands, New Zealand, the Republic of Korea, the Republic of Moldova, San Marino, Senegal, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay joined the sponsors.

202. At the same meeting, the representative of Switzerland orally revised the draft resolution.

203. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

204. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 22/10).

#### Panel on the human rights of children of parents sentenced to the death penalty or executed

205. At the 48th meeting, on 21 March 2013, the representative of Belgium introduced draft resolution A/HRC/22/L.18, sponsored by Belgium and co-sponsored by Andorra, Armenia, Australia, Austria, Bolivia (Plurinational State of), Bulgaria, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, the

United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Algeria, Angola, Benin, Brazil, Cambodia, Cape Verde, Costa Rica, Côte d'Ivoire, Kazakhstan, Nicaragua, Panama, San Marino and Venezuela (Bolivarian Republic of) joined the sponsors.

206. At the same meeting, the representatives of Botswana and India made general comments in relation to the draft resolution, disassociating their delegations from the consensus on the draft resolution.

207. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

208. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

209. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/11).

210. At the 50th meeting, on 22 March 2013, the representatives of Japan and Pakistan made statements in explanation of vote after the vote.

211. At the same meeting, the representative of Qatar, also on behalf of Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates, also made a statement in explanation of vote after the vote, disassociating the delegations from the consensus on the resolution.

The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

212. At the 48th meeting, on 21 March 2013, the representative of Tunisia, on behalf of the Group of African States, introduced draft resolution A/HRC/22/L.24, sponsored by Gabon, on behalf of the Group of African States, and co-sponsored by Bolivia (Plurinational State of) and Egypt, on behalf of the Group of Arab States. Subsequently, Cuba, Indonesia and Venezuela (Bolivarian Republic of) joined the sponsors.

213. At the same meeting, the representative of Tunisia, on behalf of the Group of African States, orally revised the draft resolution.

214. Also at the same meeting, the representative the United States of America made general comments in relation to the draft resolution.

215. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

216. At the same meeting, the representative of Ireland, on behalf of States members of the European Union that are members of the Human Rights Council, made a statement in explanation of vote before the vote.

217. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 32 votes to 2, with 13 abstentions.

218. For the text as adopted and voting results, see part one, chapter I, resolution 22/12.

219. At the 50th meeting, on 22 March 2013, the representative of Switzerland made a statement in explanation of vote after the vote.

High-level panel discussion on the question of the death penalty

220. At the 47th meeting, on 21 March 2013, the representative of France introduced draft decision A/HRC/22/L.28, sponsored by Benin, Costa Rica, France, Mongolia and the Republic of Moldova and co-sponsored by Andorra, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bulgaria, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Estonia, Finland, Georgia, Germany, Greece, Honduras, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, New Zealand, Poland, Portugal, Romania, Rwanda, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Algeria, Angola, Brazil, Cape Verde, Hungary, Latvia, Malta, Namibia, the Netherlands, Norway, San Marino, the former Yugoslav Republic of Macedonia, Togo and Venezuela (Bolivarian Republic of) joined the sponsors.

221. At the same meeting, the representative of France orally revised the draft decision.

222. Also at the same meeting, the representatives of Botswana, Costa Rica, Germany, India, Malaysia, Pakistan, Spain and Switzerland made general comments in relation to the draft decision.

223. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

224. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

225. Also at the same meeting, at the request of the representative of Botswana, a recorded vote was taken on the draft decision as orally revised. The draft decision, as orally revised, was adopted by 28 votes to 10, with 9 abstentions.

226. For the text as adopted and voting results, see part one, chapter II, decision 22/117.

227. At the 50th meeting, the representatives of Japan and Qatar, also on behalf of Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates, made statements in explanation of vote after the vote.

#### Freedom of religion or belief

228. At the 49th meeting, on 22 March 2013, the representative of Ireland, on behalf of the European Union, introduced draft resolution A/HRC/22/L.9, sponsored by Ireland, on behalf of the European Union, and co-sponsored by Armenia, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, Georgia, Guatemala, Honduras, Iceland, Liechtenstein, Montenegro, Peru, Switzerland, the former Yugoslav Republic of Macedonia, the United States of America and Uruguay. Subsequently, Andorra, Angola, Azerbaijan, Brazil, Cape Verde, Colombia, Japan, Monaco, New Zealand, the Republic of Korea, San Marino, South Sudan, Thailand, Turkey and Ukraine joined the sponsors.

229. At the same meeting, the representatives of Pakistan and the United States of America made general comments in relation to the draft resolution.

230. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

231. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 22/20).

Torture and other cruel, inhuman or degrading treatment or punishment:  
rehabilitation of torture victims

232. At the 49th meeting, on 22 March 2013, the representative of Denmark introduced draft resolution A/HRC/22/L.11/Rev.1, sponsored by Denmark and co-sponsored by Angola, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Maldives, Mexico, Montenegro, the Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Australia, Burkina Faso, Canada, Latvia, Malta, Morocco, Nicaragua, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Tunisia and Ukraine joined the sponsors.

233. At the same meeting, the representative of Denmark orally revised the draft resolution.

234. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/21).

#### Prevention of genocide

235. At the 49th meeting, on 22 March 2013, the representative of Armenia introduced draft resolution A/HRC/22/L.30, sponsored by Armenia and co-sponsored by Andorra, Argentina, Australia, Austria, Belgium, Cambodia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Liechtenstein, Montenegro, the Netherlands, Rwanda, Slovakia, Slovenia, Switzerland and Uruguay. Subsequently, Belarus, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, the Congo, Chile, the Democratic Republic of the Congo, Ecuador, Egypt, Estonia, Finland, Honduras, Ireland, Italy, Kenya, Latvia, Lithuania, Luxembourg, Mexico, Nigeria, Norway, Panama, Peru, Poland, Portugal, Romania, San Marino, Senegal, Serbia, South Sudan, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, and the United States of America joined the sponsors.

236. At the same meeting, the representative of Armenia orally revised the draft resolution.

237. Also at the same meeting, the President announced that amendments A/HRC/22/L.33 to L.39 and A/HRC/22/L.52 to L.54 to the draft resolution had been withdrawn.

238. At the same meeting, the representatives of Costa Rica, Ethiopia, Ireland (on behalf of States members of the European Union that are members of the Council) and the United States of America made general comments in relation to the draft resolution.

239. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

240. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/22).

#### Protection of the family

241. At the 50th meeting, on 22 March 2013, the representative of Egypt introduced draft resolution A/HRC/22/L.25, sponsored by Bangladesh, Egypt, Mauritania, Morocco, Qatar, the Russian Federation, Tunisia, Uganda and Zimbabwe and co-sponsored by Jordan, Libya, Saudi Arabia and the United Arab Emirates. Subsequently, Angola, Bahrain (on behalf of the Group of Arab States), Belarus, Bosnia and Herzegovina, Botswana, Central African Republic, China, Eritrea, Ethiopia, Ghana, Jamaica, Kenya, Namibia, Pakistan (on behalf of the Organization of Islamic Cooperation), South Sudan and Sri Lanka joined the sponsors.



242. At the same meeting, the representative of Egypt stated that the sponsors and the co-sponsors had decided to postpone the consideration of the draft resolution to a later date.

**Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health**

243. At the 50th meeting, on 22 March 2013, the representative of Ireland, on behalf of the European Union, and Uruguay, on behalf of the Group of Latin American and Caribbean States with the exception of El Salvador, introduced draft resolution A/HRC/22/L.27/Rev.1, sponsored by Ireland, on behalf of the European Union, and Uruguay, on behalf of the Group of Latin American and Caribbean States with the exception of El Salvador, and co-sponsored by Albania, Andorra, Angola, Armenia, Bosnia and Herzegovina, Cameroon, Croatia, Georgia, Iceland, Monaco, Montenegro, San Marino, Thailand and Turkey. Subsequently, Australia, Burkina Faso, the Congo, Japan, Kazakhstan, Madagascar, Norway, Serbia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United States of America joined the sponsors.

244. At the same meeting, the representatives of Ireland, on behalf of the European Union, and Uruguay, on behalf of the Group of Latin American and Caribbean States with the exception of El Salvador, orally revised the draft resolution.

245. Also at the same meeting, the representative of the United States of America made general comments in relation to the draft resolution as orally revised.

246. At the same meeting, the representative of Mauritania introduced oral amendments to the draft resolution as orally revised.

247. Also at the same meeting, the representatives of Costa Rica, Ecuador, Ireland (on behalf of States members of the European Union that are members of the Council) and Libya made general comments in relation to the draft resolution as orally revised and the proposed amendments.

248. At the same meeting, at the request of the representative of Ireland, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on the amendments to draft resolution A/HRC/22/L.27/Rev.1 as orally revised. The amendment was rejected by 27 votes to 10, with 10 abstentions. The voting was as follows:

*In favour:*

Indonesia, Kazakhstan, Kuwait, Libya, Malaysia, Mauritania, Pakistan, Philippines, Qatar, United Arab Emirates

*Against:*

Argentina, Austria, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Germany, Guatemala, Ireland, Italy, Japan, Montenegro, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland, Thailand, United States of America, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Benin, Botswana, Ethiopia, Gabon, India, Kenya, Maldives, Sierra Leone, Uganda

249. Also at the same meeting, the representative of Mauritania, also on behalf of Algeria, Bahrain, Bangladesh, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, the Russian Federation, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and the State of Palestine, made a statement in explanation of vote before the vote, disassociating the delegations from

the consensus in relation to the fourth and eighth preambular paragraphs of the draft resolution.

250. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/32).

251. At the 50th meeting, on 22 March 2013, the representative of Chile made a statement in explanation of vote after the vote.

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

252. At the 50th meeting, on 22 March 2013, the representative of South Africa, on behalf of the Group of African States, introduced draft resolution A/HRC/22/L.29, sponsored by Gabon, on behalf of the Group of African States, and co-sponsored by Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of). Subsequently, the Russian Federation joined the sponsors.

253. At the same meeting, the representative of South Africa, on behalf of the Group of African States, orally revised the draft resolution.

254. Also at the same meeting, the representatives of Gabon, on behalf of the Group of African States, and Ireland, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft resolution as orally revised.

255. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of OHCHR Programme Support and Management Services made a statement in relation to the budgetary implications of the draft resolution as orally revised.

256. At the same meeting, the representatives of Ireland, on behalf of States members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.

257. Also at the same meeting, at the request of the representative of Ireland, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 31 votes to 11, with 5 abstentions.

258. For the text as adopted and voting results, see part one, chapter I, resolution 22/33.

259. At the same meeting, the representatives of Japan and Switzerland made statements in explanation of vote after the vote.

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

### **A. Interactive dialogue with the commission of inquiry on the situation of human rights in the Syrian Arab Republic**

260. At the 26th meeting, on 11 March 2013, the Chairperson of the commission of inquiry on the situation of human rights in the Syrian Arab Republic, Paulo Pinheiro, presented, pursuant to Human Rights Council resolution 21/26, the report of the commission (A/HRC/22/59).

261. At the same meeting, the representative of the Syrian Arab Republic made a statement as the State concerned.

262. During the ensuing interactive dialogue at the same meeting, on the same day, the following made statements:

(a) Representatives of States Members of the Human Rights Council: Angola, Austria, Botswana, Brazil, Chile, Czech Republic, Ecuador, Estonia, Germany, Italy, Japan, Kuwait, Libya (also on behalf of Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Cape Verde, the Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, the Marshall Islands, Monaco, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Uruguay), Malaysia, Maldives, Peru, Poland, Qatar, Republic of Korea, Romania, Switzerland, Thailand, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia, Belgium, Bulgaria, Canada, China, Cuba, Democratic People's Republic of Korea, Egypt, France, Iran (Islamic Republic of), Jordan, Mexico, Morocco, Netherlands, Paraguay, Portugal, Russian Federation, Saudi Arabia, Slovakia, Slovenia, Sweden (also on behalf of Denmark, Finland, Iceland and Norway), Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observers for non-governmental organizations: Amnesty International, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, International Association of Jewish Lawyers and Jurists, International Commission of Jurists and Press Emblem Campaign.

263. At the same meeting, the Chairperson of the commission of inquiry answered questions and made his concluding remarks.

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

#### **Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

264. At the 27th meeting, on 11 March 2013, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Marzuki Darusman, presented his report (A/HRC/22/57).

265. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the State concerned.

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

(a) Representatives of States Members of the Human Rights Council: Argentina, Czech Republic, Estonia, Germany, Japan, Poland, Republic of Korea, Romania, Switzerland, Thailand, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia, Belarus, Canada, China, Cuba, France, Iran (Islamic Republic of), Lao People's Democratic Republic, Myanmar, New Zealand, Norway, Slovakia, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, Viet Nam, Zimbabwe;

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

(d) Observers for non-governmental organizations: Amnesty International, Human Rights Watch, People for Successful Corean Reunification.

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

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

268. At the 28th meeting, on 11 March 2013, the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, presented his report (A/HRC/22/58).

269. At the same meeting, the representative of Myanmar made a statement as the State concerned.

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

(a) Representatives of States Members of the Human Rights Council: Argentina, Austria, Czech Republic, Germany, Indonesia, Japan, Philippines, Switzerland, Thailand (also on behalf of ASEAN), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia, Cambodia, Canada, China, Cuba, Democratic People's Republic of Korea, Denmark, France, Lao People's Democratic Republic, Norway, Russian Federation, Slovakia, Turkey, United Kingdom of Great Britain and Northern Ireland, Viet Nam;

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

(d) Observers for non-governmental organizations: Asian Forum for Human Rights and Development, Human Rights Now, Human Rights Watch, Jubilee Campaign, Maarij Foundation for Peace and Development.

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

#### **Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

272. At the 28th meeting, on 11 March 2013, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, presented his report (A/HRC/22/56).

273. At the same meeting, the representative of the Islamic Republic of Iran made a statement as the State concerned.

274. During the ensuing interactive dialogue at the same meeting on 11 March 2013 and at the 29th meeting on 12 March 2013, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Czech Republic, Ecuador, Germany, Maldives, Switzerland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia, Belarus, Belgium, Canada, China, Cuba, Democratic People's Republic of Korea, France, New Zealand, Norway, Slovakia, Slovenia, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Zimbabwe;

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

(d) Observers for non-governmental organizations: Center for Inquiry, Imam Ali's Popular Students Relief Society, Islamic Women's Institute of Iran, Organization for Defending Victims of Violence, Verein Sudwind Entwicklungspolitik (also on behalf of Amnesty International).

275. At the same meeting, the representative of the Islamic Republic of Iran made a statement as the State concerned.

276. At the 29th meeting, on 12 March 2013, the Special Rapporteur answered questions and made his concluding remarks.

### **C. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Mali**

277. At the 29th meeting, on 12 March 2013, the Deputy High Commissioner presented the report of the High Commissioner on the situation of human rights in Mali (A/HRC/22/33), submitted in accordance with Human Rights Council resolution 21/25.

278. At the same meeting, the representative of Mali made a statement as the State concerned.

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

279. At the 29th and 30th meetings, on 12 March 2013, the Human Rights Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Austria, Benin, Côte d'Ivoire, Czech Republic, Ecuador, Gabon (on behalf of Group of African States), Germany, Ireland (on behalf of the European Union, Albania, Croatia, Iceland, Liechtenstein, Montenegro and the former Yugoslav Republic of Macedonia), Japan, Mauritania, Senegal<sup>‡</sup> (on behalf of the International Organization of la Francophonie), Sierra Leone, Spain, Switzerland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Belarus, Belgium, Canada, China, Croatia, Cuba, Democratic People's Republic of Korea, Denmark, France, Iran (Islamic Republic of), Luxembourg, Morocco, Netherlands, New Zealand, Norway, Senegal, Slovakia, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland;

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

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

(d) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, Baha'i International Community, British Humanist Association, Cairo Institute for Human Rights Studies, Center for Environmental and Management Studies, Center for Inquiry, Centre Europe – Tiers Monde, Centre for Human Rights and Peace Advocacy, Centrist Democratic International, Centro de Estudios Legales y Sociales Asociación Civil (also on behalf of Centro Regional de Derechos Humanos y Justicia de Genero), CIVICUS – World Alliance for Citizen Participation, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, Espace Afrique International, European Centre for Law and Justice, European Region of the International Lesbian and Gay Federation (also on behalf of Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland), Femmes Afrique Solidarité, France Libertés : Fondation Danielle Mitterrand (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's Human Rights International Association), Franciscans International (also on behalf of the Commission of the Churches on International Affairs of the World Council of Churches, Dominicans for Justice and Peace-Order of Preachers and VIVAT International), Human Rights House Foundation, Human Rights Now, Human Rights Watch, Indian Council of South America (also on behalf of the Association of World Citizens), Ingenieurs du Monde, International Association for Democracy in Africa, International Association of Democratic Lawyers (also on behalf of the American Association of Jurists), International Buddhist Relief Organisation, International Catholic Child Bureau, International Commission of Jurists, International Educational Development Inc. (also on behalf of France Libertés : Fondation Danielle Mitterrand and the Society for Threatened Peoples), International Federation for Human Rights Leagues, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Organization for the Elimination of All Forms of Racial Discrimination, International Youth and Student Movement for the United Nations, Japanese Workers' Committee for Human Rights, Jubilee Campaign, Lawyers' Rights Watch Canada, Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of France Libertés : Fondation Danielle Mitterrand and the International Educational Development Inc), Nord-Sud XXI, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, Organization for Defending Victims of Violence, Pasumai Thaayagam Foundation, Press Emblem Campaign, Rencontre africaine pour la défense des droits de l'homme, Save the Children International, Society for Threatened Peoples, Syriac Universal Alliance, Union of Arab Jurists, United Nations Watch, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, Women's International League for Peace and Freedom (also on behalf of Brahma Kumaris World Spiritual University, the Commission of the Churches on International Affairs of the World Council of Churches, the International Alliance of Women, the International Association of Gerontology and Geriatrics, the International Youth and Student Movement for the United Nations, Nord-Sud XXI, the Southern Diaspora Research and Development Center, Inc. and the United Methodist Church/General Board of Church Society), World Barua Organization, World Environment and Resources Council, World Federation of Democratic Youth (also on behalf of the International Educational Development, Inc. and the International Youth and Student Movement for the United Nations), World Muslim Congress, World Organization against Torture.

280. At the 30th meeting, on 12 March 2013, statements in exercise of the right of reply were made by the representatives of Azerbaijan, China, Cuba, the Democratic People's Republic of Korea, Ethiopia, Mauritania, Nepal, Sri Lanka, the Sudan, Turkmenistan, Uzbekistan and Venezuela (Bolivarian Republic of).

## E. Consideration of and action on draft proposals

### The situation of human rights in the Democratic People's Republic of Korea

281. At the 48th meeting, on 21 March 2013, the representatives of Ireland, on behalf of the European Union, and Japan introduced draft resolution A/HRC/22/L.19, sponsored by Ireland, on behalf of the European Union, and Japan and co-sponsored by Australia, Bosnia and Herzegovina, Canada, Croatia, Georgia, Iceland, Liechtenstein, Monaco, Montenegro, New Zealand, Norway, Saint Kitts and Nevis, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United States of America. Subsequently, Albania, Andorra, Benin, Costa Rica, the Republic of Korea and the Republic of Moldova joined the sponsors.

282. At the same meeting, the representative of Switzerland made general comments in relation to the draft resolution.

283. Also at the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the State concerned.

284. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

285. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 22/13).

286. At the 49th meeting, on 22 March 2013, the representatives of Japan, Thailand and Venezuela (Bolivarian Republic of) made statements in explanation of vote after the vote. In its statement, the representative of Venezuela (Bolivarian Republic of) disassociated the delegation from the consensus on the resolution.

### Situation of human rights in Myanmar

287. At the 48th meeting, on 21 March 2013, the representative of Ireland, on behalf of the European Union, introduced draft resolution A/HRC/22/L.20/Rev.1, sponsored by Ireland, on behalf of the European Union, and co-sponsored by Andorra, Bosnia and Herzegovina, Canada, Croatia, Iceland, Liechtenstein, Monaco, Montenegro, the Republic of Moldova, Saint Kitts and Nevis, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and the United States of America. Subsequently, Australia, Norway, the Republic of Korea and Sierra Leone joined the sponsors.

288. At the same meeting, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, made general comments in relation to the draft resolution.

289. Also at the same meeting, the representative of Myanmar made a statement as the State concerned.

290. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

291. At the same meeting, the representatives of Indonesia, Japan and Thailand made statements in explanation of vote before the vote.

292. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/14).

### Situation of human rights in the Islamic Republic of Iran

293. At the 49th meeting, on 22 March 2013, the representative of Sweden introduced draft resolution A/HRC/22/L.22, sponsored by Panama, the Republic of Moldova, Sweden, the former Yugoslav Republic of Macedonia and the United States of America and co-sponsored by Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Monaco joined the sponsors.

294. At the same meeting, the representatives of Brazil, Costa Rica, Ecuador, Pakistan, the United States of America and Venezuela (Bolivarian Republic of) made general comments in relation to the draft resolution.

295. Also at the same meeting, the representative of the Islamic Republic of Iran made a statement as the State concerned.

296. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

297. At the same meeting, the representative of Japan made a statement in explanation of vote before the vote.

298. Also at the same meeting, at the request of the representative of Pakistan, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 26 votes to 2, with 17 abstentions.

299. For the text as adopted and voting results, see part one, chapter I, resolution 22/23.

#### Situation of human rights in the Syrian Arab Republic

300. At the 49th meeting, on 22 March 2013, the representative of Morocco introduced draft resolution A/HRC/22/L.31/Rev.1, sponsored by Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Tunisia and the United Arab Emirates and co-sponsored by Australia, Bosnia and Herzegovina, Canada, Cape Verde, Georgia, Iceland, Maldives, Turkey and the United States of America. Subsequently, Andorra, Austria, Bahrain, Belgium, Benin, Botswana, Bulgaria, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Italy, Japan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Oman, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Yemen joined the sponsors.

301. At the same meeting, the representative of Morocco orally revised the draft resolution.

302. Also at the same meeting, the representatives of Brazil, Costa Rica, Ecuador, Ireland (on behalf of States members of the European Union that are members of the Council), Switzerland, the United States of America and Venezuela (Bolivarian Republic of) made general comments in relation to the draft resolution.

303. At the same meeting, the representative of the Syrian Arab Republic made a statement as the State concerned.

304. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of OHCHR Programme



Support and Management Services made a statement in relation to the budgetary implications of the draft resolution as orally revised.

305. At the same meeting, the representatives of Indonesia and Pakistan made statements in explanation of vote before the vote.

306. Also at the same meeting, at the request of the representative of the Bolivarian Republic of Venezuela, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 41 votes to 1, with 5 abstentions.

307. For the text as adopted and voting results, see part one, chapter I, resolution 22/24.

308. At the same meeting, the representative of Argentina made a statement in explanation of vote after the vote.

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

### **A. Forum on Minority Issues**

309. At the 31st meeting, on 12 March 2013, the Independent Expert on minority issues, Rita Izsák, introduced the recommendations adopted by the Forum on Minority Issues at its fifth session, held on 27 and 28 November 2012 (see A/HRC/22/60).

### **B. Advisory Committee**

310. At the 31st meeting, on 12 March 2013, the President of the Human Rights Council stated that the Council had before it four studies submitted by the Advisory Committee pursuant to Council mandates (A/HRC/22/61, A/HRC/22/70, A/HRC/22/71 and A/HRC/22/72).

### **C. Complaint procedure**

311. At the 46th meeting, on 20 March 2013, the Human Rights Council held a closed meeting of the complaint procedure.

312. At the 47th meeting, on 21 March 2013, the President made a statement on the outcome of the meetings, stating that the Human Rights Council had examined, in a closed meeting, the report of the Working Group on Situations on its eleventh session, under the complaint procedure established pursuant to Human Rights Council resolution 5/1. No case was referred by the Working Group to the Council for action at its twenty-second session.

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

313. At its 31st meeting, on 12 March 2013, and at the 32nd meeting, on 13 March, the Human Rights Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Austria, Gabon (on behalf of the Group of African States), Hungary<sup>‡</sup> (also on behalf of Albania, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Ireland, Iceland, Italy, Jordan, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Morocco, the Netherlands, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Saint Kitts and Nevis, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay), Ireland (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Japan, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, China, Colombia, Cuba, Denmark, Morocco, Norway, Russian Federation;

(c) Observers for international organizations: Council of Europe, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: Canadian HIV/AIDS Legal Network, Centre for Human Rights and Peace Advocacy, China Society for Human Rights Studies, Chinese People's Association for Peace and Disarmament, Human Rights Advocates Inc., Human Rights House Foundation, Indian Council of South America, International Association of Jewish Lawyers and Jurists, International Association of Schools of Social Work, International Buddhist Relief Organisation, International Commission of Jurists, International Muslim Women's Union (also on behalf of the World Muslim Congress), International Service for Human Rights, Japanese Workers' Committee for Human Rights, Nord-Sud XXI, Liberation, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale - OCAPROCE Internationale, Rencontre africaine pour la défense des droits de l'homme, Reporters Without Borders International, United Nations Watch, World Barua Organization.

314. At the 32nd meeting, on 13 March 2013, statements in exercise of the right of reply were made by the representatives of China and Cuba.

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

### **Contribution of parliaments to the work of the Human Rights Council and its universal periodic review**

315. At the 48th meeting, on 21 March 2013, the representative of Ecuador introduced draft resolution A/HRC/22/L.21, sponsored by Argentina, Ecuador, Italy, Maldives, Morocco, Romania and Spain and co-sponsored by Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Cuba, Cyprus, Djibouti, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Guatemala, Honduras, Ireland, Lithuania, Luxembourg, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Moldova, Slovakia, Switzerland, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Angola, Azerbaijan, Brazil, Burkina Faso, the Congo, Côte d'Ivoire, Egypt, Indonesia, Iraq, Malta, Montenegro, the Republic of Korea, Rwanda, Senegal, Slovenia, the United States of America, Ukraine, Zimbabwe and the State of Palestine joined the sponsors.

316. At the same meeting, the representative of Ecuador orally revised the draft resolution.

317. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of OHCHR Programme Support and Management Services made a statement in relation to the budgetary implications of the draft resolution as orally revised.

318. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/15).

### **Promotion and protection of human rights in post-disaster and post-conflict situations**

319. At the 48th meeting, on 21 March 2013, the representative of Uruguay introduced draft resolution A/HRC/22/L.23, sponsored by Uruguay and co-sponsored by Angola, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cameroon, Chile, the Congo, Costa Rica, Côte d'Ivoire, Djibouti, the Dominican Republic, Ecuador, Estonia, Georgia, Germany, Guatemala, Honduras, Namibia, Nigeria, Norway, Panama, Peru, Portugal, Sierra Leone, Slovakia, Spain, Venezuela (Bolivarian Republic of) and the State of Palestine. Subsequently, Argentina, Burkina Faso, Croatia, the Democratic Republic of the Congo, Ethiopia, Iraq, Ireland, Luxembourg, Maldives, Montenegro, Morocco, the Philippines,

Poland, Romania, Rwanda, South Sudan, Timor-Leste, Togo, Tunisia, Uganda, Ukraine, the United Republic of Tanzania and Zimbabwe joined the sponsors.

320. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/16).

## VI. Universal periodic review

321. Pursuant to General Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 16/21, Council decision 17/119 and President's statements 8/1 and 9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the fourteenth session of the Working Group on the Universal Periodic Review, held from 22 October to 5 November 2012.

### A. Consideration of universal periodic review outcomes

322. In accordance with paragraph 4.3 of President's statement 8/1, the below 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 stakeholders before the adoption of outcomes by the plenary.

#### Czech Republic

323. The review of the Czech Republic was held on 22 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by the Czech Republic in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/CZE/1);
- (b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/CZE/2, Corr.1 and Corr.2);
- (c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/CZE/3).

324. At its 34th meeting, on 13 March 2013, the Human Rights Council considered and adopted the outcome of the review of the Czech Republic (see sect. C below).

325. The outcome of the review of the Czech Republic comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/3), the views of the Czech Republic concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/3/Add.1).

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

326. The Czech Republic had received a total of 136 recommendations during the review. It had considered them carefully and had a thorough discussion thereon. The Commissioner for Human Rights had also organized an expert meeting, during which representatives of civil society, including the members of the Council for Human Rights and its committees, had discussed all the recommendations and related topics. The outcome of the discussions had been uploaded to the webpage of the Commissioner for Human Rights.

327. After a careful analysis, the Czech Republic had decided to accept 129 recommendations and not to accept 7. It recognized that many recommendations addressed important human rights issues and drew attention to various problematic areas. Many had already been addressed by existing national strategies and consequently were already fully or partially implemented, such as in the case of the recommendations in the area of social integration of the Roma minority, inclusive education and the fight against human trafficking, the rights of the child, gender equality and inclusion of foreigners.

328. The Czech Republic confirmed that other recommendations would be included in its current or future national strategies as an important source of inspiration. Many recommendations would be implemented continuously as part of the general human rights policy, such as the recommendations regarding the ratification of international treaties or the human rights protection framework.

329. The reason that seven recommendations did not enjoy the support of the State was that their implementation was not envisaged by the Czech Republic. With regard to the recommendations to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families and ILO Conventions No. 189 and No. 169, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Czech Republic had always acted responsibly when accepting and entering into international obligations. Hence, it always carefully analysed the compliance of the national legal order with international treaties and its general impact before ratifying them.

330. With regard to the issue of corporal punishment, Czech law prohibited corporal punishment of children in all public institutions, including schools and childcare facilities. Parents and foster parents could only use appropriate upbringing methods, had to respect the child's dignity and not endanger his or her development. Excessive corporal or other punishment in the family was prohibited and sanctioned by law. As non-excessive corporal punishment was currently not negatively perceived, its sudden general prohibition would be difficult to enforce and a recommendation with such an aim could not be effectively implemented. At the same time, the Czech Republic would raise general awareness with regard to corporal punishment of children and promote alternative methods of positive parenting without violence. According to the results of these activities, the Czech Republic would reconsider whether and when the corporal punishment of children in the family could be prohibited completely.

331. The thorough investigation conducted by the Czech Republic on the CIA rendition flight programme at the request of the Secretary-General of the Council of Europe in 2006 had revealed no involvement of Czech public officials in acts amounting to a breach of the prohibition of torture or cruel, inhuman or degrading treatment or punishment of any other international obligation of the Czech Republic.

332. The Czech Republic had issued a standing invitation to the special procedures in 2000; since then, it had been fully prepared to cooperate with them and to provide any necessary support and assistance for their work.

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

333. During the adoption of the outcome of the review of the Czech Republic, eight delegations made statements.

334. Belarus regretted the fact that the Czech Republic refused to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Conventions Nos. 169 and 189 and the Palermo Protocol. Belarus remained concerned about discrimination against migrant workers and the extent of human trafficking in the Czech Republic, and called upon it to pay special attention to these issues. Belarus also noted that the Czech authorities had refused to carry out, along with the special procedures of the Human Rights Council, a comprehensive and transparent investigation into the alleged involvement of CIA secret programmes in arbitrary detention and the secret rendition of suspects who may have been subjected to torture. Belarus also noted that the Czech Republic had failed to provide specific facts or evidence proving that such an investigation has been carried out. Belarus called upon the Czech Republic to cooperate with the Council and its special procedures, and particularly to implement the recommendation on organizing, as a

matter of priority, visits of the mandate holders on torture, human trafficking, migrants, and minority issues to the country.

335. Botswana welcomed the approach of the Czech Republic to explaining its position on all recommendations, including those that did not enjoy its support. Botswana also welcomed the State's undertaking to produce a voluntary interim report on the implementation of the universal periodic review recommendations.

336. Cuba noted the continuing manifestations of racism and xenophobia, expressing concern at reports of several incidents of violence and incitement to hatred. It regretted the fact that the Czech Republic did not prohibit organizations that incite racial discrimination. Cuba also noted reports of an increase in prison overcrowding, resulting in an increase in violence among prisoners and the number of suicides. Cuba reiterated the recommendations to develop a comprehensive national plan of action to combat and prevent racism, racial discrimination, xenophobia and intolerance in accordance with the Durban agreements; to prohibit organizations that incite hatred, racism, racial discrimination and xenophobia; to overcome gender stereotypes that perpetuate discrimination against women; to increase the representation of women, including Roma, in legislature, government and public administration, particularly in senior positions; and to take steps to reduce prison overcrowding.

337. The Islamic Republic of Iran expressed concern that Roma persons were the main target of hate crimes and that relevant legal provisions were still insufficient. It also expressed concern at violations of Roma children's right to education. Law enforcement officials should be empowered to support effectively child victims of commercial sexual exploitation and to protect them against future exploitation.

338. Morocco welcomed the commitment of the Czech Republic to provide a voluntary interim report on the implementation of universal periodic review recommendations. It noted with satisfaction the legislative measures taken, which would open the door to the ratification of a number of international treaties. It also welcomed the ratification of the Convention on the Protection of All Persons from Enforced Disappearance and the intention to establish a supreme judicial council to strengthen the independence of the judiciary.

339. The Republic of Moldova noted with satisfaction the integration of a gender perspective into the universal periodic review follow-up process as a result of which all government policies were evaluated from a gender equality perspective. It praised the progress made in combating human trafficking and child trafficking by emphasizing prevention measures. The Republic of Moldova also welcomed the fact that the Czech Republic had pledged to submit a mid-term report on the implementation of universal periodic review recommendations.

340. Romania noted the positive developments made in the period between the two universal periodic review cycles, in particular the adoption of anti-discrimination legislation and the national plan for inclusive education.

341. While welcoming the fact that the Czech Republic had accepted the majority of the recommendations, Algeria hoped that the Czech Republic would reconsider its position on accession to the International Convention of the Rights of All Migrant Workers and Members of Their Families. Algeria also looked forward to the ratification of the first two optional protocols to the Committee on the Rights of the Child in the near future. Algeria wished to receive a reply with regard to the recommendation to adopt a comprehensive national plan of action on the prevention of racism, racial discrimination, xenophobia and intolerance.

### 3. General comments made by other stakeholders

342. During the adoption of the outcome of the review of the Czech Republic, two other stakeholders made statements.

343. Amnesty International expressed its concern that Roma children continued to experience widespread and systematic discrimination in education, noting that various international human rights bodies, including the Committee on the Elimination of Racial Discrimination and the Commissioner for Human Rights of the Council of Europe had made recommendations that the Czech Republic take concrete de-segregation measures. These recommendations mirrored the 2007 judgement of the European Court of Human Rights that the Czech Republic had violated the right of Roma children to an education free from discrimination by placing them in “special schools”, which offered a poorer quality education. Amnesty International urged the Czech Republic to confirm its commitment to ending discrimination against children in education and to implement urgently the reforms necessary to ensure that Roma children could enjoy an equal right to education.

344. The Open Society Institute regretted the fact that the commitment of the Czech Republic made during the session of the Working Group in October 2012 to shutting down “practical schools” had not been explicitly reflected in its new education policy presented to the Committee of Ministers of the Council of Europe in December 2012. The continued maintenance of a separate education system that segregated both Roma children and children with disabilities from their mainstream peers and educated them according to a limited curriculum undermined inclusive education goals for both sets of children. It urged the Czech Republic to collect data disaggregated by ethnicity, gender and disability in “practical schools” and in segregated classes set up in mainstream schools to allow for a more effective assessment of progress towards de-segregation and inclusion.

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

345. The Czech Republic deeply valued all the constructive remarks and suggestions made, which would be reflected in the implementation of the recommendations and in planning future human rights strategies and policies, including a new concept for Roma inclusion, and all the new complex strategies on education, which would include chapters on inclusion and equal opportunities. The national strategy on the rights of the child would continue to be implemented, as would the strategies on the rights of persons with disabilities, equal opportunities, and the fight against trafficking. The Czech Republic had adopted strategies for positive ageing (2013 – 2017), which addressed the issue of population ageing and the human rights of the elderly. The Czech Republic reiterated its commitment to the effective work of the universal periodic review mechanism and its pledge to submit a voluntary progress report on the implementation of the review recommendations.

#### Argentina

346. The review of Argentina was held on 22 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Argentina in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/ARG/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/ARG/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/ARG/3).



347. At its 34th meeting, on 13 March 2013, the Human Rights Council considered and adopted the outcome of the review of Argentina (see sect. C below).

348. The outcome of the review of Argentina comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/4), the views of Argentina concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/4/Add.1).

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

349. The delegation of Argentina recognized that the universal periodic review was an opportunity for constructive dialogue with the members of the Human Rights Council and observer States to address the situation of human rights in Argentina.

350. Argentina had held its second review while bearing in mind the commitment and responsibility that defined the mechanism as a tool for strengthening the capacity of the State in the promotion and protection of human rights and, therefore, conducted a broad consultation for the preparation of the national report. In its report, the State presented the progress and development achieved in the promotion and protection of human rights since its first review in 2008.

351. Argentina received 119 recommendations, which had been carefully studied by the authorities. Of these, 89 had been accepted, 17 noted, 9 rejected and 4 had become abstract. The recommendations accepted related to issues such as memory, truth and justice, domestic violence, gender, sexual and reproductive rights, the eradication of poverty, and migration.

352. The delegation expressed its satisfaction at the significant number of recommendations recognizing the public policies that were being implemented, and reiterated the Government's aspiration to improve the situation of human rights further to meet the concerns raised during the review.

353. Argentina had also made several voluntary commitments; for instance, it had pledged to continue to work to strengthen complementarity between subregional, regional and international mechanisms for the protection of human rights, and to develop institutional mechanisms for the implementation of their decisions, with the participation of civil society.

354. With regard to the reform of the treaty bodies, Argentina had pledged to continue to work on their strengthening, with special emphasis on improving accessibility for victims of human rights violations and in strengthening participation and interaction opportunities for civil society organizations.

355. Argentina had also reaffirmed its commitment with regard to the United Nations Standard Minimum Rules for the Treatment of Prisoners and international human rights law; to promote initiatives to improve the standards of protection of the rights of migrants; and to lead discussions on the development and implementation of public policies in this area.

356. Argentina had also agreed to cooperate in an international campaign to promote the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

357. Lastly, Argentina was committed to continuing its promotion of reforms aimed at the full realization of the right of access to information, and to continue its develop a framework for dialogue between the federal State and the provinces, and for the promotion and protection of human rights.

358. In concluding, the delegation stated that the way in which the national report had been prepared, the consideration of and responses to the recommendations received, and the voluntary commitments made by the State reflected not only the importance that Argentina attributed to the universal periodic review mechanism, but also the importance of respect for and protection and promotion of human rights, essential to achieve a more just and egalitarian society.

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

359. During the adoption of the outcome of the review of Argentina, five delegations made statements.

360. Cuba acknowledged the progress made in implementing the recommendations accepted during the first cycle, and highlighted the positive constitutional and legal changes made. It noted the increase in the participation of women in all areas and the measures taken to combat violence against them. In the field of labour and social security, Argentina had reached, in 2011, the highest level of employment in its history, and had taken steps towards universal social security coverage. The delegation thanked Argentina for accepting the recommendations made by Cuba.

361. Malaysia expressed its appreciation for the transparent, constructive and forthcoming engagement of Argentina in the universal periodic review process. It was pleased with the responses provided by Argentina concerning its commitment to human rights and ratification of almost all international human rights instruments. Malaysia recognized that challenges remained on the issues of trafficking of persons and compliance with ratified instruments. Argentina should be afforded the time necessary to make improvements in the area of human rights.

362. UNICEF welcomed the attention paid by the Government to the analysis of each of the recommendations received and the endorsement of most recommendations relating directly or indirectly to the rights of the child. Recommendations relating to an ombudsman for children, more work against violence affecting children and a thorough implementation of the Convention on the Rights of the Child and relative laws across all provinces were noted as areas in which UNICEF could offer more cooperation, together with other United Nations agencies.

363. The Bolivarian Republic of Venezuela recognized the cooperation of the Government with the universal periodic review. Argentina had presented its plans to raise living standards, and had explained the implementation of a project that had transformed the structure of society. It stressed the drastic reduction in poverty and the process of democratization of information and communication, with new legislation that had framed freedom of expression as a social right and where the State had intervened to regulate the monopolistic concentration of the media.

364. Algeria congratulated Argentina on having accepting most of the recommendations made, knowing that several of the others were regarded as already implemented. Algeria noted the acceptance of the recommendations it had made. The realization of all human rights required a long-term project; Argentina had come a long way in this area since the end of the military dictatorship.

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

365. During the adoption of the outcome of the review of Argentina, seven other stakeholders made statements.

366. Amnesty International called upon the State to redouble its efforts to promote the universal periodic review and to strengthen universal and regional human rights systems. Argentina had accepted recommendations on the right to sexual and reproductive health of women, in particular on reducing maternal mortality and access to legal abortion for rape victims. It regretted that Argentina continued to criminalize abortion in certain circumstances, and invited Congress to incorporate in the 2013 legislative agenda a debate on this topic. It noted the rejection of the recommendations concerning the right to property, access to housing, education and the participation of indigenous peoples. Indigenous communities continued to face threats of eviction, such as in the case of the “Primavera” community in the town of Toba Qom, in the province of Formosa.

367. Instituto Internazionale Maria Ausiliatrice and the International Volunteerism Organization for Women Education and Development welcomed the positive participation of Argentina during its second review. Regarding discrimination against vulnerable children, they were concerned that the poorest young children of indigenous origin suffered de facto discrimination and were unable to enjoy equal opportunities in their access to education and work. On sexual exploitation and trafficking, there were many child victims of such practices. With regard to the right to adequate housing and access to clean water, they were concerned that Argentina had not accepted the relevant recommendation. They recommended that it ensure the effective implementation of the recommendations relating to the fight against all forms of discrimination, take steps to implement the recommendations on sexual exploitation and human trafficking, eradicating corruption and the involvement of public officers, and take appropriate measures to eliminate discrimination against indigenous and peasant communities.

368. Save the Children International considered that juvenile justice should be a priority in Argentina. It recalled that the Committee on the Rights of the Child had expressed concern about the need to reform the juvenile justice system. Law 22.278 had failed to distinguish between children in need of care and protection and children in conflict with the law. It therefore called upon the Government to comply with the relevant recommendation made in 2008. Regarding the full recognition of sexual and reproductive health rights, it requested provincial health authorities to adopt and implement the technical guidance for the comprehensive care of legal abortions and to train staff at all public health centres in the country on the scope, framework and implementation of the technical guidance.

369. Franciscans International and its partners in Argentina were encouraged that the Government had accepted one recommendation regarding the rights of indigenous peoples to participation and consultation in policies that affected them. Its implementation would imply guaranteeing this right in every legislative act or plan. They regretted the rejection of three related recommendations on the grounds that current policy efforts were “already sufficient”. The proposed reform process to unify the civil and commercial codes, which the Government cited in its response, ignored the current state of law on collective rights and had not included consultation and participation components. Indigenous rights demanded adequate legal mechanisms and deserved to be regulated accordingly. Regarding accepted recommendations on disadvantaged sectors, they highlighted the vulnerability of communities by the expansion of the so-called “soy frontier”. The use of deforestation, transgenic seeds and chemical pesticides had had a devastating impact on local communities.

370. Action Canada for Population and Development acknowledged that the Government had accepted the recommendations made on sexual and reproductive rights. It regretted, however, that Argentina was failing to reduce maternal mortality and morbidity, and violence against women. The autonomy of the provinces and the conscientious objection of health professionals should not affect the State’s commitment to reduce these problems. The Integral Sexual Education Act was still not being implemented throughout the country. It

urged the Government to take all measures necessary to implement the Comprehensive Sexuality Education Act nationwide.

371. The Association for the Prevention of Torture (APT) welcomed the establishment of the national system for the prevention of torture. It urged the authorities to implement, as soon as possible, a law that created the national committee for the prevention of torture, taking safeguards to ensure that the process of selection and appointment of its members were transparent and open, and included the participation of civil society. It stressed the importance that the State allocate the committee with the resources necessary to perform its duties. It also noted the announcement of a number of strategies to improve the situation in prisons in Argentina.

372. Centro de Estudios Legales y Sociales (CELS) acknowledged the establishment of the national mechanism for the prevention of torture and hoped for the prompt appointment of its members. Argentina had received recommendations requesting the Government to expedite the delivery of land titles to indigenous communities and regarding the duty to enforce the ruling of the Supreme Court on access to free and legal abortion in cases of rape. It highlighted other outstanding issues not addressed during the review, including the need to regulate the National Mental Health Act, the need for the judicial branches of the country to comply with the obligation to investigate and punish those responsible for acts of torture and State violence, and the need to harmonize national legislation on forced evictions with international standards to ensure due process and to avoid criminalizing the homeless.

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

373. The delegation of Argentina thanked all parties involved in the process, in particular States and civil society organizations. The delegation then responded to some of the concerns raised during discussion.

374. Regarding indigenous peoples, the State had defined and surveyed 365 communities in 20 provinces. A total of 4,500,000 hectares of indigenous community property lands had been recognized in several provinces. In addition, 72 legal services had been implemented to defend communities in land conflicts, some 14,000 evictions had been prevented, and expropriation laws were implemented at the rate of 678,000 hectares (approximately).

375. With regard to comments on human trafficking, on 19 December 2012, the Chamber of Deputies had adopted, in a special session convened by the executive, an amendment to the law on trafficking already approved by the Senate. The bill extended the sentence for the crime of sexual exploitation to between two and four years of imprisonment, and established sentences of between 5 and 15 years of imprisonment when the victim was pregnant or a minor.

376. With regard to gender violence, on 14 November 2012, the Chamber of Deputies had passed into law an amendment to the Penal Code establishing life imprisonment for men who, as a result of gender violence, had killed a woman or a person who perceived herself as belonging to the female gender. This penalty also applied to men who had killed a transgender person. In addition, the Office of the Attorney General had recently created a programme on gender policy based on the need for effective equality between the sexes.

377. With regard to torture, the delegation welcomed the comments received on the recent establishment of the national preventive mechanism, and added that, on 20 March 2013, the Public Defender's Office would officially launch a campaign against torture covering various educational, training and awareness-raising activities. The International Congress against Torture, to be held on 6 and 7 June 2013, was one example of these activities.

378. Argentina reaffirmed its will to move forward by making the changes necessary to improve further the protection of human rights in the country.

## Gabon

379. The review of Gabon was held on 23 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Gabon in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GAB/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21 paragraph 5 (A/HRC/WG.6/14/GAB/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21 paragraph 5 (A/HRC/WG.6/14/GAB/3).

380. At its 34th meeting, on 13 March 2013, the Human Rights Council considered and adopted the outcome of the review of Gabon (see sect. C below).

381. The outcome of the review of Gabon comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/5), the views of Gabon concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

382. During the interactive dialogue, Gabon received 115 recommendations, of which 105 had been accepted. Gabon welcomed the encouragement received by the Members of the Human Rights Council on the progress made in implementing the universal periodic review recommendations of the first cycle, in 2008. The efforts made to promote and protect human rights were not exempt from criticism and observations, which were considered by Gabon an invitation to do better.

383. Regarding the implementation of recommendations, progress had been made since October 2012 in the areas of the national human rights institution; education in human rights to prevent torture and inhuman treatment; economic, social and cultural rights; and improving living conditions.

384. Regarding the national human rights institution, which had been recently established, regulatory reforms had been undertaken aiming at ensuring its compliance with the Paris Principles. Since January 2013, the institution had headquarters and enjoyed an increase in its budget, allowing it to fulfil its mission.

385. With regard to human rights education, Gabon had launched, on 10 December 2012, at the central prison of Libreville, a national campaign for the prevention of human rights violations of persons in detention. The campaign was aimed at strengthening the understanding of ethics in professionals in the justice system, and to prevent acts such as torture, inappropriate or illegal investigation methods and arbitrary or illegal detention.

386. In March 2013, in Libreville, the Government had also organized, in collaboration with the United Nations Centre for Human Rights and Democracy in Central Africa, a capacity-building workshop on human rights (detention, trafficking in persons and migration) for 40 police and gendarmerie officers.

387. With regard to the administration of juvenile justice, the rights of the child had been incorporated into the curricula of the national magistracy school.

388. Considering the recommendation on strengthening the implementation of economic, social and cultural rights and improving living conditions, the Government was engaged in a

vast process of reforms aimed at making Gabon an emerging country by 2025. Actions had been taken in different fields, such as the consolidation of the rule of law, strengthening democracy on a participatory basis, good governance, the fight against corruption and the protection of vulnerable persons.

389. The commitment made to vulnerable populations had resulted in the establishment of institutions, such as the national human rights institution, the national observatory for children's rights, the national observatory for the protection of family rights, the national observatory for women's rights and parity and the national social aid fund. The latter organization had been allocated almost 4 million dollars to contribute to, inter alia, programmes supporting disadvantaged persons, young people, persons with disabilities and orphans.

390. As part of the integration of elderly into the development process, Gabon had introduced a mechanism to ensure free medical coverage for the elderly and the creation of an "old-age minimum basket". The mechanism also provides free prenatal health care and maternal attention for all pregnant women infected with HIV.

391. Gabon had established a yearly prize to reward outstanding women in their field of activities, and a project to support the development of microcredit to empower women and fight against poverty. It had also initiated social policies aimed at assisting widows in financial matters.

392. Regarding the recommendations on the ratification of international instruments, namely the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the International Convention on the Rights of All Migrant Workers and Members of Their Families, Gabon had set up an ad hoc interministerial commission to take stock of the international instruments on human rights that the State had not yet ratified. The commission's findings would allow Gabon to initiate the process of ratification in Parliament.

393. Concerning the recommendation on the Rome Statute of the International Criminal Court, Gabon had established in 2012 a commission for the reform of the Criminal Code, whose mission was to integrate into national law the provisions of international instruments, including the Convention against Torture, the Geneva Conventions of 1949 and the Rome Statute.

394. Gabon would take all appropriate measures to implement the universal periodic review recommendations accepted.

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

395. During the adoption of the outcome of the review of Gabon, 11 delegations made statements.

396. Togo appreciated the State's commitment to the promotion and protection of human rights. It noted with satisfaction the measures taken to strengthen the protection of vulnerable people, in particular women and children. Togo noted improvements in access to health and education and the participation of women in political life. It encouraged Gabon to continue its efforts made since 2009 in the social and economic fields, and wished Gabon success in implementing the recommendations.

397. The Bolivarian Republic of Venezuela appreciated the cooperation and commitment of Gabon with the universal periodic review mechanism and the efforts made to prepare its national report, with the participation of all sectors. Gabon had accepted the majority of the recommendations made during the second cycle. The Bolivarian Republic of Venezuela also noted with satisfaction the progress made by Gabon in the ratification of international human rights instruments and the steps taken to consolidate the national human rights commission

in accordance with the Paris Principles. It highlighted the commitment of Gabon to increase the school enrolment rate and to improve facilities at the different levels of education. It encouraged Gabon to continue to strengthen its social policies so as to improve the living conditions of its people, for which purpose the support of the international community was essential.

398. Algeria welcomed the fact that Gabon had accepted a large number of recommendations, including those made by Algeria on strengthening human rights education and training programmes for law enforcement officials, and also in stepping up the fight against ritual crimes. Algeria was encouraged by the progress made by Gabon in different areas, such as the right to education and health, the protection of children, strengthening the national human rights institution framework, the ratification of international instruments and cooperation with human rights mechanisms. Algeria reiterated its appeal to strengthen international cooperation to consolidate the efforts made by Gabon.

399. Botswana welcomed the decision by Gabon to accept many of the recommendations. It was encouraged that Gabon had accepted recommendations on the possibility of reviewing legislation regarding discriminatory practices against women and on taking measures to guarantee access to birth registration to all children. Botswana applauded Gabon for its commitment to the work of the Council, particularly as a State Member of the Council and as coordinator of the Group of African States.

400. Burkina Faso welcomed the second universal periodic review report of Gabon, and noted with interest the update provided by the State on the implementation of recommendations. Burkina Faso commended the State's cooperation with the Council, in particular with regard to the review, and encouraged it to continue its implementation of recommendations.

401. Côte d'Ivoire congratulated Gabon on the recommendations accepted, which would contribute to the consolidation of rule of law and respect for human rights. It noted with satisfaction the State's commitment to peace and stability not only in its territory but also in the subregion, as well as on the whole continent. Côte d'Ivoire welcomed the State's involvement in the resolution of the crisis in central Africa, and invited the international community to support Gabon.

402. Cuba congratulated Gabon on the spirit of cooperation with the Council, and on having commenced implementation of the recommendations accepted during the first review cycle. The Government and civil society had launched measures, such as the establishment of the national human rights commission, the establishment of networks for non-governmental organizations and strategies to fight against insecurity. Gabon had also taken steps to prohibit gender discrimination. Cuba welcomed the public policies on education, trafficking in persons, children's rights and those of persons with disabilities. Cuba thanked Gabon for having accepted its recommendation.

403. Morocco congratulated Gabon on having accepted more than 90 per cent of recommendations. It welcomed the State's commitment to strengthening the framework and national policies for the promotion and protection of human rights. It applauded the constructive interaction between Gabon and the universal periodic review mechanism, as was shown by the State's acceptance of almost all recommendations. Gabon had continued its efforts to align its legislation with its obligations, in particular in combating trafficking in persons. Gabon had also taken legislative measures to strengthen the national legal arsenal for the protection of children from mistreatment. Morocco congratulated Gabon on the quality of its work as coordinator of the Group of African States on matters concerning human rights.

404. The Republic of Moldova welcomed the commitment of Gabon to the universal periodic review mechanism. It congratulated the State on its national report and on the

participation of governmental organizations and civil society in its preparation, and welcomed the progress made in ensuring gender equality, in particular in the areas of access by women to health, education and employment. The Republic of Moldova expressed its satisfaction at the measures that Gabon had taken to protect children and to prevent the trafficking in and economic exploitation of children. It welcomed the fact that Gabon had accepted a large number of recommendations, including the one made by the Republic of Moldova.

405. South Africa commended the commitment of Gabon to the universal periodic review mechanism and its processes. It acknowledged the consultative processes undertaken during the preparations for the review, and encouraged the State to continue this approach when implementing the recommendations accepted during the second cycle. South Africa commended the acceptance of 105 recommendations and the explanations given on the recommendations that had not enjoyed the State's support, and thanked Gabon for its continued cooperation and constructive participation in the universal periodic review process.

406. The Sudan welcomed the commitment of Gabon to the universal periodic review, as shown by its participation in the interactive dialogue. It also appreciated the State's openness and the participation of civil society in drafting the national report. The Sudan praised Gabon for having accepted a large number of recommendations, including the one made by the Sudan on education, training and research. The Sudan called upon international bodies to cooperate with Gabon and to facilitate capacity-building. It wished Gabon success and progress.

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

407. During the adoption of the outcome of the review of Gabon, one stakeholder made a statement.

408. Rencontre africaine pour la défense des droits de l'homme (RADDHO) took note of the commitment of Gabon to the promotion and protection of human rights. It welcomed the State's efforts with regard to the death penalty, the adoption of a law on the rights of minorities and the ratification of the Rome Statute, and the integration of women into the labour market. It encouraged Gabon to continue to apply constitutional guarantees regarding freedom of expression and the press. Gabon needed to eliminate trafficking in persons by expanding legislation to cover all victims. The organization also noted the persistence of ritual crimes, and called upon Gabon to redouble its efforts to put an end to this practice and to sanction perpetrators. It also noted the need for adequate measures regarding the punishment of domestic rape and the establishment of a legal framework to defend women's rights.

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

409. The delegation of Gabon reiterated its commitment to the universal periodic review mechanism, and praised the efforts of the Human Rights Council to strengthen national human rights protection and promotion mechanisms.

410. Regarding the issues of ritual murder and trafficking in persons, the Special Rapporteur on trafficking in persons had visited Gabon in 2012 and would present her report to the Council at its twenty-third session. At that time, Gabon would inform the Council on the progress made in this field. Gabon added that legislation had focused on child trafficking, but efforts were also being made to extend it to trafficking in persons.

411. Concerning ritual crimes, the Criminal Code recognized blood crimes. Gabon had asked the commission to reform the Criminal Code to introduce the issue of ritual crimes. Gabon would inform the Council on the progress made in the implementation of the relevant recommendation.



412. Gabon reiterated that freedom of the press was accepted but that violation of the law was not. Gabon had also requested the commission to reform the Criminal Code to ensure that members of the press or the media accused of violating the code of ethics of the press could not be immediately subjected to deprivation of freedom. Efforts in this sense had been made by the State. Gabon aimed at development based on respect for human rights and the environment.

### **Ghana**

413. The review of Ghana was held on 23 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Ghana in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GHA/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GHA/2 and Corr.1);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GHA/3 and Corr.1).

414. At its 35th meeting, on 14 March 2013, the Human Rights Council considered and adopted the outcome of the review of Ghana (see sect. C below).

415. The outcome of the review of Ghana comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/6), the views of Ghana concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

416. The delegation of Ghana expressed its appreciation to the States that had participated in its review for their invaluable contributions and constructive comments. It also expressed its appreciation to the troika (Angola, Norway and Qatar) and the secretariat for their support during the review process.

417. The Government of Ghana viewed the universal periodic review mechanism as an important platform to examine the human rights situation in the country, to assess the Government's performance in promoting and protecting the rights of its citizens, and to share and exchange views on addressing its weaknesses. The promotion and protection of human rights were a continuous and unending process, and Ghana was committed to ensuring that the institutions charged with that responsibility were further strengthened to carry out their mandates effectively. The peaceful transition of power following the successful holding of presidential and parliamentary elections on 7 December 2012, and the fact that Ghana had held six peaceful presidential and parliamentary elections since 1992, demonstrated the importance of strong national institutions in its evolving democracy.

418. At its review, 76 States had actively participated in the interactive dialogue, and a total of 148 recommendations had been made. Of these, 123 enjoyed the Government's support and had been accepted. They related mainly to the promotion of women's and children's rights, ensuring the effective implementation of the Domestic Violence Act, further strengthening judicial and anti-corruption measures and combating harmful traditional practices and trafficking in persons. Others were on improving detention and prison facilities, sanctioning police brutality, strengthening the capacities of the Commission on Human

Rights and Administrative Justice, and the ratification of a number of conventions to which Ghana was a signatory.

419. A total of 25 recommendations did not, however, enjoy the support of Ghana. They related to two major issues: the abolition of the death penalty, and the decriminalization of same-sex relations between consenting adults. Although Ghana had provided a detailed response to these issues during its review, the delegation reiterated the Government's position on them.

420. The death penalty was an entrenched provision in the Constitution that could only be changed through a referendum by the people of Ghana. The decision to impose a moratorium on the death penalty or to abolish it rested with the people. The Government therefore could not impose an immediate official moratorium or take any decision on the death penalty prior to the referendum. While the Government was aware of initiatives at the international level and in various forums calling for the abolition of the death penalty, the final decision would depend on the outcome of the referendum. The acceptance by the Government of the recommendation of a constitutional review commission regarding the death penalty demonstrated its commitment to ensuring that the opinion of the people is heard. It should be noted in this connection that there had been no executions in Ghana since 1993.

421. With regard to the recommendations on the decriminalization of same-sex relations between consenting adults, the delegation reiterated that Ghana did not have a policy of non-equal treatment of its citizens; any act of violence perpetrated against any person in Ghana was investigated and appropriately addressed. The Deputy Attorney General and Deputy Minister for Justice had clearly elaborated on this during the review, explaining that the fundamental principles of non-discrimination and equality were entrenched in the Constitution of Ghana, which also guaranteed freedom of religion and the right of the person to practice that religion. The Constitution also provided for the enactment of laws that furthered the social cohesion and economic development of the people of Ghana. The laws passed by Parliament were a reflection of the sovereign wish of the people it represented.

422. Ghana attached great importance to the work of the thematic special procedures of the Human Rights Council and had extended standing invitations to the mandate holders to visit Ghana. In 2011, government representatives and other stakeholders had had fruitful interactions with the Special Rapporteur on the right to health during his visit to Ghana in May 2011. Invitations to the Special Rapporteur on contemporary forms of slavery, the Special Rapporteur on torture and the Working Group on the issue of human rights and transnational corporations and other business enterprises to visit Ghana in 2013 were also under consideration.

423. Ghana expressed its appreciation to all delegates who had taken the floor for their constructive comments, views and kind words. It also thanked all civil society organizations for their participation. It had taken note of their concerns and assured them that the Government would make every effort to implement the recommendations within its purview. The delegation reaffirmed the commitment of Ghana to uphold human rights in the country. To that end, the Government would continue to consult with all stakeholders in the country to ensure that respect for human rights in Ghana was further strengthened and advanced, and remained an inclusive process.

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

424. During the adoption of the outcome of the review of Ghana, 11 delegations made statements.

425. Togo noted the progress made in the fight against domestic and gender-based violence, and in access to justice, the rights of detainees, the administration of land and the fight against HIV/AIDS. Togo encouraged Ghana to continue its policies for socioeconomic

development, particularly those aimed at improving the quality of education and health services.

426. Viet Nam congratulated Ghana on its remarkable efforts and progress in socioeconomic development and the promotion and protection of human rights. Being itself a developing country facing a number of difficulties, Viet Nam supported and encouraged Ghana to make further efforts to promote its socioeconomic development and human rights not only in Ghana but also throughout the world.

427. Algeria appreciated the fact that Ghana had accepted a large number of the recommendations, including those made by Algeria. During the review of the national report, Algeria had highlighted the tangible efforts made by Ghana through a programme of institutional strengthening. Ghana had committed itself to, inter alia, strengthening its policies for the advancement of women and eliminating laws that were discriminatory against women, and promoting children's rights.

428. Botswana stated that, as a developing country, it appreciated the challenges that accompanied the implementation of accepted recommendations. It welcomed the decision made by Ghana to accept the recommendations relating to the possibility of ratifying additional instruments on the rights of the child, and additional measures to advance the rights of women. It looked forward to hearing from Ghana on its ongoing process to complete the drafting of the national plan of action on human rights.

429. Côte d'Ivoire noted with satisfaction the determination shown by Ghana to cooperate with United Nations human rights mechanisms, and its commitment to work for peace and stability not only in the country but also in the subregion. This had been demonstrated by its responsible involvement in and effective management of the recent crisis in Côte d'Ivoire and its support and cooperation to facilitate international judicial procedures ongoing in Côte d'Ivoire.

430. Cuba appreciated the contributions made by the constitutional review commission in Ghana. Ghana had taken huge strides forward in addressing domestic violence, gender-based violence, access to justice, the rights of detainees, and land administration. It also highlighted the progress made in combating HIV/AIDS. Cuba was grateful that its recommendations on continuing to implement strategies for socioeconomic development had been accepted, in particular the importance of guaranteeing education and good quality health services to the entire population, and applying programmes and measures to reduce and ultimately eradicate HIV/AIDS.

431. Gabon stated that the strict observation by Ghana of the 123 recommendations made demonstrated that it was on the right track. The rights of women and children, the improvement of and access to health care, education for all, and access of the most vulnerable to justice were the general framework of the recommendations made. Gabon encouraged Ghana to continue to implement the programme and measures to fight HIV/AIDS and to ensure access to health care for all.

432. Morocco noted with satisfaction that Ghana, its fraternal country, had taken important measures, such as the formulation of a national plan of action for human rights and the identification of five priority lines of action in order to face concerns relating to human rights in a comprehensive and integrated manner. Morocco congratulated Ghana on its tangible will to consider human rights a priority in its internal policy, and on the implementation of laws and programmes with a positive impact on the quality of life of Ghanaians.

433. The Philippines commended Ghana for its continuing commitment to implement measures to strengthen its policies on basic human rights, especially for women and children. It appreciated the State's commitment to protect the rights of migrant workers, and welcomed its acceptance of its recommendation to consider ratifying ILO Convention no. 189

concerning decent work for domestic workers. It was also pleased to note that the State had accepted its recommendation to consider ratifying the Palermo Protocol on trafficking in persons.

434. South Africa stated that Ghana remained steadfast in the quest to ensure the practical enjoyment of all human rights and fundamental freedoms by its citizens. It acknowledged the State's focus on ensuring equal rights for women, health and education, and ensuring the continued engagement of all stakeholders in the promotion and protection of human rights.

435. The Sudan congratulated Ghana, its Government and people on having held presidential elections in December, and stated that the people's participation clearly reflected the State's commitment and openness to the new democratic process. It congratulated the new President, John Dramani Mahama, and wished him every success in his new mission. The Sudan noted with satisfaction the acceptance of its two recommendations, and hoped that they would serve to support Ghana's commitment to human rights.

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

436. During the adoption of the outcome of the review of Ghana, seven other stakeholders made statements.

437. Human Rights Watch stated that, in Ghana, a significant number of serious human rights abuses had been reported in psychiatric hospitals, where people with mental disabilities faced involuntary admission and arbitrary and prolonged detention, and inadequate conditions, including overcrowding, poor hygiene, forced seclusion, among others. In prayer camps, people with mental disabilities were chained – sometimes outdoors – and denied food and medication and adequate shelter. It recommended that Ghana act immediately to take the steps to improve conditions in public psychiatric hospitals by ensuring adequate food, shelter and health care; prohibiting the beating of patients, prolonged seclusion and arbitrary detention and treatment; monitoring prayer camps and other non-orthodox mental health service providers to ensure that individuals were not held against their will, subjected to forced fasting or chaining, or denied access to appropriate health care; developing the necessary legislative instrument to implement the new mental health law as a priority; and prosecuting inhumane practices, including torture, in psychiatric hospitals and prayer camps.

438. Amnesty International welcomed Ghana's support for recommendations to improve conditions and to reduce overcrowding in prisons. Nevertheless, overcrowding was severe, sanitation was inadequate and food supplies and medical care were scarce. It urged Ghana to give immediate effect to the recommendations. It was very disappointed at the State's rejection of recommendations to decriminalize same-sex relations, and to combat the climate of homophobia and discrimination against lesbian, gay, bisexual and transgender (LGBT) persons. Furthermore, it noted that only one reference had been made to the issue of housing in the review, even though it was an issue that deserved much more attention. It called upon Ghana to call a moratorium on mass evictions until legal and procedural safeguards were in place, in accordance with international human rights standards.

439. Edmund Rice International Limited remained concerned at the high school drop-out rates and the unequal access to quality education, particularly for vulnerable children and those in the north of the country. It was also concerned at the growing incidence of drug and alcohol addiction among adolescents. It called upon Ghana to establish programmes to ensure the full participation in education and employment of vulnerable children; to develop programmes to close the gaps in educational resources and educational achievements between children from the north and south of the country; to establish a task force to work closely with the police in bringing to justice those who exploit children; to address the underlying issues of poverty and child abuse and neglect, which lead to the exploitation of vulnerable children; and to promote health education programmes targeting children and

youth, with a focus on healthy lifestyles, reducing drug and alcohol abuse, and suicide prevention.

440. Verein Sudwind Entwicklungspolitik was deeply concerned about the large number of child workers, some as young as 5 years of age at e-waste dumps, where they were engaged in work that was dangerous and hazardous to their health. It encouraged Ghana to pay special attention to protecting these children and their families from violations of their right to health, and to strengthen its efforts to provide health care and medical assistance for them. It also urged Ghana to pay closer attention to preventing the illegal importation of e-waste, and to consider it a crime, in accordance with the Basel Convention. It recommended that Ghana ratify the Optional Protocols to the Convention on the Rights of the Child and adopt a national plan of action to prevent child labour.

441. The Association for the Prevention of Torture (APT) welcomed Ghana's commitment to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during the universal periodic review session in October; it recalled, however, that Ghana had made the same commitment four years earlier during its first review. It also noted that, in 2011, the Committee against Torture had recommended that Ghana should accelerate the ratification process and the designation of a national preventive mechanism. It encouraged Ghana to ratify Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the end of the year and to take prompt measures to designate a national preventive mechanism. It welcomed Ghana's statement that a visit of the Special Rapporteur on torture was under consideration, and encouraged Ghana to take full advantage of this opportunity to move forward on the prevention of torture.

442. World Vision International welcomed the recommendation made by Luxembourg calling upon Ghana to redouble its efforts to ensure the protection of the rights of women and children, and highlighted the need to protect children from all forms of violence and abuse, including social and economic exploitation. It called upon Ghana to make efforts to establish a telephone hotline for child victims and informants in centralized areas, and to examine how this could also eventually be established in the more remote areas of the country. It also welcomed the recommendations made by Hungary and Bulgaria concerning equal access to education in all parts of the country; it pointed out however that, for the particular situation of girls in the north, it would be crucial to address the cultural practice of fostering girls in domestic servitude, which effectively ended their education and left them in a situation of exploitation and abuse.

443. Rencontre africaine pour la défense des droits de l'homme (RADDHO) stated that the most recent general election, which had been peaceful, free and fair, was ample testimony that Ghana was a model of democracy in West Africa. It acknowledged the State's efforts to engage with the national human rights institution and civil society. It was particularly encouraged by the passage of the Domestic Violence Act and the establishment of a domestic violence secretariat. It was also pleased to learn that Ghana was striving to address the gaps in its human rights framework and to develop a national plan of action on human rights. It voiced its deep concern however at the continuing practice of female genital mutilation and the ongoing violence against women in rural areas. It called upon Ghana to increase its efforts in the campaign to stop traditional practices affecting women in rural areas, and to take action by implementing laws to that end. Police brutality was also an issue that Ghana had to address without delay. It encouraged Ghana to promote human rights education in all spheres of society, such as by promoting and raising awareness of human rights education in the police force.

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

444. Ghana expressed its appreciation once again to all delegations and civil society organizations that had taken the floor for their contributions and participation. A new Government had taken office in January 2013 in Ghana. The new administration had expressed its readiness to establish an interministerial committee to examine the recommendations accepted by the previous Government to ensure their full implementation. In conclusion, the delegation reiterated the commitment of the Government to uphold human rights in the country. It also looked forward to continuing its cooperation with the Human Rights Council and all other human rights mechanisms.

##### Ukraine

445. The review of Ukraine was held on 24 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Ukraine in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/UKR/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/UKR/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/UKR/3 and Corr.1).

446. At its 35th meeting, on 14 March 2013, the Human Rights Council considered and adopted the outcome of the review of Ukraine (see sect. C below).

447. The outcome of the review of Ukraine comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/7), the views of Ukraine concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/7/Add.1).

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

448. Ukraine had benefited immensely from the constructive engagement of States Members of the United Nations through their recommendations and the questions asked during the interactive dialogue with the Working Group in October 2012. The delegation acknowledged the important role of the Human Rights Council, and in particular of the universal periodic review mechanism, in ascertaining and measuring the accomplishments of States in the protection and promotion of human rights. Ukraine was committed to ensuring the long-term success of the mechanism.

449. In Ukraine, the relevant State bodies had been consulted and views of the civil society actors taken into account in deciding on the State's position on all recommendations. A real assessment of its available resources and capacity for the implementation of the recommendations received was also an important criterion in the decision-making process. After careful consideration, the Government of Ukraine had decided to accept 114 of the 145 recommendations made, and partially to accept four others. Ukraine was unable to accept 27 recommendations.

450. Some recommendations were not supported because it was unlikely that the Government could ensure the implementation of the obligations set in those recommendations before the next review; for example, the ratification of the Rome Statute of the International Criminal Court required constitutional amendments. At the same time,

the Government fully acknowledged that non-acceptance of recommendations did not mean not working on the human rights issues addressed in them. At its first review, for example, Ukraine had not initially supported recommendations that it ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. Ukraine had, however, ratified both documents during the period under the review.

451. The delegation provided further explanations for the Government's rejection of certain recommendations, which could be subdivided into main groups. The first group of recommendations concerned the ratification of several international human right instruments. A comprehensive legal analysis and an assessment of the financial, economic and sociopolitical implications of the implementation of any international legally binding instrument should precede the ratification process. Therefore, the non-acceptance of those recommendations did not preclude the ratification of those instruments; indeed, a national process had been initiated to study the possibility of their ratification.

452. Ukraine had ratified, in January 2013, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Nonetheless, Ukraine could not support one recommendation, as it also proposed the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

453. Another group of recommendations not accepted referred to discrimination against lesbian, gay, bisexual and transgender persons, and persons belonging to national minorities. The delegation explained that new legislation established the principle of non-discrimination and guaranteed equal rights, freedoms and opportunities for all persons, equality before the law and respect of the dignity of all persons. Moreover, the Government had continued to improve the law in accordance with relevant standards of the European Union.

454. With regard to recommendations 97.113 and 97.114, every person enjoyed the right to a fair public trial before an impartial tribunal in Ukraine. With regard to the recommendations on the protection of refugees and asylum seekers, the delegation explained that the principle of non-refoulement was enshrined in domestic legislation.

455. A working group had been established under the auspices of the Ministry of Justice with the aim of developing an effective follow-up mechanism, including a plan of action for the implementation of the recommendations made during the review. The working group comprised representatives of relevant State bodies and non-governmental organizations. The Government highly valued the participation and contribution of the representatives of civil society in the early stages of the review process, namely, in carrying out an objective assessment of the human rights situation, and was committed to continuing the established cooperation with civil society during the follow-up process.

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

456. During the adoption of the outcome of the review of Ukraine, seven delegations made statements.

457. The Russian Federation stated that the review of Ukraine in the second cycle demonstrated once again the commitment of Ukraine to improving its national human rights mechanisms. It commended Ukraine for accepting such a large number of recommendations made during the review. The Russian Federation noted with regret that Ukraine had not supported its recommendation to take measures to prevent the integration of nationalistic ideas into the platform of political parties. However, it noted the explanation provided by Ukraine that article 37 of the Constitution explicitly banned the promotion of violence and the incitement of racial and ethnic hatred by political parties. The Russian Federation therefore called upon Ukraine to continue to take steps to prevent the violation of the above-mentioned constitutional provision.

458. Uzbekistan commended Ukraine for providing detailed responses and clarifications regarding the recommendations made during the review. It noted with appreciation that Ukraine had accepted two recommendations made by Uzbekistan, and that Ukraine had adopted legislation to reform the judiciary, improve criminal procedures and strengthen tolerance, and to develop a strong legal and institutional basis for the protection of the rights of children.

459. Algeria commended Ukraine for its cooperation and engagement with the universal period review mechanism. It noted with appreciation the acceptance by Ukraine of the majority of the recommendations received, including two made by Algeria regarding the equal participation of women in decision-making and in combating human trafficking.

460. Cuba noted with satisfaction the efforts made by Ukraine to combat discrimination and the process of the adoption of new comprehensive anti-discrimination legislation. It highlighted the efforts and commitments of Ukraine to promote gender equality in various fields of life. Cuba noted that several measures had been taken by Ukraine to combat domestic violence, including the development of a national plan of action in this regard, and to prevent the sale of children. Cuba noted with appreciation the acceptance by Ukraine of the recommendations made by Cuba regarding the rights of the child, in particular their access to education and health, and on combating racism and xenophobia.

461. The Islamic Republic of Iran noted that six of the seven recommendations that it had made during the review had been accepted by Ukraine. It expressed the hope that the Government would take legal and effective measures to implement those recommendations, in particular the recommendations regarding the identification of child victims of commercial sexual exploitation, and combating racial discrimination and xenophobia.

462. The Philippines noted with appreciation the acceptance by Ukraine of the recommendations on the adoption of the anti-discrimination law and on the allocation of adequate resources for the implementation of the Act on Combating Trafficking in Persons, which were made during the review by the Philippines. The Philippines was concerned, but understood the rationale for the unwillingness of Ukraine to accept another recommendation made by the Philippines on the ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention no. 189 on Decent Work for Domestic Workers. However, it expressed the hope that Ukraine would join in efforts to set up a global standard for the protection of migrant workers.

463. Romania noted with appreciation the constructive engagement of Ukraine in the universal periodic review process, which demonstrated the Government's commitment to ensuring human rights standards in the country. It noted the acceptance of all recommendations made by Romania, and expressed its confidence that the next review would document progress in implementation.

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

464. During the adoption of the outcome of the review of Ukraine, four other stakeholders made statements.

465. The Commissioner for Human Rights of the Ukrainian Parliament noted with appreciation the acceptance by Ukraine of a large number of recommendations made during the second cycle of the review. Drawing the attention of the Government to the issue of domestic violence, the Commissioner called upon Ukraine to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

466. Amnesty International welcomed the acceptance by Ukraine of the recommendations on torture and police impunity, the protection of the rights of migrants and the respect of the principle of non-refoulement. At the same time, it noted with regret the rejection by Ukraine



of the recommendations on guaranteeing full respect for freedom of expression relating to sexual orientation and the protection of lesbian, gay, bisexual and transgender persons from discrimination. Non-acceptance of those recommendations contrasted starkly with the acceptance by Ukraine of more than 15 recommendations on non-discrimination more generally. In 2012, the Parliament had passed its first reading of a bill that would ban any production of publications deemed to promote homosexuality. Amnesty International called upon Ukraine to reject the bill on the grounds that it would result in the discriminatory treatment of lesbian, gay, bisexual and transgender persons.

467. Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland commended Ukraine for supporting several recommendations made during the review. At the same time, it noted with regret that Ukraine had not accept recommendations to further safeguard the protection of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons against discrimination. It noted with concern the increase in violence against LGBTI persons and bills aimed at limiting basic human rights for LGBTI persons that were pending the decision of Parliament. COC Nederland called upon the Government to, inter alia, ensure the full protection of LGBTI persons against all forms of discrimination, including based on sexual orientation and gender identity, in anti-discrimination legislation, and to refrain from adopting the homophobic bills pending before Parliament.

468. Human Rights Watch noted with regret that Ukraine had rejected more than a dozen recommendations on prohibiting discrimination based on sexual orientation and gender identity and on dropping homophobic laws. Despite the protections enshrined in the Constitution, LGBT persons remained discriminated against and stigmatized, and there had been a growing number of attacks targeting LGBT-related events and activities. It called upon the Government to, inter alia, speak out against the homophobic bills currently pending before Parliament and to ensure effective investigations into acts and threats of violence against members of the LGBT community. Human Rights Watch welcomed the State's acceptance of three recommendations on the right to health, and expressed the hope that they would be implemented by the Government.

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

469. The Government of Ukraine had acknowledged the human rights challenges facing the country, and was committed to persevering diligently to address them. Its efforts in human rights had continued to be based on the principles of the universality, indivisibility, non-discriminatory nature and equality of human rights. The delegation expressed its firm belief that dialogue with the States Members of the United Nations in this global forum had motivated the Government to stay focused and self-critical in its efforts and to seek effective improvements.

##### Guatemala

470. The review of Guatemala was held on 24 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Guatemala in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GTM/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GTM/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/GTM/3 and Corr.1).

471. At its 35th meeting, on 14 March 2013, the Human Rights Council considered and adopted the outcome of the review of Guatemala (see sect. C below).

472. The outcome of the review of Guatemala comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/8), the views of Guatemala concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/8/Add.1).

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

473. The delegation of Guatemala highlighted the fact that, during the second universal periodic review, the State had received 138 recommendations, accepted 111 and noted 27. Guatemala also made five voluntary commitments.

474. The Commission of Indigenous Communities was in favour of accepting the competence of the Committee on the Elimination of Racial Discrimination under article 14 of the Convention. The question depended on the favourable opinion of the Commission, and was currently before the plenary of Congress, which would decide on the matter.

475. The death penalty has not been applied in Guatemala for more than 10 years. The Ministry of Foreign Affairs had initiated a consultation process on its abolition and on the third Optional Protocol to the Convention on the Rights of the Child.

476. Guatemala continued its efforts to merge the Presidential Secretary of Peace with the Presidential Human Rights Commission and the National Compensation Programme in order to avoid overlapping of human resources and budget. Decentralized coverage would be strengthened and extended.

477. Regarding the recommendations on the law against femicide, Guatemala had increased its budget allocation to the public prosecutor's office, the judiciary and the Ministry of the Interior. A specialized court had been created, and operated 24 hours a day.

478. Regarding the recommendations on the internal armed conflict, in 1996, an amnesty law had been negotiated between the Government and guerrilla groups, with the participation of the United Nations. Questions about the scope of exceptions set out in the law would be addressed by the judiciary and the Constitutional Court.

479. Regarding the recommendation on the Rome Statute, the harmonization of domestic legislation was being addressed by the Guatemalan Coalition for the International Penal Court, which was composed of representatives of civil society, State bodies and international organizations, and had drafted legislative proposals.

480. Regarding the State's voluntary commitment to develop a programme to protect journalists, a specialized technical body had been composed by, inter alia, the Ministry of the Interior, the Public Prosecutor, the Presidential Human Rights Commission and non-governmental organizations. The Ombudsman had been requested to establish an institutional mechanism to receive complaints and to call upon the Ministry of the Interior and the Presidential Human Rights Commission to agree on protection measures for each case.

481. Regarding the recommendations on indigenous peoples, the Constitution of Guatemala established that hydrocarbon deposits and minerals belonged to the State and could be considered private property. Their exploitation was determined by their public utility and necessity. Concessions and licences were granted in accordance with international and national laws on environmental protection.

482. Regarding ILO Convention No. 169, a session had been held between the Government, ILO officials and representatives of the Government of Peru, the only State

with legal requirement on consultations with indigenous peoples. Procedures had been established for the preparation of relevant law and rules.

483. Evictions were only allowed pursuant to a judicial decision. A protocol was being prepared to ensure that the actions of the Public Prosecutor, judges and the national police were conducted in full respect of legal and international human rights instruments.

484. There were no indigenous territories in Guatemala. There were, however, State lands, lands belonging to communities and cooperatives, and individual or collective private property, which were governed by a legal framework.

485. A national follow-up system had been designed, and a mechanism to disseminate United National reports and recommendations had been put in place.

486. The International Human Rights Forum facilitated the preparation of reports and statistics on the implementation of recommendations addressed to Guatemala in 2003. Guatemala would submit an annual internal assessment of the recommendations implemented.

487. Guatemala shared the concerns of other States at armed violence and violent deaths, in particular among young people.

488. The agreement on security, justice and peace involved different actors sharing responsibility between the different sectors and the State. Various measures had been taken to protect the rights of young people, such as the national policy (2010-2020), the creation of the National Council, the Advisory Council for Youth, the Vice-Ministry of Prevention of Violence and Crimes and the Commission on the Prevention of Violence with Firearms. The Prevention Communitarian Unit against Violence had been strengthened, and police officers had also been trained on prevention. A bill on the destruction of firearms had also been drafted.

489. Guatemala also referred to the creation of the Ministry of Social Development and the “my safe neighbourhood” programme, through which young people and their families conducted activities, such as risk assessment and the recuperation of public spaces, and leisure activities. This had resulted in a significant reduction in the number of violent deaths.

490. The “young protagonist” programme had allowed 55,000 young people to participate in development activities, including 470 workshops for almost half a million people in vulnerable situations. The initiative included a grant programme to facilitate their incorporation into the formal labour market.

491. Guatemala also referred to the prevention of harassment and violence at school and “safe school” programmes, and the measures taken to coordinate the implementation of various programmes. Some 20,000 young people had participated in the “voices for peace” concert.

492. The observatory of violent deaths promoted a culture aimed at stopping violent deaths with the support of social networks.

493. The law against femicide had brought about the establishment of different judicial specialized bodies. Trained personnel had been allocated to these courts to ensure specialized access to justice for women. They were established in different regions and had interpreters in various Mayan languages. A specialized court was open 24 hours a day to receive declarations, authorize urgent investigations and order security measures.

494. Guatemala referred to the preventive approach to implement strategic multi-sectorial measures aimed at reducing the causes of violence and empowering women as holders of rights. The Presidential Secretary of Women had coordinated efforts by 10 governmental institutions.

495. A women's unit coordinated initiatives and advised at the presidential and ministerial levels, and participated in designing public policies for women and promoting women's issues.

496. The Ministry of the Interior had prepared the national policy to prevent violence, including the strategic plan on prevention of violence against women (2013-2016).

497. The Presidential Secretary for Women collaborated with the municipal office for women in implementing the pacts on security allowing for the development of partnerships with governmental and non-governmental organizations.

498. Statistical data on violence against women were collected from the three State powers in order to obtain realistic numbers and to compile an objective and reliable database.

499. A budget classifier had been created as a tool to institutionalize the rights of women.

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

500. During the adoption of the outcome of the review of Guatemala, six delegations made statements.

501. Cuba highlighted the strengthening of national institutions, in particular the creation of the Ministry of Social Development. It noted the measures and programmes that were being implemented to combat gender violence, and that the fight against poverty was a priority in Guatemala. It also noted the programmes to guarantee the rights to food, education and health with which Cuba would continue to cooperate, and the measures regarding indigenous peoples' rights. Cuba thanked Guatemala for having accepted its recommendations.

502. Gabon noted the efforts made by Guatemala to protect the rights of women and to fight violence against women, such as the law against femicide. It encouraged Guatemala to take preventive measures and to sanction violence, exploitation and trafficking. It invited Guatemala to implement the recommendation relating to gender equality and indigenous women's rights. It called upon the international community to assist Guatemala in implementing the recommendations received.

503. Morocco noted with satisfaction that Guatemala had accepted more than 80 per cent of the recommendations received, and that those recommendations had been followed up by the presidential human rights commission. Morocco also noted that Guatemala would submit a mid-term review and its voluntary commitments relating to the preparation of programmes to prevent violence and for the protection of journalists and the rights of women.

504. The Philippines commended Guatemala's commitment to implement measures to strengthen its policies for vulnerable groups, such as women and children. It noted with appreciation the State's acceptance of its recommendations, in particular on increasing the budget allocation to implement the law against femicide. It also noted that Guatemala would consider ratifying ILO Convention No. 189 on Decent Work for Domestic Workers and the second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty.

505. The Bolivarian Republic of Venezuela noted the progress made in 16 years of democracy and peace in Guatemala. It appreciated Guatemala's willingness to redefine its institutional human rights system, and highlighted the State's efforts in the area of women rights, in particular through its national policy on the promotion and comprehensive development of women and the equal opportunities plan (2008-2023). It also noted with satisfaction the establishment of the Ministry of Social Development.

506. Algeria noted with satisfaction that Guatemala had accepted a large number of recommendations, in particular the two recommendations made by Algeria relating to the right to food and violence against women. It also noted that Guatemala had strengthened its legislative and institutional framework, and appreciated the action taken to promote economic, social and cultural rights, in particular for those living in poverty and extreme poverty.

### 3. General comments made by other stakeholders

507. During the adoption of the outcome of the review of Guatemala, nine other stakeholders made statements.

508. The Human Rights Ombudsman of Guatemala stated that the judicial system continued to face structural failures, such as the penitentiary system. He recognized the strengthening of the public prosecutor institution and the ratification of the Rome Statute as a step forward. He regretted the violent deaths of women and noted the alarming rate of femicide. He shared the observations made by the Special Rapporteur on the sale of children, child prostitution and child pornography that Guatemala should move to a comprehensive and coordinated approach to protecting children. He also pointed out that a regulation on consultations with indigenous peoples was still pending, and was concerned about social conflicts relating to mining activities and at the lack of dialogue with the communities concerned.

509. Amnesty International was concerned at the refusal of the military to release key documents relating to the military operations conducted during the internal armed conflict. It was not clear from Guatemala's response whether the recommendations relating to impunity enjoyed its support. According to Amnesty International, the United Nations had sponsored the truth commission, and its recommendation No. 47 was related to the prosecution and punishment of those responsible for crimes under international law. Amnesty International called upon Guatemala to ensure that no one responsible for crimes under international law was granted an amnesty, and to implement the judgement of the Constitutional Court of 2011 relating to consultations with indigenous peoples.

510. COC Netherlands acknowledged the adoption of the law against femicide, and congratulated Guatemala on having accepted the need to take further measures to protect LGBT persons. It was, however, concerned at the persistence of violence against women, including lesbian women. It also noted the large number of cases of femicide, and that only 2 per cent of cases lodged before courts ended in a conviction. It urged Guatemala to establish mechanisms to inform on and create awareness of the rights of LGBT persons, in particular lesbian women, to promote their integration and to combat violence based on sexual orientation and gender identity.

511. The International Commission of Jurists was concerned at the lack of meaningful consultations in Guatemala with indigenous peoples in the case of "megaprojects", that they had been forcefully evicted from places where these projects were put in place and that, where consultations had been held, the authorities had not respected their outcome. It called upon Guatemala to take steps to ensure that its legislation and practices conformed to ILO Convention No. 169 and to ensure that amnesties and acts of clemency did not apply to cases of gross human rights violations. It regretted the fact that the steps taken were not effective and that the abuses perpetrated against human rights defenders continued, without prompt, independent and impartial investigation.

512. Action Canada welcomed Guatemala's acceptance of the recommendation on strengthening the protection and integration of LGBT persons. Guatemala should supplement measures relating to violence against women and discrimination against transgender women. It recalled that, according to the Inter-American Court of Human Rights, killing of

transgender women in Guatemala was part of a serious situation of violence and lack of investigation, and that the State was required to investigate those crimes and to sanction those responsible. It urged Guatemala to record and investigate all murders and violence based on gender identity or sexual orientation, and to take all measures necessary to protect the rights of LGBT persons.

513. The Association for the Prevention of Torture regretted the delays in establishing a national mechanism to prevent torture in Guatemala, and urged Congress to ensure transparent selection of its members. The Association stressed the importance of providing the new mechanism with the resources necessary to carry out its activities in an independent and efficient manner. It also urged Guatemala to implement penitentiary law and rules and to criminalize torture in its domestic law, in accordance with article 1 of the Convention against Torture.

514. Plan International, Inc. welcomed Guatemala's efforts to protect children's rights and its acceptance of many recommendations. It noted that Guatemala was still the country with the least investment in children in Latin America, and called upon Guatemala to increase budget allocations for children and adolescents in order to ensure adequate training for personnel, to fight against chronic malnutrition of children and to ensure that all children had access to quality health services. Plan International appreciated the State's willingness to consult with civil society during the universal periodic review process.

515. The Humanist Institute for Cooperation with Developing Countries (HIVOS), while acknowledging progress in addressing serious human rights violations in the past, noted the obstacles posed by government officials. Reconciling the past also implied that Guatemala should respect and protect the rights of indigenous peoples. It was also concerned that, by denying recognition of indigenous territories, the State enabled evictions to secure land and natural resources. According to the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), two thirds of attacks against human rights defenders were against those who defended the rights of indigenous peoples. Guatemala had a duty to protect them and to ensure that companies also respected their rights.

516. The Lutheran World Federation was concerned that Guatemala denied recognition of indigenous territories, thereby depriving indigenous peoples of comprehensive policies based on a territory's cultural values and identity. It was also concerned that this lack of recognition could lead to evictions and the deprivation of natural resources. It urged Guatemala to ensure that, prior to the approval or adoption of any law or rule, it guaranteed prior consultation with the indigenous peoples concerned. It recommended that Guatemala take into consideration the report of the Special Rapporteur on indigenous peoples.

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

517. Guatemala thanked States and non-governmental organizations for their comments, which would enrich human rights policies through the national follow-up system, established in the presidential human rights commission. Guatemala would submit periodic information on progress and the measures taken with regard to the recommendations accepted and its voluntary commitments.

##### **Benin**

518. The review of Benin was held on 31 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Benin in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/BEN/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/BEN/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/BEN/3).

519. At its 36th meeting, on 14 March 2013, the Human Rights Council considered and adopted the outcome of the review of Benin (see sect. C below).

520. The outcome of the review of Benin comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/9), the views of Benin concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

521. The delegation of Benin recalled that, during the interactive dialogue, of the 129 recommendations made, it had accepted 123 (of which eight had already been implemented), rejected five and kept under consideration one.

522. The reforms and policies initiated by Benin since its first universal periodic review in 2008 had showed the obvious will of the authorities to work daily for the promotion and protection of human rights.

523. Since its second review, on 31 October 2012, Benin had undertaken actions in respect of its international commitments. These actions included the adoption of a law on the establishment of a national human rights commission, in December 2012; removing of the provision on the death penalty from the Code of Criminal Procedure; in January 2013, the adoption of a new land code in order to secure investments; and strengthening the fight against ritual infanticide through advocacy, in collaboration with international and national non-governmental organizations and the introduction into law, currently under study in the National Assembly, of relevant provisions to eradicate all relevant practices.

524. Other initiatives had been planned in the short, medium and long term for the implementation of the recommendations accepted. These measures would be the subject of a mid-term report, which would be submitted in a timely manner.

525. Regarding the only recommendation pending concerning the ratification of the Kampala amendments to the Rome Statute, consultations were ongoing on the signing of the protocol as soon as possible.

526. With regard to the five rejected recommendations concerning the decriminalization of homosexual relations between consenting adults, the delegation, during the interactive dialogue, had pointed out that the phenomenon was marginal in Benin and that no court had prosecuted or punished any person for such acts. Given the current state of the law and certain endogenous factors, it would be difficult to consider immediately the decriminalization of such acts. Nevertheless, the issue was valid and would be treated with due attention.

527. The delegation reiterated the State's willingness to continue to respond favourably to formal requests for visits and to provide its full cooperation to mandate holders.

528. Benin hoped to be able to count on international cooperation in the implementation of the recommendations accepted. The authorities were convinced that human rights were a factor contributing to social cohesion, stability and peace; with the support of all, they would succeed in furthering a real culture of human rights.

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

529. During the adoption of the outcome of the review of Benin, 12 delegations made statements.

530. Cuba noted that, since its previous review, Benin had been dedicated to strengthening its legal and institutional framework for the promotion and protection of human rights and had continued to harmonize its domestic law with the international instruments to which it was a party. It also noted the efforts taken to advocate on the necessity to eradicate harmful traditional practices that violate the rights of women and children. The fight against corruption and illicit enrichment, reinforced by the law of 2011, constituted a significant step. Cuba also appreciated the fact that Benin had accepted its recommendations.

531. Gabon welcomed the cooperation of Benin in international procedures and mechanisms for the protection and promotion of human rights. It recognized the State's efforts to strengthen women's rights, in particular girls' rights, in the fields of education and health, and encouraged Benin to pursue its efforts in the implementation of advocacy programmes to eradicate female genital mutilation. Gabon also encouraged Benin to continue to take action in favour of free education at the primary and secondary levels.

532. Morocco welcomed the exemplary cooperation shown by Benin in the universal periodic review framework. It supported the reforms undertaken by the Beninese authorities for the establishment of a legislative and political environment conducive to the development and enjoyment of human rights. Morocco encouraged Benin in its efforts to consolidate human rights, such as its adherence to the Optional Protocol to the International Covenant on Civil and Political Rights and its reform of the judiciary system. It also congratulated Benin on its policy of education for all and its action against poverty.

533. As a member of the troika during the review of Benin, Romania noted the seriousness with which the State had approached the universal periodic review process. It thanked Benin for its acceptance of most of the recommendations, including those on the protection of children's rights, and hoped that the legislation aimed at improving the legal framework of the protection of children's rights would be adopted by the Parliament of Benin.

534. South Africa welcomed the large number of recommendations accepted at the second cycle of the universal periodic review. It applauded the commitment of Benin to combating poverty, and welcomed initiatives such as the poverty reduction strategy paper and the growth strategy for poverty reduction. South Africa also appreciated the acceptance of its recommendations. It encouraged the international community to cooperate with Benin to advance the promotion and protection of all human rights in the country and to overcome the challenges identified during the review process.

535. The Sudan was pleased to see the commitment made by Benin to the universal periodic review and that the State had been an active participant in the interactive dialogue. Benin had accepted 123 of the 129 made during the review, which was clear evidence of its commitment. The Sudan was pleased to note the State's acceptance of the recommendations on executive and legislative measures to fight child labour, abuse and trafficking, on intensifying efforts to fight against drug and alcohol addiction in children and on promoting awareness-raising campaigns in that regard.

536. Togo welcomed the State's acceptance of most of the recommendations made during the session of the Working Group. It noted with satisfaction the commitment made by Benin to fulfil its international obligations, and welcomed its efforts to promote all human rights, in particular social, economic and cultural rights. Togo invited the international community to pursue its cooperation with the Beninese authorities in the implementation of strategies and development plans, and in poverty reduction.



537. UNICEF welcomed the efforts made by Benin to reduce the infant mortality rate and to promote gender equality in the education sector. It also welcomed the endorsement of the recommendations to adopt a children's code, to promote free birth registration and to eliminate cultural practices such as child marriage, female genital mutilation and ritual infanticide. UNICEF called upon Benin to focus in particular on the victims of child trafficking, domestic child labour and corporal punishment in schools. It urged Benin to improve prison conditions and to address the excessive length of pretrial detention of children in conflict with the law. Lastly, it called upon Benin to ratify, among others, the Optional Protocol to the Convention on the Child on a communications procedure, and the Convention on Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoptions.

538. Algeria reiterated its satisfaction with the strengthening of domestic laws, in particular with regard to the rights of handicapped persons, free and transparent elections, good governance and the fight against child trafficking. It highlighted the importance of continuing efforts to combat poverty and its support for the assistance requested by Benin from its partners. Algeria appreciated the State's acceptance of its two recommendations.

539. Botswana commended Benin for the achievements made in the promotion and protection of human rights, including measures to address poverty reduction and gender equality. It noted with satisfaction the efforts made to promote access to health care and the enactment of the law on corruption and illicit enrichment. Benin had reaffirmed at its review its commitment to promote and protect human rights at both the domestic and international levels.

540. Burkina Faso noted with satisfaction the efforts made by Benin to implement the recommendations made. It welcomed the full cooperation of the Beninese authorities with the mechanisms of the Human Rights Council. Burkina Faso encouraged the State to pursue its momentum in the promotion and protection of human rights.

541. Côte d'Ivoire stated that the commitment of Benin to the promotion and protection of human rights had had favourable feedback in the African continent, in particular during its mandate at the head of the African Union. During its mandate, Benin had worked for peace and stability not only in the country but also in the subregion and the entire continent, particularly in its involvement in the resolution of the crisis in Mali. Côte d'Ivoire invited the international community to support Benin in the implementation of its commitments.

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

542. During the adoption of the outcome of the review of Benin, three other stakeholders made statements.

543. Instituto Internazionale Maria Ausiliatrice and the International Volunteerism Organization for Women, Education and Development – VIDES welcomed the fact that Benin had accepted the recommendations on education, but regretted that the school dropout rate had not been sufficiently addressed during the universal periodic review. They recommended that Benin take measures to lower the dropout rate and to implement article 24 of the Convention on the Rights of Persons with Disabilities. Regarding the infanticide of "witch children", they asked Benin to support the work of social services and non-governmental organizations, which managed training centres for the reintegration of these children. The two organizations also recommended that Benin continue its efforts to eradicate child trafficking and to elaborate a normative framework on cybercrime.

544. Concerned at the practices aimed at killing or excluding children whose births were considered abnormal from society, Franciscans International recommended that Benin take more significant measures to raise the awareness of the population of the harmful effects of certain rituals on the life and development of children. It noted that home births promoted infanticide, as many births were not recorded. Furthermore, it asked Benin to give a more

precise definition of ritual practices in the draft Child's Code. Lastly, it requested Benin to strengthen the protection of surviving children by increasing existing capacity, building shelters and developing adequate legal and social protection of the children and mothers harassed and discriminated against by these practices.

545. Rencontre africaine pour la défense des droits de l'homme (RADDHO) noted with satisfaction the establishment of the function of Mediator of the Republic, the increase in staff in the judiciary, the building of new prisons, the drafting of legislation on the prevention of violence against women and the legal framework for the fight against corruption and illicit enrichment. Significant efforts had also been made for education and the access of all to health. RADDHO was concerned, however, at the ineffectiveness of the police and the judiciary in investigating ritual infanticide and child trafficking, the restriction of the right to strike, the violence used by security forces, the length of pretrial detention and the conditions of detention. It also urged Benin to take measures to end the violence against "witch children" and to complete the adoption of the new Penal Code in order to provide a definition of torture in accordance with the Convention against Torture.

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

546. The delegation of Benin thanked the States for their statements of support and the organizations for their contributions. The comments and observations would allow Benin to improve its policy of promoting and protecting human rights. The delegate also reiterated the State's commitment to the universal periodic review and to continue its cooperation with all mechanisms of the Human Rights Council.

##### **Republic of Korea**

547. The review of the Republic of Korea was held on 25 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by the Republic of Korea in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/KOR/1 and Corr.1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/KOR/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/KOR/3 and Corr.1).

548. At its 36th meeting, on 14 March 2013, the Council considered and adopted the outcome of the review of the Republic of Korea (see sect. C below).

549. The outcome of the review of the Republic of Korea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/10), the views of the Republic of Korea concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/10/Add.1).

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

550. The Republic of Korea had considered thoroughly all recommendations made by Member States during the universal periodic review. Following the adoption of the report on 31 October 2012, relevant ministries had engaged in active consultations, including with a number of non-governmental human rights organizations, where participants had expressed various opinions on the recommendations. Following those consultations, the

recommendations were ultimately presented to the National Human Rights Policy Council for discussion on 13 December 2012.

551. After thorough and careful deliberation, the Council decided to accept 42 recommendations fully and to accept partially one out of a total of 70. Clarification was also provided for those recommendations predicated on inaccurate information. Detailed information on the responses to all recommendations was submitted in January 2013 and was made available on the OHCHR website.

552. Touching upon those responses, the Republic of Korea emphasized that the majority of recommendations relating to equality and non-discrimination enjoyed the support of the Government; they concerned primarily the rights of vulnerable groups, including persons with disabilities, and migrants. The Government would continue its efforts to effectively protect the rights of those persons.

553. Most of the recommendations relating to the rights of the child also enjoyed the Government's support. The Republic of Korea attached great importance to the protection of children, and the Government would continue its endeavours to strengthen their rights.

554. The Republic of Korea welcomed other important recommendations, such as those relating to freedom of expression on the Internet, the economic empowerment of women, the prevention of sexual harassment, the right to health and the social protection of refugees and migrant workers. The Republic of Korea would continue to seek ways to strengthen and improve relevant domestic laws, institutions and procedures in those areas.

555. Some recommendations had not received the Government's support: they either required further examination or presented difficulties at the current time. By way of explanation, the delegation stated that the National Security Act was necessary for the State's existence and security given the unique security concerns of the Republic of Korea due to the division of the Korean Peninsula.

556. With regard to conscientious objection to military service, the introduction of alternative service was difficult when taking into account such factors as the special security situation, the procurement of military resources under a conscription system, the equal burden-sharing of military duties and the lack of public consensus. The Government would examine those issues by taking into consideration any future changes in the security situation and the level of public consensus.

557. The issue of the death penalty would remain under careful review through a comprehensive evaluation of public opinion, legal aspects social circumstances, and further evaluation of the overall function of the death penalty in criminal policy.

558. The delegation emphasized that, if the universal periodic review were to be a credible mechanism leading to actual improvements in human rights, effective follow-up measures were imperative. They should include mechanisms to promote implementation at the national level by providing a platform for national dialogue on human rights by stakeholders, a crucial part of which was to provide an opportunity for public scrutiny of government policies.

559. The Republic of Korea had committed to incorporating the recommendations that enjoyed its support into its second national plan of action for the promotion and protection of human rights. The recommendations that did not enjoy support at the current time would also be considered for the future enhancement of the protection of human rights.

560. In the first half of 2013, the National Human Rights Policy Council would be convened to modify the second national plan of action in order to reflect and incorporate universal periodic review recommendations. Additionally, as was the case following the first review cycle, a working group for review follow-up would be established within the

Government and would report annually to the Council. The Government was also considering ways to consult with civil society in the follow-up process.

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

561. During the adoption of the outcome of the review of the Republic of Korea, 10 delegations made statements.

562. Malaysia thanked the Republic of Korea for its transparent, constructive and forthcoming engagement in the universal periodic review process. Malaysia was pleased to witness the launch by the Republic of Korea of its second national plan of action on human rights and the extension of the investigatory scope of the National Human Rights Commission. It praised the promotion of humanitarianism in the State's official development assistance programmes. Malaysia wished the Republic of Korea well in its future endeavours.

563. Algeria welcomed the acceptance by the Republic of Korea of more than 60 per cent of the recommendations made, including some already implemented, and the recommendation made by Algeria on combating all forms of discrimination, including by strengthening the legislative framework. Algeria regretted the fact that the recommendation made by eight countries to ratify the International Convention on the Protection of the Right of All Migrant Workers and Members of Their Families had not been approved. It wished the Republic of Korea every success in implementing the recommendations made.

564. Botswana thanked the Republic of Korea for the update presented and commended the progress made since its first review, such as the withdrawal of the reservation under article 9 of the Convention on the Rights of the Child and the development of policies in favour of persons with disabilities. The review in October 2012 clearly demonstrated the State's continued cooperation in advancing human rights.

565. Cuba highlighted the actions taken by the Republic of Korea, including the promotion of the rights of women, engagement in gender mainstreaming in State policies and guaranteeing equal opportunities. Cuba was encouraged by the Government's plans to draft a general anti-discrimination law, and would welcome further details in that regard. Cuba encouraged the Republic of Korea to continue to explore different ways and means to overcome the problems identified in its national report, including the ratification of international instruments and the withdrawal of reservations, and other issues related to the National Security Law. Cuba was pleased that its recommendations had been accepted by the Republic of Korea with respect to combating and preventing racism and racial discrimination and xenophobia, guaranteeing equal opportunities and pursuing programmes aimed at promoting and protecting economic, social and cultural rights, particularly the rights to health, education and food.

566. The Islamic Republic of Iran thanked the Republic of Korea for its informative statement, and welcomed the fact that the five recommendations it had made enjoyed the support of the Republic of Korea. It expected further efforts from the Government to improve the rights and conditions of migrant workers, and expressed the hope that the Republic of Korea would take effective measures to implement the recommendations on defining the legal status of an independent child rights monitoring body and on children with disabilities.

567. The Lao People's Democratic Republic noted that the Republic of Korea had accepted a large number of recommendations and had taken the steps necessary for their implementation. It referred to commendable achievements, such as the launching of the second national plan of action, the lifting of reservations to the Convention on the Rights of the Child, the ratification of the Convention on the Rights of Persons with Disabilities and the efforts to uphold the rights of disabled persons and to combat human trafficking, domestic

violence and gender-based discrimination, and its generous contribution to overseas development.

568. Viet Nam thanked the Republic of Korea for its detailed update of developments, including the serious consideration given to and effective implementation of recommendations since its review. It noted with appreciation the acceptance by the Republic of Korea of a large number of recommendations, including two made by Viet Nam, namely on fostering the rule of law and social cohesion and on intensifying policies and measures to guarantee the full enjoyment of rights by, and the protection and welfare of, migrant workers.

569. The Philippines was pleased at the serious efforts of the Republic of Korea to incorporate the accepted recommendations in its second national plan of action for the promotion and protection of human rights. The Philippines noted the State's commitment to consider those recommendations that it could not currently support for the future enhancement of the protection of human rights. The Philippines welcomed the acceptance of interim measures to protect the rights of migrant workers and their families, and was optimistic that the Republic of Korea would in the near future join the States that had ratified the International Convention on the Protection of the Right of All Migrant Workers and Members of Their Families and ILO Convention No. 189.

570. The Republic of Moldova thanked the Republic of Korea for the complementary information on the review recommendations made. It commended the Government for ensuring effective gender equality in government policies and the Government's commitment to prevent and prosecute domestic violence and to ensure protection for victims. It appreciated the State's acceptance of a significant number of recommendations, including those made by the Republic of Moldova.

571. Thailand appreciated the careful response of the Republic of Korea to the review recommendations and for providing explanations for the recommendations not supported. It thanked the State for having accepted the recommendation made by Thailand on the promotion and protection of the rights of all migrant workers. Thailand also noted with appreciation that the Government intended to carry out a comprehensive review of the implementation of measures and programmes to provide assistance to victims of landmines. It was pleased to note that most of the recommendations relating to such important matters as the rights of women, children, persons with disabilities, vulnerable and marginalized groups enjoyed the support of the Republic of Korea.

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

572. During the adoption of the outcome of the review of the Republic of Korea, six other stakeholders made statements.

573. The National Human Rights Commission of Korea welcomed the State's acceptance of 42 recommendations out of a total of 70. Regarding the remaining recommendations not yet accepted, it urged the Government to sustain its interest in ultimately addressing pending issues and in continuing to monitor progress. Sometimes, the administration could not fully address human rights violations without social consensus and bipartisan agreement in the National Assembly. It pointed to the diversity of emerging human rights issues and the greater roles and influence of non-governmental organizations. The human rights issues making the headlines were not always those considered the most important for the general public. Since human rights reports submitted by Governments or civil society did not always depict fully the situation of human rights, the commission would fulfil its role in presenting its independent opinion in an objective and unbiased manner.

574. Amnesty International noted that the Republic of Korea had accepted similar recommendations relating to addressing discrimination against migrant workers and guaranteeing full enjoyment of the rights of migrant workers at its first review in 2008. It

regretted their poor implementation, and urged the Government to take tangible measures to respect, protect and promote the rights of all migrant workers, both documented and undocumented, and to take steps to eliminate restrictions on their labour mobility. Amnesty International expressed its disappointment that a number of key recommendations had been rejected, including on the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights on establishing a moratorium on executions as a step towards the full abolition of the death penalty and on providing a genuine alternative to military service for conscientious objectors. Amnesty International deplored the rejection of recommendations to abolish or amend the National Security Law in accordance with international standards. Vaguely worded clauses in the law were misused to target individuals and groups perceived to oppose government policy. The Government's failure to accept those recommendations reflected a worrying lack of commitment to guaranteeing the right to freedom of expression.

575. The Asian Forum for Human Rights and Development made a statement in association with People's Solidarity for Participatory Democracy in which they expressed their appreciation for the State's timely submission of its position on the recommendations made. They regretted the fact that several recommendations repeated from the first cycle had still not been accepted, such as the ratification of the International Convention on the Protection of the Right of All Migrant Workers and Members of Their Families. They were disappointed at the Government's position on amending the National Security Act. The number of people prosecuted under the law exceeded the number of convictions, indicating its arbitrary application. It had also been invoked to forcibly shut down a number of websites and blogs. They highlighted the Government's rejection of recommendations to ratify core ILO conventions despite its pledges when the State was elected to the Human Rights Council in 2006 and 2008. They were also disturbed by the increasing trend of judicial harassment of peaceful protesters accused of "obstructing justice". The use of force by private security personnel against peaceful protesters was also alarming. They were appalled that the Government had not effectively addressed this situation on the ground, rendering it complicit in the violence and coercion. They referred to violent disruptions by police and private security of peaceful protests in Gangjeong village since 2007, and appealed to the Special Rapporteur on the situation of human rights defenders to address such acts during her upcoming visit. They also called upon the Government to make every effort to realize fully the right of local communities to free, prior and informed consent. Lastly, they urged the Government to conduct genuine and transparent consultations with civil society organizations at all stages of the universal periodic review process, and to create an oversight mechanism on the status of implementation of recommendations made by United Nations human rights entities involving the National Assembly and all relevant institutions and agencies.

576. Save the Children International welcomed the Government's acceptance of most of the universal periodic review recommendations relating to children's rights. It drew attention to the recommendation made by nine States that every child should be registered without discrimination, regardless of the status and nationality of his or her parents, and to the Government's response that the current system was already fulfilling those rights. According to its research on refugee children in the Republic of Korea, 19 of 50 children in the sample were stateless. It proposed the adoption of automatic birth registration in hospitals and the protection of the privacy of single mothers' through the modification of the registration system of family relationships. While noting the Government's acceptance of recommendations on the prohibition of corporal punishment, it referred to a provision of the enforcement decree of the Elementary and Secondary Education Act that still permitted the use of humiliating and disciplinary punishment, and called upon the Government to revise the law to prohibit those forms of punishment as soon as possible.

577. CIVICUS – World Alliance for Citizen Participation welcomed the launching of the second national plan of action for the protection and promotion of human rights (2012-2016). CIVICUS expressed its concern that space for the freedoms of expression, association and assembly, and the right to peaceful protest was shrinking. CIVICUS drew attention to the issue of the alleged silencing of dissenting voices under the National Security Act and the fact that the Internet remained a highly restricted space. As at October 2012, the police had deleted 67,300 websites that they claimed threatened national security, and several restrictions had been placed on freedom of peaceful assembly through the application of the Assembly and Demonstration Act and the Criminal Act. CIVICUS urged the Government to repeal or suitably amend the national security act, to bring to justice law enforcement officials who made wrongful arrests, and to take further action to remove limitations on Internet content so as to ensure freedom of expression, including opinions different to those of the Government.

578. The International Fellowship of Reconciliation reported that seven States had made recommendations regarding non-recognition of conscientious objection to military service and the imprisonment of conscientious objectors. The recommendations were combined in recommendation 53, which was listed as not enjoying the support of the Republic of Korea, although the Government had undertaken to examine the issue. The Republic of Korea continued to imprison almost 500 young men every year for refusing military service on the grounds of conscience, more than any other State in the world. Other States faced with a difficult security situation and lack of public consensus had fully respected the right of conscientious objection to military service. The International Fellowship Of Reconciliation called upon the Republic of Korea to provide for conscientious objection to military service in legislation conforming to international standards; to take a positive role in the formation of a popular consensus on that issue; and to immediately cease imprisoning persons who refused military service on the grounds of conscience, and to provide them instead with the opportunity to opt for a civilian alternative service when it became available.

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

579. The delegation thanked all speakers for their constructive comments, which were a valuable source of information for the Government to strengthen further its already firm commitment to achieving higher standards of human rights.

580. The Republic of Korea disagreed with claims that the National Security Law was arbitrarily applied. The law was necessary for the State's existence and security because of the unique security circumstances facing the country. It was strictly interpreted and applied in compliance with the guidelines for interpretation of the act presented in the rulings of the Constitutional Court and the Supreme Court. It was limited in its application to cases where there was a clear threat to the existence and security of the State or the fundamental democratic order, so that the freedoms of expression, association and assembly were guaranteed to the fullest extent possible.

581. The Republic of Korea remained firmly supportive of the universal periodic review and to the promotion of the review mechanism, and renewed its gratitude to the troika (Djibouti, Hungary and Indonesia) and the secretariat for their hard work.

#### **Switzerland**

582. The review of Switzerland was held on 29 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Switzerland in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/CHE/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/CHE/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/CHE/3).

583. At its 36th meeting, on 14 March 2013, the Council considered and adopted the outcome of the review of Switzerland (see sect. C below).

584. The outcome of the review of Switzerland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/11), the views of Switzerland concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/11/Add.1).

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

585. The delegation of Switzerland highlighted the close cooperation between the Federal Department of Foreign Affairs, the Federal Department of Justice and Police and all cantons during the review exercise, and thanked civil society organizations for their contribution.

586. Switzerland thanked the 81 States that had intervened in the interactive dialogue in October 2012. At that time, 69 States made 140 recommendations, 50 of which had been accepted and four rejected. The remaining 86 recommendations had been examined in a participative and inclusive process among the cantons, the federal authorities and non-governmental organizations, resulting in the decision of the Federal Council to accept 49 recommendations and reject 37.

587. The decision to accept or reject a recommendation was made taking into account the implementing measures already in force, the State's capacity to implement and whether an accepted recommendation could be implemented before the next review. By accepting recommendations, Switzerland had committed to continue its efforts and measures already taken. Recommendations could not be accepted when the Government or the Parliament had not yet taken any decision or issued any clear political willingness to adopt the measures recommended.

588. Switzerland was currently discussing ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights on the basis of a study prepared by the Swiss Centre of Expertise in Human Rights. No political decision had yet been made.

589. Switzerland informed the Council that its current sectorial approach to fighting discrimination was more effective than a general law against it. Switzerland had taken targeted measures to better protect against discrimination, including the Gender Equality Act, which contained special measures to counter discrimination against women in the labour market; the Federal Registered Partnerships Act, which offered homosexual couples, in many respects, the same rights as married couples (the Parliament was discussing an amendment that would allow a person in a registered partnership to adopt their partner's child); and the Federal Act on the Elimination of Discrimination against Persons with Disabilities, which contained measures on accessibility to buildings, public transport and services.

590. Switzerland had rejected the recommendation on the establishment of an independent complaints mechanism on police violence in each canton because, owing to the separation of powers, complaints to an independent judicial authority were already possible in every canton. The Swiss Centre of Expertise in Human Rights was preparing a study of canton complaints mechanisms, which would serve as a basis to consider their advantages and disadvantages and to exchange best practices.



591. Switzerland had rejected the inclusion of a definition of torture in the Criminal Code because all acts that constituted torture were already criminalized in the code and subjected to appropriate penalties. The federal Constitution guaranteed the absolute prohibition of torture.

592. The separation of minors and adults in temporary custody was already guaranteed by law in Switzerland. The effective implementation of such a guarantee depended on the availability of appropriate structures in the cantons; therefore, a time frame of 10 years had been granted to the cantons to set them up. As the deadline to implement the recommendation would expire at the end of 2016, at its third review, Switzerland had rejected this recommendation.

593. Switzerland had already taken several measures to fight against human trafficking. It had an exhaustive legal framework, such as the Criminal Code, which prosecuted and punished those responsible; the federal law on aiding victims of violations; and the Federal Act on Foreign Nationals, which contained specific provisions. These measures had enabled Switzerland to ratify the Convention of the Council of Europe on action against trafficking in human beings.

594. The national plan of action to fight human trafficking, adopted in 2012 by the Federal Council, envisaged measures regarding prevention, criminal prosecution, the protection of victims and cooperation with States of transit and origin of victims, and had been integrated into a comprehensive strategy. Financial contribution had also been granted to non-governmental organizations that provided specialized assistance to victims.

595. In 2009, the Federal Council had set up the Swiss Centre of Expertise in Human Rights for a pilot period of five years, confirming the State's voluntary commitment, made in 2008, to establish a national human rights institution. The pilot project would provide information for a final political decision. By accepting the recommendation, Switzerland was not anticipating the outcome of the pilot study nor the final decision by the Government. Switzerland would inform the Human Rights Council accordingly.

596. With regard to a recommendation made by Namibia, not reflected in the report of the Working Group, Switzerland clarified that, in the framework of compulsory medical insurance, insurance companies were required to set identical rates for men and women.

597. Even if Switzerland enjoyed a favourable human rights situation, the promotion of human rights was a permanent task. The second universal periodic review had enabled Switzerland to intensify the human rights debate at all political levels. Swiss federalism, direct democracy and the sectorial approach provided new developments, and took into account the Confederation, the cantons, the communes and civil society.

598. An interdepartmental group, composed of representatives of the Government and the cantons, had been created to discuss the recommendations and related human rights issues. Further discussions had been held with the NGO-Coalition and the Swiss Centre of Expertise in Human Rights. Strengthened relations between the Government, the cantons, civil society and citizens would enable the effective implementation of accepted recommendations.

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

599. During the adoption of the outcome of the review of Switzerland, 14 delegations made statements.

600. Romania appreciated Switzerland's commitment to improve its promotion of and respect for human rights. It trusted that the State's support for the majority of recommendations received would contribute to the achievement of such a goal. Romania

would continue to cooperate with the authorities of Switzerland to support their efforts in the field of human rights.

601. Togo thanked Switzerland for its presentation and update. It was pleased with the protection of human rights in Switzerland, and encouraged the State to accelerate its policy on integration and fighting discrimination in all cantons.

602. Viet Nam appreciated the concrete initiatives and measures taken to implement the recommendations accepted. There was room for further improvements, especially in the areas of the fight against racial discrimination, social integration for migrants and a holistic plan for gender equality. The history of the Swiss Confederation was an example of effective international cooperation.

603. Algeria appreciated the acceptance of its recommendation on intensifying efforts in fighting racism, discrimination, intolerance and xenophobia. It recalled its statement at the presentation of the State report that Switzerland had come a long way in promoting and protecting the rights of its citizens. However, it regretted the fact that Switzerland had not accepted the recommendation on ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

604. Botswana applauded the progress made towards the protection and promotion of human rights since the first cycle of the universal periodic review. It commended Switzerland for the ratification of the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture. It welcomed the establishment of the centre for human rights and noted with satisfaction the efforts made to ratify other international instruments.

605. Burkina Faso renewed its congratulations to Switzerland on having completing its second review, and noted the initiatives taken to implement the recommendations accepted. It praised the State's cooperation with Human Rights Council mechanisms. It encouraged Switzerland to continue its protection and promotion of human rights.

606. Côte d'Ivoire thanked Switzerland for having accepted the recommendations received. It noted with satisfaction the State's engagement in important issues for the Human Rights Council, such as transitional justice and the prompt adoption of resolutions on serious situations of open conflict. It commended the initiatives in the area of humanitarian action.

607. Cuba highlighted the progress made in the areas of gender, violence against women, the rights of the child and of persons with disabilities, yet stressed that challenges still remained regarding racism, racial discrimination and xenophobia. Noting that the target of 0.7 per cent of GDP for official development assistance had not been met, it called upon Switzerland to increase its contribution. It appreciated the fact that Switzerland had supported Cuba's recommendations on preventing racism, equal opportunity and withdrawing its reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

608. Ecuador appreciated the support State's for a large number of recommendations, including those made by Ecuador. It regretted the rejection of several recommendations on ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and urged Switzerland to reconsider its position. It also regretted that Switzerland had rejected the recommendations on adopting a law to prohibit incitement to racism, discrimination, intolerance, xenophobia and hate speech.

609. Gabon commended Switzerland's collaboration with international procedures and mechanisms for the protection and promotion of human rights. It acknowledged the efforts made in combating racism, xenophobia and all relevant forms of discrimination and intolerance, and its efforts in fighting discrimination against women with a view to reducing inequality between men and women.

610. The Lao People's Democratic Republic commended Switzerland's achievements in upholding and promoting human rights and humanitarian principles. It noted the acceptance of a large number of recommendations and the steps already taken to implement them. It acknowledged Switzerland's efforts to adopt a wide range of legislative measures, policies and programmes to strengthen gender equality and women's rights and in combating violence against women and trafficking in persons.

611. Namibia regretted the omission, in the outcome report, of one of its recommendations made, which referred to the health-care system that charged higher fees to women. It requested that the recommendation be included in the list of recommendations. It recommended that Switzerland ensure equal fees for insurance premiums for women and men in public and private health-care systems.

612. The Philippines noted that, despite the rejection of the recommendation on considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it appreciated the State's commitment to ensure the protection of refugees, migrants and their family members. While welcoming the voluntary commitments made to address the situation of migrants and travellers, it hoped that, in the future, Switzerland would also join the Convention. It was pleased to note the acceptance of its recommendation on considering ratifying ILO Convention No. 189.

613. The Republic of Moldova welcomed Switzerland's efforts to improve the protection and promotion of human rights, including the establishment of a centre for human rights. It appreciated the adoption of laws, policies and programmes with a view to strengthening gender equality, and the progress made in combating domestic violence. It also appreciated the acceptance of its two recommendations.

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

614. During the adoption of the outcome of the review of Switzerland, eight stakeholders made statements.

615. The European Region of the International Lesbian and Gay Federation, on behalf of five national LGBT organizations, regretted the rejection of all recommendations on discrimination based on sexual orientation and gender identity, underscoring that LGBT persons were victims of numerous forms of discrimination. It regretted the lack of legal protection of LGBT persons in the Registered Partnership Act and the Labour Act. It called upon Switzerland to adopt a general law on all forms of discrimination.

616. The World Evangelical Alliance noted the acceptance of 12 recommendations on combating human trafficking. It called upon Switzerland to undertake an independent study to assess the magnitude of this scourge, to punish perpetrators with appropriate sentences, to involve all cantons in the identification and protection of victims, and to intensify international cooperation by engaging all concerned stakeholders, including civil society. It would continue to dialogue and cooperate with Switzerland in the implementation of the recommendations accepted.

617. Amnesty International acknowledged the satisfactory consultation with civil society and the cantons prior to the review. It welcomed the support for recommendations on establishing a national human rights institution and developing a plan of action to combat racial discrimination, yet noted the rejection of the recommendation on ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It regretted the rejection of the recommendations on combating discrimination, establishing an independent complaint mechanism for cases of police violence, criminalizing torture and detaining minors separately from adults, and urged Switzerland to reconsider its position.

618. Verein Südwind Entwicklungspolitik regretted the rejection of the recommendation on ratifying the Convention on the Reduction of Statelessness. It referred to a case of an individual who had been seeking asylum in various European countries, unsuccessfully, including Switzerland. It regretted that Switzerland had also rejected the recommendation on providing suitable accommodation for all asylum seekers.

619. Action Canada for Population and Development, on behalf of the Sexual Rights Initiative and Sexual Health Switzerland, was concerned at the rejection of recommendation 123.76 and the recommendation made by Australia on establishing an anti-discrimination ombudsman in all cantons. It urged Switzerland to remove the barriers faced by vulnerable groups in their access to reproductive health services, and to develop a national strategy to ensure access for children and adolescents to sexual education. It noted that Switzerland had not responded to Finland's question on the sexual rights of persons with disabilities.

620. Istituto Internazionale Maria Ausiliatrice and the International Volunteerism Organization for Women, Education and Development regretted the rejection of the recommendation on ensuring the best possible level of education for children from disadvantaged backgrounds and of foreign origin. It called upon Switzerland to implement that recommendation, and recommendation 123.82 through public programmes to prevent youth suicide and drug use; to guarantee equal opportunities for every child; and to guarantee children's right to health by making health insurance more affordable for low-income residents.

621. The Press Emblem Campaign noted that the obligation to protect journalists in conflict zones under the Geneva Conventions had been repeatedly ignored in recent years. It called upon Switzerland, before submitting its next periodic report to the Council, to consult the High Contracting Parties in order to identify means to strengthen the protection of journalists and media workers in conflict zones through concrete and effective mechanisms complementing the general provisions of the Geneva Conventions.

622. The Association of World Citizens regretted the low rate of naturalization in Switzerland. It deplored the fact that entry visas and work permits could be revoked at any time, including in cases where the person had lived and worked in Switzerland for 25 years, since integration was evaluated on the sole degree of dependence on social aid. It welcomed the harmonization of cantonal practices, and called upon Switzerland to take into account other elements, such as personal circumstances and the rights of the child.

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

623. Switzerland thanked all States and civil society organizations for the cooperation provided during its second review, which had contributed to the State's reflections on human rights. Switzerland would take into account the remarks made by delegations in its efforts to implement the recommendations accepted.

#### **Pakistan**

624. The review of Pakistan was held on 30 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Pakistan in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/PAK/1);
- (b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/PAK/2 and Corr.1);
- (c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/PAK/3).

625. At its 37th meeting, on 14 March 2013, the Council considered and adopted the outcome of the review of Pakistan (see sect. C below).

626. The outcome of the review of Pakistan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/12), the views of Pakistan concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/12/Add.1).

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

627. The Ambassador of Pakistan expressed deep appreciation to those who had participated in the interactive dialogue, and the members of the troika and the secretariat for their support in the conduct of its universal periodic review in October 2012.

628. Pakistan had participated in the second cycle of the universal periodic review in a constructive and inclusive manner. The interactive dialogue had provided the delegation with an opportunity to highlight the strides made by Pakistan in the protection and promotion of human rights, and to take stock of the challenges faced in the full realization of the human rights of the citizens of Pakistan.

629. Pakistan had received 166 recommendations during the review and rejected one during the session of the Working Group. Following the adoption of the report on Pakistan by the Working Group on 2 November 2012, the 165 recommendations were sent to all departments concerned for consideration and reply.

630. Of the 165 recommendations made, 126 enjoyed the support of Pakistan. Of these, 73 recommendations had either already been implemented or were in the process of implementation, while 34 others had been noted. They had not been rejected as such, but the due process of consultation on them has not been completed on time, and would continue.

631. Seven recommendations had not been accepted because they pertained to the repeal of blasphemy laws and the abolition of the death penalty. While the Government had accepted and was already implementing recommendations on measures to prevent the misuse of blasphemy laws, there was no national consensus on repealing those laws. With regard to the abolition of the death penalty, this was a matter for the Parliament to decide. The executive could only impose an unofficial moratorium on executions, which was already in place.

632. A number of recommendations had been made on the ratification of international human rights instruments. Pakistan was a party to seven core human rights instruments; at present, the Government was focusing on their implementation. Its accession to new international instruments was being examined under a constant and gradual process during which the implications of ratification were considered in terms of consistency with and adaptation to national laws and practices, and also in terms of the financial implications of the implementation of the instruments concerned.

633. On the recommendations made for the promotion and protection of the rights of women, the delegation informed the Council that, on 12 February 2013, Pakistan had presented its fourth periodic report to the Committee on the Elimination of Discrimination against Women, and the experts had acknowledged the resolve of the Government to advance women's rights and appreciated the steps taken in this regard.

634. A number of recommendations had been made on continuing national efforts to design and implement policies and programmes aimed at improving the socioeconomic conditions of the people of Pakistan. The delegation noted with appreciation that the international

community had valued the commitment of the Government to poverty alleviation and to improving living standards.

635. The delegation recognized the fact that no country could embark upon the path to prosperity without ensuring universal education for its future generations. Pakistan had therefore enacted the Free and Compulsory Education bill in December 2012 to provide free and compulsory education to all children.

636. With regard to the recommendations made on the promotion and protection of the rights of minorities, all minorities in Pakistan were equal citizens and enjoyed equal rights and protection. The extremist ideology espoused by a misguided fringe minority could not undermine the rights afforded to minorities by Islam and the Constitution of Pakistan. A national interfaith and intercultural conference had been organized with the view to promote harmony among followers of different faiths. While more needed to be done for the welfare of minorities in Pakistan, it was important to underscore that there was no organized or official intolerance towards religious minorities in Pakistan. Most cases of excesses against members of minority communities were based on personal animosity or an endeavour by a few extremist elements to impose their own agenda on both majority and minority communities.

637. The people of Pakistan were committed to democratic ideals. On 15 March, a democratically elected Government would complete its five-year term. The democratic Government, during its five years of tenure, had taken significant steps in the promotion of democracy and human rights in the country by passing landmark legislation to strengthen democracy, to promote the rule of law and to protect human rights.

638. The efforts made by the Government to protect and promote human rights were for the sake of the people, not the international community or civil society.

639. The delegation pointed out the challenges that Pakistan faced in the realm of human rights when addressing them in a comprehensive manner. The Government remained committed to vigorously protecting and promoting the human rights of its people and to fulfilling all its international human rights obligations.

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

640. During the adoption of the outcome of the review of Pakistan, 15 delegations made statements.\*\*

641. Indonesia noted the consistent and genuine commitment of Pakistan to human rights and to implementing the 126 recommendations accepted. It welcomed the Government's legal, institutional and administrative initiatives taken on the advancement of women. The acceptance of relevant universal periodic review recommendations during the second cycle would further progress and efforts to address existing challenges to the advancement of women in Pakistan.

642. The Islamic Republic of Iran commended the active participation of Pakistan in the universal periodic review process, and welcomed its constructive engagement with the Council by accepting many recommendations. It also commended Pakistan for its efforts to ensure the economic and social rights of its people, including the reduction of poverty and improvements in education by making financial and human resources available for literacy programmes.

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\*\* The statements of delegations or stakeholders unable to deliver them owing to time constraints are posted, if available, on the extranet of the Human Rights Council at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/22ndSession/Pages/Calendar.aspx>

643. Malaysia commended Pakistan for its engagement in the universal periodic review process and its willingness to accept the majority of the recommendations made, including the one made by Malaysia. Pakistan had ratified almost all international human rights instruments and made improvements in the area of education, health, housing, social welfare and the empowerment of women, among others. Malaysia noted the challenges that remained on a number of human rights issues, and encouraged Pakistan to continue to strengthen its efforts to ensure the enjoyment of all human rights by its citizens.

644. Morocco thanked Pakistan for having accepted most of the recommendations made during the universal periodic review, which demonstrated its commitment to human rights, including through its ratification of the main human rights instruments and its efforts to bring its national legislation into line with its international obligations. Morocco appreciated the efforts made for certain categories of the population, such as women and the disabled. It welcomed the decision of the Government to create a national commission on the status of women and to ratify the Convention on the Rights of Persons with Disabilities. It also welcomed the efforts of the national institution of human rights and its initiative to draft a national plan of action on human rights.

645. Myanmar expressed its appreciation for the constructive and active participation of Pakistan in the second cycle of the universal periodic review. It was pleased to note that Pakistan had accepted a large number of recommendations made by Member States, including Myanmar.

646. The Philippines noted that Pakistan continued to support the universal periodic review, an effective State-led voluntary process and inclusive mechanism that could make positive changes to legislation, policies and programmes in order to protect and advance human rights. It encouraged Pakistan to continue its transparent and constructive engagement with the Human Rights Council. It welcomed Pakistan's adherence to the protection of human rights not only of its people but also of the 3 million refugees it hosted, despite the heavy costs and severe constraints in human resources.

647. Qatar appreciated the acceptance by Pakistan of the two recommendations it made during the interactive dialogue, in addition to the State's commitment to examine another 33 recommendations. This reflected the real will of Pakistan to deal positively and constructively with the Human Rights Council and other United Nations mechanisms. Qatar greatly appreciated the achievements made and the continuous efforts to promote and protect human rights, fundamental freedoms, justice and the rule of law at the legislative and executive levels, despite the challenges faced. It also appreciated the role that Pakistan played in the Human Rights Council in bridging views as the coordinator of the Organization of Islamic Cooperation.

648. The Russian Federation stated that the review of Pakistan in the second cycle demonstrated that the State had taken all possible measures to improve national human rights mechanisms and to involve civil society in developing its political and economic initiatives. The Russian Federation noted with appreciation that Pakistan had accepted the majority of recommendations made during the review, which demonstrated the readiness of the authorities to strengthen and improve the State's capacity to promote and protect human rights.

649. Saudi Arabia acknowledged that Pakistan had continued in the same positive spirit of cooperation with all United Nations mechanisms and procedures, and its readiness to cooperate and dialogue on human rights issues through the ratifications of treaties, the efforts made to develop laws and institutions related to human rights and the amendments made to the Constitution since 2010. It appreciated the regional role that Pakistan played to strengthen human rights, which had resulted in the establishment of the Human Rights Committee by

the Organization of Islamic Cooperation in 2011 and the Forum of South Asia to end violence against children.

650. Sri Lanka congratulated Pakistan on having accepted the majority of the recommendations made during the review, and understood that some of them were already being implemented. It commended Pakistan for the significant strides made in the promotion and protection of human rights in the past four years, despite the challenges faced on different fronts. It noted the efforts made to eradicate terrorism, and stood by Pakistan in its endeavour to secure peace and security for its people.

651. The Sudan noted that, to achieve the goals of the universal periodic review, the human rights record of a State could not be assessed in the isolation of a study, but had to be based on the situation on the ground and on factual information. The Sudan therefore commended Pakistan for its efforts, despite the challenges faced in recent years, particularly its adoption of six laws for the promotion of women's rights and the law that had established a national human rights institution in accordance with the Paris Principles.

652. Thailand welcomed the acceptance of both recommendations it had made, on which both countries shared common concerns and interests. Pakistan had given importance to guaranteeing the rights of religious minorities and ensured the free practice of faith and religion. It appreciated the efforts made to ensure access to education and to give priority to the right to education as a means to improve socioeconomic development in the country.

653. The United Kingdom of Great Britain and Northern Island welcomed the clear commitment of Pakistan to the universal periodic review process, and offered its practical support in implementing the recommendations. The United Kingdom had been reminded of the challenges that Pakistan faced by the recent tragic attacks on Shia Muslims and the anti-Christian riots. The United Kingdom would provide its support when addressing terrorism and extremism. It encouraged the authorities to do all they could to protect minority communities. The United Kingdom supported Pakistan's efforts to ensure that elections were credible and acceptable to its people as a vital step towards a strong and stable democracy.

654. The United Arab Emirates welcomed the efforts made by Pakistan to establish a culture of human rights and fundamental freedoms through measures at all levels that would guarantee the dignity of individuals and achieve equality and the principle of equal opportunities among people. It commended the commitment of Pakistan to economic, social and cultural rights to achieve sustainable development and social justice. It also commended the political will to implement all the recommendations accepted and to continue its cooperation with the international community and the Council to strengthen human rights.

655. The Bolivarian Republic of Venezuela appreciated the commitment of Pakistan to the promotion and protection of human rights and its open cooperation with the universal periodic review mechanism. It commended the efforts made in the implementation of the recommendations received, the ratification of important international human rights treaties and the adoption of legal and administrative initiatives in favour of women's rights, giving priority to their political and economic empowerment. It also commended the progress made in the field of the rights of the child, health, education and in the fight against poverty and social exclusion, despite the economic challenges and natural disasters endured.

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

656. During the adoption of the outcome of the review of Pakistan, 10 other stakeholders made statements.

657. Human Rights Watch appreciated the acceptance of recommendations on religious hatred and the prevention of violence against religious minorities. It noted the number of killings in 2012 and 2013 in many provinces. The Government of Pakistan had been unable



or unwilling to break the links of State military and intelligence agencies with extremist groups, as law enforcement officials also turned a blind eye to attacks. The Government had taken no steps to hold extremist groups accountable. It regretted the rejection of the recommendations to revise discriminatory blasphemy laws, and recalled the hundreds of Christians who had had to flee their homes in Lahore on 9 March 2013.

658. The International Federation for Human Rights and the Human Rights Commission of Pakistan urged Pakistan to step up efforts to protect religious minorities from physical attacks, forced conversion and socioeconomic discrimination, especially in the light of the recent outburst of violence against Shia communities, and to urgently amend discriminatory laws, which contribute to the persecution of minorities. They were concerned by the insecurity of human rights defenders and journalists investigating human rights violations. They noted that the number of death sentences had remained high – there were 7,046 inmates on death row at the end of February – and called for an official moratorium.

659. Amnesty International encouraged the Government to provide regular updates to civil society on the implementation of recommendations. Little progress had been made in determining the fate of thousands of people subjected to enforced disappearance. It urged Pakistan to criminalize enforced disappearances, to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to investigate and prosecute those responsible for such acts. It urged the State to take measures to address the climate of vilification on the basis of religion and to bring to justice those who committed religiously motivated acts of violence, and to consider repealing blasphemy laws. It called for the development of a national policy for the protection of human rights defenders and the prosecution of perpetrators.

660. The Asian Forum for Human Rights and Development noted the initial measures taken to implement some recommendations; much more was, however, required for them to have a meaningful impact, such as a timeline for the domestication of ratified treaties. It urged Pakistan to take urgent steps, particularly on a law to ban child labour. It was concerned that the legislation on the national human rights institution fell short of international standards. The State should address violations under blasphemy laws and the digital surveillance tools used to curtail freedom of expression. It recalled the attacks against human rights defenders, aid workers and journalists, and called for the adoption of comprehensive protection legislation and the establishment of an adequate protection mechanism.

661. United Nations Watch noted that Pakistan had a particular responsibility in upholding the highest standards in the promotion and protection of human rights. It questioned why it still heard reports of extrajudicial killings and enforced disappearances. It also asked about attacks against Christians, Shias, Ahmadis and other minorities. It referred to the most recent attack that killed 45 and wounded 146 Shias in Karachi. It raised issues of women rights and the 96 attacks on schools in 2012, making Pakistan one of the most dangerous places in the world to go to school. United Nations Watch called for the repeal of blasphemy laws immediately.

662. The World Environment and Resources Council hoped that the next elected Government would have the courage to tackle many of the problems that troubled the people of Pakistan and had prevented them from enjoying a life of freedom and prosperity. It quoted a Pakistani human rights activist on the democratic process and the four years of democratic rule.

663. The International Commission of Jurists expressed regret at the recent events that had reversed a de facto moratorium on the death penalty in place since 2008, which it considered a major step backwards for human rights. More than 7,000 persons were on death row, as capital punishment was prescribed for 27 different offences, many of which did not meet the threshold of most serious crimes, as stipulated by article 6 of the International Covenant on

Civil and Political Rights. It urged Pakistan to accept the recommendations on adopting an official moratorium with a view to abolishing the death penalty in law, on acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, on ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and on resolving all cases of enforced disappearances.

664. Action Canada for Population and Development welcomed the support of Pakistan for the recommendation on early and forced marriage with a view to eliminating it, to end rape and sexual exploitation and forced conversion of scheduled caste girls, and called for immediate steps in this regard. Pakistan had one of the highest rates of infant mortality and under 5 mortality in South Asia, which were also linked to early and forced marriages. It noted the inconsistency of the age of marriage for girls and boys and its impact on education and development. It urged Pakistan to end violations against women, to raise the age of marriage for girls to 18, and to enforce the law.

665. Fondazione Marista per la Solidarietà Internazionale ONLUS, speaking also on behalf of Franciscans International, Save the Children International and VIVAT International, noted the use of corporal punishment in schools and the absence of effective laws to reduce the number of children working on the streets or in factories, contrary to constitutional provisions on the age of employment and hazardous work. Children died as a result of abuse, particularly domestic workers. It was concerned at the involvement of children in armed conflict. Women continued to face challenges, despite the efforts made, and recommended that Pakistan ratify the Optional Protocol to the Convention on the Elimination of Discrimination against Women.

666. The Jubilee Campaign was concerned at the economic, political and social marginalization of minorities. It considered the education curriculum one of the root causes of increasing prejudice in society, and urged Pakistan to ensure that children's textbooks were non-discriminatory and to promote freedom of religion or belief. The State's blasphemy laws and anti-Ahmadiyya provisions lacked defined terms, allowing false accusations to be easily registered. Perpetrators were rarely brought to justice, while hate speech was a standard precursor to religiously motivated violence, which was rarely punished, despite the existence of legislation. It urged Pakistan to make greater efforts to protect religious minorities and to ensure the rule of law and justice for those who endured intimidation and violence.

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

667. The delegation of Pakistan thanked the President of the Human Rights Council for his ruling cautioning speakers not to use language inconsistent with decorum of the Council during interventions.

668. The delegation stressed that the actions of extremists and radical elements in society should not be confused with the policies of the Government of Pakistan. There was no officially sanctioned policy of discrimination on the basis of religion or any other against the people of Pakistan. It expressed deep regret at the fact that some members of minority communities were targeted by extremist elements. Such divisive acts were perpetrated by groups pursuing an extremist and radical agenda. Although numerous, such acts had remained localized.

669. On the attack on the Christian community in Lahore, the delegation deplored the incident and shared with the Council the steps taken by the Government, the judiciary and civil society in the aftermath of the incident.

670. With regard to the cases of human rights defenders and journalists, they had been targeted by people involved in acts of terrorism against the State and the people of Pakistan. The situation in Pakistan should be analysed and understood in the light of its complex security context.

671. Lastly, the delegation thanked the President of the Council and the Member States that had participated in the debate, and the secretariat, which had helped to make the current session possible.

### **Zambia**

672. The review of Zambia was held on 30 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Zambia in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/ZMB/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/ZMB/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/ZMB/3).

673. At its 37th meeting, on 14 March 2013, the Council considered and adopted the outcome of the review of Zambia (see sect. C below).

674. The outcome of the review of Zambia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/13), the views of Zambia concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/13/Add.1).

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

675. The delegation of Zambia expressed the State's delight in participating in its second universal periodic review. The process had not only served to highlight the tremendous progress that Zambia had made since its first review in 2008, but had also helped the Government to reflect on shortcomings in certain areas.

676. Zambia was determined to continue to improve its human rights protection; it therefore thanked all countries that had made recommendations. The delegation reiterated the State's commitment to the advancement of democracy and to human rights.

677. Zambia had received 125 recommendations, 70 of which had been immediately accepted and one rejected. The remaining 54 recommendations had been deferred for further consultations. The consultations had since been held at the highest level and with different stakeholders, including civil society. The State had ultimately decided to reject 33 of the afore-mentioned 54 recommendations.

678. Zambia was currently undergoing a constitutional review process that was solely people-driven, with the Government playing a strictly facilitative role. Although the Government had agreed with the recommendations on women's rights, children's rights and the need to reform the Constitution to remove the most discriminatory clauses, it rejected all recommendations that would have had the effect of pre-empting the outcome of the current constitutional review process. This was in order to ensure that the Constitution truly reflected the will of the people without any form of prompting from the Government.

679. The recommendation on extending an invitation to special procedures mandate holders had been rejected because Zambia had already made such an invitation, and therefore saw no added value in making any further special invitations. Mandate holders were urged to take advantage of this open invitation.

680. With regard to the recommendation on criminalizing marital rape, Zambia was not aware that marital rape was a problem. Nonetheless, the Government had expressed its willingness to consult widely on the effect of enacting a law criminalizing marital rape, with particular emphasis on the possible adverse impact on the traditional cohesion of the family. Zambia had also enacted comprehensive anti-gender-based violence legislation that enhanced the rights of women with regard to gender-based violence in all forms. The Government welcomed a constructive debate on this issue.

681. Zambia had rejected the recommendation on freedom of expression because, while the freedom of expression should be respected and enhanced, it must not be exercised in contravention of constitutional provisions designed to safeguard the unity of the State.

682. The delegation assured the Human Rights Council that Zambia took the recommendations that it had accepted seriously, and would begin the process of consultations with a view to implementing them. The Government had pledged to work with all stakeholders with a genuine interest in the protection of human rights.

683. Lastly, it was possible that many of the recommendations that touched on the process of constitutional reform and the content of the Constitution of Zambia would be implemented once the review process was completed. The delegation anticipated that the final draft constitution would be ready by June 2013, after which it would be subjected to the approval by the people of Zambia through the institutions.

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

684. During the adoption of the outcome of the review of Zambia, 11 delegations made statements.

685. Burkina Faso encouraged Zambia to continue its implementation of recommendations, particularly those relating to the ratification of human rights treaties, the fight against racism and trafficking of persons. It noted the State's efforts to improve the situation of human rights, and called for them to continue. Burkina Faso expressed the hope that the ongoing constitutional reform process would help to promote human rights.

686. Cuba noted that, despite the material shortfalls in Zambia, the State had endeavoured to prioritize the protection of human rights. It congratulated Zambia on its efforts to attain the Millennium Development Goals. Zambia had focused its attention on broadening access to secondary and tertiary education, and stepped up its efforts to improve the quality of education for all. Cuba also congratulated Zambia on its efforts to combat gender-based violence, in particular the adoption of a national plan of action and the guidelines for the treatment of victims. It also expressed its gratitude to Zambia for the acceptance of its recommendation on access to health services.

687. Gabon noted with satisfaction that Zambia had made many efforts to promote and protect human rights. It encouraged Zambia to continue the constitutional reforms undertaken, including those reforms under way in areas relating to human rights. These reforms would contribute to strengthening the rule of law in a country that was becoming a model for democracy in the African continent.

688. Morocco welcomed the positive and constructive engagement of Zambia, and its open-mindedness throughout the review, which bore witness to its firm commitment to the promotion and protection of human rights, despite many difficulties and obstacles. Morocco welcomed the decision of Zambia to accept the majority of the recommendations. It also welcomed its commitment to strengthen national policies for the promotion and protection of human rights. Morocco reiterated its appreciation to Zambia for the efforts made to strengthen the State's good governance capacity.

689. The Philippines noted the significant human and financial constraints faced by Zambia in implementing the law on trafficking in persons. It also noted the State's acceptance of its recommendation to continue to cooperate with development partners in order to enhance the financial and technical capacity needed to implement the law. It welcomed the State's acceptance of its recommendation to mainstream the rights of women and children through human rights education.

690. South Africa commended Zambia for its constructive engagement with the universal periodic review process, and welcomed the additional information provided by the State. During the review, Zambia had outlined its priority areas, such as education, health care, agricultural development and housing. It encouraged Zambia to continue to prioritize these areas, particularly during the implementation of the recommendations accepted.

691. The Sudan paid tribute to Zambia for its commitment to the universal periodic review process, in addition to the efforts made to strengthen human rights. It also congratulated Zambia on the dialogue in which it had engaged. Opinions should not be imposed on any State, and observations should take into account the priorities and needs of the State concerned. The Sudan expressed its appreciation for the clarification and responses provided by Zambia.

692. Thailand expressed its appreciation for the State's careful response to the recommendations, and thanked it for accepting both of its recommendations. It noted the efforts made and the measures taken by Zambia to enhance the situation of human rights in the country. Thailand stood ready to explore venues of cooperation and to exchange good practices.

693. Togo congratulated Zambia on its efforts to protect the rights of persons with disabilities, to combat sexual violence and to increase the rate of enrolment in schools. It thanked Zambia for having accepted and taken into account its recommendations concerning the implementation of the right to health, the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the abolition of the death penalty. Togo called upon the international community to assist Zambia in the implementation of the recommendations it had accepted.

694. Algeria stated that the additional information provided by Zambia was further proof of the importance that the State attached to the universal periodic review process. It expressed appreciation to Zambia for accepting such a large number of recommendations, including those made by Algeria. The commitment of the State to promote and protect human rights was reflected by, *inter alia*, the strengthening of the institutional framework. The legislative measures taken by Zambia could only contribute to the strengthening of law and democracy. Algeria was pleased that Zambia had prioritized the improvement of the quality of life of its population, which would further strengthen the protection of economic, social and cultural rights.

695. Botswana commended Zambia for having accepted the majority of the recommendations made, which demonstrated its commitment to the promotion and protection of human rights. It also commended Zambia for the legislative reforms undertaken, which included the enactment and implementation of laws against gender-based violence and corruption.

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

696. During the adoption of the outcome of the review of Zambia, five stakeholders made statements.

697. Associazione Comunità Papa Giovanni XXIII noted that Zambia had adopted the Persons with Disabilities Act in 2012, and called upon the State to ensure that all schools

were accessible to children with disabilities, provided special education programmes and increased the number of teachers trained in special education. It recommended the total eradication of corporal punishment and all acts of violence against children at school. It urged Zambia to implement fully the Convention on the Elimination of All Forms of Discrimination against Women, in particular its article 10, and to conduct awareness-raising campaigns to encourage girls to attend school. Zambia should take steps to guarantee the full realization of the right to adequate food. It expressed concern at the lack of skills and tools to prevent and treat malnutrition.

698. Save the Children International welcomed Zambia's acceptance of several recommendations relating to children's rights. The ratification of the third Optional Protocol to the Convention on the Rights of the Child would provide opportunities for children to seek international redress in cases where national systems failed, and would also complement and strengthen the implementation of the Anti-Human Trafficking Act of 2008. Redefining the minimum age of criminal responsibility would spare younger children from having to pass through the criminal justice system. Save the Children called upon Zambia to harmonize the definition of the child in all legislation in accordance with the Convention on the Rights of the Child, and for the implementation of the recommendation on easy and effective free birth registration.

699. Edmund Rice International Limited, speaking also on behalf of Franciscans International, the International Volunteerism Organization for Women, Education and Development and Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, stated that discrimination continued to lead to poor educational outcomes for vulnerable children. It expressed concern that alcohol abuse in underage persons had not been addressed during the review. It welcomed the acknowledgement by Zambia of the impact of poverty on street children and its efforts to guarantee a sustainable solution. It urged Zambia to follow the United Nations Guiding Principles on Business and Human Rights.

700. Rencontre africaine pour la défense des droits de l'homme expressed support for the actions taken by Zambia in the area of education and children's rights, and also in combating sexual violence and promoting gender equality. It expressed appreciation for the efforts made to fight corruption, which would be more effective if they could result in national legislation in conformity with the United Nations Convention against Corruption. It hoped that the consultations held during the constitutional review would lead to the abolition of the death penalty and that domestic legislation would be brought into line with the commitments of Zambia with regard to such issues as the elimination of all forms of discrimination against women. It expressed its concern at the deteriorating conditions of detention and the restrictions imposed on the press.

701. Bischöfliches Hilfswerk Misereor e.V. welcomed the commitment of Zambia to enact the freedom of information bill. It applauded the efforts made to ensure broad-based consultations and input in drafting the bill, and appreciated the invitation to civil society to participate in the work of the government task force. It noted with concern the repeated postponement of the presentation of the bill to Parliament, and called upon Zambia not to postpone it any further.

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

702. The delegation of Zambia specified the recommendations that it had rejected.

703. In response to the issues raised, the delegation stated that the Supreme Court had decided more than five years earlier that corporal punishment was unconstitutional and constituted inhuman and degrading treatment. Corporal punishment was illegal and no longer allowed in schools. With regard to malnutrition, Zambia would make every effort to raise the living standards of its people, although it faced budgetary constraints.

704. The delegation reiterated that the freedom of information bill would be submitted to Parliament in 2013. Freedom of the press had been enhanced, and the Government was committed to addressing this matter further within the remit of the current constitutional review process.

705. The delegation thanked the speakers for their comments, and assured the Human Rights Council that Zambia would take them into account when implementing the recommendations it had accepted.

### **Japan**

706. The review of Japan was held on 31 October 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Japan in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/JPN/1);

(b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/JPN/2);

(c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/JPN/3).

707. At its 37th meeting, on 14 March 2013, the Council considered and adopted the outcome of the review of Japan (see sect. C below).

708. The outcome of the review of Japan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/14), the views of Japan concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/14/Add.1).

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

709. During the adoption of the outcome of the second review of Japan, the Deputy Permanent Representative of Japan to the United Nations at Geneva referred to the essential role that the Human Rights Council played in the protection and promotion of human rights worldwide. To make the universal periodic review mechanism more effective, it was crucial that each State participated voluntarily in the process. Human rights and fundamental freedoms in each country were legitimate issues of concern for the international community, and the State had the basic responsibility to guarantee them. Japan was thus engaged in efforts with the international community to promote and protect human rights in a spirit of dialogue and cooperation, with due consideration for national and regional differences and diverse historical and cultural backgrounds.

710. Japan had participated in its second review in a forthcoming manner, and thanked all States for their constructive and valuable comments. Civil society bodies had also played an important role in the review process. Japan had received positive feedback on its efforts to improve the situation of human rights in the country, and on its cooperation with United Nations human rights mechanisms, such as through the issuance of a standing invitation to the special procedures, the implementation of bilateral human rights consultations and its contribution to international cooperation.

711. The process of examining recommendations required the involvement of many ministries, as in the preparation of the national report. The careful examination of all

recommendations provided an opportunity for a frank exchange with representatives of civil society.

712. Japan had clearly indicated in the addendum the recommendations that enjoyed its support. All other recommendations had been noted by Japan.

713. Of the 174 recommendations made during its second review, Japan had agreed to follow up on 125. They included those on ratifying all major international human rights treaties, promoting protection of the rights of women, children and persons with disabilities, providing human rights training to civil servants, and taking measures to combat human trafficking. Japan was pleased to follow up on the majority of the recommendations made.

714. Following careful examination of recommendations, however, Japan had been unable to accept 26 recommendations. With regard to the 23 remaining recommendations, Japan had already taken sufficient measures to address these situations. The State had provided an explanation of its position during the review and in the addendum.

715. Japan had reported on progress in the implementation of the recommendations accepted at its first review, as explained in the national report and during the second review. Japan had also presented an independent mid-term update on follow-up after its first review, and intended to do the same with a view to its third review.

716. Japan intended to follow up on the recommendations made at the second review and accepted by the State. It had further reported on the progress made since its second review. For example, and based on the standing invitation extended to special procedures in March 2011, the Special Rapporteur on the right to the enjoyment of the highest attainable standard of physical and mental health had visited Japan in November 2012. To raise awareness of the results of its review, Japan planned to post a translated version of the outcome report on the website of the Ministry of Foreign Affairs.

717. The universal periodic review played a crucial role in supporting the efforts of every State to improve its human rights situation. In order to make the review an even more effective mechanism, recommendations should be clear, concise and feasible, and their number should be reduced from the present level.

718. Japan had again been elected to the Human Rights Council for the period 2013-2015. It had issued a pledge document entitled “Japan’s contribution to the promotion and protection of international human rights”, in which it described its commitments in the area of human rights. Japan would continue, as a member of the Council, to contribute actively and work to improve further its human rights situation, and to strengthen respect for human rights at the international level.

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

719. During the adoption of the outcome of the review of Japan, 13 delegations made statements.<sup>‡</sup>

720. The Islamic Republic of Iran noted that two of the three recommendations that it had made had been accepted by Japan. It encouraged the State to accelerate its efforts, in particular with regard to the elimination of discrimination against children of ethnic minorities, non-Japanese nationality and children with disabilities.

721. The Lao People’s Democratic Republic noted some positive achievements, including, in the area of disaster reduction policies and reconstruction, the rights of the child, combating human trafficking, the rights of persons with disabilities, the prevention of violence against women, and women’s rights. It also noted the State’s achievements in the field of socioeconomic development and the realization of the Millennium Development Goals.



722. Malaysia expressed its appreciation to Japan for its commitment to and engagement with the universal periodic review. It applauded all efforts made by Japan in the field of human rights, as presented in its report during the review. Malaysia was pleased to note the State's readiness to accept the recommendations made by Member States, including those made by Malaysia, and looked forward to the continued engagement of Japan with the review mechanism.

723. Myanmar commended Japan's constructive and active participation in the second cycle of the review. It was pleased to note that Japan had accepted a large number of recommendations made by Member States, including Myanmar. It wished Japan great success in following up on the recommendations.

724. The Philippines appreciated the sincere apologies offered by Japan to all known "comfort women" who had suffered immeasurable pain. It welcomed the parliamentary approval of the ratification of the Palermo Protocol on trafficking in persons, and awaited further actions by the State to overcome the legal impediments to its ratification. The Philippines was also optimistic that Japan would soon conclude its review of the legal implications of its possible ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.

725. The Republic of Korea appreciated Japan's commitment to the promotion and protection of human rights, including its efforts to strengthen the institutional framework for the advancement of women's rights, including the adoption of the third basic plan for gender equality. The Republic of Korea urged Japan to recognize its legal responsibility with regard to the so-called "comfort women", and to take appropriate measures, acceptable to the victims, as recommended by the international community.

726. The Republic of Moldova welcomed Japan's efforts to improve its domestic human rights situation and to contribute to the protection and promotion of human rights at the international level. It applauded the State's engagement with the universal periodic review mechanism and the involvement of civil society. It acknowledged the State's commitment to address domestic and sexual violence against women, and to measures to fight trafficking in persons.

727. Romania commended Japan for having accepted to follow up on the majority of the recommendations made during its review. Implementation of universal periodic review recommendations could not but contribute to achieving compliance with international human rights standards. It saluted the commitments made by Japan when standing for election to the Human Rights Council.

728. Thailand commended Japan's continued efforts to implement a national plan and to conduct awareness-raising campaigns in cooperation between the public and private sectors, and to implement relevant legislations with a view to eliminating violence against women and promoting gender equality. It recognized the State's efforts to assist victims of sexual and other gender-based violence. Thailand also appreciated its support for the recommendation to eliminate gender stereotypes against women.

729. Viet Nam commended Japan's constructive approach to the universal periodic review, and its detailed feedback on the recommendations made. It appreciated the State's acceptance of recommendations, including those made by Viet Nam on fostering holistic approaches on gender equality, in particular empowering women's social and economic rights and curbing domestic violence. It acknowledged the State's current challenges and the great efforts made.

730. Algeria noted with appreciation the acceptance by Japan of the majority of the recommendations, including its own recommendations on increasing efforts to prevent the sexual exploitation of children and on prosecuting those responsible for such acts, ensuring greater political representation and participation of women in public life, and on addressing

the wage gap between men and women. It reiterated its appreciation for the State's engagement in international cooperation and its contribution to developing countries aimed at achieving the Millennium Development Goals.

731. Botswana commended Japan for its achievements in the promotion and protection of human rights, including the promotion of disaster reduction policies, the rights of the child and combating human trafficking, and the initiatives taken to prevent violence against women. Japan had reaffirmed its pledges to continue to improve the human rights situation in the country, including its commitments to contribute to the protection and protection of human rights at the international level.

732. China regretted the fact that Japan had not accepted some important recommendations. It noted that Japan had not treated earnestly and appropriately the issue of the so-called "comfort women". It urged Japan to accept and implement relevant recommendations, to apologize for the issue and to compensate victims. Japan should face up to its serious gender inequality and its extensive problem of violence against women and children, and take effective measures without delay to implement relevant recommendations made during its review.

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

733. During the adoption of the outcome of the review of Japan, nine other stakeholders made statements.

734. The International Federation for Human Rights Leagues regretted the fact that Japan had rejected recommendations relating to the criminal justice system, in particular regarding a moratorium on or abolition of the death penalty, and a reform of substitute detention in police stations. It also noted that, despite a very low homicide rate, there had been an increase in the number of death sentences, and more sentences had been executed.

735. Amnesty International welcomed the State's acceptance of recommendations establishing a national human rights institution in accordance with the Paris Principles, and called upon Japan to give immediate effect to the recommendations accepted. It regretted the State's rejection of recommendations on the death penalty, including on introducing a moratorium on executions with a view to full abolition, and on abolishing the substitute detention system or bringing it into compliance with international standards. It regretted the rejection of recommendations on accepting responsibility for the State's military sexual slavery system. Amnesty International urged Japan to reconsider its position on these issues.

736. Save the Children International welcomed the acceptance by Japan of the recommendations on considering ratification in the near future of the third Optional Protocol to the Convention on the Rights of the Child, and on measures to protect the right to health and life of residents living in Fukushima. It highlighted the State's decision to co-sponsor Council and General Assembly resolutions on the Optional Protocol, and hoped that Japan would sign and ratify it soon. It called upon Japan to share its experiences in Fukushima with the international community, including during the third World Conference on Disaster Risk Reduction in 2015.

737. The International Lesbian and Gay Association (ILGA) welcomed the responses of Japan to recommendations on prohibiting and eliminating discrimination on the basis of sexual orientation and gender identity, and on protecting the rights of lesbian, gay, bisexual and transgender persons. It appreciated the positive steps taken in recent years to protect the rights of LGBT persons by changing relevant policies. It noted, however, that challenges to the achievement of equality and well-being by LGBT persons persisted.

738. Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco welcomed the positive participation of Japan in its second review, and urged it to accept the

recommendations concerning the rights of children. It called upon Japan to reform the education system in order to promote students' creativity, freedom and individual talents, to revise the national legal system with the aim of explicitly prohibiting corporal punishment in all settings, and to take all measures to implement the recommendation on protecting children and other residents living in Fukushima.

739. Reporters Without Borders International reported on the lack of official information concerning the Fukushima disaster, and on media reports regarding the lack of access to journalists and the total lack of transparency. It also referred to media reports about an investigative journalist who had been brought to justice with a view to hinder the publication of his work. The general public was in fact still waiting for an official report on the incident. Not a single recommendation concerning freedom of expression had been made during the review. It hoped that Japan would recognize its obligation to respect the right of the general public to have access to information.

740. While welcoming the acceptance by Japan of a number of recommendations, the International Movement against All Forms of Discrimination and Racism was concerned at the wording "accept to follow up", given that many of the recommendations could be, or should be, implemented immediately. It was disappointed that many of the recommendations made at the first review had not been implemented. No progress had been made towards the establishment of a national human rights institution in accordance with the Paris Principles. Referring to article 14 of the Constitution, it also noted that all forms of discrimination must be explicitly prohibited and prevented, and that remedies should be guaranteed for victims through national legislation. It also regretted that Japan had rejected the proposal to withdraw its reservation to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. It requested Japan to take genuine and concrete actions to implement the recommendations accepted in cooperation with civil society.

741. Human Rights Now called upon Japan to implement the recommendations on the ratification of the optional protocols to human rights treaties and to establish a national human rights institution in accordance with the Paris Principles without further delay. It also urged Japan to implement fully the recommendations on the right to health of people affected by the nuclear accident in Fukushima in 2011. It called upon Japan to respect and implement the recommendations made in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/23/41/Add.3), who visited Japan in 2012.

742. The Japanese Association for the Right to Freedom of Speech referred to the issue of distribution of leaflets critical of the Government as an exercise in censorship, as raised during the review of Japan. During its review, Japan had responded that the problem was not the substance of the information but rather where it was distributed; the decision was fair, taking into account the feelings of local residents, the evidence and relevant laws. The Association stressed that all persons arrested, indicted and tried had been found guilty of distributing political information critical of the Government.

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

743. The delegation reiterated its appreciation to those who had actively participated in the review of Japan. While pointing out that the State's position on all recommendations had been outlined in the addendum, the delegation provided further information on several points.

744. On the issue of "comfort women", Japan was grieved at the thought of those who had experienced immeasurable pain and suffering; however, this should not become a political or diplomatic issue. Japan had extended its full support to the Asian Women's Fund since its establishment in 1995, and would continue to do so to implement its follow-up activities.

745. The issue of reparations, property and claims concerning the Second World War had been legally settled with the States party to the San Francisco peace treaty and relevant bilateral treaties, agreements and instruments.

746. As stated in the addendum and explained during the session of the Working Group, Japan considered the death penalty a matter that should be carefully examined and determined by each individual State on the basis of public opinion, crime trends and criminal justice policy. The majority of the Japanese people believed that, for the most heinous crimes, the death penalty was unavoidable and that, given that such cases showed no sign of decline, it would not be appropriate to abolish the death penalty.

747. Two years had passed since the great East Japan earthquake. In close consultation with disaster-affected areas, Japan was committed to improving the situation of those affected and to restoring the areas as soon as possible. Japan was willing to share its lessons learned and experiences with the international community, including on the occasion of World Conference on Disaster Risk Reduction, to be held in Japan in 2015.

748. Japan was providing financial and technical support to the Fukushima Prefecture for the mid- to long-term health management of its citizens, especially children. Japan had received evaluations from international organizations, such as WHO, the United Nations Scientific Committee on the Effects of the Atomic Radiation and the International Commission on Radiological Protection, and was providing appropriate health management for its residents.

749. Japan had continuously worked to advance human rights and fundamental freedoms in the country, and would spare no effort to make improvements.

#### **Peru**

750. The review of Peru was held on 1 November 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Peru in accordance with the annex to Council resolution 16/21, paragraph 15 5 (A/HRC/WG.6/14/PER/1);
- (b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/PER/2);
- (c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/PER/3).

751. At its 38th meeting, on 15 March 2013, the Council considered and adopted the outcome of the review of Peru (see sect. C below).

752. The outcome of the review of Peru comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/15), the views of Peru concerning the recommendations and/or conclusions, its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/15/Add.1).

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

753. Peru recognized the importance of the universal periodic review as a mechanism that promoted dialogue at the national and international levels and the sharing of best practices on human rights. Peru had cooperated fully with the mechanism, convinced that the frank

exchange of ideas and experience between States and other stakeholders was essential in guiding international cooperation towards full compliance with human rights obligations.

754. The State's experience at the first and second universal periodic review cycles had allowed it to carry out an assessment of its public policies on human rights, to verify progress made, to identify remaining challenges and to make decisions to ensure the full enjoyment of human rights for all, such as in the creation of the Vice-Ministry on Human Rights and Access to Justice and the adoption of the Prior Consultation Act for indigenous peoples.

755. The best example of the State's commitment to the universal periodic review was the fact that it had immediately accepted 120 of the 129 recommendations made. Peru had carefully analysed the nine recommendations pending and provided its response to them (see A/HRC/22/15/Add.1). It would listen to the interventions made by States and representatives of civil society during the adoption of the report of the Working Group in the same spirit of cooperation and would provide additional information, if appropriate.

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

756. During the adoption of the outcome of the review of Peru, nine delegations made statements.

757. Romania commended Peru for the spirit of openness and transparency it had shown during the second review cycle, in particular its commitment to make further efforts with a view to improving the situation of human rights. The large majority of the recommendations made had been accepted; their implementation would be a clear step towards compliance with international human rights standards.

758. The Bolivarian Republic of Venezuela noted that Peru had cooperated fully with the Working Group. The importance attributed to the implementation of the recommendations accepted during the first cycle had been clear. It noted in particular the State's ratification of important international human rights instruments and the creation of new institutions aimed at protecting human rights. It also noted the reduction of poverty by more than half in only seven years and the adoption of a national policy for the elderly. It recommended that the report of the Working Group should be adopted.

759. Algeria greatly appreciated the acceptance by Peru of a large number of the recommendations made, especially those made by Algeria. It congratulated Peru on the initiatives that it had taken for the promotion and protection of human rights, in particular the State's commitment to the promotion of economic, social and cultural rights. It highlighted the creation of a ministry for development and social integration in 2011, a ministry of culture in 2010, and a ministry of the environment in 2008. It recommended that the final report of the Working Group should be adopted.

760. Cuba recognized the efforts made by Peru for the protection of vulnerable groups, noting the adoption of the plan for equal opportunities for persons with disabilities for the period 2009-2018 and the national policy for the elderly. Cuba was encouraged by the efforts made on gender, noting the important initiatives taken to combat domestic violence and discrimination and the national plan to combat violence against women for the period 2009-2015. It also highlighted the efforts made to increase literacy. Cuba was grateful for the acceptance of recommendations on continuing implementation of policies and programmes for the reduction of poverty, especially extreme poverty, and on developing measures to ensure universal access to education.

761. Ecuador recognized the progress made by Peru in human rights, highlighting the large number of recommendations accepted in the second review cycle. It noted the ratification of the International Convention for the Protection of All Persons from Forced Disappearance

and the adoption of the law on prior consultation of indigenous peoples. It also noted the measures taken to promote the rights of persons with disabilities, to strengthen the protection of the elderly and the prohibition of discrimination, and to guarantee the rights of women, including measures to protect against violence, and the priority given to the eradication of poverty.

762. Malaysia thanked Peru for its transparent and constructive engagement with the universal periodic review. It was pleased with the responses provided during the review. Malaysia noted with appreciation that Peru had accepted the recommendations it had made. It was aware of the need to afford all countries, including Peru, the time necessary to continue to make improvements in the promotion and protection of human rights. It wished the State well as it continued to implement the recommendations, and urged that the report be adopted.

763. Morocco highlighted the measures taken since the review of Peru in November, particularly the law on disabled persons, in December 2012, and the creation in February 2013 of a multi-sectoral commission for the implementation of the right to prior consultation as a follow-up to the law on prior consultation of indigenous persons. Morocco was pleased that the second cycle had permitted Peru to follow up on progress made and remaining challenges, and to implement recommendations. It expressed its satisfaction at the acceptance of 120 of the 129 recommendations, including those made by Morocco, and thanked Peru for the information provided on the nine remaining recommendations.

764. The Philippines appreciated Peru's acceptance of 120 of the 129 recommendations made. It acknowledged the State's promotion of dialogue with stakeholders in the preparation of its reply on the remaining recommendations. The Philippines welcomed the State's readiness to act to strengthen the protection of migrants and their families, and appreciated the acceptance of its recommendations to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and its openness to pursue ratification of ILO Convention No.189 on decent work for domestic workers.

765. The Republic of Moldova thanked Peru for the complementary information provided on the recommendations received at the fourteenth session of the Working Group. It welcomed the inclusive approach of Peru in the preparation of its national report, and applauded the Government's policies aimed at consolidating democracy and the rule of law. It also welcomed the legal and institutional steps taken to protect human rights, and the efforts made to fight discrimination against women, to include a gender perspective in its public policies and to fight violence against children and all other forms of humiliating treatment of adolescents.

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

766. During the adoption of the outcome of the review of Peru, eight other stakeholders made statements.

767. Amnesty International was concerned that the failure to consult with local communities on development projects had on occasion resulted in mass protests, with reports of an excessive use of force by the police. It was concerned that legislative decrees Nos. 1094 and 1095 allowed the military to be deployed to deal with "hostile groups", a term that could be interpreted to include human rights defenders. It also noted the lack of legal instruments to regulate the provision in the Penal Code providing for therapeutic abortion, and called upon Peru to create a national protocol to address it. It urged Peru to ensure that the national ombudsman had the resources necessary to carry out its function as the national preventive mechanism under the Optional Protocol to the Convention against Torture.

768. Save the Children International, speaking also on behalf of SOS Children's Villages International, expressed concern that the review of the Children and Adolescents Code did

not include the principles of the Convention on the Rights of the Child, nor did it take into account the general comments of the Committee on the Rights of the Child. It called upon Peru to immediately approve a new code that followed these principles, to modify the regulations that prevent adolescents from having access to free sexual and reproductive health services, and to review laws on sexual crimes against children. It also urged the State to prioritize the protection of the most vulnerable children and to seek the immediate recovery of children held by terrorist groups, in compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

769. Franciscans International, speaking also on behalf of the Sisters of Mercy of the Americas and VIVAT International, noted that Peru had accepted the recommendations calling for targeted measures for racial minorities, and urged the Government to publish statistics disaggregated by race as a necessary condition for their implementation. Noting the acceptance of recommendations to promote economic, cultural and social rights, it recalled that abuses related to mining activities had a prominent role in the State's review, and that a human rights-based approach should be at the forefront of economic development policies. It urged Peru to refrain from using emergency declarations and the arbitrary application of criminal law to inhibit human rights activities.

770. Action Canada for Population and Development congratulated Peru on having accepted the recommendation to consider being guided by the Yogyakarta Principles in the preparation of its policies. Such a commitment should include the adoption of a law permitting the legal recognition in personal documentation of the name and sex with which persons identify themselves. It noted that, in 2009, Peru had approved the law on the disciplinary regulations of the national police, which punished homosexual relations within that institution, and urged that these norms be reviewed. It also noted reports of frequent violence and the murder of LGBT persons in Peru, which often went unpunished owing to a lack of investigation, and expressed satisfaction with the acceptance of the recommendation on considering a law on crimes based on sexual orientation, even though sexual identity should also be added.

771. The International Gay and Lesbian Association thanked Peru for having accepted recommendations aimed at eliminating discrimination against LGBT persons. It noted that, although the Constitution prohibited discrimination of all kinds, in reality discriminatory practices were systemic. The adoption of the law against discrimination on the basis of sexual orientation or gender identity had been blocked by fundamentalist sectors; the Association hoped that the law on gender identity would not suffer the same fate. Moreover, the national plan of action on human rights (2012-2016) did not take into account the substantive contributions of the LGBT community. It urged the Government to apply the Yogyakarta Principles as a guide during the preparation of public policies.

772. The Center for Reproductive Rights, Inc. commended Peru for having accepted the recommendations on reproductive rights. It noted the lack of implementation of the views of the Human Rights Committee on *KL v Peru* and *LC v Peru* issued by the Committee on the Elimination of Discrimination against Women, cases in which women had been denied access to legal therapeutic abortion. It remained concerned about the fate of the national protocol on therapeutic abortion, as the Gender Equality Plan (2012-2017) specified that the protocol would be adopted by 2017, namely, after the next review cycle. It was also concerned at the fact that Peru had neither accepted nor rejected the recommendation on reviewing its restrictive interpretation of therapeutic adoption and on decriminalizing abortion in cases of rape, as recommended by the Committee.

773. The Association for the Prevention of Torture stated that the conditions of detention and treatment of persons deprived of their liberty in Peru continued to be an issue of concern. During the universal periodic review, many States had made reference to the crisis in the penitentiary system. It welcomed the acceptance by Peru of recommendations relating to the

penitentiary system. It highlighted the recommendations on appointing a national mechanism to monitor places of detention and on providing it with sufficient resources. It observed, however, that although efforts had been made, Peru was five years late in complying with this international obligation, and drew attention to the urgent need to implement the Optional Protocol to the Convention against Torture.

774. The International Catholic Child Bureau welcomed the acceptance by Peru of recommendations relating to the juvenile justice system. It highlighted the recent introduction of a bill to Congress to reduce the age of criminal majority, and encouraged Peru to act in accordance with general comment No.10 of the Committee on the Rights of the Child and refrain from such action. It also noted a 2010 report by the Ombudsman relating to overcrowding in places of detention holding juveniles, and recommended the rapid conclusion of the revision of the Children and Adolescents Code and an increase rather than a reduction in the application of social-educational measures in the absence of deprivation of liberty.

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

775. Peru thanked States for their comments and for unanimously expressing appreciation for the efforts it had made in its human rights policies and for its cooperation with the universal periodic review mechanism. Peru would address the concerns raised by representatives of civil society by theme, as the issues were, in many cases, very similar to each other.

776. With regard to the consultation of indigenous peoples, Peru was a pioneer country in the area of the protection of the rights of indigenous peoples; indeed, it was the first country to adopt a law guaranteeing consultation. Even though the said law was currently in its initial stages of implementation, this should not lead to conclusions such as those expressed, namely that no progress was being made. On the contrary, Peru was making great headway in this area and, at its next review, would gladly provide information on the progress made.

777. There seemed to be some confusion because social protests had been associated with lack of consultation of indigenous peoples, especially when the protests related to extractive industries. The Constitution established that the State's natural resources, and particularly subsoil resources, were the property of all Peruvians; the mining industry therefore benefited the country as a whole. It was understandable that some communities directly affected by the mining industry might not feel that they enjoyed the full benefit of this activity. Nonetheless, the Government had consistently promoted dialogue between the mining industry and local communities, and had many examples of successful discussions that had enabled the pursuit of mining without affecting the legitimate interests of communities. Peru stressed that the communities concerned were not necessarily indigenous groups, and that such cases should not be confused with a lack of consultation of indigenous peoples. As stated by the President, it was a false dilemma today, with the technology currently available, to consider mining incompatible with other activities, such as agriculture. Peru had much successful experience in this regard.

778. On comments regarding the alleged criminalization of protests, it was underscored that, in Peru, protesting was a right protected by the Constitution; however, as in any democracy, crimes under the pretext of legitimate protest, such as kidnapping, the blocking of roads or killing members of law enforcement, were prohibited. The right to protest could not be exercised through acts that broke the law.

779. Regarding social issues, such as sexual and reproductive health policies, Peru reiterated that such policies were in place. Abortion was, however, a crime, with the exception of therapeutic abortion. Peru expressed its awareness that the protocol governing recourse to therapeutic abortion was still in preparation, which had led to some practical



difficulties. The Government was committed to addressing this particular situation. It recalled, however, that the Constitution protected the right to life from conception, and that, consequently, changes to the legal framework regarding abortion were not a simple matter.

780. With regard to gender identity, much progress had been made. The judiciary had recognized that the names of individuals who had changed gender should be amended in the registry, which was considerable progress in the recognition of the rights of transgender persons. In Peru, all types of discrimination were prohibited, including discrimination based on sexual identity. Therefore, it could not be claimed that no legal framework existed to protect persons from aggression or violence due to their sexual orientation.

781. On the situation in prisons, Peru acknowledged that overcrowding was an issue, but stressed that it was being addressed through a number of different initiatives. First, Peru had promoted the construction of several penitentiaries, a policy that would take time to have an impact; second, an amendment to the Code of Criminal Procedure radically limited the application of pretrial detention. In addition, persons convicted of crimes sanctioned with sentences of less than four years were not imprisoned. Peru acknowledged, however, that, as these were generally crimes that affected a large number of people, there was a perceived sense of insecurity. Peru also announced that the Ombudsman would lead the national prevention mechanism in accordance with the Optional Protocol to the Convention against Torture, a reform that would be adopted soon.

782. In conclusion, Peru had accepted almost all the recommendations made and was convinced that the universal periodic review would contribute to strengthening its policies and programmes aimed at guaranteeing the effective enjoyment of human rights by all Peruvians.

### **Sri Lanka**

783. The review of Sri Lanka was held on 1 November 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Sri Lanka in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/LKA/1 and Corr.1);
- (b) The compilation prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/LKA/2);
- (c) The summary prepared by OHCHR in accordance with the annex to Council resolution 16/21, paragraph 5 (A/HRC/WG.6/14/LKA/3).

784. At its 38th meeting, on 15 March 2013, the Council considered and adopted the outcome of the review of Sri Lanka (see sect. C below).

785. The outcome of the review of Sri Lanka comprises the report of the Working Group on the Universal Periodic Review (A/HRC/22/16), the views of Sri Lanka concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/22/16/Add.1).

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

786. Sri Lanka underwent its second review in November 2012, and had shown the Working Group the progress made since its first review, in 2008, and also the expectations for future improvements in the promotion and protection of human rights. In 2008, Sri Lanka was still engaged in a conflict. In May 2009, the country achieved success and witnessed the dawn of a

new era of peace, stability and prosperity for all. Sri Lanka had engaged in a period of consolidation, removing military involvement in civil administration, reconstruction, demining, rehabilitation, resettlement and efforts in national reconciliation and peace building. The State's achievements were unparalleled, considering the short period in which they were accomplished.

787. The universal periodic review had enabled Sri Lanka to periodically pause, to take stock, to reflect and to share with the Council its achievements, its challenges and its determination to move forward. The interest and level of participation in the review was appreciated by the State.

788. Sri Lanka had received a total of 204 recommendations, of which it had accepted 113; it did not support 91. Sri Lanka had also made 19 voluntary commitments. It had accepted the 12 recommendations specifically referring to the national plan of action for the implementation of the recommendations of the Lessons Learnt and Reconciliation Commission.

789. Sri Lanka also mentioned the positive developments since November 2012. Requisite financial provisions of 1.2 billion Sri Lanka rupees had been allocated for 2013 for the implementation of the national plan of action on the implementation of the recommendations made by the Commission. Progress was shared by means of publications on an Internet website.

790. With regard to accountability, the issue that had to be addressed was the arbitrary figures of "civilian victims", figures that were often repeated by several sources without verification of facts. It was in this context that a national census had been conducted in 2012.

791. A Cabinet memorandum entitled "Assistance and protection of victims of crime and witnesses bill" had been submitted by the Ministry of Justice and taken up for policy approval in February 2013. It was decided that the views of the Attorney General would be sought to aid the Cabinet in its deliberations.

792. Subsequent to the recommendations of the Commission, the Attorney-General had reviewed the cases relating to the five students from Trincomalee and of the workers from Action contre la faim. On the former, non-summary judicial proceedings had commenced. A review of the case of the workers was ongoing.

793. Inquiries by the military authorities on the question of civilian casualties, including the Channel 4 video footage, were also ongoing.

794. Further to a recommendation made by the Commission, a database on detainees was available to next of kin, who were thus able to obtain details. Investigations into the allegedly disappeared were ongoing through national mechanisms.

795. Sri Lanka would create a national mechanism that would take into consideration the recommendations supported and commitments made. It would be able to incorporate the outcome document into national plans and programmes and, by 2017, demonstrate the advances made.

796. Sri Lanka would continue its transparent, proactive and constructive engagement with the Human Rights Council, and expected a positive outcome.

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

797. During the adoption of the outcome of the review of Sri Lanka, 13 delegations made statements.

798. Oman welcomed the determination of Sri Lanka to work with the universal periodic review mechanism and the Human Rights Council. While noting the acceptance of most of

the recommendations, it stressed that Sri Lanka was committed to improving the situation of human rights, as shown by its many achievements, nationally and internationally.

799. Pakistan was encouraged by the 19 voluntary commitments made by the Government of Sri Lanka. They included a wide range of activities and covered such areas as the provision of resources for the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission. Pakistan acknowledged the challenges faced by Sri Lanka after its victory against terrorism in 2009.

800. The Philippines appreciated the acceptance by Sri Lanka of the recommendation on considering ratifying the Palermo Protocol on human trafficking, and encouraged a positive response to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No.189. It praised the budgetary allocation for 2013 for the implementation of the national plan of action.

801. The Russian Federation acknowledged the openness and readiness of Sri Lanka in its cooperation with the universal periodic review, as shown by its acceptance of most recommendations. It appreciated the submission of a document explaining the reason why some recommendations had been rejected, and was satisfied that several of those needed further study for their subsequent implementation. It also appreciated the voluntary commitments made on many human rights issues.

802. The Sudan welcomed the acceptance by Sri Lanka of more than 200 recommendations, including its two recommendations on strengthening the capacity of law enforcement officials and on the resettlement of internally displaced persons as an important measure for citizens to enjoy their rights fully. It appreciated the State's explanations for rejecting some recommendations and its readiness to reconsider its position.

803. The United Arab Emirates welcomed the positive measures taken by Sri Lanka to implement the recommendations made at the first cycle. It noted the State's intention to give new impetus to the promotion of human rights, its efforts in the reform process and to end insecurity. It welcomed the State's constructive, transparent and effective cooperation with the Human Rights Council. It was confident that Sri Lanka would move forward and make even greater achievements.

804. The United Kingdom of Great Britain and Northern Ireland expressed its concern with regard to the issue freedom of expression in Sri Lanka, given the recent attacks on a number of journalists. It enquired about the rejection of the recommendation to invite the Special Rapporteur on the promotion and protection of the freedom of opinion and expression. The United Kingdom shared its concern on the rejection of the recommendations on the independence of the judiciary. It also noted the impeachment of the Chief Justice, contrary to the rulings of the State's highest courts.

805. The United States of America welcomed the Government's intention to combat gender-based violence and to strengthen the independence of its institutions. The human rights commitments in the Government's national plan of action did not address the broad spectrum of recommendations made by the Lessons Learnt and Reconciliation Commission in its report. The United States expressed its disappointment at the rejection of nearly all recommendations regarding engagement and cooperation with special procedures mandate holders.

806. The Bolivarian Republic of Venezuela appreciated the openness and readiness of Sri Lanka to share information at its second review, answering questions and giving examples of the substantial progress made. It welcomed the adoption and implementation of the national plan of action on the protection and promotion of human rights, and expected progress in the implementation of the mechanism of national reconciliation. It also

acknowledged the State's efforts to implement the recommendations accepted at its first review.

807. Viet Nam praised the significant results achieved in national reconstruction, reconciliation and improvement in human rights. It commended the ongoing implementation of 19 voluntary commitments, and referred to the challenges faced by Sri Lanka.

808. Algeria appreciated the 19 voluntary commitments made by the State. It acknowledged the willingness of Sri Lanka to cooperate with the universal periodic review process and to advance human rights further. It welcomed the acceptance of two recommendations made by Algeria on continuing cooperation with United Nations agencies in achieving the United Nations development assistance framework for 2013-2017 and on intensifying policies and programmes undertaken to protect women and children. It commended the State's achievements in the field of the Millennium Development Goals, particularly in halving poverty.

809. Belarus thanked Sri Lanka for its detailed explanations regarding universal periodic review recommendations. It welcomed the new voluntary commitments and the acceptance by Sri Lanka of most recommendations. Belarus highlighted the commitment of the Government of Sri Lanka to its international obligations.

810. China appreciated important achievements made by Sri Lanka in advancing national reconciliation and promoting socioeconomic development. It called upon the international community to respect the State's sovereignty; to consider objectively the efforts made to advance national reconciliation and protect human rights; to provide constructive assistance; and to avoid interfering in domestic affairs. It was confident that Sri Lanka would improve its development and human rights situation further.

811. The delegation of Sri Lanka intervened to state that the constitutional procedure followed in the impeachment of superior court judges was not a process invented in a person-centric, ad hoc manner, but rather a time-tested process that had existed for nearly 30 years. The entire process and a ruling by a division of the Supreme Court were under the judicial review of a full bench of that court.

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

812. During the adoption of the outcome of the review of Sri Lanka, nine other stakeholders made statements.

813. Human Rights Watch stressed that Sri Lanka had rejected nearly half of the recommendations made, including those relating to accountability and impunity. It referred to the implementation of the recommendations made by the Lessons Learnt and Reconciliation Commission, noting that Sri Lanka had argued that it had focused on the national plan of action, which ignored nearly 50 per cent of the recommendations made by the Commission, which were already severely limited in scope. Human Rights Watch gave specific examples, and referred to the recent decision of an army court of inquiry to exonerate the army of all liability for civilian casualties.

814. The World Evangelical Alliance welcomed the acceptance of recommendations on freedom of religion and the promotion of interreligious dialogue. It had, however, highlighted in its report that the 2008 and 2011 circulars issued by the Ministry of Buddha Sasana and Religious Affairs had had a negative impact on places of worship. It encouraged Sri Lanka to promote religious freedom and pluralism.

815. Amnesty International was represented by the father of one of the five students allegedly murdered by Sri Lankan security forces on 2 January 2006. He and his family had had to leave Sri Lanka after the murder. He referred to the statement made by Sri Lanka on following up on the murder of his son. Having no faith in the justice system in Sri Lanka, he

sought help from the Human Rights Council to raise the investigation to the international level.

816. The Asian Forum for Human Rights Development, in association with its member organizations in Sri Lanka, was disappointed with the manner in which the State had engaged with the Working Group, and regretted the decision of several States to edit their recommendations so that the outcome document focused only on the national plan of action, not on the recommendations made by the Lessons Learnt and Reconciliation Commission. It informed the Human Rights Council of the ongoing human rights violations in the north of Sri Lanka and the massive deployment of the army in that region.

817. United Nations Watch shared the concerns expressed by several States regarding gross and systematic human rights violations committed by the Government. It regretted the rejection by Sri Lanka of recommendations to implement the recommendations made by the Lessons Learnt and Reconciliation Commission. It stressed that forced disappearances, extrajudicial killings, sexual violence against women, and restrictions on freedom of expression remained prevalent. It was alarmed by the attacks on the independence of the judiciary and the increase in cases of child rape.

818. The International Commission of Jurists referred to Human Rights Council resolution 19/2, in which the Council deplored the lack of an independent investigation and accountability for the atrocities committed in May 2009. It called upon Sri Lanka to reconsider its rejection of the recommendations on ending impunity and ensuring accountability. It also expressed concern at the recent removal of the Chief Justice, an impeachment process declared unconstitutional and an attack on the independence of judiciary.

819. Action Canada for Population and Development referred to the vagrancy provision under Section 399 of the Penal Code being used to prosecute and harass transgender persons. It urged the State to amend article 12, paragraph 2 of the Constitution to increase the scope of the non-discrimination clause. It also urged the Government to take a holistic approach and to repeal laws that criminalize persons on the basis of their gender or sexual orientation.

820. The Jubilee Campaign expressed concern at State-sponsored Sinhala Buddhist triumphalism and the deterioration in the right to freedom of religion or belief. It referred to the attack in 2012 on a mosque in Dambulla and to incidents of violence against religious minorities. It urged Sri Lanka to issue a standing invitation to all special procedures mandate holders and to accept all outstanding requests for visits.

821. CIVICUS – World Alliance for Citizen Participation referred to the “slandering” campaigns against several prominent human rights activists. It stressed that the national human rights commission was not in line with international standards, despite the calls for reforms. CIVICUS hoped that Sri Lanka would reconsider the recommendations made to set up a national plan of action for the protection of human rights defenders and would issue a standing invitation to all special procedures.

822. Liberation noted the failure to advance peace and reconciliation in the Tamil North and East of Sri Lanka. It highlighted the State’s rejection of nearly half of the recommendations made, its refusal to adopt the Optional Protocol to the Convention against Torture, to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to accede to the Rome Statute of the International Criminal Court. Liberation referred to the execution of a 12-year-old boy in cold blood for no crime other than being the son of a Tamil rebel leader. Given the allegations of war crimes, it asked the Human Rights Council to establish a commission of inquiry on the situation in Sri Lanka.

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

823. Sri Lanka noted that a clear majority of speakers had appreciated and acknowledged the tremendous progress made by the Government of Sri Lanka in moving towards comprehensive reconciliation. Sri Lanka had faced a conflict lasting almost 30 years, and one of the worst forms of terrorism that the world had ever seen. Many thousands had suffered.

824. Over a period of 30 years, many civilians had been brutally murdered and attacked by the Liberation Tigers of Tamil Eelam (LTTE). Suicide bombers had killed men, women and children. When 186 Muslim citizens were praying in a mosque in Kaththankudy, they were indiscriminately killed by the LTTE. Thousands of Muslims were banished forcibly from Jaffna, Mannar and Muttur.

825. Buddhist places of worship had been targeted. The holiest shrine for Buddhists, the “Temple of the Tooth”, was targeted to create a backlash among the Sinhalese against the Tamils. Fortunately the Sinhalese did not react because they had learned the lesson of 1983.

826. Sri Lanka was a multicultural, multi-religious and multi-ethnic society. Freedom of religious belief was guaranteed by the Constitution. Places of worship had been attacked in the past, but after the end of the conflict, these instances had been significantly diminished. The Government did not condone such attacks.

827. Sri Lanka needed time and space. It had not absolved itself of its responsibility.

828. While these instances would be investigated and those responsible dealt with within the framework of the law, Sri Lanka would ensure that other instances occurring in the past 30 years would also be looked into as it moved towards comprehensive reconciliation. Considerable progress had been made in the past three and a half years. While Sri Lanka wished to engage with international community, it asked for balance, objectivity and impartiality. The delegation assured the Human Rights Council that Sri Lanka would continue to engage with it and work towards progress.

#### B. Follow-up to Human Rights Council decision OM/7/101

829. At the 38th meeting, on 15 March 2013, the President of the Human Rights Council presented his oral report on the follow-up to Council decision OM/7/101 regarding the non-cooperation of a State under review with the universal periodic review mechanism.

830. At the same meeting, statements were made by the following:

- (a) Representatives of States Members of the Human Rights Council: Costa Rica, Gabon (on behalf of the Group of African States), Venezuela (Bolivarian Republic of);
- (b) Observers for observer States: Colombia, Cuba;
- (c) Observer for an intergovernmental organization: European Union (also on behalf of Croatia).

#### C. General debate on agenda item 6

831. At the 38th and 39th meetings, on 15 March 2013, the Human Rights Council held a general debate on agenda item 6, during which the following made statements:

- (a) Representatives of States Members of the Human Rights Council: Bahrain<sup>‡</sup> (on behalf of the Group of Arab States), Brazil, Ecuador (on behalf of the Group of Latin

<sup>‡</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States

American and Caribbean States), Indonesia, Ireland (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Malaysia, Montenegro, Morocco<sup>‡</sup> (also on behalf of Argentina, Armenia, Bahrain, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Gabon (on behalf of the Group of African States), Honduras, Ireland, Japan, Jordan, Kuwait, Maldives, Monaco, Montenegro, Morocco, the Netherlands, Poland, Qatar, the Republic of Moldova, Saudi Arabia, Saint Kitts and Nevis, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and Yemen), Republic of Moldova, United States of America;

(b) Representatives of observer States: Colombia, Cuba, Egypt, Iran (Islamic Republic of), Tunisia, Viet Nam;

(c) Observer for a national human rights institution: Australian Human Rights Commission (by video message);

(d) Observers for non-governmental organizations: Center for Environmental and Management Studies, CIVICUS – World Alliance for Citizen Participation, Colombian Commission of Jurists, Commission to Study the Organization of Peace, European Union of Public Relations, International Educational Development, Inc., International Association for Democracy in Africa, International Association of Democratic Lawyers (also on behalf of the American Association of Jurists, Centre Europe - Tiers Monde and the Palestinian Centre for Human Rights), International Service for Human Rights, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (also on behalf of Association Points-Cœur, Associazione Comunità Papa Giovanni XXIII, the Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace-Order of Preachers, Edmund Rice International Limited, Fondazione Marista per la Solidarietà Internazionale, Franciscans International, Good Neighbors International, the International Catholic Child Bureau, International Federation of ACAT (Action by Christians for the Abolition of Torture), the International Volunteerism Organization for Women, Education and Development – VIDES and Mouvement international d'apostolate des milieux sociaux indépendants), Lawyers' Rights Watch Canada, Organization for Defending Victims of Violence, Pasumai Thaayagam Foundation, Rencontre africaine pour la défense des droits de l'homme, United Nations Watch, UPR Info (also on behalf of the International Service for Human Rights), Women's International League for Peace and Freedom, World Environment and Resources Council.

832. At the 39th meeting, on 15 March 2013, a statement in exercise of the right of reply was made by the representative of Colombia.

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

### **Czech Republic**

833. At the 34th meeting, on 13 March 2013, the Human Rights Council adopted draft decision 22/101 without a vote (for the text as adopted, see part one, chap. II).

### **Argentina**

834. At the 34th meeting, on 13 March 2013 the Human Rights Council adopted draft decision 22/102 without a vote (for the text as adopted, see part one, chap. II).

### **Gabon**

835. At the 34th meeting, on 13 March 2013, the Human Rights Council adopted draft decision 22/103 without a vote (for the text as adopted, see part one, chap. II).

**Ghana**

836. At the 35th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/104 without a vote (for the text as adopted, see part one, chap. II).

**Ukraine**

837. At the 35th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/105 without a vote (for the text as adopted, see part one, chap. II).

**Guatemala**

838. At the 35th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/106 without a vote (for the text as adopted, see part one, chap. II).

**Benin**

839. At the 36th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 122/107 without a vote (for the text as adopted, see part one, chap. II).

**Republic of Korea**

840. At the 36th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/108 without a vote (for the text as adopted, see part one, chap. II).

**Switzerland**

841. At the 36th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/109 without a vote (for the text as adopted, see part one, chap. II).

**Pakistan**

842. At the 37th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/110 without a vote (for the text as adopted, see part one, chap. II).

**Zambia**

843. At the 37th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/111 without a vote (for the text as adopted, see part one, chap. II).

**Japan**

844. At the 37th meeting, on 14 March 2013, the Human Rights Council adopted draft decision 22/112 without a vote (for the text as adopted, see part one, chap. II).

**Peru**

845. At the 38th meeting, on 15 March 2013, the Human Rights Council adopted draft decision 22/113 without a vote (for the text as adopted, see part one, chap. II).

**Sri Lanka**

846. At the 38th meeting, on 15 March 2013, the Human Rights Council adopted draft decision 22/114 without a vote (for the text as adopted, see part one, chap. II).



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

### **A. Interactive dialogue with the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, established pursuant to Human Rights Council resolution 19/17**

847. At the 40th meeting, on 18 March 2013, the Chairperson of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, Christine Chanet, presented the report of the fact-finding mission (A/HRC/22/63).

848. At the same meeting, the representative of the State of Palestine made a statement as the State concerned.

849. Also the same meeting, a video message from the Independent Commission for Human Rights, the national human rights institution of the State of Palestine, was shown.

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

(a) Representatives of States Members of the Human Rights Council: Bahrain<sup>‡</sup> on behalf of the Group of Arab States), Brazil (also on behalf of India and South Africa), Chile, Indonesia, Iran (Islamic Republic of)<sup>‡</sup> (on behalf of the Movement of Non-Aligned Countries), Kuwait, Malaysia, Maldives, Mauritania, Pakistan (on behalf of the Organization of Islamic Cooperation), Qatar, United Arab Emirates, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Bahrain, Bangladesh, Cuba, Egypt, Iceland, Iraq, Jordan, Lebanon, Mexico, Morocco, Saudi Arabia, Tunisia, Turkey;

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

(d) Observers for non-governmental organizations: Al-Haq, Law in the Service of Man, International Association of Democratic Lawyers (also on behalf of the American Association of Jurists, Centre Europe – Tiers Monde and the Palestinian Centre for Human Rights), International Association of Jewish Lawyers and Jurists, Norwegian Refugee Council, United Nations Watch.

851. At the same meeting, the Chairperson, Christine Chanet, and a member of the fact-finding mission, Unity Dow, answered questions and made their concluding remarks.

### **B. Reports of the High Commissioner and the Secretary-General**

852. At the 40th meeting, on 18 March 2013, the United Nations High Commissioner for Human Rights introduced her report on the implementation of Human Rights Council resolutions S-9/1 and S-12/1 (A/HRC/22/35 and Add.1) and the report of the Secretary-General on the situation of human rights in the occupied Syrian Golan (A/HRC/22/36).

### C. General debate on agenda item 7

853. At its 40th and 41st meetings, on 18 March 2013, the Human Rights Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of the Syrian Arab Republic and the State of Palestine, as the States concerned;

(b) Representatives of States Members of the Council: Bahrain<sup>‡</sup> (on behalf of the Group of Arab States), Ecuador, Indonesia, Iran (Islamic Republic of)<sup>‡</sup> (on behalf of the Movement of Non-Aligned Countries), Ireland (on behalf of the European Union and Croatia), Kuwait, Libya, Malaysia, Maldives, Pakistan (on behalf of the Organization of Islamic Cooperation), Switzerland, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(c) Representatives of observer States: Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Norway, Oman, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Tunisia, Turkey, Yemen;

(d) Observers for non-governmental organizations: Al-Haq, Law in the Service of Man; Association of World Citizens; BADIL Resource Center for Palestinian Residency and Refugee Rights; Cairo Institute for Human Rights Studies; CIVICUS – World Alliance for Citizen Participation; Commission of the Churches on International Affairs of the World Council of Churches; Coordination Board of Jewish Organizations (also on behalf of B'nai B'rith); European Union of Jewish Students; Human Rights Watch; International Association of Jewish Lawyers and Jurists; International Commission of Jurists; International Organization for the Elimination of All Forms of Racial Discrimination; International Youth and Student Movement for the United Nations; Mouvement contre le racisme et pour l'amitié entre les peuples; Nord-Sud XXI; Norwegian Refugee Council; ONG Hope International; Organization for Defending Victims of Violence; Press Emblem Campaign; Touro Law Center, Institute on Human Rights and Holocaust; Union of Arab Jurists; United Nations Watch.

### D. Consideration of and action on draft proposals

#### Human rights in the occupied Syrian Golan

854. At the 48th meeting, on 21 March 2013, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, introduced draft resolution A/HRC/22/L.3, sponsored by Pakistan, on behalf of the Organization of Islamic Cooperation. Subsequently, Belarus, Nicaragua, Senegal and Venezuela (Bolivarian Republic of) joined the sponsors.

855. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

856. Also at the same meeting, the representative of the Syrian Arab Republic made a statement as the State concerned.

857. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 29 votes to 1, with 17 abstentions.

858. For the text as adopted and voting results, see part one, chapter I, resolution 22/17.

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

859. At the 49th meeting, on 22 March 2013, the representative of Pakistan introduced draft resolution A/HRC/22/L.41, sponsored by Bahrain, on behalf of the Group of Arab States, Pakistan, on behalf of the Organization of Islamic Cooperation, and the State of Palestine, and co-sponsored by Angola, Bolivia (Plurinational State of), Cuba, Honduras and Venezuela (Bolivarian Republic of). Subsequently, Cape Verde, Nicaragua and Senegal joined the sponsors.

860. At the same meeting, the representative of Pakistan orally revised the draft resolution.

861. Also at the same meeting, the representative of Gabon, on behalf of the Group of African States, made general comments in relation to the draft resolution.

862. At the same meeting, the representative of the State of Palestine made a statement as the State concerned.

863. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of OHCHR Programme Support and Management Services made a statement in relation to the budgetary implications of the draft resolution as orally revised.

864. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

865. Also at the same meeting, at the request of the representative of the United States, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 43 votes to 1, with 3 abstentions.<sup>§</sup>

866. For the text as adopted and voting results, see part one, chapter I, resolution 22/25.

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

867. At the 50th meeting, on 22 March 2013, the representative of Pakistan introduced draft resolution A/HRC/22/L.42, sponsored by Bahrain, on behalf of the Group of Arab States, Pakistan, on behalf of the Organization of Islamic Cooperation, and the State of Palestine, and co-sponsored by Angola, Cuba, Finland, Greece, Iceland, Ireland, Luxembourg, Portugal, Slovenia, Sweden, Switzerland and Venezuela (Bolivarian Republic of). Subsequently, Cape Verde, Denmark, France, Malta, Nicaragua, Senegal and Spain joined the sponsors.

868. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

869. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 44 votes to 1, with 2 abstentions.

870. For the text as adopted and voting results, see part one, chapter I, resolution 22/26.

#### **Right of the Palestinian people to self-determination**

871. At the 50th meeting, on 22 March 2013, the representative of Pakistan introduced draft resolution A/HRC/22/L.43, sponsored by Bahrain (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation) and the State of

<sup>§</sup> The representative of Switzerland subsequently stated that there had been an error in its vote and that it had intended to abstain

Palestine, and co-sponsored by Angola, Austria, Bolivia (Plurinational State of), Bulgaria, Cuba, Finland, Greece, Honduras, Iceland, Ireland, Luxembourg, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland and Venezuela (Bolivarian Republic of). Subsequently, Brazil, Cape Verde, Belarus, Denmark, France, Malta, Nicaragua, San Marino and Senegal joined the sponsors.

872. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 46 votes to 1.

873. For the text as adopted and voting results, see part one, chapter I, resolution 22/27.

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

874. At the 50th meeting, on 22 March 2013, the representative of Pakistan introduced draft resolution A/HRC/22/L.44, sponsored by Bahrain (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation) and the State of Palestine, and co-sponsored by Angola, Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of). Subsequently, Cape Verde, Nicaragua and Senegal joined the sponsors.

875. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

876. At the same meeting, the representative of Ireland, on behalf of States members of the European Union that are members of the Council, made a statement in explanation of vote before the vote.

877. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 46 votes to 1.

878. For the text as adopted and voting results, see part one, chapter I, resolution 22/28.

#### **Follow-up to the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem**

879. At the 50th meeting, on 22 March 2013, the representative of Pakistan introduced draft resolution A/HRC/22/L.45, sponsored by Bahrain (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation) and the State of Palestine, and co-sponsored by Angola, Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of). Subsequently, Ireland, Nicaragua, Norway, Portugal, Senegal, Slovenia and Sweden joined the sponsors.

880. At the same meeting, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, orally revised the draft resolution.

881. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

882. At the same meeting, the Council was informed that Ireland had withdrawn its co-sponsorship.

883. Also at the same meeting, the representatives of the Czech Republic, Ireland (on behalf of States members of the European Union that are members of the Council) and the United States of America made statements in explanation of vote before the vote.

884. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 45 votes to 1.

885. For the text as adopted and voting results, see part one, chapter I, resolution 22/29.

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

886. At its 41st meeting, on 18 March 2013, and its 42nd meeting, on 19 March, the Human Rights Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Austria, Botswana, Indonesia, Ireland (on behalf of the European Union and Croatia), Kuwait, Libya, Russian Federation<sup>§</sup> also on behalf of China, Kazakhstan and the Movement of Non-Aligned Countries), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Iran (Islamic Republic of), Morocco, Turkey;

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observers for non-governmental organizations: Centre for Human Rights and Peace Advocacy, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland (also on behalf of Action Canada for Population and Development), France Libertés : Fondation Danielle Mitterrand, Indian Council of South America, International Buddhist Relief Organisation, International Commission of Jurists, International Humanist and Ethical Union, International Service for Human Rights, Liberation, Nord-Sud XXI, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, Press Emblem Campaign, Verein Sudwind Entwicklungspolitik, World Barua Organization, World Federation of Democratic Youth.

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<sup>§</sup> The representative of Switzerland subsequently stated that there had been an error in its vote and that it had intended to abstain.

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

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

887. At the 42nd meeting, on 19 March 2013, the Human Rights Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bahrain\*\* (on behalf of the Group of Arab States), Botswana, Indonesia, Ireland (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Libya, Pakistan (on behalf of the Organization of Islamic Cooperation), South Africa\*\* (on behalf of the Group of African States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, China, Cuba, Iran (Islamic Republic of), Latvia, Russian Federation, Senegal, Tunisia, Turkey;

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observers for non-governmental organizations: Centre for Human Rights and Peace Advocacy, Commission africaine des promoteurs de la santé et des droits de l'homme, Fraternité Notre Dame, Inc., Indian Council of South America, International Association of Jewish Lawyers and Jurists, International Buddhist Relief Organisation, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, International Youth and Student Movement for the United Nations, Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, Organization for Defending Victims of Violence, Rencontre africaine pour la défense des droits de l'homme, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, World Barua Organization, World Environment and Resources Council.

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

#### **Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

888. At the 50th meeting, on 22 March 2013, the representative of South Africa, on behalf of the Group of African States, introduced draft resolution A/HRC/22/L.26, sponsored by Gabon, on behalf of the Group of African States, and co-sponsored by Bolivia (Plurinational State of), Cuba, Guatemala, Honduras and Venezuela (Bolivarian Republic of). Subsequently, Colombia and Indonesia joined the sponsors.

889. At the same meeting, the representative of South Africa, on behalf of the Group of African States, orally revised the draft resolution.

890. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

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\*\* The representative of Switzerland subsequently stated that there had been an error in its vote and that it had intended to abstain.

891. At the same meeting, the representatives of Ireland, on behalf of States members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.

892. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution as orally revised. The draft resolution as orally revised was adopted by 34 votes to 1, with 12 abstentions.

893. For the text as adopted and voting results, see part one, chapter I, resolution 22/30.

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

894. At the 50th meeting, on 22 March 2013, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, introduced draft resolution A/HRC/22/L.40, sponsored by Pakistan, on behalf of the Organization of Islamic Cooperation, and co-sponsored by Bahrain, on behalf of the Group of Arab States, Cuba and Thailand. Subsequently, Australia, Montenegro and Senegal joined the sponsors.

895. At the same meeting, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, orally revised the draft resolution.

896. Also at the same meeting, the representatives of Ireland, on behalf of States members of the European Union that are members of the Council, Italy and the United States of America made general comments in relation to the draft resolution.

897. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

898. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/31).

899. Also at the same meeting, the representative of Switzerland made a statement in explanation of vote after the vote.

**Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance**

900. At the 50th meeting, on 22 March 2013, the representatives of Brazil, Mozambique and Portugal introduced draft resolution A/HRC/22/L.6/Rev.1, sponsored by Brazil, Colombia, Honduras, Mozambique, Portugal and Romania and co-sponsored by Angola, Andorra, Argentina, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cape Verde, Chile, Costa Rica, Cuba, El Salvador, Georgia, Germany, Ghana, Guatemala, Italy, Libya, Luxembourg, Norway, Paraguay, Peru, the Russian Federation, Spain, the Sudan, Timor-Leste, Turkey, Uruguay, Venezuela (Bolivarian Republic of) and the State of Palestine. Subsequently, Belarus, the Dominican Republic, Ecuador, Estonia, France, Gabon (on behalf of the Group of African States), Haiti, Indonesia, Ireland, Jamaica, Jordan, Lithuania, Malta, Monaco, Nicaragua, Panama, the Republic of Korea, the Republic of Moldova, Slovenia, Sri Lanka and Thailand joined the sponsors.

901. At the same meeting, the representative of Brazil orally revised the draft resolution.

902. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.



903. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 46 votes, with 1 abstention.

904. For the text as adopted and voting results, see part one, chapter I, resolution 22/34.

## X. Technical assistance and capacity-building

### A. Annual thematic discussion on best practices in technical cooperation

905. At its 43rd meeting, on 19 March 2013, the Human Rights Council held, pursuant to its resolution 21/21, an annual thematic discussion on promoting technical cooperation for the strengthening of the judiciary system and administration of justice in order to ensure human rights and rule of law. The United Nations High Commissioner for Human Rights made introductory remarks for the panel.

906. The Permanent Representative of Thailand to the United Nations Office at Geneva, Thani Thongphakdi, moderated the discussion for the panel. At the same meeting, the panellists Param Cumaraswamy, Nasser Amin, Nahla Valji, Julita Lemgruber and Andrea Huber made statements. The Human Rights Council divided the panel discussion into two parts.

907. During the ensuing panel discussion for the first part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Bahrain\*\* (on behalf of the Group of Arab States), Chile, Ecuador (on behalf of the Group of Latin American and Caribbean States), Gabon (on behalf of the Group of African States), Indonesia, Japan, Maldives, United States of America;

(b) Representatives of observer States: Turkey, Uruguay;

(c) Observers for intergovernmental organizations: European Union, International Organization of la Francophonie;

(d) Observers for non-governmental organizations: Association for the Prevention of Torture, Commission africaine des promoteurs de la santé et des droits de l'homme.

908. At the same meeting, the panellists made statements and answered questions.

909. During the ensuing panel discussion for the second part, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina, Austria, Burkina Faso, Costa Rica, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Cuba, Morocco, Norway, Togo;

(c) Observer for an intergovernmental organization: Council of Europe.

910. At the same meeting, the panellists answered questions and made their concluding remarks.

911. Also at the same meeting, the Chief of the Rule of Law, Equality and Non-Discrimination Branch and the Chief of the Americas, Europe and Central Asia Branch at OHCHR both made a statement.

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\*\* The representative of Switzerland subsequently stated that there had been an error in its vote and that it had intended to abstain.

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

### **Independent Expert on the situation of human rights in Côte d'Ivoire**

912. At the 44th meeting, on 19 March 2013, the Independent Expert on the human rights situations in Côte d'Ivoire, Doudou Diène, presented his report (A/HRC/22/66).

913. At the same meeting, the representative of Côte d'Ivoire made a statement as the State concerned.

914. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Benin, Botswana, Gabon (on behalf of the Group of African States), Maldives, Switzerland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Djibouti, France, Morocco, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland;

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

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

(e) Observers for non-governmental organizations: International Catholic Child Bureau, International Federation for Human Rights Leagues (also on behalf of Human Rights Watch), Rencontre africaine pour la défense des droits de l'homme, World Organisation against Torture.

915. At the same meeting, the Independent Expert answered questions and made his concluding remarks.

### **Independent Expert on the situation of human rights in Haiti**

916. At the 44th meeting, on 19 March 2013, the Independent Expert on the situation of human rights in Haiti, Michel Forst, presented his report (A/HRC/22/65).

917. At the same meeting, the representative of Haiti made a statement as the State concerned.

918. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Council: Argentina, Brazil (on behalf of the Group of Latin American and Caribbean States), Chile, Kuwait, Maldives, Spain, Switzerland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Cuba, France, Morocco, Uruguay;

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

(d) Observers for non-governmental organizations: International Federation for Human Rights Leagues, United Nations Watch.

919. At the same meeting, the Independent Expert answered questions and made his concluding remarks.

920. Also the same meeting, the President made a statement.

### C. General debate on agenda item 10

921. At the 45th meeting, on 20 March 2013, the Deputy High Commissioner introduced country-specific reports of the High Commissioner and the Secretary-General submitted under agenda item 10 (A/HRC/22/37, A/HRC/22/39 and A/HRC/22/40).

922. At the same meeting, on the same day, the representatives of Afghanistan, Guinea and Libya made statements as the States concerned.

923. During the ensuing general debate, at the same meeting, on the same day, the following made statements:

(a) Representatives of States Members of the Human Rights Council: France\*\* (also on behalf of Denmark, Finland, Germany, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland), Gabon (on behalf of the Group of African States), Ireland (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Italy, Maldives, Switzerland, United Arab Emirates, United States of America;

(b) Representatives of observer States: Algeria, China, France, Morocco, Norway, Togo, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for non-governmental organizations: Cairo Institute for Human Rights Studies, Commission africaine des promoteurs de la santé et des droits de l'homme, International Buddhist Foundation, International Catholic Child Bureau (also on behalf of Dominicans for Justice and Peace – Order of Preachers), International Federation for Human Rights Leagues, Nord-Sud XXI, Rencontre africaine pour la défense des droits de l'homme.

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

### D. Consideration of and action on draft proposals

#### Assistance to the Republic of Mali in the field of human rights

925. At the 48th meeting, on 21 March 2013, the representative of Gabon, on behalf of the Group of African States, introduced draft resolution A/HRC/22/L.5, sponsored by Gabon on behalf of the Group of African States, and co-sponsored by Austria, France, Germany, Italy, Luxembourg and Sweden. Subsequently, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, Greece, Indonesia, Ireland, Japan, Lithuania, Mexico, Monaco, Montenegro, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovenia, Spain, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

926. At the same meeting, the representative of Gabon, on behalf of the Group of African States, orally revised the draft resolution.

927. Also at the same meeting, the representative of Ireland, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft resolution.

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\*\* The representative of Switzerland subsequently stated that there had been an error in its vote and that it had intended to abstain

928. At the same meeting, the representative of Mali made a statement as the State concerned.

929. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

930. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/18).

#### **Technical assistance for Libya in the field of human rights**

931. At the 48th meeting, on 21 March 2013, the representatives of Libya and Morocco introduced draft resolution A/HRC/22/L.12, sponsored by Libya and Morocco and co-sponsored by Australia, Bahrain (on behalf of the Group of Arab States), France, Gabon (on behalf of the Group of African States), Georgia, Italy, Maldives, Portugal, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Hungary, Indonesia, Ireland, Japan, Lithuania, Malta, Montenegro, the Netherlands, Norway, the Republic of Korea, Romania, Sweden, Switzerland and Turkey joined the sponsors.

932. At the same meeting, the representative of Morocco orally revised the draft resolution.

933. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

934. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 22/19).

#### **Technical assistance and capacity-building in human rights in Haiti**

935. At the 50th meeting, on 22 March 2013, the President of the Human Rights Council introduced draft President's statement A/HRC/22/L.55.

936. At the same meeting, the representative of Brazil, on behalf of the Group of Latin American and Caribbean States, made general comments in relation to the draft statement.

937. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft President's statement. The Chief of OHCHR Programme Support and Management Services made a statement in relation to the budgetary implications of the draft statement.

938. At the same meeting, the representative of Haiti made a statement as the State concerned.

939. Also at the same meeting, the draft President's statement was adopted by the Council (for the text of the President's statement, see part one, chap. III, PRST/22/2).

## Annex I

[English only]

### Attendance

#### Members

Angola	Germany	Philippines
Argentina	Guatemala	Poland
Austria	India	Qatar
Benin	Indonesia	Republic of Korea
Botswana	Ireland	Republic of Moldova
Brazil	Italy	Romania
Burkina Faso	Japan	Sierra Leone
Chile	Kazakhstan	Spain
Congo	Kenya	Switzerland
Costa Rica	Kuwait	Thailand
Côte d'Ivoire	Libya	Uganda
Czech Republic	Malaysia	United Arab Emirates
Ecuador	Maldives	United States of America
Estonia	Mauritania	Venezuela (Bolivarian Republic of)
Ethiopia	Montenegro	
Gabon	Pakistan	
	Peru	

#### States Members of the United Nations represented by observers

Afghanistan	Croatia	Iran (Islamic Republic of)
Albania	Cuba	Iraq
Algeria	Cyprus	Jamaica
Andorra	Democratic People's Republic of Korea	Jordan
Armenia	Democratic Republic of the Congo	Kyrgyzstan
Australia	Denmark	Lao People's Democratic Republic
Azerbaijan	Djibouti	Latvia
Bahrain	Egypt	Lebanon
Bangladesh	El Salvador	Lesotho
Barbados	Equatorial Guinea	Liechtenstein
Belarus	Eritrea	Lithuania
Belgium	Finland	Luxembourg
Bolivia (Plurinational State of)	France	Mali
Bosnia and Herzegovina	Georgia	Malta
Brunei Darussalam	Ghana	Mexico
Bulgaria	Greece	Monaco
Burundi	Guinea	Mongolia
Cambodia	Haiti	Morocco
Cameroon	Honduras	Mozambique
Canada	Hungary	Myanmar
Chad	Iceland	Namibia
China		Nepal
Colombia		Netherlands

New Zealand	Somalia	Ukraine
Niger	South Africa	United Kingdom of Great Britain and Northern Ireland
Nigeria	South Sudan	Ireland
Norway	Sri Lanka	United Republic of Tanzania
Oman	Sudan	Uruguay
Panama	Swaziland	Uzbekistan
Paraguay	Sweden	Viet Nam
Portugal	Syrian Arab Republic	Yemen
Russian Federation	Tajikistan	Zambia
Rwanda	The former Yugoslav Republic of Macedonia	Zimbabwe
Saudi Arabia	Togo	
Senegal	Trinidad and Tobago	
Serbia	Tunisia	
Singapore	Turkey	
Slovakia	Turkmenistan	
Slovenia		

### **Non-Member States represented by observers**

Holy See  
State of Palestine

### **United Nations**

Joint United Nations Programme on HIV/AIDS	United Nations Environment Programme
Office of the United Nations High Commissioner for Refugees	United Nations Human Settlements Programme
United Nations Children's Fund	United Nations Institute for Training and Research
United Nations Development Programme – Ukraine	

### **Specialized agencies and related organizations**

Food and Agriculture Organization of the United Nations	World Bank
International Labour Organization	World Health Organization
International Telecommunication Union	World Trade Organization
United Nations Educational, Scientific and Cultural Organization	

### **Intergovernmental organizations**

African Union	International Development Law Organization
Commonwealth Secretariat	International Organization for Migration
Council of Europe	International Organization of la Francophonie
European Union	International Union for Conservation of Nature
International Criminal Police Organization – INTERPOL	Organization of Islamic Cooperation

### Other entities

International Committee of the Red Cross  
International Federation of Red Cross and Red Crescent Societies

International Humanitarian Fact-Finding Commission  
Sovereign Military Order of Malta

### National human rights institutions, international coordinating committees and regional groups of national institutions

Albanian People's Advocate  
Commission on Human Rights and Administrative Justice – Ghana  
Conseil consultative des droits de l'homme du Royaume du Maroc  
Malawi Human Rights Commission  
National Commission for Human Rights of Rwanda

National Human Rights Commission of Nigeria  
National Human Rights Commission of the Republic of Korea  
Procuraduría de los Derechos Humanos de Guatemala  
South African Human Rights Commission  
Ukrainian Parliament Commissioner for Human Rights

### Non-governmental organizations

ACT Alliance – Action by Churches Together  
Action Canada for Population and Development  
Action contre la faim  
Action internationale pour la paix et le développement dans la région des Grands Lacs  
African-American Society for Humanitarian Aid and Development  
African Association of Education for Development  
African Canadian Legal Clinic  
African Commission of Health and Human Right Promoters  
African Technology Development Link  
Agence Internationale pour le Développement  
Aliran Kesedaran Negara National Consciousness Movement  
Alliance Defense Fund  
Al-Hakim Foundation  
Al-Haq, Law in the Service of Man  
Al-Zubair Charity Foundation  
American Civil Liberties Union  
Amman Center for Human Rights Studies  
Amnesty International  
Anglican Consultative Council

Arab Penal Reform Organization  
Asian Forum for Human Rights and Development (Forum-Asia)  
Asian Legal Resource Centre  
Association apprentissage sans frontières  
Association for Childhood Education International  
Association for the Prevention of Torture  
Association of World Citizens  
Association Points-Cœur  
Associazione Comunità Papa Giovanni XXIII  
BADIL Resource Center for Palestinian Residency and Resource Rights  
Baha'i International Community  
B'nai B'rith  
British Humanist Association  
Cairo Institute for Human Rights Studies  
Canadian HIV/AIDS Legal Network  
Canners International Permanent Committee  
Caritas Internationalis (International Confederation of Catholic Charities)  
Center for Reproductive Rights  
Centre de documentation, de recherche et d'information des peuples autochtones (doCip)  
Centre Europe – Tiers Monde – Europe –Third World Centre



Centre for Environmental and Management Studies  
 Centre for Equality Rights in Accommodation  
 Centre for Human Rights and Peace Advocacy  
 Center for Inquiry  
 Centre indépendant de recherches et d'initiatives pour le dialogue  
 Centrist Democratic International  
 Centro de Estudios Legales y Sociales (CELS) Asociación Civil  
 Child Foundation  
 China NGO Network for International Exchanges (CNIE)  
 China Society for Human Rights Studies (CSHRS)  
 Chinese People's Association for Peace and Disarmament  
 CIVICUS – World Alliance for Citizen Participation  
 Colombian Commission of Jurists  
 Commission africaine des promoteurs de la santé et des droits de l'homme  
 Commission of the Churches on International Affairs of the World  
 Council of Churches  
 Commission to Study the Organization of Peace  
 Committee for Human Rights Advocacy and Promotion Recommence  
 Conectas Direitos Humanos  
 Congregation of our Lady of Charity of the Good Shepherd  
 Consortium for Street Children  
 Coordinating Board of Jewish Organizations  
 Corporate Accountability International  
 Defence for Children International  
 Development Innovations and Networks  
 Dominicans for Justice and Peace – Order of Preachers  
 East and Horn of Africa Human Rights Defenders Project  
 Eastern Sudan Women Development Organization  
 ECPAT International  
 Ecumenical Federation of Constantinopolitans  
 Edmund Rice International Limited  
 Espace Afrique International  
 Eurasian Harm Reduction Network  
 European Centre for Law and Justice  
 European Disability Forum  
 European Law Students' Association  
 European Region of the International Lesbian and Gay Association  
 European Union of Jewish Students  
 European Union of Public Relations  
 Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland  
 Federation of Associations for the Defense and the Promotion of Human Rights - Spain  
 Federation of Cuban Women  
 Femmes Afrique Solidarité  
 Femmes Solidaires  
 Foodfirst Information and Action Network  
 Foundation for Human Rights and Freedoms and Humanitarian Relief  
 France Libertés : Fondation Danielle Mitterrand  
 Franciscans International  
 Fraternité Notre Dame  
 Freedom House  
 Friedrich Ebert Foundation  
 Friends World Committee for Consultation (Quakers)  
 Front Line: International Foundation for the Protection of Human Rights Defenders  
 Foundation for International Relations and Development Studies  
 General Arab Women Federation  
 Geneva for Human Rights – Global Training  
 Geneva Infant Feeding Association  
 Geneva Social Observatory  
 German Catholic Bishops' Organisation for Development Cooperation  
 Global Hope Network International  
 Hawa Society for Women  
 Helios Life Association  
 Helsinki Foundation for Human Rights  
 Himalayan Research and Cultural Foundation  
 Human Rights Advocates, Inc.  
 Human Rights House Foundation  
 Human Rights Information and Documentation Systems International  
 Human Rights Now  
 Human Rights Watch  
 Humanist Institute for Co-operation with Developing Countries  
 Imam Ali's Popular Students Relief Society

Indian Council of South America  
 Ingenieurs du Monde  
 International Association for  
 Democracy in Africa  
 International Association of Democratic  
 Lawyers  
 International Association of Jewish  
 Lawyers and Jurists  
 International Association of Schools of  
 Social Work  
 International Bridges to Justice, Inc.  
 International Buddhist Foundation (IBF)  
 International Buddhist Relief Organisation  
 International Catholic Child Bureau  
 International Centre for Trade and  
 Sustainable Development  
 International Commission of Jurists  
 International Committee for the Indians of  
 the Americas (Incomindios Switzerland)  
 International Committee for the Respect  
 and Application of the African Charter  
 on Human and People's Rights  
 International Educational Development,  
 Inc.  
 International Federation for Human Rights  
 Leagues  
 International Federation of ACAT (Action  
 by Christians for the Abolition of Torture)  
 International Federation of Social Workers  
 International Fellowship of Reconciliation  
 International Human Rights Association of  
 American Minorities  
 International Humanist and Ethical Union  
 International Institute for Non-Aligned  
 Studies  
 International Institute for Peace  
 International Juvenile Justice Observatory  
 International Lesbian and Gay Association  
 International Movement against all Forms  
 of Discrimination and Racism  
 International Movement for Fraternal Union  
 among Races and Peoples  
 International Muslim Women's Union  
 International Office for Human Rights  
 – Action on Colombia, Oidhaco  
 International Organization for the  
 Elimination of all Forms of Racial  
 Discrimination  
 International Organization for the Right  
 to Education and Freedom of Education  
 International Rehabilitation Council for  
 Torture Victims  
 International Service for Human Rights  
 International Society for Human Rights  
 International Volunteerism Organization for  
 Women, Education and Development  
 International Youth and Student Movement  
 for the United Nations  
 Iranian Elite Research Center  
 Islamic Human Rights Commission  
 Islamic Women's Institute of Iran  
 Istituto Internazionale Maria Ausiliatrice  
 delle Salesiane di Don Bosco  
 IUS PRIMI VIRI International Association  
 Jammu and Kashmir Council for  
 Human Rights (JKCHR)  
 Japanese Association for the Right to  
 Freedom of Speech  
 Japanese Workers' Committee for  
 Human Rights  
 Jubilee Campaign  
 Kenya Alliance for the Advancement of  
 Children  
 Khiam Rehabilitation Centre for Victims of  
 Violence  
 Kindernothilfe, Help for Children in Need  
 Korean Assembly for Reunion of Ten-  
 million Separated Families  
 Lawyers' Rights Watch Canada  
 Liberal International (World Liberal Union)  
 Liberation  
 Lutheran World Federation  
 Maarij Foundation for Peace and  
 Development  
 Mandat International  
 Mental Disability Advocacy Center  
 Foundation (MDAC)  
 Migrants Rights International (MRI)  
 Minority Rights Group  
 Mouvement contre le racismisme et pour  
 l'amitié entre les peuples  
 Myochikai (Arigatou Foundation)  
 Nonviolent Radical Party, Transnational  
 and Transparty  
 Nord-Sud XXI  
 Norwegian Refugee Council

ONG Hope International  
 Open Society Institute  
 Organisation pour la communication en  
 Afrique et de promotion de la coopération  
 économique internationale (Ocaproce  
 International)  
 Organization for Defending Victims of  
 Violence  
 Palestinian Centre for Human Rights  
 Pasumai Thaayagam Foundation  
 Pax Romana  
 People for Successful Corean Reunification  
 Plan International, Inc.  
 Press Emblem Campaign  
 Redress Trust  
 Rencontre africain pour la défense des  
 droits de l'homme  
 Reporters Sans Frontiers International –  
 Reporters without Borders International  
 Save the Children International  
 Schweizerische Arbeitsgemeinschaft der  
 Jugendverbände  
 Servas International  
 Society for the Protection of Unborn  
 Children  
 Society for Threatened Peoples  
 Society Studies Centre  
 Soka Gakkai International  
 Sudan Council of Voluntary Agencies  
 Sudanese Women General Union  
 Survival International Ltd.  
 Syriac Universal Alliance  
 Tchad – Agir pour l'Environnement  
 Terre des Hommes International Fédération  
 The ad-hoc NGO Group for the Drafting  
 of the CRC  
 Tides Center  
 Touro Law Center, Institute on  
 Human Rights and the Holocaust  
 Union for International Cancer Control  
 Union of Arab Jurists  
 United Kingdom Association for the  
 United Nations Development Fund  
 for Women  
 United Nations Association of the United  
 States of America  
 United Nations Watch (UN Watch)  
 United Schools International  
 United Towns Agency for North-South  
 Cooperation  
 UPR Info  
 Verein Sudwind Entwicklungspolitik  
 Vivat International  
 Women's Federation for World Peace  
 International  
 Women's Human Rights International  
 Association  
 Women's International League for Peace  
 and Freedom  
 Women's World Summit Foundation  
 Working Women Association  
 World Association for the School as an  
 Instrument of Peace  
 World Barua Organization  
 World Environment and Resources Council  
 World Evangelical Alliance  
 World Federation of Democratic Youth  
 World Federation of United Nations Associations  
 World Muslim Congress  
 World Network of Users and Survivors of  
 Psychiatry WNUSP  
 World Organization against Torture  
 World Vision International  
 World Young Women's Christian Association

## Annex II

### Agenda

- Item 1. Organizational and procedural matters.
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
- Item 4. Human rights situations that require the Council's attention.
- Item 5. Human rights bodies and mechanisms.
- Item 6. Universal periodic review.
- Item 7. Human rights situation in Palestine and other occupied Arab territories.
- Item 8. Follow-up to and implementation of the Vienna Declaration and Programme of Action.
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.
- Item 10. Technical assistance and capacity-building.

## Annex III

[English, French and Spanish only]

## Documents issued for the twenty-second session

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A/HRC/22/4	6	Report of the Working Group on the Universal Periodic Review on Argentina
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A/HRC/22/5	6	Report of the Working Group on the Universal Periodic Review on Gabon
A/HRC/22/6	6	Report of the Working Group on the Universal Periodic Review on Ghana
A/HRC/22/7	6	Report of the Working Group on the Universal Periodic Review on Ukraine
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A/HRC/22/8	6	Report of the Working Group on the Universal Periodic Review on Guatemala
A/HRC/22/8/Add.1	6	Views on conclusions and/or voluntary commitments and replies presented by the State under review
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A/HRC/22/12	6	Report of the Working Group on the Universal Periodic Review on Pakistan
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A/HRC/22/47/Add.1	3	Mission to Honduras
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A/HRC/22/L.9	3	Freedom of religion or belief
A/HRC/22/L.10	3	The promotion and protection of human rights in the context of peaceful protests
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A/HRC/22/L.37	3	Amendment to draft resolution A/HRC/22/L.30 on the prevention of genocide
A/HRC/22/L.38	3	Amendment to draft resolution A/HRC/22/L.30 on the prevention of genocide
A/HRC/22/L.39	3	Amendment to draft resolution A/HRC/22/L.30 on the prevention of genocide
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A/HRC/22/L.53	3	Amendment to draft resolution A/HRC/22/L.30
A/HRC/22/L.54	3	Amendment to draft resolution A/HRC/22/L.30
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<i>Symbol</i>		<i>Agenda item</i>
A/HRC/22/G/1	7	Note verbale dated 5 October 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/2	3	Note verbale dated 3 December 2012 from the Permanent Mission of Belarus to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council
A/HRC/22/G/3	3	Note verbale dated 20 December 2012 from the Permanent Mission of Cuba to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council
A/HRC/22/G/4	4	Letter dated 28 January 2013 from the Permanent Mission of the Democratic People's Republic of Korea to the United

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<i>Symbol</i>	<i>Agenda item</i>	
		Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/22/G/5	2	Note verbale dated 21 December 2012 from the Permanent Mission of Guatemala to the United Nations Office and other international organizations at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/6	4	Note verbale dated 21 February 2013 from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/22/G/7	2	Letter dated 24 February 2013 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/22/G/8	3	Note verbale dated 22 February 2013 from the Permanent Mission of Greece to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/9	3	Note verbale dated 26 February 2013 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/10	1	Note verbale dated 27 February 2013 from the Permanent Mission of Serbia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/11	2	Letter dated 28 February 2013 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/22/G/12	4	Note verbale dated 4 March 2013 from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/22/G/13	3	Note verbale dated 12 March 2013 from the Permanent Mission of Singapore to the United Nations Office at Geneva addressed

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	to the secretariat of the Human Rights Council
A/HRC/22/G/14	3 Note verbale dated 12 March 2013 from the Permanent Mission of Singapore to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council
A/HRC/22/G/15	3 Note verbale dated 15 March 2013 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/16	4 Note verbale dated 7 March 2013 from the Permanent Mission of the Republic of Armenia to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/22/G/17	1 Note verbale dated 19 March 2013 from the Permanent Mission of the Republic of Cuba to the United Nations Office at Geneva addressed to the Secretariat of the Human Rights Council
A/HRC/22/G/18	1 Note verbale dated 20 March 2013 from the Permanent Mission of Albania to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council
A/HRC/22/G/19	8 Note verbale dated 22 March 2013 from the Permanent Mission of Bulgaria to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council
A/HRC/22/G/20	2 Note verbale dated 21 March 2013 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/22/G/21	3 Note verbale dated 28 March 2013 from the Permanent Mission of Singapore to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council
A/HRC/22/G/22	3 Note verbale dated 8 May 2013 from the Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva addressed to the Office of the

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	United Nations High Commissioner for Human Rights
A/HRC/22/G/23	3 Note verbale dated 24 June 2013 from the Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

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<i>Symbol</i>	<i>Agenda item</i>
A/HRC/22/NGO/1	7 Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status
A/HRC/22/NGO/2	3 Written statement submitted by Reporters Without Borders, a non-governmental organization in special consultative status
A/HRC/22/NGO/3	3 Written statement submitted by Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization in on the roster
A/HRC/22/NGO/4	3 Exposé écrit présenté par Reporters sans Frontières, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/22/NGO/5	9 Written statement submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status
A/HRC/22/NGO/6/Rev.1	7 Joint written statement submitted by the BADIL Resource Center for Palestinian Residency and Refugee Rights, 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/22/NGO/7	3 Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status

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A/HRC/22/NGO/8	3	Exposé écrit présenté par Espace Afrique International, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/22/NGO/9	5	Written statement submitted by the Buddha's Light International Association (BLIA), a non-governmental organization in special consultative status
A/HRC/22/NGO/10	6	Exposé écrit présenté par Defence for Children International, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/22/NGO/11	3	Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/22/NGO/12	6	Written statement submitted by the Foundation of Japanese Honorary Debts, a non-governmental organization on the roster
A/HRC/22/NGO/12/Corr. 1	6	Corrigendum
A/HRC/22/NGO/13	2	Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/22/NGO/14	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status
A/HRC/22/NGO/15	3	Idem
A/HRC/22/NGO/16	3	Idem
A/HRC/22/NGO/17	7	Idem
A/HRC/22/NGO/18	3	Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status
A/HRC/22/NGO/19	4	Written statement submitted by Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster
A/HRC/22/NGO/20	6	Exposé écrit présenté par Defence for Children International (DCI), organisation

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	non gouvernementale dotée du statut consultatif spécial
A/HRC/22/NGO/21	6 Joint written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status, and Edmund Rice International (ERI), IIMA - Instituto Internazionale Maria Ausiliatrice, VIDES International - International Volunteerism Organization for Women, Education, Development and the International Presentation Association (IPA), non-governmental organizations in special consultative status
A/HRC/22/NGO/22	6 Written statement submitted by Edmund Rice International (ERI), a non-governmental organization in special consultative status
A/HRC/22/NGO/23	3 Written statement submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status
A/HRC/22/NGO/24	3 Idem
A/HRC/22/NGO/25	3 Exposición presentada por la Fundación Intervida, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/22/NGO/26	3 Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/22/NGO/27	7 Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
A/HRC/22/NGO/28	4 Written statement submitted by Freemuse - The World Forum on Music and Censorship, a non-governmental organization in special consultative status
A/HRC/22/NGO/29	8 Written statement submitted by Liberation, a non-governmental organization on the roster
A/HRC/22/NGO/30	10 Idem
A/HRC/22/NGO/31	3 Joint written statement submitted by France Libertés : Fondation Danielle Mitterrand, a non-governmental organization in special consultative status,

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		and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster
A/HRC/22/NGO/32	3	Idem
A/HRC/22/NGO/33	3	Idem
A/HRC/22/NGO/34	4	Idem
A/HRC/22/NGO/35	3	Written statement submitted by France Libertés : Fondation Danielle Mitterrand, a non-governmental organization in special consultative status
A/HRC/22/NGO/36	2, 3	Joint written statement submitted by World Vision International, a non-governmental organization in general consultative status, the Elizabeth Glaser Pediatric AIDS Foundation and the International HIV/AIDS Alliance, non-governmental organizations in special consultative status
A/HRC/22/NGO/37	3	Written statement submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status
A/HRC/22/NGO/38	3	Idem
A/HRC/22/NGO/39	3	Idem
A/HRC/22/NGO/40	4	Joint written statement submitted by the American Association of Jurists, the International Association of Democratic Lawyers and Unión Nacional de Juristas de Cuba, non-governmental organizations 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/22/NGO/41	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/22/NGO/42	3	Idem
A/HRC/22/NGO/43	4	Idem
A/HRC/22/NGO/44	3	Idem
A/HRC/22/NGO/45	4	Written statement submitted by Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status



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A/HRC/22/NGO/46	3	Written statement submitted by the Maarij Foundation for Peace and Development (MFPD), a non-governmental organization in special consultative status
A/HRC/22/NGO/47	3	Idem
A/HRC/22/NGO/48	3	Idem
A/HRC/22/NGO/49	3	Idem
A/HRC/22/NGO/50	4	Written statement submitted by Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster
A/HRC/22/NGO/51	6	Written statement submitted by Istituto Internazionale Maria Ausiliatrice - IIMA, a non-governmental organization in special consultative status
A/HRC/22/NGO/52	3	Written statement submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status
A/HRC/22/NGO/53	3	Idem
A/HRC/22/NGO/54	3, 5	Idem
A/HRC/22/NGO/55	3	Written statement submitted by the Jammu and Kashmir Council for Human Rights, a non-governmental organization in special consultative status
A/HRC/22/NGO/56	4	Idem
A/HRC/22/NGO/57	8	Written statement submitted by Press Emblem Campaign (PEC), a non-governmental organization in special consultative status
A/HRC/22/NGO/58	3	Joint written statement submitted by France Libertés – Fondation Danielle Mitterrand and the Women's Human Rights International Association, non-governmental organizations in special consultative status, and International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), non-governmental organizations on the roster
A/HRC/22/NGO/59	4	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster

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A/HRC/22/NGO/60	4	Idem
A/HRC/22/NGO/61	10	Idem
A/HRC/22/NGO/62	3	Written statement submitted by Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status
A/HRC/22/NGO/63	9	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/22/NGO/64	2 4	Idem
A/HRC/22/NGO/65	4	Joint written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, the Women's Human Rights International Association and Espace Afrique International, non-governmental organizations in special consultative status, and International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/22/NGO/66	3	Written statement submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status
A/HRC/22/NGO/67	10	Idem
A/HRC/22/NGO/68	4	Exposé écrit présenté conjointement par Union of Arab Jurists, General Arab Women Federation (GAWF), organisations non gouvernementales dotées du statut consultatif spécial
A/HRC/22/NGO/69	4	Exposé écrit présenté par Femmes Afrique Solidarité, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/22/NGO/70	7	Joint written statement submitted by the BADIL Resource Center for Palestinian Residency and Refugee Rights and the Al Mezan Centre for Human Rights, non-governmental organizations in special consultative status
A/HRC/22/NGO/71	6	Joint written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status, and the Marist

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		International Solidarity Foundation (FMSI), the Congregation of Our Lady of Charity of the Good Shepherd, Dominicans for Justice and Peace (Order of Preachers) and VIVAT International, non-governmental organizations in special consultative status
A/HRC/22/NGO/72	2	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/22/NGO/73	3	Written statement submitted by the Palestinian Centre for Human Rights, a non-governmental organization in special consultative status
A/HRC/22/NGO/74	3	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status
A/HRC/22/NGO/75	3	Idem
A/HRC/22/NGO/76	3	Idem
A/HRC/22/NGO/77	4	Idem
A/HRC/22/NGO/78	6	Idem
A/HRC/22/NGO/79	3	Idem
A/HRC/22/NGO/80	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/22/NGO/81	2	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status
A/HRC/22/NGO/82	6	Written statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in special consultative status
A/HRC/22/NGO/83	2, 3	Joint written statement submitted by Caritas Internationalis - International Confederation of Catholic Charities and New Humanity, non-governmental organizations in general consultative status, Associazione Comunità Papa Giovanni XXIII, the Company of the Daughters of Charity of St. Vincent de

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		Paul, Dominicans for Justice and Peace - Order of Preachers, Edmund Rice International, the International Volunteerism Organisation for Women, Education, Development - VIDES International, Istituto Internazionale Maria Ausiliatrice – IIMA and VIVAT International, non-governmental organizations in special consultative status
A/HRC/22/NGO/84	8	Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/22/NGO/85	3	Written statement submitted by Liberal International, a non-governmental organization in general consultative status
A/HRC/22/NGO/86	3	Idem
A/HRC/22/NGO/87	3	Joint written statement submitted by Franciscans International and the Brahma Kumaris World Spiritual University, non-governmental organizations in general consultative status, the Women's International League for Peace and Freedom, North South XXI and the Southern Diaspora Research and Development Center, non-governmental organizations in special consultative status
A/HRC/22/NGO/88	3	Written statement submitted by Plan International, Inc, a non-governmental organization in special consultative status
A/HRC/22/NGO/89	6	Exposición escrita conjunta presentada por IIMA – Istituto Internazionale Maria Ausiliatrice, International Volunteerism Organization for Women, Education, Development (VIDES), organizaciones no gubernamentales reconocidas como entidades consultivas especiales
A/HRC/22/NGO/90	4	Written statement submitted by the Press Emblem Campaign (PEC), a non-governmental organization in special consultative status
A/HRC/22/NGO/91	3, 7	Written statement submitted by the Israeli Committee against House Demolitions, a non-governmental organization in special consultative status
A/HRC/22/NGO/92	4	Written statement submitted by Mouvement contre le racisme et pour

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		l'amitié entre les peuples (MRAP), a non-governmental organization on the roster
A/HRC/22/NGO/93	3	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status
A/HRC/22/NGO/94	4	Idem
A/HRC/22/NGO/95	6	Idem
A/HRC/22/NGO/96	7	Idem
A/HRC/22/NGO/97	8	Idem
A/HRC/22/NGO/98	9	Idem
A/HRC/22/NGO/99	3	Exposé écrit présenté par International Federation of Rural Adult Catholic Movements - FIMARC, organisation non gouvernementale sur la liste
A/HRC/22/NGO/100	6	Joint written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status, and the Marist International Solidarity Foundation (FMSI), Dominicans for Justice and Peace (Order of Preachers) and VIVAT International, non-governmental organizations in special consultative status
A/HRC/22/NGO/101	3	Written statement submitted by World Vision International, a non-governmental organization in general consultative status
A/HRC/22/NGO/102	4	Joint written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA), a non-governmental organization in special consultative status, and the African American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster
A/HRC/22/NGO/103	6	Exposé écrit présenté par Franciscans International (FI), organisation non gouvernementale dotée du statut consultatif général, l'Organisation Mondiale contre la Torture (OMCT) et Defence for Children International (DCI), organisations non gouvernementales dotées du statut consultatif spécial
A/HRC/22/NGO/104	4	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-

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		governmental organization in special consultative status
A/HRC/22/NGO/105	3	Written statement submitted by Human Rights Now, a non-governmental organization in special consultative status
A/HRC/22/NGO/106	4	Idem
A/HRC/22/NGO/107	3	Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, and VIVAT International, a non-governmental organization in special consultative status
A/HRC/22/NGO/108	4	Written statement submitted by Human Rights Now, a non-governmental organization in special consultative status
A/HRC/22/NGO/109	3	Written statement submitted by the Europe-Third World Centre / CETIM, a non-governmental organization in general consultative status
A/HRC/22/NGO/110	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/22/NGO/111	3	Written statement submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status
A/HRC/22/NGO/112	3	Joint written statement submitted by the Consortium for Street Children, the International Harm Reduction Association and Fundación Intervida, non-governmental organizations in special consultative status
A/HRC/22/NGO/113	4	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/22/NGO/114	4	Idem
A/HRC/22/NGO/115	3	Written statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in special consultative status
A/HRC/22/NGO/116	10	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-

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		governmental organization in special consultative status
A/HRC/22/NGO/117	3	Written statement submitted by the International Movement against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status
A/HRC/22/NGO/118	4	Idem
A/HRC/22/NGO/119	4	Idem
A/HRC/22/NGO/120	7	Written statement submitted by Al-Haq, Law in the Service of Man, a non-governmental organization in special consultative status
A/HRC/22/NGO/121	7	Joint written statement submitted by Al-Haq, Law in the Service of Man, the Al-Mezan Centre for Human Rights, the BADIL Resource Centre for Palestinian Residency and Refugee Rights, Defence for Children International and the Women's Centre for Legal Aid and Counselling, non-governmental organizations in special consultative status
A/HRC/22/NGO/122	3	Written statement submitted by the Eurasian Harm Reduction Network, a non-governmental organization in special consultative status
A/HRC/22/NGO/123	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/22/NGO/124	3	Idem
A/HRC/22/NGO/125	3	Written statement submitted by the Adalah – Legal Center for Arab Minority Rights in Israel, a non-governmental organization in special consultative status
A/HRC/22/NGO/126	4	Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status
A/HRC/22/NGO/127	4	Idem
A/HRC/22/NGO/128	4	Idem
A/HRC/22/NGO/129	4	Idem
A/HRC/22/NGO/130	4	Idem

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A/HRC/22/NGO/131	5	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/22/NGO/132	4	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status
A/HRC/22/NGO/133	4	Written statement submitted by the Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organization in special consultative status
A/HRC/22/NGO/134	3	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status
A/HRC/22/NGO/135	2	Written statement submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status
A/HRC/22/NGO/136	3	Written statement submitted by the Open Society Institute, a non-governmental organization in special consultative status
A/HRC/22/NGO/137	3	Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the Union of Arab Jurists, the General Arab Women Federation (GAWF), the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the International Association of Democratic Lawyers, the United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", the Asian Women Human Rights Council, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE International, the International Federation of University Women (IFUW), Organisation mondiale des associations pour l'éducation prénatale (OMAEP), the World Wide Organization for Women (WOW) and the Arab Lawyers Union, non-governmental organizations in special consultative status and the World Peace



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		Council, the Indian Council of South America (CISA), the International Human Rights Association of American Minorities (IHRAAM) and International Educational Development, Inc. (IED), non-governmental organizations on the roster
A/HRC/22/NGO/138	3	Idem
A/HRC/22/NGO/139	3	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/22/NGO/140	3	Idem
A/HRC/22/NGO/141	4	Idem
A/HRC/22/NGO/142	3	Idem
A/HRC/22/NGO/143	4	Idem
A/HRC/22/NGO/144	3	Idem
A/HRC/22/NGO/145	3	Idem
A/HRC/22/NGO/146	3	Idem
A/HRC/22/NGO/147	4	Idem
A/HRC/22/NGO/148	4	Idem
A/HRC/22/NGO/149	3	Written statement submitted by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP), a non-governmental organization in special consultative status
A/HRC/22/NGO/150	3	Written statement submitted by the International Human Rights Association for American Minorities - IHRAAM, a non-governmental organization on the roster
A/HRC/22/NGO/151	3	Written statement submitted by Make Mothers Matter International (MMMI), a non-governmental organization in general consultative status
A/HRC/22/NGO/152	4	Joint written statement submitted by the Human Rights House Foundation (HRHF), Be Active Be Emancipated B.a.B.e and the Helsinki Foundation for Human Rights, non-governmental organizations in special consultative status

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A/HRC/22/NGO/153	3	Written statement submitted by World Vision International, a non-governmental organization in general consultative status
A/HRC/22/NGO/154	4	Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation (GAWF), the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for the North-South Cooperation, Indian Movement "Tupaj Amaru", the Asian Women Human Rights Council, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale - OCAPROCE International, the International Federation of University Women (IFUW), Organisation mondiale des associations pour l'éducation prénatale (OMAEP) and the World Wide Organization for Women (WOW), non-governmental organizations in special consultative status, and the International Human Rights Association of American Minorities (IHRAAM), the Indian Council of South America (CISA), the World Peace Council and International Educational Development, Inc. (IED), non-governmental organizations on the roster
A/HRC/22/NGO/155	3	Idem
A/HRC/22/NGO/156	5	Joint written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Association of Soldiers for Peace, Zonta International, the International Federation of Settlements and Neighbourhood Centres (IFS), the International Council of Women (ICW-CIF), the International Youth and Student Movement for the United Nations (ISMUN), the Brahma Kumaris University (BKU), Soroptimist International (SI), the International Institute for Non-Aligned Studies (IINAS) and Make Mothers Matter International (MMM), non-governmental

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organizations in general consultative status; the World Young Women's Christian Association (World YWCA), Buddha's Light International Association (BLIA), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), the Temple of Understanding (TOU), the Women's World Summit Foundation (WWSF), the Worldwide Organization for Women (WOW), the Union of Arab Jurists (UAJ), Rencontre africaine pour la défense des droits de l'homme (RADDHO), the Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), the American Association of Jurists (AAJ), Congregation of our Lady of Charity of the Good Shepherd, the Lassalle-Institut, the UNESCO Centre of Catalonia (UNESCO CAT), the Pan Pacific and South East Asia Women's Association (PPSEAWA), the International Movement for Fraternal Union among Races and Peoples (UFER), the International Federation of Women Lawyers (FIDA), the International Federation of Women in Legal Careers (FIFCJ), the Canadian Federation of University Women (CFUW), the International Women's Year Liaison Group (IWYLG), the Institute of International Social Development, the International Society for Traumatic Stress Studies (ISTSS), the Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, the Tandem Project, Solar Cookers International (SCI), the United States Federation for Middle East Peace (USFMEP), Network Women in Development Europe (KULU, Denmark), North-South XXI, the United Towns Agency for North-South Cooperation, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, the International Forum for

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Child Welfare, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the Arab Lawyers Union, the International Federation of Social Workers (IFSW), the International Association of Peace Messenger Cities (IAPMC), the Committee for Hispanic Children and Families, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples (CIRAC), the Cairo Institute for Human Rights Studies (CIHRS), the World for World Organisation (WFWO), the Universal Esperanto Association (UEA), the Association for Democratic Initiatives (ADI), the General Arab Women Federation (GAWF), the International Association of Democratic Lawyers (IADL), Centre independent de recherches et d'initiatives pour le dialogue (CIRID), the International Association of Schools of Social Work (IASSW), Peace Boat, the Colombian Commission of Jurists (CCJ), the Association of African Women for Research and Development (AAWORD), the Center for Migration Studies of New York (CMS) (member of the Scalabrini International Migration Network), the World Association for Psychosocial Rehabilitation (WAPR), the Foundation for Subjective Experience and Research, the African Women's Development and Communication Network (FEMNET), the Planetary Association for Clean Energy (PACE), Initiatives of Change International (IOFC), Associazione Comunità Papa Giovanni XXIII, Action internationale pour la paix et le développement dans la région des Grands Lacs, the General Arab Women Federation, the African Peace Network (APNET), Right to Energy Sos Future, IUS PRIMI VIRI International Association, the African Women Association (AWA), Femmes Africa Solidarité (FAS), African Services Committee (ASC), Guild of Service, European Women's Lobby (EWL), the European Union of Women (EUW), the Women's Union of Russia (WUR), the Permanent Assembly for Human Rights (APDH), the International Islamic Relief Organization (IIROSA), the Japanese

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A/HRC/22/NGO/157	3	<p>Association of International Women's Rights, the Japanese Worker's Committee for Human Rights, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCCE), the United Network of Young Peacebuilders (UNOY Peacebuilders), the United Religions Initiative (URI), the Nonviolent Peaceforce, the Women's International League for Peace and Freedom (WILPF), Bangwe et Dialogue, Prison Fellowship International (PFI), Canadian Voice of Women for Peace, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (IIMA), the Center for Global Community and World Law, Commission africaine des promoteurs de la santé et des droits de l'homme, the Syriac Universal Alliance (Federation Syriaque International) and MADRE int., Fundación Cultura de Paz, non-governmental organizations in special consultative status; and the Association of World Citizens, the Federation for Peace and Conciliation (IFPC), the World Association for the School as an Instrument of Peace, the International Society for Human Rights (ISHR), the Institute for Planetary Synthesis (IPS), the International Peace Bureau (IPB), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), the Dzeno Association, the Country Women Association of Nigeria (COWAN), Association nigérienne des scouts de l'environnement (ANSEN), the Asia Pacific Forum on Women, Law and Development (APWLD), the International Progress Organization (IPO), the European Federation of Road Traffic Crash Victims, the Commission to Study the Organization of Peace, Mouvement contre le racisme et pour l'amitié entre les peuples and Fondation Idole, non-governmental organizations on the roster</p> <p>Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of</p>
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	Arab Jurists, the General Arab Women Federation (GAWF), the International Association of Democratic Lawyers, North-South XX1, the United Towns Agency for North-South Cooperation, Indian Movement “Tupaj Amaru”, the Asian Women Human Rights Council, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale - OCAPROCE International, the International Federation of University Women (IFUW), Organisation mondiale des associations pour l'éducation prénatale (OMAEP), the World Wide Organization for Women (WOW) and the Arab Lawyers Union, non-governmental organizations in special consultative status; and the World Peace Council, the Indian Council of South America (CISA), the International Human Rights Association of American Minorities (iHRAAM) and International Educational Development, Inc. (IED), non-governmental organizations on the roster
A/HRC/22/NGO/158	3 Idem
A/HRC/22/NGO/159	4 Written statement submitted by the Human Rights House Foundation (HRHF), a non-governmental organization in special consultative status
A/HRC/22/NGO/160	4 Exposición escrita presentada por la Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos – España, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/22/NGO/161	4 Joint written statement submitted by Rencontre africaine pour la défense des droits de l'homme (RADDHO) and Association Apprentissage Sans Frontière (ASF), non-governmental organizations in special consultative status
A/HRC/22/NGO/162	6 Written statement submitted by the Japanese Association for the Right to Freedom of Speech, a non-governmental organization in special consultative status
A/HRC/22/NGO/163	3 Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a non-

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A/HRC/22/NGO/164	3 Idem
A/HRC/22/NGO/165	4 Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/22/NGO/166	2 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/22/NGO/167	4 Idem
A/HRC/22/NGO/168	4 Written statement submitted by the International Association of Democratic Lawyers (IADL), a non-governmental organization in special consultative status
A/HRC/22/NGO/169	3 Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN) and the Women's International Democratic Federation (WIDF), non-governmental organizations in general consultative status, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation (GAWF), the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for the North-South Cooperation, Indian Movement "Tupaj Amaru", the Asian Women Human Rights Council and Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE International, non-governmental organizations in special consultative status and International Educational Development, Inc. (IED), non-governmental organization on the roster
A/HRC/22/NGO/170	4 Written statement submitted by the Eastern Sudan Women Development Organization, a non-governmental organization in special consultative status
A/HRC/22/NGO/171	3 Idem
A/HRC/22/NGO/172	3 Written statement submitted by the Al Zubair Charity Foundation, a non-

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		governmental organization in special consultative status
A/HRC/22/NGO/173	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/22/NGO/174	2	Idem
A/HRC/22/NGO/175	3	Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status
A/HRC/22/NGO/176	6	Written statement submitted by Survival International Ltd., a non-governmental organization on the roster

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A/HRC/22/NI/1	3	Information presented by the Irish Human Rights Commission: note by the Secretariat
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A/HRC/22/NI/3	3	Information presented by the Malawi Human Rights Commission: note by the Secretariat
A/HRC/22/NI/4	1	Information presented by the Malawi Human Rights Commission: note by the Secretariat
A/HRC/22/NI/5	3	Information presented by the Malawi Human Rights Commission: note by the Secretariat
A/HRC/22/NI/6	6	Information presented by the Australian Human Rights Commission: note by the Secretariat
A/HRC/22/NI/7	3	Information presented by the Equality and Human Rights Commission of Great Britain: note by the Secretariat
A/HRC/22/NI/8	7	Information presented by the Palestinian National Institution for Human Rights (ICHR): note by the Secretariat

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