

**Advance unedited version**

Distr.: General  
14 June 2018

Original: English

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**Human Rights Council**

**Thirty-sixth session**

Agenda item 1

**Organizational and procedural matters**

**Report of the Human Rights Council on its thirty-sixth session**

*Vice-President and Rapporteur:* Mr. Mouayed Saleh (Iraq)

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**Part One**  
**Resolutions, decisions and President's statement adopted by**  
**the Human Rights Council at its thirty-sixth session**

**I. Resolutions**

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>
36/1	Composition of staff of the Office of the United Nations High Commissioner for Human Rights	28 September 2017
36/2	Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi	29 September 2017
36/3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	28 September 2017
36/4	Mandate of the Independent Expert on the promotion of a democratic and equitable international order	28 September 2017
36/5	Unaccompanied migrant children and adolescents and human rights	28 September 2017
36/6	Enforced or involuntary disappearances	28 September 2017
36/7	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	28 September 2017
36/8	The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development	28 September 2017
36/9	The right to development	28 September 2017
36/10	Human rights and unilateral coercive measures	28 September 2017
36/11	Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	28 September 2017
36/12	World Programme for Human Rights Education	28 September 2017
36/13	Mental health and human rights	28 September 2017
36/14	Human rights and indigenous peoples	28 September 2017
36/15	Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	28 September 2017

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>
36/16	Human rights in the administration of justice, including juvenile justice	29 September 2017
36/17	The question of the death penalty	29 September 2017
36/18	Conscientious objection to military service	29 September 2017
36/19	Renewal of the mandate of the Commission of Inquiry on Burundi	29 September 2017
36/20	The human rights situation in the Syrian Arab Republic	29 September 2017
36/21	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights	29 September 2017
36/22	Promotion and protection of the human rights of peasants and other people working in rural areas	29 September 2017
36/23	Mandate of the Working Group of Experts on People of African Descent	29 September 2017
36/24	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	29 September 2017
36/25	Technical assistance and capacity-building in the field of human rights in the Central African Republic	29 September 2017
36/26	Technical assistance and capacity-building to improve human rights in the Sudan	29 September 2017
36/27	Assistance to Somalia in the field of human rights	29 September 2017
36/28	Enhancement of technical cooperation and capacity-building in the field of human rights	29 September 2017
36/29	Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development	29 September 2017
36/30	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	29 September 2017
36/31	Human rights, technical assistance and capacity-building in Yemen	29 September 2017
36/32	Advisory services and technical assistance for Cambodia	29 September 2017

## II. Decisions

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>
36/101	Outcome of the universal periodic review: Bahrain	21 September 2017
36/102	Outcome of the universal periodic review: Ecuador	21 September 2017
36/103	Outcome of the universal periodic review: Tunisia	21 September 2017
36/104	Outcome of the universal periodic review: Morocco	21 September 2017
36/105	Outcome of the universal periodic review: Indonesia	21 September 2017
36/106	Outcome of the universal periodic review: Finland	21 September 2017
36/107	Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland	21 September 2017
36/108	Outcome of the universal periodic review: India	21 September 2017
36/109	Outcome of the universal periodic review: Brazil	21 September 2017
36/110	Outcome of the universal periodic review: Philippines	22 September 2017
36/111	Outcome of the universal periodic review: Algeria	22 September 2017
36/112	Outcome of the universal periodic review: Poland	22 September 2017
36/113	Outcome of the universal periodic review: Netherlands	22 September 2017
36/114	Outcome of the universal periodic review: South Africa	22 September 2017
36/115	Extension of the mandate of the independent international fact-finding mission on Myanmar	29 September 2017

## III. President's statement

<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>
36/1	Reports of the Advisory Committee	29 September 2017

## **Part Two**

### **Summary of proceedings**

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

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

1. The Human Rights Council held its thirty-sixth session at the United Nations Office at Geneva from 11 to 29 September 2017. The President of the Council opened the session.
2. 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 of the thirty-sixth session was held on 28 August 2017.
3. The thirty-sixth session consisted of 42 meetings over 15 days (see paragraph 11 below).

##### **B. Attendance**

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

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

5. At the 1st meeting, on 11 September 2017, the Human Rights Council adopted the agenda and programme of work of the thirty-sixth session.

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

6. At the 1st meeting, on 11 September 2017, the President referred to the introduction of a web-based online system for inscription on the lists of speakers for all general debates, individual and clustered interactive dialogues at the thirty-sixth session of the Human Rights Council. He also referred to the modalities and schedule of the online inscription, which was launched on 6 September 2017.
7. At the same meeting, the President outlined the speaking time modalities applied during the thirty-fifth session of the Human Rights Council, which will also be applied during the thirty-sixth session. The speaking time for the interactive dialogues with special procedures mandate holders and panels would be two minutes for States Members of the Council, observer States and other observers.
8. Also at the same meeting, the President outlined the speaking time for the general debates, which would be 2 minutes and 30 seconds for States Members of the Council and 1 minute and 30 seconds for observer States and other observers.



9. Also at the same meeting, the President referred to the modalities concerning the tabling of draft proposals after the tabling deadline. At the organizational meeting of the thirty-sixth session, the Council had agreed that an extension of the deadline for the submission of draft proposals would be granted only once, under exceptional circumstances, for a maximum of 24 hours.

10. At the 22nd meeting, on 21 September 2017, the President outlined the speaking time 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, 2 minutes for the national human rights institution with “A” status of the State concerned; up to 20 minutes for States Members of the Council, observer States and United Nations agencies to express their views on the outcome of the review, with varying speaking times according to the number of speakers in accordance with the modalities set out in the Appendix to Council resolution 16/21; and up to 20 minutes for stakeholders to make general comments on the outcome of the review.

## **E. Meetings and documentation**

11. The Human Rights Council held 42 fully serviced meetings during its thirty-sixth session.<sup>1</sup>

12. The list of the resolutions, decisions and President’s statement adopted by the Council is contained in part one of the present report.

## **F. Visits**

13. At the 1st meeting, on 11 September 2017, the following dignitaries delivered statements to the Human Rights Council: the Minister for Foreign Affairs of Qatar, Sheikh Mohammed Bin Abdulrahman bin Jassim Al-Thani; the Minister for Foreign Affairs of the Bolivarian Republic of Venezuela, Jorge Arreaza Montserrat; the Minister for Foreign Affairs of Finland, Timo Soini; the State Minister for the Commonwealth and the United Nations of the United Kingdom of Great Britain and Northern Ireland, Lord Ahmad of Wimbledon; and the Vice Minister of Institutional and Consular Management of the Plurinational State of Bolivia, Carmen Almendras.

14. At the 2nd meeting, on the same day, the President of the Cambodian Human Rights Committee, Keo Remy, delivered a statement to the Human Rights Council.

15. At the 5th meeting, on 12 September 2017, the Minister of Justice of Burkina Faso, Bessolé René Bagoro, delivered a statement to the Human Rights Council.

16. At the 7th meeting, on 13 September 2017, the Secretary-General of the Association of Southeast Asian Nations (ASEAN), Le Luong Minh and the Minister of Human Rights of Yemen, Mohammed Muhsen Askar, delivered statements to the Human Rights Council.

17. At the 35th meeting, on 27 September 2017, the President of the Central African Republic, Faustin Archange Touadera, delivered a statement to the Human Rights Council.

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<sup>11</sup> The proceedings of the thirty-sixth session of the Human Rights Council can be followed through the United Nations archived Webcasts of the Council sessions (<http://webtv.un.org>).

## **G. Election of members of the Human Rights Council Advisory Committee**

18. At its 42nd meeting, on 29 September 2017, the Human Rights Council elected, pursuant to its resolutions 5/1 and 16/21, seven experts to the Human Rights Council Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/36/17 and Add.1) containing the nomination of candidates for election, in accordance with Council decision 6/102, and the biographical data of the candidates. (see annex IV)

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

19. At its 42nd meeting, on 29 September 2017, the Human Rights Council appointed seven special procedures mandate holders in accordance with Council resolutions 5/1 and 16/21 and its decision 6/102 (see annex V).

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

### **Reports of the Advisory Committee**

20. At the 42nd meeting, on 29 September 2017, the President of the Human Rights Council introduced draft President's statement A/HRC/36/L.65.

21. At the same meeting, the draft President's statement was adopted by the Council (PRST 36/1).

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

22. At the 42nd meeting, on 29 September 2017, the Vice-President and Rapporteur of the Human Rights Council made a statement in connection with the draft report of the Council on its thirty-sixth session.

23. At the same meeting, the Human Rights Council adopted the draft report (A/HRC/36/2) ad referendum and decided to entrust the Rapporteur with its finalization.

24. Also 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. Update by the United Nations High Commissioner for Human Rights

25. At the 1st meeting, on 11 September 2017, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of his Office.

26. At the 4th and 5th meetings, on 12 September 2017, the Human Rights Council held a general debate on the oral update by the United Nations High Commissioner for Human Rights, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, China, Croatia, Cuba, Ecuador, Egypt (also on behalf of the Group of the Arab States), Egypt (also on behalf of Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Cuba, Ecuador, Egypt, Malaysia, Nicaragua, Pakistan, the Philippines, the Russian Federation, Saudi Arabia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe), El Salvador, Estonia<sup>2</sup> (also on behalf of the European Union, Bosnia and Herzegovina, Liechtenstein, Montenegro and the former Yugoslav Republic of Macedonia), Ethiopia, Georgia, Germany, Hungary, India, Indonesia (also on behalf of the Association of Southeast Asian Nations), Iraq, Japan, Latvia, Morocco<sup>3</sup> (also on behalf of Bahrain, Burundi, the Central African Republic, Comoros, Côte d'Ivoire, Gabon, Guinea, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, Senegal and the United Arab Emirates), Netherlands, Nicaragua<sup>4</sup> (also on behalf of Algeria, Angola, Bolivia (Plurinational State of), Cuba, Ecuador, Mozambique, Namibia, Nigeria, South Africa, Timor-Leste, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zimbabwe), Nigeria, Norway<sup>5</sup> (also on behalf of Albania, Andorra, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Mozambique, the Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Korea, Romania, Rwanda, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Zambia), Pakistan<sup>6</sup> (also on behalf of the Organization of Islamic Cooperation), Paraguay, Paraguay (also on behalf of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama and Peru), Philippines, Portugal, Qatar, Republic of Korea, Rwanda (also on behalf of the European Union, Argentina, Australia, Bangladesh, Belgium, Bosnia and Herzegovina, Botswana, Canada, Chile, Costa Rica, Côte d'Ivoire, Czechia, Denmark, Finland, France, Germany, Ghana, Liberia, Guatemala, Hungary, Italy, Japan, Liechtenstein, Luxembourg, Mali, Mexico, Morocco, Mozambique, the Netherlands,

<sup>2</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>3</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>4</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>5</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>6</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

New Zealand, Nigeria, Norway, Panama, Qatar, Republic of Korea, Romania, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, the United Republic of Tanzania, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay), Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, Tunisia (on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Venezuela (Bolivarian Republic of) (on behalf of the Non-Aligned Movement);

(b) Representatives of observer States: Afghanistan, Algeria, Angola, Armenia, Australia, Azerbaijan, Bahrain, Benin, Cambodia, Canada, Central African Republic, Chile, Costa Rica, Czechia, Democratic People's Republic of Korea, Denmark, Estonia, France, Greece, Honduras, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kuwait, Lesotho, Libya, Liechtenstein, Malaysia, Maldives, Mali, Mexico, Montenegro, Morocco, Myanmar, Nepal, Nicaragua, Poland, Republic of Moldova, Russian Federation, Senegal, Singapore, South Sudan, Spain, Sudan, Sweden, Syrian Arab Republic, Thailand, Turkey, Uganda, Ukraine, Uruguay, Viet Nam, Zambia;

(c) Observers for non-governmental organizations: ABC Tamil Oli; Action internationale pour la paix et le développement dans la région des Grands Lacs (also on behalf of Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC) and Organisation Internationale pour le Développement Intégral de la Femme); Africa Culture Internationale; African Regional Agricultural Credit Association; Alsalam Foundation; American Association of Jurists (also on behalf of Asociación Española para el Derecho Internacional de los Derechos Humanos; France Libertés: Fondation Danielle Mitterrand; International Association of Democratic Lawyers (IADL); Indian Council of South America (CISA); International Educational Development, Inc.; International Fellowship of Reconciliation; International Youth and Student Movement for the United Nations; International-Lawyers.Org; and Liberation); Americans for Democracy & Human Rights in Bahrain Inc; Asian Forum for Human Rights and Development; Asian Legal Resource Centre; Association Bharathi Centre Culturel Franco-Tamoul; Association for the Protection of Women and Children's Rights (APWCR); Association Thendral; BADIL Resource Center for Palestinian Residency and Refugee Rights; Cairo Institute for Human Rights Studies; Canners International Permanent Committee; Center for Environmental and Management Studies; Center for Organisation Research and Education; CIVICUS - World Alliance for Citizen Participation; Commission africaine des promoteurs de la santé et des droits de l'homme; Commission to Study the Organization of Peace; Conectas Direitos Humanos (also on behalf of Centro de Estudios Legales y Sociales (CELS) Asociación Civil); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; European Union of Public Relations; Human Rights Watch; Indian Council of South America (CISA); Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Association of Democratic Lawyers (IADL); International Buddhist Relief Organisation; International Career Support Association; International Commission of Jurists; International Federation for Human Rights Leagues; International Movement Against All Forms of Discrimination and Racism (IMADR); International Muslim Women's Union; International Organization for the Elimination of All Forms of Racial Discrimination; International Service for Human Rights; International-Lawyers.Org; Liberation; Organisation pour la Communication en Afrique et de Promotion de la Cooperation; Economique Internationale - OCAPROCE Internationale; Pan African Union for Science and Technology; Rencontre Africaine pour la defense des droits de l'homme; Russian Peace Foundation; Society for Threatened Peoples; Tamil Uzhagam; Tourner la page; United Nations Watch; United Schools International; Verein Sudwind Entwicklungspolitik;

Victorious Youths Movement; Villages Unis (United Villages); World Environment and Resources Council (WERC); World Evangelical Alliance; World Muslim Congress.

27. At the 6th meeting, on 12 September 2017, statements in exercise of the right of reply were made by the representatives of Azerbaijan, Bahrain, China, the Democratic People's Republic of Korea, India, Japan, Pakistan, the Philippines, Ukraine and Venezuela (Bolivarian Republic of).

28. 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.

## **B. Reports of the Office of the High Commissioner and the Secretary-General**

29. At the 12th meeting, on 15 September 2017, the United Nations Deputy High Commissioner for Human Rights presented thematic reports of the OHCHR and the Secretary-General under agenda items 2, 3 and 5.

30. At the 12th meeting, on 15 September 2017, and at the 13th and 14th meetings on 18 September 2017, the Human Rights Council held a general debate on thematic reports under agenda items 2 and 3, presented by the United Nations Deputy High Commissioner for Human Rights (see chapter III, section E).

31. At the 21st meeting, on 20 September 2017, the Assistant Secretary-General for Human Rights presented thematic reports of the OHCHR and the Secretary-General under agenda items 2 and 5.

32. At the same meeting and at the 26th and 27th meetings, on 22 September 2017, the Human Rights Council held a general debate on agenda item 5.

33. At the 37th meeting, on 28 September 2017, the United Nations Deputy High Commissioner for Human Rights presented country reports of the Office of the High Commissioner and the Secretary-General submitted under agenda items 2 and 10.

34. At the same meeting, and at the 38th meeting, on the same day, the Human Rights Council held a general debate under agenda item 10 (see chapter X, section F).

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

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

35. At the 39th meeting, on 28 September 2017, the representative of Cuba introduced draft resolution A/HRC/36/L.1, sponsored by Cuba and co-sponsored by Bolivia (Plurinational State of), China, Egypt (on behalf of the Group of Arab States), Nicaragua, Panama, the Philippines, Qatar and Venezuela (Bolivarian Republic of). Subsequently, Angola, Bangladesh, Belarus, Botswana, the Democratic People's Republic of Korea, Ecuador, Honduras, Indonesia, Malaysia, Maldives, the Russian Federation, South Africa, Sri Lanka and Thailand joined the sponsors.

36. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and Japan made statements in explanation of vote before the vote in relation to the draft resolution.

37. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania<sup>7</sup>, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Togo

38. The draft resolution was adopted by 31 votes to 15, with 1 abstention (resolution 36/1).

**Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi**

39. At the 39th meeting, on 28 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.33, sponsored by Tunisia (on behalf of the Group of African States).

40. At the same meeting, the representative of Tunisia orally revised the draft resolution.

41. Also at the same meeting, the representative of Burundi made a statement as the State concerned.

42. 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 the Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement in relation to the budgetary implications of the draft resolution as orally revised.

43. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution, as orally revised.

44. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution, as orally revised. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Iraq, Kenya, Nigeria, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

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<sup>7</sup> The representative of Albania subsequently stated that there had been an error in the delegation's vote and that it had intended to abstain from the vote on the draft text.

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Indonesia, Japan, Kyrgyzstan, Mongolia, Panama, Paraguay, Philippines, Qatar

45. The draft resolution as orally revised was adopted by 23 votes to 14, with 9 abstentions (resolution 36/2).

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

#### **A. Panels**

##### **Biennial panel discussion on the issue of unilateral coercive measures and human rights**

46. At the 10th meeting, on 14 September 2017, pursuant to Human Rights Council resolution 27/21 and its corrigendum and 34/13, the Council held its biennial panel discussion with a focus on the theme “Resources and compensation necessary to promote accountability and reparations”.

47. The Director of the Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights made an opening statement for the panel. The Ambassador and Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations Office and other international organizations in Geneva, Jorge Valero, moderated the discussion for the panel.

48. At the same meeting, the following panellists made statements: the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy; the Vice-Rector and Head of the International Law Department, International University "MITSO", Minsk, Belarus, Alena Douhan; the Member of the Human Rights Council Advisory Committee, Jean Ziegler; and the Independent Expert on the promotion of a democratic and equitable international order, Alfred De Zayas. The Council divided the panel discussion into two slots.

49. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), China, Cuba (also on behalf of Algeria, Belarus, Bolivia (Plurinational State of), Democratic People’s Republic of Korea, Ecuador, Egypt, Malaysia, Nicaragua, Pakistan, Philippines, Sudan, Uganda, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe), Ecuador Egypt, Egypt, (also on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation), Qatar, Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of) (on behalf of the Non-Aligned Movement);

(b) Representatives of observer States: Iran (Islamic Republic of), Russian Federation;

(c) Observer for a national human rights institution: National Human Rights Committee of Qatar;

(d) Observers for non-governmental organizations: United Nations Watch; Verein Sudwind Entwicklungspolitik.

50. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.

51. During the discussion for the second slot, at the same meeting, the following made statements and asked the panellists questions:



(a) Representatives of States Members of the Human Rights Council: Iraq, United Arab Emirates, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Fiji, Nicaragua, Pakistan, Sudan, Zimbabwe;

(c) Observers for non-governmental organizations: Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Iraqi Development Organization; Maarij Foundation for Peace and Development (also on behalf of Eastern Sudan Women Development Organization).

52. At the same meeting, the panellists answered questions and made concluding remarks.

#### **Annual half-day discussion on the human rights of indigenous peoples**

53. At the 19th meeting, on 20 September 2017, pursuant to Human Rights Council resolutions 18/8 and 33/13, the Council held a half-day panel discussion with a focus on the theme, "Tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples".

54. The United Nations Deputy High Commissioner for Human Rights made an opening statement for the panel. Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Albert Kwokwo Barume, moderated the discussion for the panel.

55. At the same meeting, the following panellists made statements: Coordinator, Red de Jóvenes Indígenas de América Latina, Dalí Angel, and Attorney at Indian Law Resource Center, Karla General.

56. The ensuing panel discussion was divided into two slots, which were held at the same meeting, on the same day. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, China, Paraguay, Philippines;

(b) Representatives of observer States: Australia, Canada, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Greece, Guatemala, Mexico;

(c) Observer for a United Nations entity, specialized agency and related organization: United Nations Population Fund (UNFPA);

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

(e) Observer for a national human rights institution: Defensor del Pueblo;

(f) Observers for non-governmental organizations: Amnesty International; Conselho Indigenista Missionário CIMI.

57. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.

58. The following made statements during the second speaking slot:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), Ecuador, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Chile, Iran (Islamic Republic of), Lesotho, Malaysia, Mongolia, Russian Federation, Spain, Holy See;

(c) Observers for United Nations entities, specialized agencies and related organizations: International Fund for Agricultural Development (IFAD), United Nations Development Programme (UNDP);

(d) Observer for a national human rights institution: Australian Human Rights Commission (by video message);

(e) Observers for non-governmental organizations: CIVICUS - World Alliance for Citizen Participation; Defence for Children International; Indian Council of South America (CISA).

59. At the same meeting, the panellists answered questions and made concluding remarks.

60. Also at the same meeting, Grand Chief of the Confederacy of Treaty Six First Nations, Wilton Littlechild, made concluding remarks.

**Panel discussion on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls**

61. At the 30th meeting, on 25 September 2017, Pursuant to Human Rights Council resolution 32/17 and further to the High Commissioner's report A/HRC/35/10, the Council held a panel discussion on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls.

62. The United Nations Deputy High Commissioner for Human Rights made an opening statement for the panel. The Ambassador and Permanent Representative of Brazil to the United Nations Office and other international organizations in Geneva, Maria Nazareth Farani Azevêdo, moderated the discussion for the panel.

63. At the same meeting, the following panellists made statements: the Member of the Committee on the Elimination of Discrimination against Women, Hilary Gbedemah; the Chairperson of the Committee on the Elimination of Racial Discrimination, Anastasia Crickley; the Professor at the Department of Economy of University of Valle, Colombia, Carlos Augusto Viáfara López; and the Researcher at the United Nations Youth Delegate for Belgium in 2015 and 2016, Warda El-Kaddouri.

64. The ensuing panel discussion was divided into two slots, which were held at the same meeting, on the same day. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Austria<sup>8</sup> (also on behalf of Croatia and Slovenia), Colombia<sup>9</sup> (also on behalf of Argentina, Brazil, Paraguay and Uruguay), Pakistan<sup>10</sup> (on behalf of the Organization of Islamic Cooperation), Portugal (on behalf of the Community of Portuguese-speaking Countries), Tunisia (on behalf of the Group of African States), United Arab Emirates;

(b) Representatives of observer States: Israel, Italy, Malaysia, Montenegro, Spain;

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

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<sup>8</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>9</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>10</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

(d) Observers for non-governmental organizations: Action Canada for Population and Development; Friends World Committee for Consultation; International Movement Against All Forms of Discrimination and Racism (IMADR); Verein Sudwind Entwicklungspolitik.

65. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.

66. The following made statements during the second speaking slot:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Ecuador, Georgia, India, Iraq, Saudi Arabia, Tunisia;

(b) Representatives of observer States: Bulgaria, Burkina Faso, Canada, Greece, Libya, Maldives, Mexico, Pakistan, Sierra Leone, Holy See;

(c) Observers for non-governmental organizations: Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; International Organization for the Elimination of All Forms of Racial Discrimination; International Organization for the Right to Education and Freedom of Education (OIDEI).

67. At the same meeting, the panellists answered questions and made concluding remarks.

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

### **Working Group on enforced or involuntary disappearances**

68. At the 1st meeting, on 11 September 2017, the Chairperson-Rapporteur of the Working Group on enforced or involuntary disappearances, Houria Es-Slami, presented the Working Group's reports (A/HRC/36/39 and Add.1-3).

69. At the same meeting, the representatives of Albania made a statement as the State concerned.

70. During the ensuing interactive dialogue, at the 1st and 2nd meetings, on 11 September 2017, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, China, Egypt, Iraq, Japan, Latvia, Paraguay, Philippines, Portugal, South Africa, Tunisia, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Bahrain, Benin, Bosnia and Herzegovina, Cyprus, France, Greece, Iran (Islamic Republic of), Libya, Maldives, Montenegro, Morocco, Nepal, Pakistan, Russian Federation, Sudan, Ukraine;

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

(d) Observers for non-governmental organizations: Americans for Democracy & Human Rights in Bahrain Inc; Article 19 - International Centre Against Censorship, The; Asian Legal Resource Centre; Centro de Estudios Legales y Sociales (CELS) Asociación Civil; Colombian Commission of Jurists; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Asociación Civil; Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Franciscans International; International Commission of Jurists; United Nations Watch; Verein Sudwind Entwicklungspolitik; Women's International League for Peace and Freedom.

71. At the 2nd meeting, on 11 September 2017, the Chairperson-Rapporteur answered questions and made her concluding remarks.

72. At the 3rd meeting, on the same day, the statement in exercise of the right of reply was made by the representative of the Russian Federation.

**Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

73. At the 1st meeting, on 11 September 2017, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo De Greiff, presented his reports (A/HRC/36/50 and Add.1).

74. During the ensuing interactive dialogue at the 1st and 2nd meetings, on 11 September 2017, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, China, Egypt, Iraq, Latvia, Paraguay, South Africa, Switzerland, Tunisia (also on behalf of the Group of African States), United States of America, Uruguay<sup>11</sup> (also on behalf of Argentina, Brazil, Chile, Colombia and Costa Rica), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Australia, Austria, Benin, Burkina Faso, Colombia, France, Greece, Italy, Iran (Islamic Republic of), Morocco, Nepal, Pakistan, Russian Federation, Sierra Leone, Sweden;

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

(d) Observer for a national human rights institution: Conseil National des Droits de l'Homme du Maroc;

(e) Observers for non-governmental organizations: Association for Defending Victims of Terrorism; Colombian Commission of Jurists; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Asociación Civil; Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Franciscans International; International Educational Development, Inc. (also on behalf of Ensemble contre la peine de mort and the Association for Human Rights in Kurdistan of Iran – Geneva); Lutheran World Federation; United Nations Watch; Verein Sudwind Entwicklungspolitik.

75. At the 2nd meeting, on 11 September 2017, the Special Rapporteur answered questions and made his concluding remarks.

**Independent Expert on the enjoyment of all human rights by older persons**

76. At the 3rd meeting, on 11 September 2017, the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, presented her reports (A/HRC/36/48 and Add.1-2).

77. At the same meeting, the representatives of Namibia and Singapore made statements as the States concerned.

78. During the ensuing interactive dialogue, at the 3rd meeting, on 11 September 2017 and at the 5th and the 6th meetings, on 12 September 2017, the following made statements and asked the Independent Expert questions:

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<sup>11</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Botswana, Brazil, Brazil (also on behalf of Argentina, Austria, El Salvador, Montenegro, Namibia, Philippines, Portugal, Singapore, Slovenia, Tunisia and Uruguay), China, Ecuador, Egypt, Germany, India, Iraq, Japan, Pakistan<sup>12</sup> (also on behalf of the Organization of Islamic Cooperation), Paraguay, Philippines, Portugal, Qatar, Slovenia, South Africa, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Austria, Azerbaijan, Benin, Chile, Greece, Israel, Lesotho, Malaysia, Maldives, Mexico, Montenegro, Morocco, Russian Federation, Sierra Leone, Sudan, Thailand, Viet Nam;

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

(d) Observers for national human rights institutions: Conseil National des Droits de l'Homme du Maroc; National Human Rights Commission of Korea (on behalf of Global Alliance of National Human Rights Institutions) (by video message);

(e) Observers for non-governmental organizations: Graduate Women International; HelpAge International; International Longevity Center Global Alliance (also on behalf of International Network for the Prevention of Elder Abuse); Liberation; Rencontre Africaine pour la defense des droits de l'homme; Verein Sudwind Entwicklungspolitik.

79. At the 3rd meeting, on 11 September 2017, and at the 6th meeting, on 12 September 2017, the Independent Expert answered questions and made her concluding remarks.

80. At the 3rd meeting, on 11 September 2017, the representatives of statements in exercise of the right of reply were made by the representatives of Qatar, the United Arab Emirates (also on behalf of Bahrain, Egypt and Saudi Arabia) and the Bolivarian Republic of Venezuela.

### **Special Rapporteur on the human right to safe drinking water and sanitation**

81. At the 3rd meeting, on 11 September 2017, the Special Rapporteur on the human right to safe drinking water and sanitation, Léo Heller, presented his report (A/HRC/36/45 and Add.1, Add.2).

82. At the same meeting, the representatives of Mexico and Portugal made statements as the States concerned.

83. Also at the same meeting, the National Human Rights Commission of Mexico (by video message) and the Portuguese Ombudsman made statements.

84. During the ensuing interactive dialogue, at the 3rd meeting, on 11 September 2017 and at the 5th and the 6th meetings on 12 September 2017, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, China, Ecuador, Egypt, Ethiopia, Germany, Hungary, India, Iraq, Kyrgyzstan, Pakistan<sup>13</sup> (also on behalf of the Organization of Islamic Cooperation), Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, Venezuela (Bolivarian Republic of);

<sup>12</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>13</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

(b) Representatives of observer States: Algeria, Azerbaijan, Benin, Burkina Faso, Chile, Djibouti, Fiji, Finland, France, Greece, Iran (Islamic Republic of), Madagascar, Malaysia, Maldives, Morocco, Pakistan, Peru, Serbia, Sierra Leone, Spain, Sudan, Holy See, State of Palestine;

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

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

(e) Observers for non-governmental organizations: Alsalam Foundation (also on behalf of Americans for Democracy & Human Rights in Bahrain Inc); Association pour l'Intégration et le Développement Durable au Burundi; Center for Organisation Research and Education; Franciscans International; Global Institute for Water, Environment and Health; Graduate Women International; Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; Iuventum; Liberation; Rencontre Africaine pour la defense des droits de l'homme; Verein Sudwind Entwicklungspolitik; World Environment and Resources Council.

85. At the 3rd meeting, on 11 September 2017, and at the 6th meeting, on 12 September 2017, the Special Rapporteur answered questions and made his concluding remarks.

86. At the 6th meeting, on 12 September 2017, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan and Israel.

#### **Working Group on arbitrary detention**

87. At the 6th meeting, on 12 September 2017, the Chairperson-Rapporteur of the Working Group on arbitrary detention, José Guevara, presented the Working Group's reports (A/HRC/36/37, Add.1 - 2).

88. At the same meeting, the representatives of Azerbaijan and United States of America made statements as the States concerned.

89. During the ensuing interactive dialogue, at the 6th meeting, on 12 September 2017, and at the 7th meeting, on 13 September 2017, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, China, Croatia, Cuba, Ecuador, Egypt, Ghana, Iraq, Latvia, Portugal, Saudi Arabia, South Africa, Tunisia (also on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Bahrain, Costa Rica, Denmark, France, Greece, Iran (Islamic Republic of), Maldives, Morocco, Pakistan, Russian Federation, Sudan, Ukraine, State of Palestine;

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

(d) Observers for non-governmental organizations: African Regional Agricultural Credit Association; American Civil Liberties Union; Americans for Democracy & Human Rights in Bahrain Inc; Article 19 - International Centre against Censorship, The; Asian Legal Resource Centre; China Society for Human Rights Studies; CIVICUS - World Alliance for Citizen Participation; Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Human Rights House Foundation; Human Rights Now; International Service for Human Rights; Redress Trust; Verein Sudwind Entwicklungspolitik (also on behalf of the World Coalition against Slavery and Article 19 - International Centre against Censorship).

90. At the 7th meeting, on 13 September 2017, the Chairperson-Rapporteur answered questions and made his concluding remarks.

91. At the 8th meeting, on 13 September 2017, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of).

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

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

93. At the 6th meeting, on 12 September 2017, the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, Urmila Bhoola, presented her report (A/HRC/36/43).

94. During the ensuing interactive dialogue, at the 6th meeting, on 12 September 2017, and at the 7th meeting, on 13 September 2017, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, Bolivia (Plurinational State of), Brazil, China, Cuba, Egypt, Ghana, India, Iraq, Latvia, Paraguay, Republic of Korea, South Africa, Tunisia (also on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Afghanistan, Armenia, Australia, France, Greece, Mauritania, Morocco, Nepal, Nicaragua, Pakistan, Russian Federation, Sierra Leone, Holy See;

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

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

(e) Observers for non-governmental organizations: Anti-Slavery International; Association for Defending Victims of Terrorism; Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme.

95. At the 7th meeting, on 13 September 2017, the Special Rapporteur answered questions and made her concluding remarks.

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

96. At the 7th meeting, on 13 September 2017, the Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Gabor Rona, presented the Working Group's reports (A/HRC/36/47 and Add.1).

97. During the ensuing interactive dialogue, at the 8th meeting, on the same day, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), China, Cuba, Egypt, India, Iraq, South Africa, Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Morocco, Russian Federation, Sierra Leone, Sudan;

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

(d) Observers for non-governmental organizations: Association for the Protection of Women and Children's Rights (APWCR); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; European Union of Public Relations; International Organization for the Elimination of All Forms of Racial Discrimination; Iraqi Development Organization (also on behalf of Americans for Democracy & Human Rights in Bahrain Inc); World Environment and Resources Council (WERC).

98. At the 8th meeting, on 13 September 2017, the Chairperson-Rapporteur answered questions and made his concluding remarks.

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

99. At the 7th meeting, on 13 September 2017, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Baskut Tuncak, presented his reports (A/HRC/36/41 and Add.1).

100. At the 8th meeting, on the same day, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement as the State concerned.

101. At the same meeting the representative of the Equality and Human Rights Commission (also on behalf of Northern Ireland Human Rights Commission and Scottish Human Rights Commission) made a statement (by video message).

102. During the ensuing interactive dialogue, at the 8th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), Botswana, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, India, Kyrgyzstan, Nigeria, South Africa, Switzerland, Togo, Tunisia (on behalf of the Group of African States);

(b) Representatives of observer States: Algeria, Azerbaijan, France, Morocco, Sierra Leone, State of Palestine;

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

(d) Observers for non-governmental organizations: Association for the Protection of Women and Children's Rights (APWCR); Association pour l'Intégration et le Développement Durable au Burundi; Global Institute for Water, Environment and Health; Human Rights Now; iuventum e.V.; Liberation; Make Mothers Matter – MMM; Verein Sudwind Entwicklungspolitik; World Barua Organization (WBO).

103. At the 8th meeting, on 13 September 2017, the Special Rapporteur answered questions and made his concluding remarks.

**Independent Expert on the promotion of a democratic and equitable international order**

104. At the 8th meeting, on 13 September 2017, the Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, presented his report (A/HRC/36/40).

105. During the ensuing interactive dialogue, at the 9th meeting, on 14 September 2017, the following made statements and asked the Independent Expert questions:



(a) Representatives of States Members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), China, Cuba, Ecuador, Egypt, Nigeria, Qatar, Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Libya, Malaysia, Zimbabwe;

(c) Observers for non-governmental organizations: Africa Culture Internationale; Alliance Defending Freedom; Center for Organisation Research and Education; Centre Europe - Tiers Monde - Europe-Third World Centre; Conseil international pour le soutien à des procès équitables et aux droits de l'homme; Indian Council of South America; Liberation; Verein Sudwind Entwicklungspolitik; Women's Human Rights International Association.

106. At the 9th meeting, on 14 September 2017, the Independent Expert answered questions and made his concluding remarks.

#### **Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights**

107. At the 8th meeting, on 13 September 2017, the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy, presented his report (A/HRC/36/44 and Add.1).

108. At the same meeting, the representative of the Russian Federation made a statement as the State concerned.

109. During the ensuing interactive dialogue, at the 9th meeting, on 14 September 2017, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), China, Cuba, Ecuador, Egypt, Iraq, Nigeria, Qatar, South Africa, Tunisia (on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Azerbaijan, Democratic People's Republic of Korea, Iran (Islamic Republic of), Libya, Malaysia, Namibia, Nicaragua, Sudan, Syrian Arab Republic, Ukraine, Viet Nam, Zimbabwe;

(c) Observer for a national human rights institution: National Human Rights Committee of Qatar;

(d) Observers for non-governmental organizations: Africa Culture Internationale; Alliance Defending Freedom; Americans for Democracy & Human Rights in Bahrain Inc; Asian Legal Resource Centre; Association pour l'Intégration et le Développement Durable au Burundi; Centre Europe - Tiers Monde - Europe-Third World Centre; Indian Council of South America; Maarij Foundation for Peace and Development (also on behalf of Health and Environment Program); United Nations Watch.

110. At the 9th meeting, on 14 September 2017, the Special Rapporteur answered questions and made his concluding remarks.

#### **Special Rapporteur on the right to development**

111. At the 9th meeting, 14 September 2017, the Special Rapporteur on the right to development, Saad Alfaragi, presented his report (A/HRC/36/49).

112. During the ensuing interactive dialogue, at the 9th meeting, on 14 September 2017, and at the 12th meeting, on 15 September 2017, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Cabo Verde<sup>14</sup> (on behalf of the Community of Portuguese Speaking Countries), China, Cuba, Ecuador, Egypt, Egypt (also on behalf of the Group of Arab States), Ethiopia, India, Indonesia, Iraq, Nigeria, Pakistan<sup>15</sup> (also on behalf of the Organization of Islamic Cooperation), Philippines, Philippines (also on behalf of Association of Southeast Asian Nations), Saudi Arabia, South Africa, Togo, Tunisia, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of), Venezuela (Bolivarian Republic of) (also on behalf of the Non-Aligned Movement);

(b) Representatives of observer States: Algeria, Angola, Azerbaijan, Benin, Fiji, Iran (Islamic Republic of), Libya, Malaysia, Maldives, Morocco, Nepal, Russian Federation, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, State of Palestine;

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

(d) Observers for non-governmental organizations: Association pour l'Intégration et le Développement Durable au Burundi; Associazione Comunita Papa Giovanni XXIII (also behalf of Association Points-Coeur; Dominicans for Justice and Peace - Order of Preachers; Foundation for GAIA; International Organization for the Right to Education and Freedom of Education (OIDEL); International Volunteerism Organization for Women, Education and Development – VIDES; Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco; Mouvement International d'Apostolate des Milieux Sociaux Independants; New Humanity; Planetary Association for Clean Energy, Inc., The; Teresian Association; World Union of Catholic Women's Organizations); International Muslim Women's Union; Iraqi Development Organization; Lutheran World Federation; Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights – RFSL (also on behalf of International Lesbian and Gay Association); United Nations Watch; World Barua Organization (WBO).

113. At the 12th meeting, on 15 September 2017, the Special Rapporteur answered questions and made his concluding remarks.

#### **Special Rapporteur on the rights of indigenous peoples**

114. At the 20th meeting, on 20 September 2017, the Special Rapporteur on the rights of indigenous peoples, Victoria Lucia Tauli-Corpuz, presented her reports (A/HRC/36/46 and Add.1-2).

115. At the same meeting, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Albert Kwokwo Barume, presented the reports of the Expert Mechanism (A/HRC/36/56 and A/HRC/36/57) (see chapter V, section B).

116. Also at the same meeting, a representative of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, Binota Mhoi Damai, made a statement.

117. At the same meeting, the representatives of Australia and the United States of America made statements as the States concerned.

118. Also at the same meeting, a representative of the Australian Human Rights Commission made a statement (by video message).

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<sup>14</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>15</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

119. During the ensuing interactive dialogue, at the 20th and at the 21st meetings, on the same day, the following made statements and asked the Special Rapporteur and the Chairperson-Rapporteur of the Expert Mechanism questions:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), Brazil, Colombia, Ecuador, Hungary, Pakistan<sup>16</sup> (also on behalf of the Organization of Islamic Cooperation), Paraguay, Philippines, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia (also on behalf of Canada and New Zealand), Estonia, Fiji, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), Guatemala, Iran (Islamic Republic of), Lithuania, Malaysia, Mexico, Peru, Russian Federation, Spain, Ukraine;

(c) Observers for intergovernmental organizations: European Union, International Development Law Organization;

(d) Observer for a national human rights institution: Global Alliance of National Human Rights Institutions;

(e) Observers for non-governmental organizations: African Regional Agricultural Credit Association; Alsalam Foundation; Amnesty International; Asian Legal Resource Centre; Conectas Direitos Humanos; Conselho Indigenista Missionário CIMI; Cultural Survival; FIAN International e.V.; Franciscans International (also on behalf of Conselho Indigenista Missionário CIMI); Indian Council of South America (CISA); International Organization for the Right to Education and Freedom of Education (OIDEL) (also on behalf of Catholic International Education Office and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)); Liberation; Minority Rights Group; Swiss Catholic Lenten Fund (also on behalf of the Humanist Institute for cooperation with developing countries); World Barua Organization (WBO).

120. At the 21st meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

121. Also at the same meeting, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples answered questions and made his concluding remarks.

122. At the same meeting, statements in exercise of a right of reply were made by the representatives of Argentina, Brazil and the Russian Federation.

### **C. 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**

123. At the 12th meeting, on 15 September 2017, the Chairperson-Rapporteur of the Open-ended 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, Nozipho Joyce Mxakato-Diseko, introduced the report of the Working Group which held its sixth session from 22 to 24 May 2017 (A/HRC/36/36).

<sup>16</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

## **D. Intergovernmental working group on the right to development**

124. At the 12th meeting, on 15 September 2017, the Chairperson-Rapporteur of the working group on the right to development, Zamir Akram, presented the report of the working group on its eighteenth session (A/HRC/36/35).

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

125. At the 12th meeting, on 15 September 2017, and at the 13th and 14th meetings on 18 September 2017, the Human Rights Council held a general debate on thematic reports under agenda items 2 and 3, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Azerbaijan<sup>17</sup> (also on behalf of Afghanistan, Algeria, Angola, the Bahamas, Bahrain, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, the Central African Republic, Chad, Chile, Comoros, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, the Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Indonesia, Iraq, Iran (Islamic Republic of), Kazakhstan, Kenya, Lesotho, Liberia, Libya, Madagascar, Malaysia, Malawi, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, the Niger, Nigeria, Peru, the Philippines, Portugal, the Republic of Korea, Rwanda, São Tomé and Príncipe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sri Lanka, the Sudan, Swaziland, Thailand, Togo, Tunisia, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe), Belgium, China, China (also on behalf of the Non-Aligned Movement, the Russian Federation and South Sudan), Cuba, Czechia<sup>18</sup> (also on behalf of Botswana, Indonesia, the Netherlands and Peru), Ecuador, Estonia<sup>19</sup> (also on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Georgia, Iceland, Liechtenstein, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Georgia (also on behalf of Azerbaijan, the Republic of Moldova and Ukraine), Indonesia, Kenya, Nigeria, Pakistan (on behalf of the Organization of Islamic Cooperation), Republic of Korea, South Africa, Switzerland, Tunisia (on behalf of the Group of African States), Turkmenistan<sup>20</sup> (also on behalf of Afghanistan, Azerbaijan, Argentina, Belarus, Brazil, China, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Honduras, France, Georgia, Japan, Kazakhstan, Kyrgyzstan, Morocco, Panama, Peru, Qatar, the Republic of Korea, Romania, the Sudan, the Syrian Arab Republic, Tajikistan, the United States of America, Uruguay and Uzbekistan), United States of America, Venezuela (Bolivarian Republic of), Venezuela (Bolivarian Republic of) (also on behalf of the Non-Aligned Movement);

(b) Representatives of observer States: Armenia, Bosnia and Herzegovina, Costa Rica, Greece, Honduras, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Libya, Maldives, Montenegro, Namibia, Nicaragua, Norway, Pakistan, Republic of Moldova, Russian Federation, Serbia, Sierra Leone, Singapore, Uganda;

(c) Observers for non-governmental organizations: ABC Tamil Oli; African Regional Agricultural Credit Association; Al-Ayn Social Care Foundation; Alliance Creative Community Project; Alsalam Foundation; Americans for Democracy & Human

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<sup>17</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>18</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>19</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>20</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Rights in Bahrain Inc; Amnesty International; Article 19 - International Centre Against Censorship, The; Asian Forum for Human Rights and Development; Asian Legal Resource Centre; Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association des étudiants tamouls de France; Association for the Protection of Women and Children's Rights (APWCR); Association Internationale pour l'égalité des femmes; Association of World Citizens; Associazione Comunita Papa Giovanni XXIII; Auspice Stella; British Humanist Association; Canners International Permanent Committee; Center for Environmental and Management Studies; Center for Organisation Research and Education; Centre for Human Rights and Peace Advocacy; Chant du Guépard dans le Désert; Charitable Institute for Protecting Social Victims, The; Commission africaine des promoteurs de la santé et des droits de l'homme; Commission to Study the Organization of Peace; Conectas Direitos Humanos; Conseil de jeunesse pluriculturelle (COJEP); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Economique Internationale - OCAPROCE Internationale; European Centre for Law and Justice, The; European Union of Jewish Students; European Union of Public Relations; FIAN International e.V.; France Libertés; Fondation Danielle Mitterrand; Franciscans International; Friends World Committee for Consultation; Global Institute for Water, Environment and Health; Graduate Women International (GWI); Human Rights Now; Humanist Institute for Co-operation with Developing Countries; Indian Council of Education; Indian Council of South America (CISA); Indian Movement "Tupaj Amaru"; Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Buddhist Relief Organisation; International Career Support Association; International Commission of Jurists; International Educational Development, Inc.; International Federation of ACAT (Action by Christians for the Abolition of Torture) (also on behalf of Advocates for Human Rights; International Federation for Human Rights Leagues; Penal Reform International; The Death Penalty Project Limited and Union Internationale des Avocats - International Union of Lawyers); International Fellowship of Reconciliation; International Human Rights Association of American Minorities (IHRAAM); International Institute for Non-aligned Studies; International Muslim Women's Union; International Organization for the Elimination of All Forms of Racial Discrimination; International Service for Human Rights; International Youth and Student Movement for the United Nations; International-Lawyers.Org; Iraqi Development Organization; iuventum e.V.; Kham Rehabilitation Center for Victims of Torture; Kiyana Karaj Group; Le Pont; Liberation; L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie; Maarij Foundation for Peace and Development; Make Mothers Matter – MMM; Organisation Internationale pour le Développement Intégral de la Femme; Organisation pour la Communication en Afrique et de Promotion de la Cooperation; Organization for Defending Victims of Violence; Pan African Union for Science and Technology; Prevention Association of Social Harms (PASH); Rencontre Africaine pour la défense des droits de l'homme; Réseau International des Droits Humains (RIDH); Society for Development and Community Empowerment; Society of Iranian Women Advocating Sustainable Development of Environment; Soka Gakkai International (also on behalf of Al-Hakim Foundation; Association Points-Coeur; Associazione Comunita Papa Giovanni XXIII; Equitas centre international d'éducation aux droits humains; Graduate Women International (GWI); International Organization for the Elimination of All Forms of Racial Discrimination; Company of the Daughters of Charity of St. Vincent de Paul; International Organization for the Right to Education and Freedom of Education (OIDEL); Lazarus Union; Mothers Legacy Project, Planetary Association for Clean Energy, Inc., The; Soroptimist International; ONG Hope International; Teresian Association and Women's World Summit Foundation); Swiss Catholic Lenten Fund (also on behalf of Humanist Institute for Co-operation with Developing Countries); Tamil Uzhagam; The Death Penalty Project Limited; Tourner la page; Union of Arab Jurists; United Nations Watch; Verein Sudwind Entwicklungspolitik; Victorious Youths

Movement; Villages Unis (United Villages); VIVAT International; Women's Human Rights International Association; World Association for the School as an Instrument of Peace; World Barua Organization (WBO); World Environment and Resources Council (WERC); World Evangelical Alliance; World Jewish Congress; World Muslim Congress.

126. At the 12th meeting, on 15 September 2017, a statement in exercise of the right of reply was made by the representative of India.

127. At the 15th meeting, on 18 September 2017, statements in exercise of a right of reply were made by the representatives of Argentina, Azerbaijan, Brazil, India, Iraq, the Lao People's Democratic Republic and Pakistan.

128. At the 20th meeting, on 20 September 2017, statements in exercise of the right of reply were made by the representatives of Cuba and Thailand.

129. At the 21st meeting, on 20 September 2017, statements in exercise of a right of reply were made by the representatives of Argentina, Brazil and the Russian Federation.

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

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

130. At the 39th meeting, on 28 September 2017, the representative of Cuba introduced draft resolution A/HRC/36/L.2, sponsored by Cuba and co-sponsored by Bolivia (Plurinational State of), Egypt (on behalf of the Group of Arab States), Nicaragua, Panama, the Philippines, Qatar and Venezuela (Bolivarian Republic of). Subsequently, Angola, Belarus, Botswana, Chile, the Democratic People's Republic of Korea, Ecuador and South Africa joined the sponsors.

131. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

132. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

133. The draft resolution was adopted by 32 votes to 15, with no abstentions (resolution 36/3).

### **Mandate of the Independent Expert on the promotion of a democratic and equitable international order**

134. At the 39th meeting, on 28 September 2017, the representative of Cuba introduced draft resolution A/HRC/36/L.3, sponsored by Cuba and co-sponsored by Bolivia

(Plurinational State of), China, Cuba, Egypt (on behalf of the Group of Arab States), El Salvador, Nicaragua, Panama, the Philippines, Qatar and Venezuela (Bolivarian Republic of). Subsequently, Angola, Bangladesh, Belarus, Botswana, the Democratic People's Republic of Korea, Ecuador and South Africa joined the sponsors.

135. At the same meeting, the representative of Cuba orally revised the draft resolution.

136. 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 as orally revised.

137. At the same meeting, the representative of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) made a statement in explanation of vote before the vote in relation to the draft resolution as orally revised.

138. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

139. The draft resolution was adopted as orally revised by 32 votes to 15, with no abstentions (resolution 36/4).

#### **Unaccompanied migrant children and adolescents and human rights**

140. At the 39th meeting, on 28 September 2017, the representative of El Salvador introduced draft resolution A/HRC/36/L.7, sponsored by El Salvador and co-sponsored by Chile, China, Colombia, Egypt, Honduras, Italy, Nicaragua, Panama, Peru, the Philippines and Ukraine. Subsequently, Algeria, Angola, Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, Cambodia, Canada, Congo, Côte d'Ivoire, Cuba, the Democratic Republic of the Congo, Ecuador, Guatemala, Haiti, Japan, Kyrgyzstan, Malawi, Mexico, Nigeria, Paraguay, Portugal, Spain, Switzerland, Thailand, Turkey, Venezuela (Bolivarian Republic of) and the State of Palestine, joined the sponsors.

141. At the same meeting, the representative of Tunisia orally revised the draft resolution.

142. Also at the same meeting, the representatives of Brazil, Latvia (on behalf of the European Union) and the United States of America made general comments in relation to the draft resolution as orally revised.

143. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (resolution 36/5).

#### **Enforced or involuntary disappearances**

144. At the 39th meeting, on 28 September 2017, the representatives of France and Argentina introduced draft resolution A/HRC/36/L.10, sponsored by Argentina, France, Japan and Morocco and co-sponsored by Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Chile, Croatia, Cyprus, Denmark, Finland, Germany, Honduras,

Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Angola, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Canada, Costa Rica, Czechia, Estonia, Greece, Guatemala, Ireland, Maldives, Mali, Malta, Mongolia, the Republic of Moldova and Togo joined the sponsors.

145. At the same meeting, the representative of China (also on behalf of Algeria, Egypt, Pakistan, the Russian Federation and Venezuela (Bolivarian Republic of)) introduced amendments A/HRC/36/L.63 and A/HRC/36/L.64 to draft resolution A/HRC/36/L.10.

146. Amendment A/HRC/36/L.63 was sponsored by China, Egypt, Pakistan, the Russian Federation, Saudi Arabia and Venezuela (Bolivarian Republic of). Subsequently, Belarus joined the sponsors. Amendment A/HRC/36/L.64 was sponsored by China, Egypt, Pakistan, the Russian Federation and Venezuela (Bolivarian Republic of) and co-sponsored by Saudi Arabia. Subsequently, Belarus joined the sponsors.

147. At the same meeting, the representatives of Brazil, Germany, Japan and Latvia (on behalf of the European Union) made general comments in relation to the draft resolution as well as on the proposed amendments.

148. 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.

149. Also at the same meeting, the Council took action on amendments A/HRC/36/L.63 and A/HRC/36/L.64 to draft resolution A/HRC/36/L.10.

150. At the same meeting, the representatives of Panama and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.63.

151. Also at the same meeting, at the request of the representative of Japan, a recorded vote was taken on amendment A/HRC/36/L.63. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, Qatar, Togo, Tunisia

152. Amendment A/HRC/36/L.63 was rejected by 17 votes to 24, with 6 abstentions.

153. At the same meeting, the representatives of Paraguay and Switzerland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.64.

154. Also at the same meeting, at the request of the representative of Japan, a recorded vote was taken on amendment A/HRC/36/L.64. The voting was as follows:

*In favour:*



Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, Egypt, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Botswana, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ethiopia, Qatar, Togo, Tunisia

155. Amendment A/HRC/36/L.64 was rejected by 17 votes to 24, with 6 abstentions.

156. At the same meeting, the representatives of Bangladesh, China, India and Kyrgyzstan made statements in explanation of vote before the vote in relation to the draft resolution. In their statements, the representatives of Bangladesh and India disassociated the delegations from the consensus on preambular paragraph 13 of the draft resolution. In his statement, the representative of Kyrgyzstan disassociated the delegation from the consensus on the draft resolution.

157. At the same meeting, the draft resolution was adopted without a vote (resolution 36/6).

**Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

158. At the 39th meeting, on 28 September 2017, the representative of Switzerland introduced draft resolution A/HRC/36/L.11, sponsored by Argentina, Austria, Colombia, France, Maldives, Morocco, Peru, Switzerland and Uruguay and co-sponsored by Albania, Andorra, Armenia, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Denmark, El Salvador, Finland, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Mexico, Montenegro, the Netherlands, Norway, Panama, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Afghanistan, Angola, Benin, Bolivia (Plurinational State of), Botswana, Brazil, the Congo, Costa Rica, Côte d'Ivoire, Czechia, Estonia, Georgia, Ghana, Guatemala, Israel, Liechtenstein, Lithuania, Malta, Paraguay, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, San Marino, Sierra Leone, Thailand, Timor-Leste and the State of Palestine joined the sponsors.

159. 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.

160. At the same meeting, the draft resolution was adopted without a vote (resolution 36/7).

161. At the 40th meeting, on 29 September 2017, the representative of Kyrgyzstan made a statement in explanation of vote after the vote. In her statement, the representative of the Kyrgyzstan disassociated the delegation from the consensus on the draft resolution.

**The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development**

162. At the 39th meeting, on 28 September 2017, the representative of Brazil (also on behalf of the Community of Portuguese Speaking Countries), introduced draft resolution A/HRC/36/L.12, sponsored by Angola, Brazil, Cabo Verde, Guinea-Bissau, Mozambique, Portugal and Timor-Leste and co-sponsored by Haiti. Subsequently, Argentina, Azerbaijan, Bolivia (Plurinational State of), Canada, Chad, Chile, Cyprus, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Honduras, Italy, Kyrgyzstan, Lithuania, Madagascar, Malawi, Maldives, Panama, Paraguay, the Philippines, Romania, Thailand, the former Yugoslav Republic of Macedonia, Tunisia and Turkmenistan joined the sponsors.

163. At the same meeting, the representatives of El Salvador and Panama made general comments in relation to the draft resolution.

164. 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.

165. At the same meeting, the representatives of Bangladesh and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of Bangladesh disassociated the delegation from the consensus on preambular paragraph 4 of the draft resolution.

166. Also at the same meeting, the draft resolution was adopted without a vote (resolution 36/8).

**The right to development**

167. At the 39th meeting, on 28 September 2017, the representative of the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/36/L.13/Rev.1, sponsored by the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement) and co-sponsored by Angola, China, Egypt (on behalf of the Group of Arab States) and Eritrea. Subsequently, Kazakhstan joined the sponsors.

168. At the same meeting, the representatives of Kyrgyzstan and the United States of America made general comments in relation to the draft resolution.

169. 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.

170. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and Switzerland made statements in explanation of vote before the vote in relation to the draft resolution.

171. 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 voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Albania, Portugal, Republic of Korea, Slovenia

172. The draft resolution was adopted by 31 votes to 11, with 4 abstentions (resolution 36/9).

**Human rights and unilateral coercive measures**

173. At the 39th meeting, on 28 September 2017, the representative of the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/36/L.14, sponsored by the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement). Subsequently, Egypt and the Russian Federation joined the sponsors.

174. 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.

175. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

176. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Togo

177. The draft resolution was adopted by 30 votes to 15, with 1 abstention (resolution 36/10).

**Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

178. At the 39th meeting, on 28 September 2017, the representatives of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.15, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by the Bolivarian Republic of Venezuela. Subsequently, Bolivia (Plurinational State of), Costa Rica, Cuba, Ecuador, Greece, Qatar and the former Yugoslav Republic of Macedonia joined the sponsors.

179. At the same meeting, the representative of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) made a general comment in relation to the draft resolution.

180. 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.

181. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution.

182. At the same meeting, the draft resolution was adopted without a vote (resolution 36/11).

#### **World Programme for Human Rights Education**

183. At the 39th meeting, on 28 September 2017, the representative of Brazil introduced draft resolution A/HRC/36/L.24, sponsored by Brazil, Costa Rica, Italy, Morocco, the Philippines, Slovenia and Thailand and co-sponsored by Andorra, Angola, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Cyprus, Denmark, Ecuador, Finland, Germany, Greece, Haiti, Honduras, Hungary, Israel, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine and Uruguay. Subsequently, Albania, Algeria, Argentina, Armenia, Bolivia (Plurinational State of), Canada, Czechia, the Dominican Republic, Estonia, France, Georgia, Guatemala, Iceland, Ireland, Japan, Kazakhstan, Latvia, Malawi, Maldives, Norway, Qatar, the Republic of Korea, San Marino, Sri Lanka, Sweden, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

184. At the same meeting, the representative of Tunisia orally revised the draft resolution.

185. Also at the same meeting, the draft resolution as orally revised was adopted without a vote (resolution 36/12).

#### **Mental health and human rights**

186. At the 39th meeting, on 28 September 2017, the representative of Portugal introduced draft resolution A/HRC/36/L.25, sponsored by Brazil and Portugal and co-sponsored by Andorra, Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Cyprus, Germany, Greece, Haiti, Ireland, Italy, Malta, Panama, Paraguay, Peru, the Philippines, Poland, the Republic of Korea, Romania, Spain, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Argentina, Bolivia (Plurinational State of), Botswana, Cabo Verde, Canada, Denmark, the Dominican Republic, Ecuador, Equatorial Guinea, Fiji, Finland, France, Georgia, Guatemala, Honduras, Israel, Japan, Lithuania, Luxembourg, Maldives, Mozambique, San Marino, Slovenia, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uruguay and the State of Palestine joined the sponsors.

187. 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.

188. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution.

189. At the same meeting, the draft resolution was adopted without a vote (resolution 36/13).

#### **Human rights and indigenous peoples**

190. At the 39th meeting, on 28 September 2017, the representative of Mexico introduced draft resolution A/HRC/36/L.27, sponsored by Guatemala and Mexico and co-sponsored by Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Denmark, Estonia, Finland, Germany, Honduras, Hungary, Iceland, Montenegro, Norway, Panama, Paraguay, Peru, the Philippines, the Russian Federation, Spain, the former Yugoslav Republic of Macedonia and Ukraine. Subsequently, Argentina, Armenia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, the Dominican Republic, Ecuador, El Salvador, Lithuania, Luxembourg, New Zealand, Poland and Sweden 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 representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution.

193. Also at the same meeting, the draft resolution was adopted without a vote (resolution 36/14).

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

194. At the 39th meeting, on 28 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.32, sponsored by Côte d'Ivoire and Tunisia (on behalf of the Group of African States) and co-sponsored by Ukraine. Subsequently, Bolivia (Plurinational State of), Costa Rica, Croatia, Cuba, Ecuador and Sri Lanka joined the sponsors.

195. At the same meeting, the representative of Côte d'Ivoire made a general comment in relation to the draft resolution.

196. 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.

197. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the delegation from the consensus on the draft resolution.

198. At the same meeting, the draft resolution was adopted without a vote (resolution 36/15).

#### **Human rights in the administration of justice, including juvenile justice**

199. At the 40th meeting, on 29 September 2017, the representative of Austria introduced draft resolution A/HRC/36/L.5, sponsored by Austria and co-sponsored by Andorra, Angola, Argentina, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czechia, France, Denmark, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey and Ukraine. Subsequently, Albania, Armenia, Azerbaijan,

Costa Rica, Estonia, Finland, Guatemala, Latvia, Maldives, Mongolia, Norway, the Republic of Korea, San Marino, Serbia and Tunisia joined the sponsors.

200. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the delegation from the consensus on the draft resolution.

201. At the same meeting, the draft resolution was adopted without a vote (resolution 36/16).

#### **The question of the death penalty**

202. At the 40th meeting, on 29 September 2017, the representatives of Benin and Mongolia introduced draft resolution A/HRC/36/L.6, sponsored by Belgium, Benin, Costa Rica, France, Mexico, Mongolia, Republic of Moldova and Switzerland and co-sponsored by Albania, Andorra, Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, the Congo, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Rwanda, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Subsequently, Angola, Argentina, Cabo Verde, Canada, the Dominican Republic, Fiji, Namibia, San Marino, Togo, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) joined the sponsors.

203. At the same meeting, the representative of Mongolia orally revised the draft resolution.

204. At the same meeting, the representative of the Russian Federation introduced amendments A/HRC/36/L.37, A/HRC/36/L.38, A/HRC/36/L.39, A/HRC/36/L.40 to draft resolution A/HRC/36/L.6 as orally revised.

205. Also at the same meeting, the representative of Egypt introduced amendments A/HRC/36/L.41, A/HRC/36/L.42 to draft resolution A/HRC/36/L.6 as orally revised.

206. At the same meeting, the representative of Saudi Arabia introduced amendment A/HRC/36/L.62 to draft resolution A/HRC/36/L.6 as orally revised.

207. Amendment A/HRC/36/L.37 was sponsored by the Russian Federation. Subsequently, Belarus and Jamaica joined the sponsor. Amendment A/HRC/36/L.38 was sponsored by the Russian Federation. Subsequently, Belarus joined the sponsor. Amendments A/HRC/36/L.39 and A/HRC/36/L.40 were sponsored by the Russian Federation. Amendment A/HRC/36/L.41 was sponsored by Egypt and co-sponsored by Bangladesh, China, Nigeria, Saudi Arabia and the United Arab Emirates. Subsequently, Bahrain and Belarus joined the sponsors. Amendment A/HRC/36/L.42 was sponsored by Egypt and co-sponsored by China, Saudi Arabia and the United Arab Emirates. Subsequently, Bahrain, Belarus and Iran (Islamic Republic of) joined the sponsors. Amendment A/HRC/36/L.62 was sponsored by Saudi Arabia and co-sponsored by Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, China, Egypt, Iran (Islamic Republic of), Kuwait, Malaysia, Maldives, Morocco, Nigeria, Oman, Pakistan, Singapore and the United Arab Emirates. Subsequently, Belarus and Jamaica joined the sponsors.

208. Also at the same meeting, the President announced that amendment A/HRC/36/L.36 to draft resolution A/HRC/36/L.6 as orally revised had been withdrawn.

209. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council), Brazil and Switzerland made general comments in relation to the draft resolution as orally revised.

210. Also at the same meeting, the Council took action on amendments A/HRC/36/L.37, A/HRC/36/L.38, A/HRC/36/L.39, A/HRC/36/L.40, A/HRC/36/L.41, A/HRC/36/L.42 and A/HRC/36/L.62 to draft resolution A/HRC/36/L.6 as orally revised.

211. At the same meeting, the representatives of Germany and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.37.

212. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.37. The voting was as follows:

*In favour:*

Botswana, Burundi, China, Egypt, Ethiopia, India, Indonesia, Iraq, Japan, Kyrgyzstan, Qatar, Republic of Korea, Saudi Arabia, United Arab Emirates, United States of America

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kenya, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Bangladesh, Congo, Côte d'Ivoire, Nigeria, Philippines, South Africa, Tunisia

213. Amendment A/HRC/36/L.37 was rejected by 15 votes to 22, with 7 abstentions.<sup>21</sup>

214. At the same meeting, the representatives of Albania and Croatia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.38.

215. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.38. The voting was as follows:

*In favour:*

Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Japan, Kyrgyzstan, Qatar, Republic of Korea, Saudi Arabia, United Arab Emirates, United States of America

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kenya, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Bangladesh, Congo, Côte d'Ivoire, Nigeria, Philippines, South Africa, Tunisia

216. Amendment A/HRC/36/L.38 was rejected by 16 votes to 22, with 7 abstentions.<sup>22</sup>

<sup>21</sup> The delegations of Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of) did not cast a vote.

<sup>22</sup> The delegations of Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) did not cast a vote.

217. At the same meeting, the representative of Switzerland made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.39.

218. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.39. The voting was as follows:

*In favour:*

Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, Ethiopia, India, Kyrgyzstan, Qatar, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Kenya, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Botswana, Congo, Côte d'Ivoire, Egypt, Indonesia, Iraq, Nigeria, Philippines, Republic of Korea, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates

219. Amendment A/HRC/36/L.39 was rejected by 10 votes to 22, with 15 abstentions.

220. At the same meeting, the representative of Switzerland made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.40.

221. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.40. The voting was as follows:

*In favour:*

Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, India, Kenya, Kyrgyzstan, Qatar, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Botswana, Congo, Côte d'Ivoire, Egypt, Ethiopia, Indonesia, Iraq, Nigeria, Philippines, Republic of Korea, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates

222. Amendment A/HRC/36/L.40 was rejected by 10 votes to 21, with 16 abstentions.

223. At the same meeting, the representatives of Belgium and Slovenia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.41.

224. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.41. The voting was as follows:

*In favour:*

Bangladesh, Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Nigeria, Saudi Arabia, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of)

*Against:*



Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Hungary, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Ghana, Philippines, Qatar, Republic of Korea, South Africa, Tunisia

225. Amendment A/HRC/36/L.41 was rejected by 18 votes to 19, with 9 abstentions.<sup>23</sup>

226. At the same meeting, the representatives of Switzerland and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.42.

227. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.42. The voting was as follows:

*In favour:*

Botswana, Burundi, China, Egypt, India, Indonesia, Iraq, Kenya, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Congo, Côte d'Ivoire, Ecuador, Ethiopia, Japan, Kyrgyzstan, Nigeria, Philippines, Qatar, Republic of Korea, South Africa, Tunisia

228. Amendment A/HRC/36/L.42 was rejected by 11 votes to 21, with 13 abstentions.<sup>24</sup>

229. At the same meeting, the representatives of Albania and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.62.

230. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.62. The voting was as follows:

*In favour:*

Bangladesh, Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Congo, Côte d'Ivoire, Japan, Philippines, South Africa, Tunisia, United States of America

<sup>23</sup> The delegation of Bolivia (Plurinational State of) did not cast a vote.

<sup>24</sup> The delegations of Bolivia (Plurinational State of) and Cuba did not cast a vote.

231. Amendment A/HRC/36/L.62 was rejected by 17 votes to 22, with 7 abstentions.<sup>25</sup>
232. At the same meeting, the representatives of China, Egypt (also on behalf of Bangladesh, Botswana, China, India, Iraq, Saudi Arabia, Singapore and the United Arab Emirates), Indonesia, Iraq, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution as orally revised.
233. Also at the same meeting, at the request of the representative of Egypt, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:
- In favour:*
- Albania, Belgium, Bolivia (Plurinational State of), Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kyrgyzstan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, South Africa, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)
- Against:*
- Bangladesh, Botswana, Burundi, China, Egypt, Ethiopia, India, Iraq, Japan, Qatar, Saudi Arabia, United Arab Emirates, United States of America
- Abstaining:*
- Cuba, Indonesia, Kenya, Nigeria, Philippines, Republic of Korea, Tunisia
234. The draft resolution was adopted 27 to 13, with 7 abstentions (resolution 36/17).

#### **Conscientious objection to military service**

235. At the 40th meeting, on 29 September 2017, the representative of Croatia introduced draft resolution A/HRC/36/L.20, sponsored by Costa Rica, Croatia and Poland and co-sponsored by Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, France, Georgia, Germany, Honduras, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, Panama, Peru, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Canada, Côte d'Ivoire, Cyprus, Czechia, Denmark, Estonia, Iceland, Norway, San Marino, Sweden, Ukraine and the United States of America joined the sponsors.
236. At the same meeting, the representative of Croatia orally revised the draft resolution.
237. Also at the same meeting, the representatives of Egypt, Kyrgyzstan and Paraguay made general comments in relation to the draft resolution as orally revised.
238. 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.
239. At the same meeting, the draft resolution as orally revised was adopted without a vote (resolution 36/18).
240. At the same meeting, the representatives Japan, Kyrgyzstan and the United States of America made statements in explanation of vote after the vote and general comments in relation to all draft proposals adopted under agenda item 3.

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<sup>25</sup> The delegation of Bolivia (Plurinational State of) did not cast a vote.

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

### A. Enhanced interactive dialogue on the situation of human rights in South Sudan

241. At the 15th meeting, on 18 September 2017, pursuant to Human Rights Council resolutions 34/25 and S-26/1 on human rights situation in South Sudan, the Council held an enhanced interactive dialogue on the situation of human rights in South Sudan.

242. At the same meeting, the United Nations Deputy High Commissioner for Human Rights delivered an opening statement for the enhanced interactive dialogue.

243. Also at the same meeting, the following presenters made statements: the Chairperson of the Commission on Human Rights in South Sudan, Yasmin Sooka; the Deputy Chairperson of the Joint Monitoring and Evaluation Commission for the Agreement on the Resolution of the Conflict in South Sudan, Augustino Njoroge; the Director of Human Rights of the United Nations Mission in South Sudan, Eugene Nindorera; the Director of the Department of Political Affairs of the African Union Commission, Khabele Matlosa and the Acting Chairperson of the South Sudan Human Rights Commission, Nyuol Justin Yaac Arop.

244. During the ensuing interactive dialogue, at the same meeting, on the same day, the following made statements and asked the presenters questions:

(a) Representatives of States Members of the Human Rights Council: Albania, Belgium, Botswana, China, Croatia, Ethiopia, Germany, Japan, Netherlands, Portugal, Sudan<sup>26</sup> (also on behalf of Djibouti, Ethiopia, Kenya, Somalia, South Sudan and Uganda), Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Austria, Denmark, France, Ireland, Mozambique, New Zealand, Norway, Sudan, Uganda;

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

(d) Observers for non-governmental organizations: Amnesty International; Article 19 - International Centre Against Censorship, The; East and Horn of Africa Human Rights Defenders Project; Human Rights Watch; International Federation for Human Rights Leagues; International Organization for the Elimination of All Forms of Racial Discrimination; International-Lawyers.Org; Lutheran World Federation.

245. At the same meeting a representative of the Commission on Human Rights in South Sudan, Godfrey Musila, made final remarks.

246. Also at the same meeting the following answered questions and made their concluding remarks: the Director of the Department of Political Affairs of the African Union Commission, Khabele Matlosa; the Director of Human Rights of the United Nations Mission in South Sudan, Eugene Nindorera; the Deputy Chairperson of the Joint Monitoring and Evaluation Commission for the Agreement on the Resolution of the Conflict in South Sudan, Augustino Njoroge and the Chairperson of the Commission on Human Rights in South Sudan, Yasmin Sooka.

<sup>26</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

## **B. Interactive dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic**

247. At the 14th meeting, on 18 September 2017, the Chairperson of the Independent International Commission of Inquiry on the Syrian Arab Republic, Paulo Sérgio Pinheiro, presented the report of the Commission (A/HRC/36/55) pursuant to Human Rights Council resolution 34/26.

248. At the same meeting, the representative of the Syrian Arab Republic made a statement as the State concerned.

249. During the ensuing interactive dialogue, at the same meeting, on the same day, the following made statements and asked the Chairperson questions:

(a) Representatives of States Members of the Human Rights Council: Albania, Belgium, Botswana, Brazil, China, Croatia, Cuba, Ecuador, Egypt, Germany, Hungary, Iraq, Japan, Netherlands, Portugal, Qatar, Saudi Arabia, Slovenia, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Austria, Bahrain, Belarus, Canada, Chile, Czechia, Democratic People's Republic of Korea, Estonia, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), France, Greece, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Maldives, Mexico, Morocco, New Zealand, Poland, Romania, Russian Federation, Spain, Turkey;

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

(d) Observers for non-governmental organizations: Alliance Defending Freedom; Cairo Institute for Human Rights Studies; European Centre for Law and Justice, The; Human Rights Watch; Syrian Center for Media and Freedom of Expression; Union of Arab Jurists; United Nations Watch; Women's International League for Peace and Freedom.

250. At the 14th meeting, on 18 September 2017 and at the 15th meeting, on 18 September 2017, the Chairperson answered questions and made his concluding remarks.

## **C. Interactive dialogue with the Independent International Commission of Inquiry on Burundi**

251. At the 16th meeting, on 19 September 2017, the President of the Independent International Commission of Inquiry on Burundi, Fatsah Ouguergouz, presented the report of the Commission (A/HRC/36/54) pursuant to Human Rights Council resolution 33/24.

252. At the 17th meeting, on the same day, the representative of Burundi made a statement as the State concerned.

253. Also at the same meeting, the representative of Independent National Commission on Human Rights in Burundi made a statement.

254. During the ensuing interactive dialogue, at the same meeting, on the same day, the following made statements and asked the President of the Independent International Commission of Inquiry questions:

(a) Representatives of States Members of the Human Rights Council: Albania, Belgium, China, Germany, Hungary, Netherlands, Portugal, Rwanda, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia, Austria, Canada, Chad, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Estonia, France, Greece, Iceland, Iran (Islamic Republic of), Ireland, Liechtenstein, Lithuania, Luxembourg, Mexico, Russian Federation, Spain, Sudan;

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

(d) Observers for non-governmental organizations: Amnesty International; CIRID (Centre Independent de Recherches et d'Initiatives pour le Dialogue); East and Horn of Africa Human Rights Defenders Project (also on behalf of CIVICUS - World Alliance for Citizen Participation); Human Rights Watch; International Federation for Human Rights Leagues; International Federation of ACAT (Action by Christians for the Abolition of Torture) (also on behalf of Track Impunity Always - TRIAL / Association suisse contre l'impunité and World Organisation Against Torture); International Service for Human Rights; International-Lawyers.Org.

255. At the same meeting, the Chairperson answered questions and made his concluding remarks.

256. Also at the same meeting, a member of the Independent International Commission of Inquiry on Burundi, Françoise Hampson, made her concluding remarks.

#### **D. Interactive dialogue with the Fact-Finding Mission on Myanmar**

257. At the 16th meeting, on 19 September 2017, the Chair of the Fact-Finding Mission, Marzuki Darusman, presented an oral update on the situation of human rights in Myanmar pursuant to Human Rights Council resolution 34/22.

258. At the same meeting, the representative of Myanmar made a statement as the State concerned.

259. During the ensuing interactive dialogue, at the same meeting, on the same day, the following made statements and asked the Chairperson questions:

(a) Representatives of States Members of the Human Rights Council: Albania, Bangladesh, Belgium, China, Croatia, Germany, India, Indonesia, Iraq, Japan, Netherlands, Portugal, Republic of Korea, Saudi Arabia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Afghanistan, Algeria, Australia, Austria, Azerbaijan, Canada, Costa Rica, Czechia, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Iceland, Iran (Islamic Republic of), Ireland, Lao People's Democratic Republic, Libya, Luxembourg, Maldives, Mexico, New Zealand, Poland, Russian Federation, Spain, Thailand, Turkey, Viet Nam;

(c) Observers for intergovernmental organizations: European Union, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: Amnesty International; Asian Forum for Human Rights and Development; Christian Solidarity Worldwide; Human Rights Watch; International Federation for Human Rights Leagues; Lawyers' Rights Watch Canada (also on behalf of International Bar Association); Lutheran World Federation (also on behalf of Action contre la faim; Care International; International Rescue Committee, Inc.; Norwegian Refugee Council and Save the Children International); Minority Rights Group.

260. At the same meeting, the Chairperson answered questions and made his concluding remarks.

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

261. At the 17th and 18th meetings, on 19 September 2017, and at the 19th and 20th meetings, on 20 September 2017, 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: Belgium, Bolivia (Plurinational State of), China, Cuba, Ecuador, Estonia<sup>27</sup> (on behalf of the European Union), Georgia, Germany, Japan, Netherlands, Pakistan<sup>28</sup> (also on behalf of the Organization of Islamic Cooperation), Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Venezuela (Bolivarian Republic of) (on behalf of the Non-Aligned Movement);

(b) Representatives of observer States: Australia, Belarus, Canada, Czechia, Democratic People's Republic of Korea, Denmark, France, Iceland, Iran (Islamic Republic of), Ireland, Israel, Luxembourg, Maldives, Norway, Russian Federation, Solomon Islands, Spain, Ukraine;

(c) Observers for non-governmental organizations: ABC Tamil Oli; Action internationale pour la paix et le développement dans la région des Grands Lacs; Africa Culture Internationale; African Development Association; African Regional Agricultural Credit Association; Agence pour les droits de l'homme; Alliance Creative Community Project; Alsalam Foundation; American Association of Jurists; Americans for Democracy & Human Rights in Bahrain Inc; Amnesty International; ANAJA (L'Eternel a répondu); Asian Forum for Human Rights and Development; Asian Legal Resource Centre; Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association des étudiants tamouls de France; Association Dunenyoy; Association for Progressive Communications (APC) (also on behalf of Access Now and Front Line, The International Foundation for the Protection of Human Rights Defenders); Association for the Protection of Women and Children's Rights (APWCR); Association Internationale pour l'égalité des femmes; Association of World Citizens; Association pour les Victimes Du Monde; Association pour l'Intégration et le Développement Durable au Burundi; Association Solidarité Internationale pour l'Afrique (SIA); Association Thendral; BADIL Resource Center for Palestinian Residency and Refugee Rights; Baha'i International Community; Brahma Kumaris World Spiritual University (BKWSU) (also on behalf of Dominicans for Justice and Peace - Order of Preachers and Franciscans International); British Humanist Association; Cairo Institute for Human Rights Studies; Cameroon Youths and Students Forum for Peace; Canners International Permanent Committee; Center for Environmental and Management Studies; Center for Inquiry; Center for Organisation Research and Education; Centre Europe - Tiers Monde - Europe-Third World Centre; Centre for Human Rights and Peace Advocacy; Chant du Guépard dans le Désert; Charitable Institute for Protecting Social Victims, The; Christian Solidarity Worldwide; CIVICUS - World Alliance for Citizen Participation; Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC); Commission africaine des promoteurs de la santé et des droits de l'homme; Commission to Study the Organization of Peace; Conectas Direitos

<sup>27</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>28</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Humanos; Conseil de jeunesse pluriculturelle (COJEP); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith); "Coup de Pousse" Chaîne de l'Espoir Nord-Sud (C.D.P-C.E.N.S); East and Horn of Africa Human Rights Defenders Project; European Centre for Law and Justice, The; European Humanist Federation; European Union of Public Relations; France Libertes: Fondation Danielle Mitterrand; Franciscans International; Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social; Helios Life Association; Human Rights Now; Human Rights Watch; Indian Council of South America (CISA); Indian Movement "Tupaj Amaru"; Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Association of Democratic Lawyers (IADL); International Buddhist Relief Organisation; International Career Support Association; International Commission of Jurists; International Federation for Human Rights Leagues; International Fellowship of Reconciliation; International Human Rights Association of American Minorities (IHRAAM); International Humanist and Ethical Union; International Lesbian and Gay Association; International Movement Against All Forms of Discrimination and Racism (IMADR); International Muslim Women's Union; International Organization for the Elimination of All Forms of Racial Discrimination; International-Lawyers.Org; Iraqi Development Organization; Jssor Youth Organization; Khiam Rehabilitation Center for Victims of Torture; Kiyana Karaj Group; Lawyers' Rights Watch Canada; Le Pont; Liberation; L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie; Maarij Foundation for Peace and Development; Mbororo Social and Cultural Development Association; Minority Rights Group; Nonviolent Radical Party, Transnational and Transparty; Organisation Internationale pour le Développement Intégral de la Femme; Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale; Organization for Defending Victims of Violence; Pan African Union for Science and Technology; Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students) (also on behalf of Congregation of Our Lady of Charity of the Good Shepherd; Dominicans for Justice and Peace - Order of Preachers; and Franciscans International); Prahar; Presse Embleme Campagne; Rencontre Africaine pour la defense des droits de l'homme; Society for Development and Community Empowerment; Society of Iranian Women Advocating Sustainable Development of Environment; Tamil Uzhagam; The Next Century Foundation; The Palestinian Return Centre Ltd; Tourner la page; Union of Arab Jurists; United Nations Watch; United Schools International; VAAGDHARA; Verein Sudwind Entwicklungspolitik; Victorious Youths Movement; Villages Unis (United Villages); VIVAT International (also on behalf of Franciscans International); Women's Human Rights International Association; World Barua Organization (WBO); World Environment and Resources Council (WERC); World Evangelical Alliance; World Jewish Congress; World Muslim Congress.

262. At the 18th meeting, on 19 September 2017, statements in exercise of the right of reply were made by the representatives of Azerbaijan, Bahrain, Brazil, China, the Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Pakistan, the Philippines, the Republic of Korea, the Russian Federation, Turkey and Venezuela (Bolivarian Republic of).

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

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

### **Renewal of the mandate of the Commission of Inquiry on Burundi**

264. At the 40th meeting, on 29 September 2017, the representative of Estonia (on behalf of the European Union) introduced draft resolution A/HRC/36/L.9/Rev.1, sponsored by Estonia (on behalf of the European Union) and co-sponsored by Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Argentina, Bosnia and Herzegovina, Costa Rica, San Marino and the United States of America joined the sponsors.

265. At the same meeting, the representative of Estonia orally revised the draft resolution.

266. Also at the same meeting, the representative of Burundi made a statement as the State concerned.

267. 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 as orally revised.

268. At the same meeting, the representatives of Botswana, Brazil, Switzerland and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution as orally revised.

269. Also at the same meeting, at the request of the representative of the Burundi, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Albania, Belgium, Botswana, Brazil, Croatia, El Salvador, Georgia, Germany, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

Bolivia (Plurinational State of), Burundi, China, Congo, Cuba, Egypt, Ghana, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Abstaining:*

Bangladesh, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Togo, Tunisia

270. Draft resolution A/HRC/31/L.9/Rev.1 as orally revised was adopted by 22 votes to 11, with 14 abstentions (resolution 36/19).

### **The human rights situation in the Syrian Arab Republic**

271. At the 40th meeting, on 29 September 2017, the representatives of Qatar and the United Kingdom of Northern Ireland introduced draft resolution A/HRC/36/L.22, sponsored by France, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Turkey, the United Kingdom of Northern Ireland and the United States of America and co-sponsored by Andorra, Australia, Belgium, Bulgaria, Czechia, Finland, Georgia, Iceland, Ireland, Latvia, Liechtenstein, Luxembourg, Maldives, Malta, Monaco, Montenegro, the Netherlands, Norway, Portugal, the Republic of Korea, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Ukraine. Subsequently, Albania, Austria, Bahrain, Canada, Costa Rica, Croatia, Cyprus, Denmark, Estonia, Greece, Japan, Lithuania, New Zealand, Poland, San Marino, Slovakia, Sweden and Switzerland joined the sponsors.



272. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council), Switzerland and the United States of America made general comments in relation to the draft resolution.

273. Also at the same meeting, the representative of the Syrian Arab Republic made a statement as the State concerned.

274. 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.

275. At the same meeting, the representatives of Albania, Brazil, China, Cuba, Ecuador, Egypt, Indonesia, Iraq and Venezuela (Bolivarian Republic of) made statements in explanation of vote before the vote in relation to the draft resolution.

276. Also at the same meeting, at the request of the representative of the Cuba, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Albania, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

Bolivia (Plurinational State of), Burundi, China, Cuba, Iraq, Philippines, Venezuela (Bolivarian Republic of)

*Abstaining:*

Bangladesh, Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Mongolia, Nigeria, South Africa, Tunisia]

277. Draft resolution A/HRC/31/L.22 was adopted by 27 votes to 7, with 13 abstentions (resolution 36/20).

### **Extension of the mandate of the independent international fact-finding mission on Myanmar**

278. At the 41st meeting, on 29 September 2017, the representative of Estonia (on behalf of the European Union) introduced draft decision A/HRC/36/L.31/Rev.1, sponsored by Estonia (on behalf of the European Union) and co-sponsored by Afghanistan, Albania, Andorra, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Bahrain, Côte d'Ivoire, Djibouti, Georgia, Malaysia, Maldives, Mexico, New Zealand, Pakistan, Qatar, the Republic of Korea, San Marino, Saudi Arabia, Somalia, Switzerland, the former Yugoslav Republic of Macedonia and the United Arab Emirates joined the sponsors.

279. 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 decision.

280. At the same meeting, the representatives of India and the Philippines made general comments in relation to the draft decision.

281. Also at the same meeting, the representative of Myanmar made a statement as the State concerned.

282. At the same meeting, the representative of China made a statement in explanation of vote before the vote in relation to the draft decision. In his statement, the representative of China disassociated the delegation from the consensus of the draft resolution.

283. At the same meeting, the draft decision was adopted without a vote (decision 36/115).

284. At the same meeting, the representatives of Egypt and Venezuela (Bolivarian Republic of) made statements in explanation of vote after the vote and general comments in relation to all draft proposals adopted under agenda item 4.

## V. Human rights bodies and mechanisms

### A. Complaint procedure

285. At the 27th meeting, on 22 September 2017, the Human Rights Council held a closed meeting of the complaint procedure.

286. At the same meeting, the Chairperson-Rapporteur of the Working Group on Situations, Nozipho Mxakato-Diseko, presented the report of the Working Group on Situations on its 19th and 20th sessions which were held in January and July 2017 respectively.

287. At the 28th meeting, on 25 September 2017, the President made a statement on the outcome of the meeting, stating that the Human Rights Council had examined, in its closed meeting, the reports of the Working Group on Situations on its 19th and 20th sessions under the Complaint Procedure established pursuant to Human Rights Council resolution 5/1 of 18 June 2007. The President added that no case had been referred by the Working Group on Situations to the Human Rights Council for action at the 36th session.

### B. Expert Mechanism on the Rights of Indigenous Peoples

288. At the 20th meeting, on 20 September 2017, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Albert Kwokwo Barume, presented the reports of the Expert Mechanism (A/HRC/36/56 and A/HRC/36/57).

289. At the 20th and 21st meetings, on the same day, the Human Rights Council held an interactive dialogue on the human rights of indigenous peoples under agenda items 3 and 5 (see chapter III, section E).

### C. Interactive dialogue with the Advisory Committee

290. At the 21st meeting, on 20 September 2017, the Chairperson of the Advisory Committee, Mikhail Lebedev, presented the reports of the Committee (A/HRC/36/51, A/HRC/36/52 and A/HRC/36/59).

291. 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: China, Egypt, Japan, Peru<sup>29</sup> (also on behalf of Algeria, Ecuador, Italy, Romania and Thailand), Republic of Korea, Tunisia, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Azerbaijan, Pakistan, Russian Federation;

(c) Observers for intergovernmental organizations: European Union, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: American Association of Jurists; Americans for Democracy & Human Rights in Bahrain Inc; Association of World Citizens; Associazione Comunita Papa Giovanni XXIII (also on behalf of Alliance Defending Freedom; Association Points-Coeur; International Catholic Child Bureau;

<sup>29</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

International Volunteerism Organization for Women, Education and Development – VIDES; Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco; Mouvement International d’Apostolate des Milieux Sociaux Independants; Passionists International; Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students); Teresian Association; World Union of Catholic Women’s Organizations); Jssor Youth Organization; Prahar; Save the Children International (also on behalf of World Vision International); Verein Sudwind Entwicklungspolitik.

292. At the same meeting, the Chairperson of the Advisory Committee answered questions and made his concluding remarks.

293. Also, at the same meeting, statement in exercise of the right of reply was made by the representative of Bahrain.

#### **D. Open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas**

294. At the 21st meeting, on 20 September 2017, the Chairperson-Rapporteur of the open-ended inter-governmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas, Nardi Suxo Iturry, presented the report of the working group on its 4th session held from 15 to 19 May 2017 (A/HRC/36/58).

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

295. At the 21st meeting, on 20 September 2017, the Assistant Secretary-General for Human Rights, presented the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/36/31).

296. At the 21st meeting, on 20 September 2017, and at the 26th and 27th meetings, on 22 September 2017, 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: Belgium, Bolivia (Plurinational State of), Brazil (also on behalf of Albania, Chile, Germany, Greece, Montenegro, Namibia, Norway, Panama, the Republic of Korea, Rwanda, Slovenia, Turkey and the United States of America), Brazil (also on behalf of Angola, Argentina, Austria, Belgium, Bulgaria, Chile, Colombia, Croatia, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Guatemala, Guinea-Bissau, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Mozambique, the Netherlands, Nicaragua, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste and the United Kingdom of Great Britain and Northern Ireland), China, Cuba, Ecuador (also on behalf of Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Cuba, Egypt, El Salvador, Ethiopia, Indonesia, Nicaragua, Peru, the Philippines, South Africa, Sri Lanka, Switzerland, Uruguay and Venezuela (Bolivarian Republic of)), Egypt, Estonia<sup>30</sup> (also on behalf of the European Union), Germany, Hungary, India, Iraq, Latvia

<sup>30</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

(also on behalf of Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay), Pakistan<sup>31</sup> (also on behalf of the Organization of Islamic Cooperation), Russian Federation<sup>32</sup> (also on behalf of a Algeria, Belarus, Cuba, Egypt, India, Saudi Arabia, the United Arab Emirates and Venezuela (Bolivarian Republic of)), Tunisia (also on behalf of the African Group), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Estonia, Iran (Islamic Republic of), Ireland, Maldives, Nicaragua, Norway (also on behalf of Denmark, Finland, Iceland and Sweden), Sudan, Sweden;

(c) Observers for United Nations entities, specialized agencies and related organizations: Food and Agriculture Organization of the United Nations;

(d) Observer for a national human rights institution: Global Alliance of National Human Rights Institutions;

(e) Observers for non-governmental organizations: ABC Tamil Oli; Africa Culture Internationale; African Regional Agricultural Credit Association; Alliance Creative Community Project; Alsalam Foundation; Americans for Democracy & Human Rights in Bahrain Inc; Amnesty International; ANAJA (L'Éternel a répondu); Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association des étudiants tamouls de France; Association for the Protection of Women and Children's Rights (APWCR); Association of World Citizens; Association pour les Victimes Du Monde; Association pour l'Intégration et le Développement Durable au Burundi; Association Solidarité Internationale pour l'Afrique (SIA); Association Thendral; Canners International Permanent Committee; Center for Organisation Research and Education; Centre Europe - Tiers Monde - Europe-Third World Centre; Centre for Human Rights and Peace Advocacy; Centro de Estudios Legales y Sociales (CELS) Asociación Civil; Colombian Commission of Jurists; Commission africaine des promoteurs de la santé et des droits de l'homme; Commission to Study the Organization of Peace; Conseil de jeunesse pluriculturelle (COJEP); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; European Union of Public Relations; FIAN International e.V.; Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Association of Democratic Lawyers (IADL); International Buddhist Relief Organisation; International Commission of Jurists; International Federation for Human Rights Leagues; International Federation of Rural Adult Catholic Movements; International Fellowship of Reconciliation; International Muslim Women's Union; International Organization for the Elimination of All Forms of Racial Discrimination; International Service for Human Rights; International Youth and Student Movement for the United Nations; Iraqi Development Organization; Jssor Youth Organization; Khiam Rehabilitation Center for Victims of Torture; Lawyers' Rights Watch Canada; Le Pont; Liberation; L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie; Mbororo Social and Cultural Development Association; Nonviolent Radical

<sup>31</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>32</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Party, Transnational and Transparty; Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale; Pan African Union for Science and Technology; Prahar; Rencontre Africaine pour la defense des droits de l'homme; Society for Development and Community Empowerment; Society Studies Centre (MADA ssc); Tamil Uzhagam; The Next Century Foundation; Tourner la page; United Schools International; VAAGDHARA; Verein Sudwind Entwicklungspolitik; Villages Unis (United Villages); World Barua Organization (WBO); World Environment and Resources Council (WERC); World Muslim Congress.

297. At the 21st meeting, on 20 September 2017, statement in exercise of the right of reply was made by the representative of Bahrain.

298. At the 27th meeting, on 22 September 2017, statements in exercise of the right of reply were made by the representatives of China and Thailand.

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

### **Cooperation with the United Nations, its representatives and mechanisms in the field of human rights**

299. At the 41st meeting, on 29 September 2017, the representative of Hungary introduced draft resolution A/HRC/36/L.26/Rev.1, sponsored by Fiji, Ghana, Hungary, Ireland and Uruguay and co-sponsored by Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czechia, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United States of America. Subsequently, the United States of America withdrew co-sponsorship of the draft resolution. Subsequently, Albania, Argentina, Canada, Costa Rica, the Dominican Republic, Estonia, Honduras, San Marino and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

300. At the same meeting, the representative of the Russian Federation introduced amendments A/HRC/36/L.43, A/HRC/36/L.46, A/HRC/36/L.47, A/HRC/36/L.48, A/HRC/36/L.51 and A/HRC/36/L.57 to draft resolution A/HRC/36/L.26/Rev.1.

301. Also at the same meeting, the representative India introduced amendments A/HRC/36/L.56, A/HRC/36/L.58, A/HRC/36/L.59, A/HRC/36/L.60 and A/HRC/36/L.61 to draft resolution A/HRC/36/L.26/Rev.1.

302. At the same meeting, the representative of the Bolivarian Republic of Venezuela introduced amendments A/HRC/36/L.45, A/HRC/36/L.52 and A/HRC/36/L.55 to draft resolution A/HRC/36/L.26/Rev.1.

303. Also at the same meeting, the representative of Egypt introduced amendments A/HRC/36/L.50, A/HRC/36/L.53 and A/HRC/36/L.54 to draft resolution A/HRC/36/L.26/Rev.1

304. Amendment A/HRC/36/L.43 was sponsored by the Russian Federation. Subsequently, Belarus, Iran (Islamic Republic of) and Venezuela (Bolivarian Republic of) joined the sponsors. Amendment A/HRC/36/L.45 was sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Cuba joined the sponsors. Amendments A/HRC/36/L.46, A/HRC/36/L.47, A/HRC/36/L.48, A/HRC/36/L.53, A/HRC/36/L.54, A/HRC/36/L.55, A/HRC/36/L.56 and A/HRC/36/L.60 were sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian

Republic of). Subsequently, Belarus, Cuba and Iran (Islamic Republic of) joined the sponsors. Amendments A/HRC/36/L.49, A/HRC/36/L.58, A/HRC/36/L.59 and A/HRC/36/L.61 were sponsored by China, India, the Russian Federation and Venezuela (Bolivarian Republic of), and co-sponsored by Egypt. Subsequently, Belarus and Cuba joined the sponsors. Amendment A/HRC/36/L.50 was sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus joined the sponsors. Amendments A/HRC/36/L.51 and A/HRC/36/L.52 were sponsored by China, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Cuba joined the sponsors. Amendment A/HRC/36/L.57 was sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Iran (Islamic Republic of) joined the sponsors.

305. At the same meeting, the representatives of Ghana (also on behalf of Fiji, Hungary, Italy and Uruguay), Panama and the Republic of Korea made general comments in relation to draft resolution A/HRC/36/L.26/Rev.1 as well as on the proposed amendments.

306. Also at the same meeting, the President announced that amendment A/HRC/36/L.44 to draft resolution A/HRC/36/L.26/Rev.1 had been withdrawn.

307. Also at the same meeting, the Council took action on amendments A/HRC/36/L.43, A/HRC/36/L.45, A/HRC/36/L.46, A/HRC/36/L.47, A/HRC/36/L.48, A/HRC/36/L.49, A/HRC/36/L.50, A/HRC/36/L.51, A/HRC/36/L.52, A/HRC/36/L.53, A/HRC/36/L.54, A/HRC/36/L.55, A/HRC/36/L.56, A/HRC/36/L.57, A/HRC/36/L.58, A/HRC/36/L.59, A/HRC/36/L.60, A/HRC/36/L.61.

308. At the same meeting, the representatives of Switzerland and the United States of America made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.43.

309. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.43. The voting was as follows:

*In favour:*

Bangladesh, Botswana, Burundi, Ecuador, Egypt, Iraq, Kenya, Kyrgyzstan, Philippines, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bolivia (Plurinational State of), China, Congo, Côte d'Ivoire, Ethiopia, India, Indonesia, Nigeria, Qatar, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates

310. Amendment A/HRC/36/L.43 was rejected by 10 votes to 22, with 14 abstentions.<sup>33</sup>

311. At the same meeting, the representatives of Georgia and Germany made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.45.

312. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.45. The voting was as follows:

<sup>33</sup> The delegation of Cuba did not cast a vote.

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, Iraq, Nigeria, Qatar, Rwanda, South Africa, Togo, Tunisia

313. Amendment A/HRC/36/L.45 was rejected by 14 votes to 22, with 10 abstentions.<sup>34</sup>
314. At the same meeting, the representative of Germany made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.46.
315. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.46. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Iraq, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, El Salvador, Kenya, Togo

316. Amendment A/HRC/36/L.46 was adopted by 24 votes to 18, with 5 abstentions.
317. At the same meeting, the representative of Panama made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.47.
318. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.47. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, India, Iraq, Kenya, Kyrgyzstan, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia,

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<sup>34</sup> The delegation of Kenya did not cast a vote.



United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Ecuador, Ethiopia, Indonesia, Nigeria, Philippines, Qatar, Rwanda, South Africa, Togo

319. Amendment A/HRC/36/L.47 was rejected by 13 votes to 23, with 11 abstentions.

320. At the same meeting, the representatives of Albania and Latvia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.48.

321. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.48. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, El Salvador, Iraq, Nigeria, Qatar, Rwanda, South Africa, Togo

322. Amendment A/HRC/36/L.48 was rejected by 17 votes to 20, with 10 abstentions.

323. At the same meeting, the representatives of Latvia and the Netherlands made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.49.

324. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.49. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Nigeria, Rwanda, Togo

325. Amendment A/HRC/36/L.49 was rejected by 19 votes to 22, with 6 abstentions.

326. At the same meeting, the representatives of Belgium and Ghana made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.50.

327. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.50. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Congo, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Côte d'Ivoire, Ecuador, El Salvador, Iraq, Nigeria, Togo

328. Amendment A/HRC/36/L.50 was rejected by 16 votes to 23, with 7 abstentions.<sup>35</sup>

329. At the same meeting, the representatives of the Netherlands and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.51.

330. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.51. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, El Salvador, Nigeria, Rwanda, Togo

331. Amendment A/HRC/36/L.51 was rejected by 19 votes to 21, with 7 abstentions.

332. At the same meeting, the representatives of the Netherlands and Slovenia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.52.

333. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.52. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Slovenia,

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<sup>35</sup> The delegation of Cuba did not cast a vote.

Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Nigeria, South Africa, Togo

334. Amendment A/HRC/36/L.52 was rejected by 16 votes to 26, with 5 abstentions.

335. At the same meeting, the representatives of Japan and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.53.

336. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.53. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Iraq, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, Ecuador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, El Salvador, Indonesia, Kenya, Mongolia, Qatar, Rwanda, South Africa, Togo

337. Amendment A/HRC/36/L.53 was rejected by 15 votes to 22, with 10 abstentions.

338. At the same meeting, the representative of Germany made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.54.

339. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.54. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, El Salvador, Iraq, Qatar, Rwanda, Togo, Tunisia

340. Amendment A/HRC/36/L.54 was rejected by 18 votes to 21, with 8 abstentions.

341. At the same meeting, the representative of Germany made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.55.

342. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.55. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Ecuador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, El Salvador, Mongolia, Nigeria, Qatar, Rwanda, South Africa, Togo

343. Amendment A/HRC/36/L.55 was rejected by 16 votes to 21, with 10 abstentions.

344. At the same meeting, the representatives of Japan and the Republic of Korea made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.56.

345. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.56. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, El Salvador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Rwanda, Togo, Tunisia

346. Amendment A/HRC/36/L.56 was adopted by 21 votes to 20, with 6 abstentions.

347. At the same meeting, the representatives of Croatia and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.57.

348. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.57. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Iraq, Nigeria, Qatar, Rwanda, South Africa, Togo

349. Amendment A/HRC/36/L.57 was rejected by 16 votes to 22, with 9 abstentions.

350. At the same meeting, the representatives of Albania and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.58.

351. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.58. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, El Salvador, Iraq, Kenya, Nigeria, Togo

352. Amendment A/HRC/36/L.58 was rejected by 18 votes to 21, with 8 abstentions.

353. At the same meeting, the representatives of Georgia and Hungary made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.59.

354. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.59. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Cuba, Egypt, India, Indonesia, Kyrgyzstan, Qatar, South Africa, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Ecuador, Ethiopia, Iraq, Kenya, Nigeria, Philippines, Saudi Arabia, Togo, United Arab Emirates

355. Amendment A/HRC/36/L.59 was rejected by 14 votes to 23, with 10 abstentions.

356. At the same meeting, the representatives of Georgia and Ghana made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.60.

357. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.60. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Philippines, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Côte d'Ivoire, Mongolia, Nigeria, Qatar, Togo

358. Amendment A/HRC/36/L.60 was adopted by 23 votes to 19, with 5 abstentions.

359. At the same meeting, the representatives of Belgium and Hungary made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.61.

360. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.61. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Iraq, Nigeria, Rwanda, Togo, Tunisia

361. Amendment A/HRC/36/L.61 was rejected by 18 votes to 23, with 6 abstentions.

362. At the same meeting, the representatives of Albania, Bolivia (Plurinational State of), Brazil, China, Cuba, Egypt, the United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela (Bolivarian Republic of) (also on behalf of Egypt, India and the Russian Federation) made statements in explanation of vote before the vote in relation to the draft resolution as amended. In her statement, the representative of Brazil disassociated the delegation from the consensus on preambular paragraph 6 and operative paragraphs 1, 9 and 10 of the draft resolution. In his statement, the representative of the United States of America disassociated the delegation from the consensus on operative paragraphs 4 Bis and 7 Bis of the draft resolution.

363. 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 amended. The voting was as follows:

*In favour:*

Albania, Belgium, Botswana, Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar,

Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of)

364. Draft resolution A/HRC/36/L.26./Rev.1 as amended was adopted by 28 votes to 0, with 19 abstentions (resolution 36/21).

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

365. At the 41st meeting, on 29 September 2017, the representative of the Plurinational State of Bolivia introduced draft resolution A/HRC/36/L.29, sponsored by Bolivia (Plurinational State of), Cuba, Ecuador and South Africa and co-sponsored by Angola, Bangladesh, the Congo, Egypt, Ethiopia, Ghana, Haiti, India, Kenya, Panama, Paraguay, the Philippines, Switzerland, Venezuela (Bolivarian Republic of) and the State of Palestine. Subsequently, Algeria, the Democratic People's Republic of Korea, the Dominican Republic, El Salvador, Indonesia, Nicaragua, the Sudan and Viet Nam joined the sponsors.

366. At the same meeting, the representative of the Bolivarian Republic of Venezuela made a general comment in relation to the draft resolution.

367. 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.

368. At the same meeting, the representatives of Germany (also on behalf of Belgium, Croatia, Hungary, Latvia and the Netherlands) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

369. 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 voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Republic of Korea, Slovenia

370. Draft resolution A/HRC/31/L.29 was adopted by 34 votes to 2, with 11 abstentions (resolution 36/22).

## VI. Universal periodic review

371. Pursuant to General Assembly resolution 60/251, Council resolutions 5/1 and 16/21, Council decision 17/119 and President's statements PRST/8/1 and PRST/9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the twenty-seventh session of the Working Group on the Universal Periodic Review held from 1 to 12 May 2017.

372. In accordance with resolution 5/1, the President outlined that all recommendations must be part of the final document of the UPR and accordingly, the State under Review should clearly communicate its position on all recommendations either by indicating that it "supports" or "notes" the concerned recommendations.

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

373. In accordance with paragraph 4.3 of President's statement 8/1, the following section contains a summary of the views expressed on the outcome by States under review, Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

#### **Bahrain**

374. The review of Bahrain was held on 1 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Bahrain in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/BHR/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/BHR/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/BHR/3).

375. At its 22nd meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of Bahrain (see section C below).

376. The outcome of the review of Bahrain comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/3), the views of Bahrain concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/3/Add.1*).

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

377. The head of delegation Mr. Abdulla Bin Faisal Aldoseri, Assistant Foreign Minister of Bahrain stated that his delegation emphasized the Kingdom of Bahrain's keenness to strengthen and continue its efforts to promote and protect human rights through cooperation with partners and stakeholders at the national level and constructive cooperation with the HRC, the UPR mechanism, the OHCHR and other relevant international stakeholders.

378. He indicated that Bahrain received 175 recommendations from member states during the review of the Working Group which were examined in the context of several



meetings of the Bahraini High Coordination Committee, as well as meetings with more than 20 civil society organizations. These recommendations were reviewed extensively during the meetings and, the comments made, contributed to the forming of the position of Bahrain on responding to the recommendations.

379. The above extensive consultations on and consideration of the recommendations led to the support of 139 recommendations, many of which have been implemented, and the Kingdom will work to achieve the remaining ones. Bahrain took note of 36 recommendations either for being inconsistent with the application of Islamic law, or because they do not comply with national laws or legislation or require further study although, a few of those recommendations could have been partially accepted.

380. Bahrain reaffirmed its commitment to and continuation of the pioneering reform and democratic approach launched by His Majesty King Hamad bin Isa Al Khalifa, by preserving its human rights record, which is based on modern and progressive constitutional and legal texts.

381. The head of delegation listed a number of achievements in the recent period that added to the record of achievements and progress in the promotion and respect of human rights such as:

- The Family Law No. 19 of 2017, which came into effect on August 1, 2017, which received a wide positive response among the Bahraini society in line with CEDAW. This Law fulfilled one of the most important request of Bahraini women who, after years of effort, witnessed the acknowledgement of their dignity and pivotal role in the process of building and development;
- Law No. 18 of 2017 on Penalties and Alternative Measures, aimed at developing punitive policy in Bahrain, through the promotion of punitive measures in its comprehensive concept seeking greater protection of society from future dangers;
- Article (2) of Law No. (74) of 2016 concerning the care, rehabilitation and employment of persons with disabilities was amended.

382. Bahrain has taken a number of measures that contribute to the reform of the labour market, including a flexible work permit. This system allows foreign workers to work without the sponsorship system.

383. The rule of law, independence and impartiality of the judiciary are the basis of governance in Bahrain and one of the most important pillars of the protection of human rights and freedoms. Article 20 of the Constitution provides for fair trial guarantees, including the right to defend and prohibit torture. The independence of the judiciary has been strengthened financially and administratively. In this regard, Decree-Law No. 46 of 2002 on criminal procedure and its amendments affirms comprehensive guarantees for the protection of human rights in freedom, personal safety and criminal justice through the provision of fair trial guarantees, the right of accused persons to contact their families and relatives, appoint a lawyer and attend the meetings without restraints, as well as prevent torture, ill-treatment or coercion.

384. Freedom of assembly, opinion and expression is guaranteed by the Constitution and national legislations without restrictions except the professional and ethical controls provided for in the Constitution, the law and the local and international press and media conventions, which prohibit any incitement to sectarian or religious, racial or sectarian hatred or threaten national security or public order or infringement The rights, reputations and dignity of others, the violation of public morals or the violation of any of the principles of human rights.

385. The head of delegation reaffirmed that Bahrain will make all efforts to bring about a lasting positive change in the human rights situation, as the authorities believe that all segments of the society are essential partners in the process of building of and committed to national action, away from violence, intimidation and hatred and sectarianism in society.

386. Mr. Aldoseri stated that Bahrain's efforts to fight terrorism its financing, and violent extremism will not prevent the ongoing democratic process, and the State from building a modern State and advancing human rights in all areas.

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

387. During the adoption of the outcome of the review of Bahrain, 16 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>36</sup> are posted on the extranet of the Human Rights Council, if uploaded.

388. India noted with appreciation the progressive realization of the rights, including the right to development from the 'reform based approach'. India highlighted the Bahrain's Program of Action, 2015-2018 entitled "Towards the justice, security and wellbeing of the society". India congratulated Bahrain for launching its largest labour market initiative by introducing the flexible work permit, thus eliminating exploitation and trafficking.

389. Iran (Islamic Republic of) stated that during the twenty-seventh session of the UPR Working Group on Bahrain it made two recommendations, namely to implement fully recommendations made by the UN mandate holders, including through the immediate release of all political prisoners and by ending impunity, thus bringing perpetrators of human rights violations to justice, and to engage in a genuine national dialogue in an open and inclusive manner with all stakeholders. It stated that one was accepted while regretted that the more important one has been noted. It hoped that all accepted recommendations be fully and effectively implemented.

390. Iraq thanked Bahrain for accepting the recommendations that it provided to them and for upholding the principles and values of human rights and promoting freedom, impartiality and justice among all its citizens. It commended the acceptance of most recommendations, which would further enhance the promotion and protection of human rights in Bahrain and looked forward to the implementation of its commitments.

391. Jordan appreciated Bahrain responses to the third UPR recommendations and presenting information on the latest developments and measures taken to promote and protect human rights. Jordan appreciated the fact that Bahrain had accepted the majority of recommendations, including those submitted by Jordan, reaffirming its commitment to human rights and freedoms. Jordan was confident that Bahrain will intensify its efforts in the coming years to implement the accepted recommendations.

392. Kuwait commended the efforts taken in preparing the report that reflected the attentiveness of Bahrain to the promotion and protection of human rights, and commended the measures taken to implement the recommendations that they committed to, including those presented by Kuwait.

393. Lebanon appreciated the presentation, which reflected commitment to the UPR mechanism. Lebanon noted with appreciation the acceptance of 80 per cent of the UPR recommendations, including those submitted by Lebanon on training the judiciary on the international human rights standards and on freedom of the press. Bahrain had adopted a

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<sup>36</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

serious approach and this showed positive action and respect for the UPR mechanism to improve the lives of the Bahraini people.

394. Libya commended Bahrain for accepting the majority of the recommendations that were presented to it and for taking the measures to promote and protect human rights, by taking many crucial steps, particularly establishing many national mechanisms that contribute to the protection and promotion of human rights.

395. Lithuania stated that by accepting the vast majority of recommendations, Bahrain had demonstrated its intent and commitment to promote and protect human rights through its institutional, legislative and political framework. It appreciated that all of the recommendations given by Lithuania have been accepted and hoped that in the new UPR cycle will also continue working toward full implementation of the remaining recommendations from previous cycles and further strengthen its commitment to the international human rights instruments.

396. Maldives was encouraged by the country's launch of the National Plan for the Advancement of Bahraini Women 2013-2022, particularly the focus on the principle of providing equal opportunity and empowering women. Maldives commended the prize sponsored by King Hamad al-Khalifa in collaboration with UNESCO aiming to implement educational, religious and media programmes to promote moderation and tolerance and to combat hate speech that incites terrorism and violence.

397. Morocco welcomed the update on the actions taken to promote and protect human rights further and welcomed significant efforts made to bolster in actual practice. Morocco welcomed the positive interaction with the Council and its mechanisms. It commended the constructive interaction with the UPR during the interactive dialogue and accepting the majority of the recommendations including those presented by Morocco, as well as the renewed commitment to strengthen the foundations of the rule of law and respect to human rights.

398. Oman noted Bahrain's positive attitude as reflected in its acceptance of the recommendations and its constitutional, legal and practical guarantees that ensures respect to human rights to its citizens and the residents, in accordance with international mechanisms. Oman commended launching the National Plan for the Advancement of Bahraini Women (2013-2022) and the empowerment of women in order to enable them to enter the business and entrepreneurial world and the national plan for persons with disabilities and setting up measures to achieve a comprehensive development.

399. Pakistan commended the Government of Bahrain for its efforts to implement the recommendations made in the previous universal periodic review cycles and also praised the number of initiatives and efforts to build capacity to strengthen human rights. Pakistan wished every success in the implementation of accepted recommendations.

400. Philippines commended Bahrain for accepting the majority of recommendations and appreciated the serious note taken of the Philippine recommendations aimed at promoting the welfare and the protection of the rights of migrant workers, particularly women migrant workers. Philippines hoped that in the future Bahrain would consider ratifying key human rights and labour conventions that enshrine the rights of migrants.

401. Saudi Arabia appreciated the efforts made by Bahrain to uphold human rights and its cooperation with human rights mechanisms of the HRC. Saudi Arabia commended the efforts of Bahrain for its accomplishments in the field of policies and laws of human rights, especially the efforts made to combat trafficking in persons. It commended the acceptance of the majority of the UPR recommendations and called on the continuation of making additional efforts to promote and protect human rights at all levels.

402. Sierra Leone noted that the Government intended to submit a voluntary report on its human rights implementation efforts in two years' time and has made pledges on its commitments as regards its future human rights strategies. Sierra Leone encouraged Bahrain to strengthen its legal protection policies for migrant or expatriate workers, protect human rights defenders and religious minorities from prosecution and to expedite efforts to amend its laws on granting citizenship for Bahraini children with mothers married to foreigners.

403. Sudan commended the efforts to promote and protect human rights, such as acceding to most international human rights instruments and strengthening national human rights institutions and passing legislation, including the law on protecting domestic workers from violence and taking measures to align its legislation with international treaties it ratified. It commended setting of plans and programmes aimed at empowering and integrating women in the government work programmes. Sudan noted Bahrain accepting most of the recommendations, including those made by Sudan.

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

404. During the adoption of the outcome of the review of Bahrain, 10 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>37</sup> are posted on the extranet of the Human Rights Council, if uploaded.

405. Article 19 - International Centre Against Censorship, stated that the sheer number of recommendations to Bahrain addressing the rights to freedom of expression, peaceful assembly, and association, are indicative of the alarming human rights situation. It asked why the government placed 2 journalists on a travel ban, and when it intends to release journalists and human rights defenders, and drop "terrorism" charges against them and whether the newfound commitment to freedom of expression will lead to the reversal of the order to shutter Al-Wesat, and halt proceedings to dissolve Wa'ad. It noted that the implementation of UPR recommendations necessitates comprehensive reforms to legislation used to repress all criticism and opposition.

406. Alsalam Foundation expressed grave concern at Bahrain's commitment to the UPR, given its systematic violations of human rights since 2011. They rejected the statement of any accomplishments in the human rights field. It questioned whether arresting and life sentencing an activist for sending a tweet and for his legal work, the dissolution of Alwifaq and imprisonment of its Secretary General for his political activities and the closure of Al-Wesat newspaper, and the withdrawal of citizenship for those who called for democracy are among those accomplishments. They were of the view that if Bahrain respected the rule of law as it claimed, it would immediately investigate security officers for having tortured human rights activists. If Bahrain Constitution respected freedom of expression, it would release all those arrested for demanding reforms. They stated that Bahrain is neither serious nor ready to implement the UPR recommendations.

407. Americans for Democracy & Human Rights in Bahrain (ADHRB) stated that since the midterm of Bahrain's second UPR cycle, Bahrain not only failed to fully implement one of its 176 recommendations, but has actually regressed on what few reform areas had seen nominal progress. The government submitted a national report that is misleading, vague, and incomplete. ADHRB stated that as a result of government interference, including widespread use of retaliatory travel bans and arbitrary detention, the number of independent Bahraini activists attending the UPR cycles dropped from dozens in 2012 to only 3 in 2017.

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<sup>37</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

ADHRB stated many of these recommendations continue to urge greater protections for freedom of expression and assembly; civil society and human rights defenders; urging the international community take steps beyond the UPR mechanism and hold Bahrain accountable for fulfilling its commitments.

408. Khiam Rehabilitation Centre for Victims of Torture blamed Bahrain for undermining its homeland and its people by undermining political and legal practice, dissolving the Wa'ad and Alwifaq associations, placing their opposition leaders in prisons, withdrawing citizenship of dissidents and banning the travel of dozens to Geneva. They stated that the Government had closed the door to national and political dialogue and engaging in sectarian practices. They called on Bahrain among others to end intimidation of jurists and opponents, and called for the return of civil life and democracy; release all prisoners of conscience; abolition of the Military Justice system and the death penalty; allow the Rapporteur on Torture and other rapporteurs to visit Bahrain.

409. Lawyers' Rights Watch Canada (LRWC) stated that many States again recommended that Bahrain comply with its international human rights law obligations to: release all human rights defenders imprisoned for peacefully exercising internationally protected rights; bring Bahraini criminal law and prosecutions into full compliance with international human rights law including the Universal Declaration of Human Rights; and cease reprisals against human rights defenders. LRWC asked Council to directly call on Bahrain to release all arbitrarily imprisoned people; and allow UN Special Procedures mandate holders to visit Bahrain and conduct the investigations necessary to recommend reform and redress for victims of rights violations.

410. International Federation for Human Rights Leagues (FIDH) stated that the UPR review was marked by the Kingdom's denials of all serious violations, as reports emerged of systematic travel bans, judicial harassments and even torture being used to exclude prominent human rights defenders from the UPR process. It noted that during the review, several recommendations were made concerning the treatment of detainees, torture allegations and the protection of human rights defenders who wish to cooperate with the UN. It regretted Bahrain's refusal to repeal anti-terrorism law, used to persecute HRDs and to enforce censorship on social media. Bahrain pledged to cooperate with the HRC and its mechanisms but failed to invite Special Rapporteurs any time soon. FIDH urged Bahrain to respond to credible allegations of serious human rights violations by inviting an OHCHR team to visit the country.

411. Amnesty International (AI) stated that since June 2016, the authorities have dramatically stepped up their crackdown on dissent resulting in formerly thriving civil society has found itself reduced to a few lone voices to speak out. The crackdown has extended to this Council where human rights defenders (HRDs) have faced reprisals for seeking to cooperate with the UN, including travel bans to participate in Bahrain's UPR or sessions. The families of HRDs living outside Bahrain have also been targeted. Some human rights activities relatives have been interrogated. AI welcomed accepting recommendations allowing Bahraini human rights defenders to cooperate with human rights mechanisms free from reprisals and to release those detained for exercising their rights to freedom of expression and peaceful assembly and to repeal legislation impeding these rights.

412. Human Rights Watch (HRW) stated that Bahrain continued to deny access to UN special procedures despite repeated requests and that authorities in April prevented dozens of rights advocates from travelling to Geneva ahead of the third UPR review. HRW added that over the past year, authorities have shut down the country's only independent newspaper and the two leading, licensed, opposition political societies. Bahrain ended a de facto moratorium on use of the death penalty and executed three persons in January following unfair trials, despite their alleging that they had been tortured, quoting concerns

of CAT in May at consistent allegations of torture and the climate of impunity, as well as restoring in January arrest and investigation powers to the National Security Agency, and signing in April a legislation authorizing trial of civilians before military courts. HRW urged implementing UPR recommendations regarding criminal justice reform and the release of all those jailed solely for exercising their rights to freedom of expression, association and peaceful assembly.

413. Maarjij Foundation for Peace and Development welcomed the recommendations made to Bahrain on the Family Law and Nationality, and the actions taken by Bahrain to meet the aspiration of its citizens and to bring awareness to the application of the family law in the Sharia courts. They appreciated the issuance of brochures to explain the law in simple terms and on legal services. They commended the Supreme Council for Women in relation to Nationality law for giving attention to the rights of women related to granting citizenship of married women to foreigners to their children and to access services provided to citizens.

414. Iraqi Development Organization (IDO) stated that many of recommendations were a repetition of previous UPR and BICI recommendations, and that this proved that there had been no genuine efforts to improve human rights situation in the country over the last 5 years. IDO stated that Bahrain had transformed into a police state, full of torture, killing, travel ban, sectarian persecution, and targeting human rights defenders and political activists and their families. It witnessed an escalating record of execution, political arrests, and citizenship revocations against dissidents and their family members and forcible deportation. It urged Bahrain to stop repression and implement all the recommendations and make genuine reform and dialogue with opposition.

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

415. The President stated that based on the information provided out of 176 recommendations received by Bahrain, 1 recommendation was withdrawn at the time of adoption of the report in the Working Group. Bahrain further supported 139 recommendations and noted 36 recommendations.

416. The head of delegation thanked the delegations for praising the efforts of Bahrain for accepting the majority of the recommendations aiming at improving the situation of human rights. Mr. Aldoseri said he would not respond to the false allegations made by certain non-governmental organizations that were intended to cast a shadow over Bahrain's many achievements. In response to some allegations, as on travel bans for activists, he stated that Bahrain had ratified a number of international instruments and respected article 12 of the ICCPR. The Constitution provided for freedom of movement under article 19. No one could be prohibited from travelling except in accordance with the law. There was no ban on travel unless a court order was issued in the context of ongoing criminal proceedings. Such cases were given individual consideration by the competent judicial authorities.

417. As for the participation of civil society, Mr. Aldoseri noted that non-governmental organizations and political organizations were allowed to work provided they complied with the rules on political groupings. A financial support system was in place for organizations operating in this field from the State budget. While their role should not violate the law and the sovereignty of the State and national unity, Bahrain was flexible with some violations of associations while some associated themselves with radical organizations calling for violent extremism and terrorism. Any political association could appeal against decisions taken in front of a court. Currently, at least 20 associations were involved in political activities according to the law.

418. Regarding capital punishment, Mr. Aldoseri confirmed it was applied in a very limited number of cases that were listed in the penal code. This sanction could often be

commuted to life imprisonment. Concerning the nationality Law, the law before the legislative authority should soon be amended to allow children born from Bahraini women married to foreigners to access nationality. On the media and the press, a new bill on electronic media was ongoing to guarantee freedom of journalists and the right to receive information and it prevent incitement to violence or religious hatred.

419. Finally Mr. Aldoseri emphasized that Bahrain was committed to respect the rights of journalists and there were sufficient guarantees to prevent their detention. The right to address complaints was completely guaranteed.

### **Ecuador**

420. The review of Ecuador was held on 1 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Ecuador in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/ECU/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/ECU/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/ECU/3).

421. At its 22th meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of Ecuador (see section C below).

422. The outcome of the review of Ecuador comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/4), the views of Ecuador concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/4/Add.1*).

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

423. The delegation, headed by the Permanent Representative of Ecuador to the United Nations Office at Geneva, H.E. Ambassador Guillaume Long, stated that it was with great satisfaction that Ecuador presented itself before the Human Rights Council for the adoption of its UPR outcome. It noted that Ecuador had accepted close to 90 percent of the 182 recommendations received at the 27th Session of the UPR Working Group in May and had made four voluntary commitments. It also stated that the new Ecuadorian government, who had taken office less than one month after the UPR Working Group session, had fully endorsed the responses provided during the Working Group to the recommendations received.

424. The delegation highlighted Ecuador's concrete and tangible commitment to the protection of human rights, which was consistent with its advocacy in favour of more just and democratic societies, characterized by the supremacy of the human being over capital and a harmonious relationship with nature. During the last 10 years Ecuador had gone through an emancipatory political process, called the Citizens' Revolution, to build a culture of peace and a State of "good living".

425. The delegation noted that the struggle for the realization of people's rights could often generate a certain level of political conflict and that many countries, including some that were now called developed countries, failed to achieve the emancipation of their

peoples without bloodshed, violent revolutions or civil wars. It stressed that Ecuador managed to emancipate itself peacefully, in a process always supported by the popular will democratically expressed in the polls, and noted that this had been possible because of the centrality of human rights in both the Government's goals of transformation of society and in the political process undertaken to this effect.

426. It was always difficult to speak of human rights in political, social and economic contexts characterized by a situation of extreme inequality, where a few enjoyed privileges and impunity and the great majority were excluded from the benefits of development. For this reason, the delegation considered that true democracy must be accompanied by policies of inclusion, redistribution, and empowerment of the most vulnerable and stressed that this was precisely what Ecuador had tirelessly done over the last ten years.

427. The delegation highlighted that, due to the existence of structural inequalities and imbalances of power, the neoclassical myth of free competition between human beings was fictitious. Within this context, the protection of human rights could only be ensured by the very visible hand of the State, which was responsible for its citizens and for the construction, in the case of Ecuador, of a social contract which was democratic, progressive, feminist, and responsive to the diversity of indigenous and Afro-Ecuadorian peoples and nationalities as well as Montubios. A social contract that defended LGBTI rights, the rights of foreigners in Ecuador and of Ecuadorian migrants abroad, and the rights of all Ecuadorians.

428. In order to create the structural conditions for the transformation of society, the delegation stressed the need to build strong and efficient institutions and address the factors that affected the capacity of States to make universal public policies, build schools and hospitals, protect the most vulnerable and defend all citizens from natural disasters. Within this context, it was crucial to move towards a global ethical pact in favour of fiscal justice and against tax evasion and avoidance. It was no longer possible for States to continue talking about human rights while at the same time pursuing global policies that were among those that most affected human rights.

429. To conclude, the delegation invited all States to support the initiatives proposed in the Council by Ecuador and other States, such as the resolutions on the mainstreaming of human rights in public policies, the participation of parliaments in the Human Rights Council, the declaration on the rights of peasants and the development of an international legally binding instrument on transnational corporations and human rights.

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

430. During the adoption of the outcome of the review of Ecuador, 15 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>38</sup> are posted on the extranet of the Human Rights Council, if uploaded.

431. The Bolivarian Republic of Venezuela highlighted Ecuador's progresses on human rights and its acceptance of the majority of the recommendations it received. During the last decade, more than one million people had been lifted out of poverty in Ecuador and the difference between the richest and the poorest people in the country had diminished by 40%. The Bolivarian Republic of Venezuela commended Ecuador for the excellent results of its third UPR and for its firm commitment with human rights.

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<sup>38</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>



432. Afghanistan stressed the existence of a direct connection between poverty reduction and the enjoyment of human rights and, therefore, valued Ecuador's efforts between 2009 and 2016 to reduce the multidimensional poverty rate through increased access to employment, education, social security and basic services. Afghanistan also congratulated Ecuador on its 300 per cent increase in investment in education.

433. Algeria welcomed Ecuador's efforts to consolidate its achievements in the field of human rights, in particular those aimed at modernizing the penitentiary infrastructure and establishing a new penitentiary management model. Algeria noted that Ecuador accepted most of the recommendations it received, including those formulated by Algeria on the protection of the rights of nature and the promotion of women's access to formal employment, and wished Ecuador success in its efforts to implement them.

434. Azerbaijan welcomed the additional information provided by Ecuador on the received recommendations. It commended Ecuador for its achievements in the field of human rights and for its efforts to achieve the Sustainable Development Goals. It noted that Ecuador accepted the majority of the recommendations it received during the 27 Session of the UPR Working Group, including the recommendations made by Azerbaijan, and congratulated it for its successful and productive UPR process.

435. Belarus noted the high level of attention that Ecuador had given to fulfilling its obligations in the field of human rights, both at the national and international levels. Belarus congratulated Ecuador for the success of the measures taken to combat inequality and fully shared Ecuador's position that respect for human rights could not be guaranteed in the face of extreme poverty and inequality.

436. Belgium reiterated its appreciation for the progresses made by Ecuador in the field of human rights and the fight against poverty. It took note with appreciation that two of its recommendations, on the protection of human rights defenders and on ill treatment and sexual violence in schools, had been accepted because they had already been implemented and was interested to know what concrete measures had been put in place in this respect. Belgium noted with regret that Ecuador had not committed to revise Presidential Decrees 16 and 739, the Criminal Code and the Communication Act.

437. The Plurinational State of Bolivia congratulated Ecuador for its progresses in the area of human rights during the Government of the Citizen Revolution. It underscored that, between 2009 and 2016, in Ecuador the multidimensional poverty index diminished from 27% to 16.9% and the Gini coefficient diminished eight points. It welcomed that 157 recommendations were supported by Ecuador because they had been implemented or were in the process of being implemented, among them those made by the Plurinational State of Bolivia, and wished success to Ecuador in the implementation of accepted recommendations.

438. China welcomed Ecuador's constructive participation in the UPR and appreciated its timely feedback on the recommendations received and its decision to accept most of them, including those made by China on promoting economic and social development, raising people's living standards, and expanding social security coverage. China commended Ecuador's continued investment in education and called upon the international community to provide assistance to Ecuador, in full consultation with the country, to implement the recommendations accepted.

439. Côte d'Ivoire thanked Ecuador for the responses given to the recommendations received and for the additional information provided. Côte d'Ivoire wished success to Ecuador in the implementation of the accepted recommendations and invited it to pay particular attention to those not yet accepted in order to ensure human rights protection in the country. Côte d'Ivoire commended Ecuador's efforts to improve the human rights

situation and encouraged it to continue its full cooperation with the international community.

440. Cuba was grateful for the information provided by Ecuador and for the acceptance of its three recommendations regarding Ecuador's active role in the field of transnational corporations and human rights and the promotion of the rights of persons with disabilities. Cuba hoped that Ecuador would continue playing a decisive role in the development of a legally binding instrument on transnational corporations and human rights and reiterated its support to Ecuador's efforts to promote and protect all human rights.

441. The Democratic People's Republic of Korea stated that the interactive dialogue provided a useful opportunity to get familiarized with Ecuador's experience in the field of human rights. It welcomed Ecuador's acceptance of many of the recommendations received, including the ones made by the Democratic People's Republic of Korea, as a demonstration of Ecuador's willingness to make further efforts in the field of human rights.

442. Egypt thanked Ecuador for its presentation and highly appreciated its acceptance of the majority of the recommendations, including those made by Egypt. This reflected Ecuador's positive spirit of cooperation and its permanent efforts to uphold and consolidate human rights and fundamental freedoms. Egypt also commended Ecuador for its pledges and voluntary commitments, which demonstrated its seriousness in dealing with human rights at the political, economic and social levels.

443. Ethiopia noted with appreciation Ecuador's constructive engagement with the Human Rights Council and its acceptance of a significant number of recommendations, including those made by Ethiopia on ensuring equal treatment of all Ecuadorians by the courts, eliminating the gap in accessing education between rural and urban areas and reducing dropout rates among indigenous and Afro-descendant students.

444. Germany reiterated its strong support for the Universal Periodic Review and thanked Ecuador for its cooperation with the process. Germany regretted that its recommendations had not been accepted. However, it appreciated positive signals of an improving human rights situation in Ecuador. It welcomed the clear commitment of President Moreno and his government to guarantee freedom of the media and the independence of the judiciary, including through legal and institutional reforms, and strongly encouraged Ecuador to continue on the path of reforms through concrete measures.

445. Haiti thanked Ecuador for its clear and concise presentation of the recommendations accepted and noted during the 27th session of the UPR Working Group. Haiti also thanked Ecuador for having taken into account its two recommendations on the "Sumak Kawsay" program for Ecuadorians of African descent and on the quality of public education, especially for those living below the poverty line. Haiti strongly encouraged Ecuador to pursue its good practices and to submit a mid-term national report on the implementation of the UPR, in consultation with stakeholders.

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

446. During the adoption of the outcome of the review of Ecuador, 7 other stakeholders made statements.

447. The Defensoría del Pueblo acknowledged Ecuador's efforts on human rights, particularly its leadership in developing an international treaty on business and human rights and its adoption of a law on human mobility. Regarding the issue of teenage pregnancies, the Defensoría del Pueblo stated that access to contraceptive methods, and sexual and reproductive education should be guaranteed, while treating teenagers as rights holders. It also urged Ecuador to investigate cases of sexual violence within educational institutions and supported CEDAW's recommendation to decriminalize abortion in cases of

rape, incest and foetus malformation. It stressed that the national mechanism for the prevention of torture required a robust regulation and adequate resources and concluded by referring to the rights of the elderly and urging Ecuador to strengthen the access of Afro-descendants to education and labour.

448. Réseau International des Droits Humains (RIDH) welcomed Ecuador's commitment on human rights and the openness to dialogue demonstrated by the new Ecuadorian government. However, it considered important to refer to a number of issues highlighted in the UPR reports. In this regard, RIDH was particularly concerned about freedom of expression, the protection of vulnerable groups, such as women and indigenous peoples, and the independence of the judiciary. It regretted that some of the recommendations on independence of the judiciary had not been accepted, and that some judges had been unjustifiably removed. RIDH also stressed that Ecuador had not accepted recommendations from several countries to decriminalize abortion in cases of rape. It urged Ecuador to continue fighting discrimination, protect human rights defenders and promote freedom of expression.

449. International Association of Democratic Lawyers (IADL) welcomed the progresses made by Ecuador in the fields of education, health and reduction of poverty and inequality. It stated that the policies promoted by Ecuador, such as those on the right to "good living", universal citizenship, free human mobility and the reception of refugees should be examples for other countries. It praised Ecuador's initiative on the adoption of an international instrument on business and human rights and of a universal mechanism on tax cooperation. IADL concluded by referring to the asylum provided to Julian Assange and urged Ecuador to continue strengthening its reforms and policies aimed at reducing poverty and inequality.

450. International Federation for Human Rights Leagues (FIDH) regretted that Ecuador had not accepted recommendations to repeal legislation and policies criminalizing or discriminating human rights organisations, journalists and indigenous peoples, as well as recommendations to establish clear procedures to ensure the right to free and prior consultation of indigenous peoples on issues affecting them. FIDH urged the new Ecuadorian government to enable a proper environment for human rights defenders and defenders of the environment, and to implement in an effective manner accepted recommendations.

451. Action Canada for Population and Development welcomed Ecuador's acceptance of the recommendations on eliminating discrimination and violence against women and girls, as well as on preventing, investigating and sanctioning acts of discrimination and violence against LGBTI. It regretted, however, the continued existence of "rehabilitation clinics" and "sexual reorientation therapies", despite recommendations accepted by Ecuador to eradicate such practices. It urged Ecuador to adopt additional measures for the effective implementation of UPR and other recommendations.

452. Human Rights Watch (HRW) welcomed the support of free speech and civil society manifested by the new Ecuadorian Government, but regretted that there were still some official positions that seemed to support censorship and attack freedom of speech and of association. It referred to the 2013 Communications Law and to the 2013 presidential decrees granting the government the power to interfere in the operations of NGOs. HRW regretted that the new administration's position was that both norms were consistent with international human rights law. It urged Ecuador to implement key recommendations on freedom of expression and of association accepted in the 2012 UPR, and to repeal the above-mentioned norms.

453. FIAN International e.V regretted the lack of recommendations linked to economic and social rights, in particular to the right to food, and called on the States to pay more

attention to the right to food. It stressed that in Ecuador, the laws and policies aimed at ensuring the right to food had not accomplished the progressive nature of said right. It expressed concern about the current law on seeds, which allows the entry into the country of transgenic seeds for research purpose, and about the law on land and territories, which promotes international investment and monocultures. It stressed that indigenous communities and defenders of environmental rights had been criminalized for exercising their right to resistance. FIAN urged Ecuador to respect international standards on the right to food and to accept recommendations related to human rights defenders.

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

454. The President stated that based on the information provided out of 182 recommendations received, 162 enjoy the support of Ecuador and 20 are noted.

455. The delegation welcomed the comments made by States and civil society organizations. It stressed Ecuador's commitment to the Universal Periodic Review and noted that the UPR process had been very profitable and had fulfilled its main goal, which was for Ecuador to conduct an exercise of self-reflection and analysis of its public policies and their impact on the human rights of all Ecuadorians.

456. The delegation also welcomed the comments made by the Ombudsman. It recognized that there was a lot of work still to be done in Ecuador to achieve the complete protection of sexual and reproductive rights and expressed the country's firm commitment to continue moving towards the fulfilment of these rights.

457. With regard to the comments made in relation to the Decree No. 16, amended by the Decree 739, the delegation stressed that the main objective of Ecuador's legislation was to include and give greater prominence to all forms of civil society organizations. Both decrees recognized the rights and obligations of social organizations, did not curtail any right and were consistent with the Constitution of Ecuador, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights. The delegation also highlighted the increase in the number of organizations registered in Ecuador's unified information system on social organizations, which went from 1270 organizations in 2011 to 90464 organizations today.

458. With regard to the comments on the Comprehensive Criminal Code of 2014, the delegation noted that the Code criminalized for the first time crimes such as femicide and sexual harassment, aggravated sanctions for crimes committed against children, adolescents or persons with disability, and severely sanctioned child abuse. The delegation also pointed out that the communication law was in accordance with the international standards contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

459. The delegation concluded by reassuring that Ecuador remained committed to the fight against the so-called dehomosexualization clinics and would continue protecting the rights of LGBTI people.

#### **Tunisia**

460. The review of Tunisia was held on 2 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Tunisia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/TUN/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/TUN /2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/TUN /3).

461. At its 22nd meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of Tunisia (see section C below).

462. The outcome of the review of Tunisia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/5), the views of Tunisia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/5/Add.1*).

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

463. The delegation of Tunisia, led by His Excellency Mr. Mehdi Ben Gharbia, Minister for Relations with Constitutional Institutions and Civil Society and for Human Rights of Tunisia, commended the efforts made by the United Nations bodies in the promotion of the universal human rights system and emphasized the central role played by the Human Rights Council in this area. The delegation also thanked the Office of the High Commissioner for Human Rights for its support.

464. Tunisia has accepted most of the recommendations made during the Universal Periodic Review and has expressed its commitment for further cooperation with the United Nations and African mechanisms in order to strengthen its human rights system, in particular the rights of women and children.

465. The Tunisian State was also working to complete the new institutional landscape, whether by preparing legal texts or by focusing on new institutions. Legislation on good governance and on combating corruption has been recently approved and the establishment of the Supreme Judicial Council has been completed.

466. In the same context, and within the framework of the recommendations endorsed by Tunisia, the Government was reviewing laws governing public life to ensure full respect of rights and freedoms. Work was under way to review the most important legal provisions of the Criminal Code to ensure their compatibility with international human rights standards and to fight impunity. In addition, the Tunisian Government adopted a law on violence against women and was preparing a draft law on combating racial discrimination.

467. The delegation elaborated further the interaction of the Tunisian State with the recommendations received by the UPR Working Group, its history and its contribution to mankind. In 1841 an order prohibiting the trafficking of human beings in the markets of the Kingdom, ordered the demolition of shops where the slaves were sold. In 1842 everyone born on Tunisian soil was considered as free individual, without being sold or bought, and finally in 1846 King Ahmed Pasha Bay declared the emancipation all the slaves in the Kingdom and the abolition of slavery permanently. The first Constitution - recognizing the rights and freedoms of all those present on Tunisian soil regardless of their nationality - was adopted in 1861.

468. Following Tunisia's Independence in 1956, President Bourguiba promulgated a personal status code which created a new perspective in the family life giving women the status of full partner in the couple, repealing polygamy and determining the minimum age for marriage for the girl with the requirement of her consent, guaranteeing the right to divorce before judges, and the possibility for mothers to keep the custody of children in the absence of the father.

469. Tunisia Revolution for Freedom and Dignity allowed the building of new institutions and the holding of fully free elections and the issuance of several decrees in various areas related to human rights, and lifted all reservations from international human rights treaties.

470. The second Republic adopted a new Constitution in 2014 guaranteeing civil, political, economic, social and cultural rights and providing for the protection of acquired rights of women, equality of opportunities between women and men, parity in elected councils and the elimination of all forms of violence against women.

471. The recent promulgation of a law allowing Tunisian women to marry a non-Muslim has been a new step ahead in the process of equality between women and men. Moreover, the President has decided to set up a specific expert committee to examine the issue of equality in inheritance and prepare a report on future reforms on this subject. Equality between men and women, one of the most pressing requests advocated by generations of human rights defenders and activists, is presently a fact of life in Tunisia.

472. On a number of recommendations which Tunisia took note of during the UPR in May 2017, the delegation stated that regarding the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, it should be recalled that Tunisia has suspended the death penalty since the 1990s through a moratorium. However, changing the legislation to abolish the death penalty would require a greater popular consensus that has not yet been reached.

473. Tunisia also noted the recommendation concerning accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it needs to develop the national migration regime further, in a search of appropriate and applicable solutions to migrant flows.

474. Tunisia also took note of the recommendation concerning the abolition of Article 230 of the Penal Code because this step would require, in order to reach a broad consensus, a large community dialogue in which different sensitivities are involved and should be taken into account. This does not prevent the State from guaranteeing full equality to all individuals without discrimination. In protecting individual freedoms, the State has the responsibility to protect all citizens from any violation or violence directed against them regardless of their affiliations or tendencies.

475. On the recommendation to expedite the adoption of the bill on asylum, Tunisia believed that this matter needs additional consideration and study in coordination with all parties involved, bearing in mind the necessity to balance international commitments and the protection of national security, particularly in a context of serious security concerns and the financial burden for addressing adequately the refugee situation.

476. Pending approval of this bill, the United Nations High Commissioner for Refugees continues to consider asylum claims for refugee status. It also continues to support governmental structures and the civil society know-how in the field of international asylum law, in order to further develop the capacity of the administrative structures charged with the implementation of relevant legislation.

477. Regarding the ratification of ILO Convention n. 189 on domestic workers, it is worth noting that the legislation relating to this subject has been upgraded since the promulgation of a specific law in 2005. Furthermore, the rights of domestic workers were strengthened after the enactment of the Law on the Prevention and Combat of Human Trafficking and the related Basic Law. The ratification of the ILO Convention n°. 189 also raises concerns of compatibility with the present labour legislation.

478. The reform of the judicial, security and prison systems are priorities for the Government which has been implementing programs promoting the independence of the

judiciary, the training of law enforcement personnel in the field of human rights, the investigation of abuses and violations, and the prevention of torture, especially through the establishment of an independent public body to prevent it.

479. Tunisia has supported the recommendations on measures to strengthen mechanisms to deal with the identification and assistance of vulnerable migrants at the border, including minors, asylum seekers and victims of trafficking. Guidelines have been developed to deal with those rescued at high sea, in coordination with the structures of intervention.

480. Vulnerable groups of migrants, asylum seekers and victims of human trafficking, in particular unaccompanied children, the elderly, persons with disabilities and pregnant women, are assisted and often placed in public social centres, with the help of international and non-governmental organizations.

481. The State's efforts to promote economic and cultural rights continue through the implementation of development plans with a human rights based approach, in an attempt to enable all Tunisians to enjoy their rights without discrimination, despite the economic and financial conditions experienced by the country in this period.

482. The delegation reiterated Tunisia's determination to move forward with fundamental reforms that will develop the legal and institutional system, change mindsets and practices, and to activate and follow up on the implementation of the recommendations that have been accepted, with the ultimate goal of enhancing Tunisia's gains in the field of human rights.

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

483. During the adoption of the outcome of the review of Tunisia, 15 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>39</sup> are posted on the extranet of the Human Rights Council, if uploaded.

484. Egypt congratulated Tunisia for accepting many of the recommendations, including those of Egypt, and for the efforts made in the field of human rights such as the adoption of the new Constitution in 2014 and the enactment of several laws for the protection and promotion of human rights.

485. Ethiopia expressed appreciation to Tunisia for improving the institutional human rights framework, and for accepting many of the recommendations, including Ethiopia's ones, and supported the adoption of the UPR outcome of Tunisia.

486. Gabon welcomed the judicial reforms undertaken in Tunisia, the creation of new bodies for the promotion and protection of human rights, particularly with regard to freedom of expression and good governance, and the improvement of detention conditions.

487. Germany commended Tunisia's adoption of the first national law outlawing violence against women and supported efforts to reform inheritance law to grant equal rights to women and encouraged Tunisia to ensure the functioning of the national preventive mechanism under the Optional Protocol to the Convention against Torture. Germany reiterated its call to eliminate discriminatory practices based on sexual orientation and gender identity, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

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<sup>39</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

488. Ghana commended Tunisia on ongoing efforts to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to establish a committee to align all national laws with international conventions, and steps to fight corruption, terrorism and human trafficking. Ghana recommended that the Council adopt the outcome of the UPR of Tunisia.

489. India indicated that Tunisia has accepted most of the recommendations, which covered a wide range of human rights. India also highlighted the law adopted to combat terrorism and money laundering, including the establishment of an ad hoc committee on these issues.

490. Iraq expressed appreciation to Tunisia for the adoption of the majority of the recommendations made during the review, including Iraq's recommendations.

491. Jordan stated that the acceptance by Tunisia of many of the recommendations received reflects the engagement of Tunisia in the UPR process and it was confident that Tunisia would continue its efforts for the implementation of UPR recommendations. Kenya noted constitutional and administrative measures Tunisia has undertaken, including the adoption of their new constitution in 2014 and the attendant extensive review of legislation. Kenya was pleased to note that Tunisia accepted 4 out of the 5 recommendations Kenya made.

492. Kuwait commended Tunisia for accepting many of the recommendations made during the UPR and for its efforts in the implementation of UPR recommendations, and more generally for its efforts in the field of human rights. Kuwait supported the adoption by the Council of the outcome of the UPR of Tunisia.

493. Kyrgyzstan noted with appreciation that Tunisia accepted 3 recommendations from Kyrgyzstan. Despite the fact that Tunisia noted Kyrgyzstan's recommendation on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Kyrgyzstan hoped that Tunisia will pay more attention to the rights of the migrants living in its territory. Libya commended Tunisia's genuine efforts to promote and protect human rights, including the adoption of the 2014 Constitution, the harmonization of national legislation with international commitments and cooperation with international human rights mechanisms.

494. Madagascar welcomed the implementation of new laws on human rights and namely the reform of the law on national security forces with the aim at guaranteeing the primacy of the rule of law. Qatar welcomed the engagement of Tunisia with United Nations mechanisms and the acceptance of most of recommendations put forward during the review, which demonstrates Tunisia's commitment in the field of human rights. Qatar mentioned its support to Tunisia in the improvement of the education.

495. Oman stated that the review of Tunisia has highlighted progress in many areas such as children rights, legislation against human trafficking, women rights, the rights of persons with disability, the fight against racial discrimination, and the improvement of the standards of living, including a national plan on health.

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

496. During the adoption of the outcome of the review of Tunisia, 10 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them



owing to time constraints<sup>40</sup> are posted on the extranet of the Human Rights Council, if uploaded.

497. International Volunteerism Organization for Women, Education and Development (VIDES) welcomed progress made in children's rights, reflected in article 47 of the new Constitution. Regarding education, VIDES stated that the equal access to the primary school has been improved, the number of children enrolled in school at the age of five improved from 50% in 2006 to 77.8% in 2012. Despite this fact, statistics concerning the drop-out in the primary and high schools were alarming. VIDES congratulated Tunisia for accepting the recommendation to make the mandatory preparatory year before school free for the whole population of the country.

498. Cairo Institute for Human Rights Studies stated that although Tunisia adopted a new Constitution and enacted human rights legislation, several abuses can be noted: interference by the armed forces, cases of torture and arbitrary detention and restrictions imposed on the freedom of movement. Perpetrators of such acts are not punished and the Cairo Institute for Human Rights Studies called for the establishment of the Supreme Court and the enactment of legislation to protect women's rights.

499. Article 19 stated that legislation protecting media freedoms must be strengthened to fully uphold constitutional protections: Decree Laws 115 on Freedom of the Press, Printing and Publishing and 116 on the Independent Press Council should be repealed, and replaced with organic laws, drafted with the full and effective participation of civil society. Article 19 stated that urgent reforms of the Penal Code and Military Justice Code, which are used to target journalists, lawyers and civil society activists, are required.

500. Amnesty International (AI) welcomed the establishment of National Preventive Mechanism on torture and calls on Tunisia to strengthen its independence. AI stated that the criminalization of consensual same-sex relations under Article 230 of the Penal Code makes LGBTI people vulnerable to violence and abuse by the police. The medical examinations that have been inflicted on men accused of engaging in consensual same-sex sexual activity amount to torture and other ill-treatment.

501. World Organisation Against Torture (OMCT) welcomed the Government support to recommendations calling on Tunisia to ensure that allegations of torture and ill-treatment were systematically investigated, that perpetrators were prosecuted and punished and that victims were compensated in an adequate and equitable manner. However, OMCT noted with regret that perpetrators still enjoyed impunity for those crimes and that there had not been a single judgment proportional to the gravity of such violations.

502. Jssor Youth Organization stated that one of the most important recommendations was to combat violence against women and racism and called other Youth organizations and civil society to cooperate in the implementation of the UPR recommendations.

503. Human Rights Watch stated that Tunisia had already made several incremental steps to fight discrimination and violence against women, including by adopting a comprehensive legislation to fight domestic violence, and repealing a 1973 ministerial decree that prohibited the marriage between a Tunisian woman and a non-Muslim man. Human Rights Watch urged Tunisia to take further steps to eliminate all other forms of discrimination against women, including by amending its personal status code to grant equal inheritance rights to women.

504. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) noted a significant evolution in Tunisia thank to the engagement of civil society that contributed to

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<sup>40</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

the creation of constitutional frame and creation of new institutions to protect human rights. RADDHO was satisfied of the cooperation of Tunisia with 15 mandate holders of special procedures. This cooperation made possible the reform of the penal system allowing the Red Cross to visit prisons with a view to improve conditions of detention. RADDHO called on Tunisia to ratify the Maputo Protocol of the African Charter of Human and Peoples' Rights concerning the rights of women in Africa.

505. Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale (OCAPROCE Internationale) welcomed the initiatives by the Government to strengthen women's rights and to prevent violence against women. OCAPROCE Internationale stated that ratification of the Optional Protocol of the African Charter of Human and Peoples' Rights concerning the rights of women was essential. OCAPROCE Internationale also stated that reforming laws was important and called on Tunisia to reform the Children's Code.

506. International Lawyers stated that the right to freedom of thought, conscience and religion are non-derogable and any limitation must be prescribed by law and necessary to protect a legitimate aim. International Lawyers asked the Government and the Courts to interpret these rights in accordance with the international standards.

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

507. The President stated that based on the information provided out of 248 recommendations received, 189 enjoy the support of Tunisia and 59 are noted.

508. The delegation stated that, since the adoption of the new Constitution in 2014, consistent efforts have been made to harmonize the national legal framework with international human rights law. In each ministry, a committee works specifically on this task.

509. The Government has been working on a new code on asylum and refugees, with special attention to the protection of vulnerable people. The abolition of Article 230 of the Criminal Code would need further consultation with Tunisian people to accommodate sensitiveness, but everything is already done to ensure that all persons, regardless to their sexual orientation, are granted the same rights. Regarding torture, in addition to its criminalization by the 2014 Constitution, it is worth noting that there is no prescription for this crime.

510. Tunisia benevolently heard all remarks and criticism with a view to translating all accepted recommendations into reality through a constant dialogue with the Tunisian people who must be involved in this process without any discrimination. In this connection, the Government recognized the role of the civil society in a partnership that could help change mindsets.

#### **Morocco**

511. The review of Morocco was held on 2 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Morocco in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/MAR/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/MAR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/MAR/3).

512. At its 23rd meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of Morocco (see section C below).

513. The outcome of the review of Morocco comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/6), the views of Morocco concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/6/Add.1*).

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

514. The Delegation welcomed the outcomes of the constructive and fruitful dialogue that took place during its third review. Morocco reaffirmed its attachment to the universally recognized human rights principles and standards, and renewed its commitment to implement the UPR recommendations, as part of the fundamental principles and rules enshrined in its Constitution. Morocco welcomes the opportunities of cooperation and exchange of practices and experience offered by the UPR.

515. Morocco reiterated its adherence to the values of the UPR mechanism, namely objectivity and transparency, non-selectivity, and non-politicization, while taking into account the level of development and specificities of countries, and the principles of progress, support in the promotion of human rights, and cooperation in the implementation of international obligations. Morocco endorsed the principle of involving all stakeholders, including parliaments, national human rights institutions and non-governmental organizations during the stages of preparation of the national reports and implementation of recommendations.

516. Morocco noted with appreciation the interest in its legislative and institutional reforms in the field of human rights. The reforms were undertaken in the period covered by the national report as part of the implementation of the 2011 Constitution's provisions, especially the guarantees for the protection and promotion of human rights. The same interest was reflected in the multiplicity of questions and observations made during the review.

517. Following the publication of the draft report of the Working Group, the Ministry for Human Rights started consultations with the various stakeholders, in order to obtain their full support on the recommendations received and ensure their involvement in their implementation. The consultations were participatory and in line with the principles of the related strategic planning. Therefore, they allowed Morocco to develop its position regarding the 244 received recommendations.

518. Consequently, 191 recommendations had received full acceptance (78% of the recommendations), of which 23 recommendations were considered as fully implemented, and 168 were under implementation as part of the ongoing reforms. Morocco had taken note of 44 recommendations (18% of the recommendations), of which 18 were not supported in part (7.3% of all recommendations) and 26 were not supported in full (10.5%). Morocco had not accepted nine recommendations, considering that they did not fall within the competence of the Council.

519. The Delegation reaffirmed that the decision not to support in full or in part recommendations was taken in compliance with the principles and provisions of the Constitution and ratified international instruments. The complex nature of 18

recommendations led to the impossibility for Morocco to support them in full. The delegation indicated that, since the introduction of the national report, Morocco had spared no efforts to reinforce the human rights legal and institutional framework. Thus, in June 2017, the draft-Law No. 76.15, establishing the National Council for Human Rights, as an independent, pluralistic national institution, with a broad mandate in the field of human rights at central and regional level, and with specialized mechanisms was submitted to Parliament. The draft-Law also provided for the national mechanism against torture and the national mechanisms for the protection of children and people with disabilities.

520. During the same period, the draft-Law No. 16-14, establishing the Office of the Ombudsman, as an independent national institution specialized in mediation between the administration and citizens, was also submitted to Parliament.

521. The delegation stated that the strengthening of these institutions was a major step in reinforcing national mechanisms, in line with the international obligations of Morocco. It also launched the process of updating the National Plan for Democracy and Human Rights in July 2017, with a view to starting its implementation in 2018.

522. The Delegation indicated that, given the specificities inherent to addressing human rights issues and the need for continuity, all the projects launched by Morocco in this area were based on strategic planning, and required continued efforts, in particular to develop human rights indicators and tools.

523. Morocco renewed its commitment to implement all the recommendations accepted, and hoped that the adoption by the Council of the Report of the 3rd UPR of Morocco will provide an opportunity for an objective and constructive assessment of the human rights situation in the country. It also hoped that this will be an occasion to identify the challenges which need further work. Morocco called for concerted efforts from all actors to overcome difficulties, and intensify the international cooperation to address the challenges that may appear during the process.

524. Finally, the Delegation thanked the Human Rights Council and the delegations participating in its UPR, for the interest devoted to the discussion and the recommendations made, as well as the Troika, the Secretariat and OHCHR for their efforts to ensure the success of the UPR mechanism and to promote implementation of human rights.

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

525. During the adoption of the outcome of the review of Morocco, 17 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>41</sup> are posted on the extranet of the Human Rights Council, if uploaded.

526. **Yemen** commended Morocco for its achievements and progress in the field of human rights, as well as its efforts to promote and protect human rights. It applauded the acceptance of a large number of recommendations, which was a sign of Morocco's commitment with all human rights.

527. **Afghanistan** commended the implementation of previous recommendations from various human rights mechanisms. It noted measures taken by Morocco to promote human rights, including the ratification of human rights conventions, the extension of invitations to special procedures, and reforms of the judiciary and rule of law. It commended reforms in the area of the rights of persons with disabilities and the fight against violence against women, including the bill on violence against women.

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<sup>41</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

528. **Albania** acknowledged the acceptance of a considerable number of recommendations and was pleased with Morocco's ongoing engagement to human rights. It trusted that Morocco will continue efforts to improve the enjoyment of human rights in line with UPR recommendations and international commitments.

529. **Azerbaijan** noted Morocco's achievements in the field of human rights, as well as its acceptance of most of UPR recommendations.

530. **Bahrain** commended Morocco's serious commitment to human rights as shown with the acceptance of the majority of UPR recommendations, including recommendations made by Bahrain. It was convinced that Morocco would continue its efforts to implement the accepted recommendations.

531. **Belgium** appreciated Morocco's efforts towards the implementation of previous UPR recommendations, including those put forward by Belgium on the adoption of a law on violence against women. It regretted, however, that other two recommendations made by Belgium were not accepted, one on decriminalisation of sexual relations outside marriage and another one on the ratification on the ICCPR-OP2. It invited Morocco to consider its position on these recommendations. It encouraged the country to continue the national debate on the abolition of the death penalty.

532. **Botswana** welcomed Morocco's action plan aimed at implementing UPR accepted recommendations, including one from Botswana on women's rights. It applauded measures taken to advance women's equal participation and to integrate gender perspective into public policies. It commended Morocco's cooperation with UN human rights mechanisms.

533. **China** welcomed the adoption of a charter on the judicial system reform aimed at strengthening the protection of human rights in the judiciary, and the strategic plan on sustainable development 2015-2020 to promote economic and social development. It commended the enhanced protection of the rights to health, education, house and cultural rights, and Morocco's efforts to protect the rights of women, children, migrants and persons with disabilities, including the fight against human trafficking. It welcomed the acceptance of China's recommendations and hoped that Morocco will continue to promote economic and social development.

534. **Côte d'Ivoire** welcomed the efforts undertaken to improve human rights and encouraged Morocco to continue its cooperation with the international community, including the Human Rights Council and related mechanisms. It invited Morocco to implement the UPR recommendations and to protect human rights.

535. **Egypt** congratulated Morocco for accepting the majority of recommendations, including those formulated by Egypt. It commended the high attention provided by the country to the protection and promotion of human rights, and the efforts deployed to adopt a large number of laws on the issue. It also praised the steps taken to reform the judiciary and the creation of various national human rights mechanisms. Egypt called upon Morocco to continue its efforts to protect and promote human rights.

536. **Ethiopia** praised the acceptance of a considerable number of recommendations, including those from Ethiopia. It commended projects implemented by Morocco aimed at integrating human rights into public policies. It appreciated Morocco's advancement in the promotion and protection of human rights.

537. **Gabon** welcomed Morocco's engagement towards the implementation of accepted UPR recommendations. It congratulated actions taken to combat poverty, inequality and vulnerability. Gabon commended legislative and institutional reforms aimed at the adoption of laws to protect the media, the rights of persons with disabilities and against human trafficking. It encouraged Morocco to implement UPR recommendations.

538. **Ghana** welcomed the adoption of a charter on justice reform to consolidate the independence of the judiciary, and encouraged Morocco to continue its efforts to strengthen human rights and the rule of law.

539. **India** highlighted the creation of large number of jobs in Morocco and the decrease of the unemployment rate, noting in particular the plan launched to incorporate youth in the labour market. India commended Morocco for the implementation of a green programme aimed at achieving an increase in people working in the agriculture sector.

540. **Indonesia** appreciated Morocco's commitment to human rights and its engagement with the UPR. It was pleased to note the acceptance of a high number of UPR recommendations, including all recommendations issued by Indonesia, most of them already in the process of implementation. Indonesia conveyed that the recommendations made by Morocco to Indonesia have been accepted, and stressed that this collaboration indicated the success of the UPR as a constructive mechanism.

541. **Iraq** thanked the attention given by Morocco to the situation of human rights. It praised the country for having accepted the majority of recommendations.

542. **Jordan** thanked Morocco for the progress made in the field of human rights and the implementation of previous UPR recommendations. It noted that the country was about implementing accepted recommendations. It praised Morocco for having accepted the majority of recommendations, including those from Jordan, which reflects its commitment to promote human rights. Jordan was convinced that Morocco would continue its efforts towards implementation of recommendations.

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

543. During the adoption of the outcome of the review of Morocco, 11 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>42</sup> are posted on the extranet of the Human Rights Council, if uploaded.

544. The **National Human Rights Council** welcomed Morocco's position on the recommendations and its commitment to strengthen its cooperation towards their implementation. On the legislative and institutional framework related to equality, discrimination, economic and social rights, fundamental freedoms and criminal legislation, the Council will continue to monitor, assess and report on related public policies. It stressed its availability to strengthening stakeholders' capacity on human rights. Regarding not accepted recommendations, it urged Morocco to abolish death penalty and to accede to the Rome Statute. It reiterated its recommendations to promote gender equality, and encouraged Morocco to protect vulnerable groups, including LGBTI. It hoped that the new law setting up the NHRI will be adopted in Parliament so that it can act as national mechanism on the prevention of torture in line with the OP-CAT.

545. **Africa Culture International** acknowledged Morocco's efforts to improve sanitation, in particular for vulnerable groups. It also welcomed measures to protect children. However, it encouraged Morocco to respect freedom of expression without restrictions and develop strict rules to protect journalists and human rights defenders. It also encouraged Morocco to actively cooperate with other countries, in particular within the African Union, in order to improve the political, economic and social situation of Morocco.

546. **International Fellowship of Reconciliation** recalled the resolution of the General Assembly on the right of self-determination, and stated that Morocco should acknowledge

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<sup>42</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

that resolution. It referred to the decision of the European Court of Justice that dismissed Morocco's claim on Western Sahara. It indicated that according to the Court's decision, Western Sahara is an independent territory. It called on the Human Rights Council not to support any attempt to include Western Sahara in Morocco's administrative distribution.

547. **American Association of Jurist**, speaking on behalf of eight NGOs considered that Morocco had breached the Geneva Convention. It regretted that only few members of the Working Group paid attention to the question of Western Sahara and called on the Council's attention to the right to self-determination, and to recommend Morocco agreeing on the establishment of a permanent human rights monitoring mechanism in Western Sahara, within the mandate of MINURSO. In its view, the independence of judges and lawyers was not respected in the Gdeimzik trial.

548. **International Humanitarian and Ethical Union** regretted that Morocco did not support the recommendation to remove restrictive practices against Cristian and other minorities. It stated that Muslims had been arrested or detained due to their beliefs. The non-religious people had been persecuted, victims of violence and suffer from stigmatisation. It believed that Morocco should promote the right to freedom of religion and expression. It urged Morocco to repeal its laws discriminating on the grounds of religion and belief.

549. **Cairo Institute for Human Rights Studies** regretted violations against human rights defenders in Morocco, and restrictions to freedom of assembly and associations, despite the fact that they had had court judgements in their favour. It noted the use of disproportionate force in breaking peace protests, in particular in the North, and the use of the Penal Code against journalists. It called upon Morocco to respect international law and its obligations before the Council, and to develop a strategy for impunity.

550. **World Barua Organization** stated that Morocco's occupation of Western Sahara had been deplored by the Security Council. It regretted that the Working Group paid very little attention to the issue of Western Sahara, and brought to the Council attention the situation of Saharawi political prisoners, who had been condemned to excessive sanctions by a military court, and had been subjected to torture and ill-treatment, as noted by the Committee against Torture. It called for the release of those prisoners.

551. **Amnesty International** was concerned that peaceful protests had been forcedly dispersed including in Western Sahara. It regretted that Morocco did not support recommendations to end prosecution of journalists. It urged Morocco to amend the Code of Criminal Procedure to ensure access to a lawyer during the interrogation. It documented unfair trials in Morocco and Western Sahara based on statements allegedly obtained through torture. While noting positive measures to combat violence against women, it was concerned that the related draft law does not comply with international law. Morocco should adopt legislation to protect asylum seekers.

552. **Human Rights Watch** acknowledged developments in advancing rights of victims of trafficking and persons with disabilities. However, it regretted that Morocco did not support recommendations to withdraw reservations to the CEDAW, decriminalize same-sex consensual relations; amend the Penal Code's provisions used to imprison journalists and eliminate the provisions in the Family Code that discriminate against children. It referred to allegations of unjustified use of force by police against protesters and the systematic suppression of pro-independence demonstrations in Western Sahara, and unfair trials in this regard.

553. **Liberation** recalled that Western Sahara was an autonomous territory and regretted that the report of the working group did not reflect the human rights situation of the Sahrawisi. It has been informed about the regrettable situation of Sahrawi refugees and

requested the Council to send a mission to the Western Sahara and or the Sahrawi refugee camps, to inform about their situation.

554. **International pour le Soutien à des procès équitables et aux droits de l'homme** regretted that Morocco did not accept that a human rights monitoring system be established in Western Sahara. It believed that measures should be taken to protect human rights and regretted human rights violations, such as dispersal of protest in Western Sahara, and that not enough attention has been paid to this issue. It also regretted unfair trials against human rights defenders. It was concerned that the right of self-determination is not respected in Western Sahara, and at confiscation of the people's resources.

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

555. The President stated that based on the information provided out of 244 recommendations received, 191 enjoy the support of Morocco, and 53 are noted.

556. The Delegation emphasized that the recommendations received in line with its Constitution, were fully accepted and would be duly implemented. Morocco will establish a follow-up programme for implementing the recommendations supported. Morocco has taken important steps and will continue with its efforts and reforms, in particular to achieve an independent judicial system and strengthen the rule of law, in coordination with relevant international institutions. The Delegations referred to the reform of the Constitutional Court, the review of the Military Code, as well as measures taken to improve realization of the right to health and work, and highlighted that there were no difference of efforts undertaken in the South and the North of Morocco.

557. The delegation indicated that civil society was a vital partner in designing and implementing public policies. Its participation and activities were encouraged in conformity with the national law.

558. Finally, the Delegation stated that Morocco was ready to submit a follow-up report to set out progress on the implementation of the recommendations, and that the choice for democracy was irreversible. Morocco will continue building on its achievements and was ready to cooperate with human rights mechanisms. The Delegation once again expressed its gratitude to all for the participation in the UPR process.

#### **Indonesia**

559. The review of Indonesia was held on 3 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Indonesia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/IDN/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/IDN/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/IDN/3).

560. At its 23rd meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of Indonesia (see section C below).

561. The outcome of the review of Indonesia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/7), the views of Indonesia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were



not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/7/Add.1*).

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

562. The delegation of Indonesia headed by His Excellency Mr. Robert Matheus Michael Tene, Ambassador and Deputy Permanent Representative of Indonesia to the United Nations Office at Geneva, expressed its appreciation for the strong encouragement from more than one hundred delegations during the 27<sup>th</sup> session of the Working Group of the UPR. It expressed its consistent support to the UPR mechanism, which, it emphasized, required continuous strengthening.

563. The delegation highlighted the importance of constructive dialogue and cooperation towards enhancing capacity of a State under the UPR. It was pleased that the UPR reporting process had allowed Indonesia to garner broadest support and sense of ownership from different stakeholders in the country, which will be a determining factor in the endeavours to implement the accepted recommendations.

564. The delegation indicated that the fact that Indonesia's delegation was headed by two of its Ministers during its review in May demonstrated the support and the commitment of the country. It was pleased with the participation of more than 100 delegates who presented 225 valuable recommendations. It noted that Indonesia immediately accepted 150 recommendations, while 75 recommendations were brought back for further national deliberations. It highlighted that, in line with the accepted recommendations, the Government presented its initial report to the Committee on Migrants Workers in early September.

565. The delegation stressed that following the review in May, there were series of awareness raising and dissemination activities as well as consultations among Government officials, various NHRIs, civil society and the media at the national and sub-national levels, where each recommendation was meticulously studied.

566. The delegation was however challenged by the formulation of recommendations, in particular cases when one recommendation contained a number of different ideas-sometimes mutually contradicting- which has prevented Indonesia from supporting the recommendation as a whole. The delegation, therefore, advised that each recommendation should contain no more than one human rights issue or idea.

567. The delegation informed that following deliberations, in addition to the 150 recommendations accepted during the UPR review in May, Indonesia was able to accept 17 more recommendations, which covered different areas, including those concerning ratification of human rights treaties; protection of all Indonesians from discrimination and violence; prevention of intolerance and incitement of hatred; revision of the Penal Code; and strengthening implementation of laws and regulations.

568. The remaining 58 recommendations were noted for not being in line with Indonesia's priorities in its human rights agenda, in particular the National Human Rights Action Plan 2015-2019; the death penalty being a prevailing positive law with a more robust safeguard in due process under the current revision of the Penal Code; LGBT issue being continuously controversial and polarizing; thorough consideration, preparation and decision by an inter-ministerial team being required for every request for a country visit by Special Procedures Mandate Holders; continuous strengthening of complaints procedures within government structures and NHRIs, rendering the ratification of Optional protocols to a number of human rights treaties a non-priority.

569. The delegation also stressed that the implementation of the accepted 167 recommendations required sustained resources and that the sense of ownership among the Government authorities and other stakeholders will be reflected in their respective programmes and budget.

570. The delegation emphasized the role of its more than 500 human rights machineries at provincial, municipal and regency levels and noted, in particular, the Human Rights City and Child-friendly city initiatives at the sub-national level. It also stressed the importance of the human rights action plan in coordinating government endeavours at the national and subnational levels and introduction of a stronger reward and punishment measure to ensure further compliance with the plan.

571. The President Joko Widodo's key policy Nawacita on the welfare of the poor and the marginalized was highlighted by the delegation as being strategic in the Government's efforts to alleviate poverty and provide health and education facilities for the poor. It also underlined the Government's agenda on "Developing Indonesia from the periphery" focusing on the advancement of the rights and welfare of those who live in remote and frontier areas in line with the SDG's spirit of "leave no one behind".

572. The delegation admitted that gaps in human rights commitment, capacity and resources at the national and sub-national levels continue to hamper simultaneous progress across the country. Meanwhile, the disparity in wealth remains an enormous challenge in the fulfilment of economic and social rights. It stressed that the Government is increasing its efforts to push for an inclusive policy and measures, focusing on the poor and those living in frontier and remote areas.

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

573. During the adoption of the outcome of the review of Indonesia, 16 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>43</sup> are posted on the extranet of the Human Rights Council, if uploaded.

574. Sudan commended Indonesia's efforts to promote and protect the human rights of its citizens, in particular the ratification of most international human rights conventions, the adoption and implementation of the National Human Rights Action Plan and the National Development Plan as well as the allocation of 20 percent of its National Budget to education.

575. Thailand emphasized that the participation of Indonesia's two Ministers at the UPR Working Group meeting in May 2017 illustrated Indonesia's high-level commitment to the UPR process and would have a strong impact on the implementation at the national level. It commended Indonesia for accepting the majority of recommendations, including two recommendations from Thailand. Thailand encouraged Indonesia to continue its efforts to fully implement the accepted recommendations and its human rights obligations.

576. UN Women commended Indonesia for ratifying key international conventions and achieving significant results regarding the presence of women in public life. It recommended to amend or repeal, within concrete time frame, all legislation that discriminate against women and girls on the grounds of gender; to have clear and firm policies to support the delivery of comprehensive and reproductive health education and services; to strengthen its commitment to eradicate practices of FGM/C, by adopting a

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<sup>43</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

legally binding policy that forbids the practice and including SDG indicator 5.3.2 in the National SDG Monitoring Framework.

577. The United Kingdom of Great Britain and Northern Ireland welcomed Indonesia's acceptance of its recommendation to adopt an open merits-based selection process for national candidates for UN treaty body elections and supported recommendations to uphold its human rights obligations in Papua, including the rights to freedom of assembly and freedom of the press. It congratulated Indonesia for the development of its National Anti-Trafficking Task Force and expressed its hope that it will continue prioritising the protection of the most vulnerable workers by enforcing the existing legislation on minimum working standards. Finally, it regretted that Indonesia did not support the recommendation regarding the moratorium on the use of death penalty.

578. Uzbekistan was pleased with the constructive engagement of Indonesia in the UPR process, which demonstrated the country's commitment to its international human rights obligations. It also welcomed that Indonesia accepted the majority of recommendations, including those of Uzbekistan concerning awareness increasing in the remote regions of the country and protection of the rights of children, including their access to health care and education.

579. The Bolivarian Republic of Venezuela was pleased with the big progress of Indonesia. It highlighted the empowerment of women in public and private spheres, strengthening of educational infrastructure and free and compulsory education up to 12 years as well as successful social programmes for family assistance and health, as some of the examples. It recommended Indonesia to continue strengthening its social policies.

580. Afghanistan commended Indonesia's efforts, in particular its National Human Rights Action Plan and strengthening partnership with national human rights institutions. It also commended Indonesia for the National Strategy on Elimination of Violence against Children and the draft bill on gender equality and justice. Finally, it commended Indonesia for its commitment to the rights of peaceful assembly and association.

581. Albania was pleased that Indonesia accepted a considerable number of recommendations, including Albania's recommendation on raising awareness with regard to justiciability of economic, social and cultural rights and inclusion of human rights in school curricula at all levels.

582. Algeria noted that Indonesia accepted the majority of recommendations, including two recommendations made by Algeria with regard to ensuring access to health institutions and services in conformity with the National Health Insurance Plan with a view to implementing the objective of universal health coverage by 2019.

583. Malaysia commended the steps taken by Indonesia to implement the UPR recommendations, including those made by Malaysia in relation to efforts to combat violence and crimes against children and to strengthen access to justice for juveniles. It acknowledged Indonesia's determination to strengthen its partnership with national human rights institutions and to promote and protect the rights of vulnerable groups, in particular women, children and persons with disabilities.

584. Belarus welcomed Indonesia's clear position on all recommendations, which illustrated their thorough analysis. It noted the active engagement of Indonesia with all human rights mechanisms, including human rights treaty bodies. Belarus highlighted Indonesia's comprehensive approach to the implementation of the Convention on the Rights of Persons with Disabilities.

585. Cambodia expressed its appreciation for Indonesia's efforts and commitments through strengthening of rule of law, good governance and public administration in the

country. It also noted that Indonesia's acceptance of large number of recommendations reflected its commitment to the promotion and protection of human rights.

586. China expressed its appreciation for Indonesia's acceptance of its recommendations and commended Indonesia for adhering to the two Optional protocols to the Convention on the Rights of the Child and translating them into its domestic legislation as well as for steps taken to combat violence against women and children and human trafficking. It also noted Indonesia's effort to protect the rights of vulnerable groups of persons, including women, children, persons with disabilities and older persons. It welcomed the mid-term National Development Plan for 2015-2019 and the fourth National Human Rights Action Plan. It noted Indonesia's efforts to combat poverty, raise people's living standards and to promote inclusive social development.

587. Cuba recognized the progress made by Indonesia, despite the ongoing challenges it faces as a developing country. It welcomed Indonesia's efforts to promote greater awareness among its population, the Government officials and other stakeholders. It expressed its appreciation for accepting two of its recommendations concerning implementation of measures to increase participation of persons with disabilities and fostering training in human rights.

588. The Democratic People's Republic of Korea noted that the dialogue with Indonesia during the UPR review in May 2017 allowed to be apprised of Indonesia's efforts in the field of human rights. It welcomed Indonesia's acceptance of many of the recommendations, including those made by The Democratic People's Republic of Korea.

589. Egypt commended the measures aimed at ratifying international treaties and incorporating them into domestic legislation as well as including a number of bills on the rights of vulnerable people in national legislative programme of 2015-2019. It welcomed the acceptance of 2 recommendations from Egypt to ratify other human rights instruments and to continue its national efforts to improve the legal and institutional frameworks, to implement policies and programmes focusing on and promoting the rights of women, children, persons with disabilities and older persons.

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

590. During the adoption of the outcome of the review of Indonesia, 10 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>44</sup> are posted on the extranet of the Human Rights Council, if uploaded.

591. Komnas Ham urged the Government to eradicate impunity, prioritize the settlement of gross human rights violations, guarantee the freedom of religion and belief, and freedom of expression as well as to abolish death penalty. It also encouraged the Government to highlight other critical issues such as the rights of minority groups, indigenous people, human rights defenders, prohibition of torture, including through ratification of OPCAT.

592. Lawyers for Lawyers were concerned that human rights lawyers working in conflict areas, such as the province of Papua, were subjected to improper interference or attempts to put pressure on them by members of law enforcement agencies or investigative bodies. It was also concerned that a draft Bill on Advocates was short of international standards with regard to limitations of government intervention.

593. Lutheran World Federation noted that certain regulations contradict the freedom of religion or belief and are used to prosecute people on the basis of religion. It also noted that

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<sup>44</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

in the last 2.5 years 18 people had been executed and the imposition of the death sentence had increased, reaching a total of 134 new death sentences. It urged the Indonesian government to establish an independent team to review unfair trial cases and impose a moratorium on the death penalty.

594. British Humanist Association noted with concern that atheists remained legally unrecognised and were barred from holding government office. It also noted that the country's discriminatory blasphemy laws remained active. It further highlighted the deterioration of the rights of LGBT persons' who were subjected to vigilante attacks, police raids and violent, extra-judicial punishment and called on Indonesia to free all those detained under its blasphemy laws, to abolish such laws immediately, and to halt and publicly condemn the wave of anti-LGBT activity.

595. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland in a joint statement with International Lesbian and Gay Association expressed deep concern on the alarming situation faced by LGBTI persons in Indonesia, where risks of discrimination, violence and criminalization in alignment with the rising of fundamentalism persisted. While welcoming the initiative of the Police which issued a guideline to combat hate speech, it noted that hate speech directed to LGBTI community continued to persist and perpetuated by media.

596. Christian Solidarity Worldwide noted that since the second cycle of the UPR the situation of religious minorities deteriorated. Members of these communities suffered threats and violence, destruction or forcible closure of churches and Ahmadiya mosques, which demonstrated raising religious intolerance in Indonesia. It regretted that no recommendation was made concerning the treatment of Ahmadiya Muslim community and urged Indonesia to review and repeal the 2008 anti- Ahmadiya decree and the blasphemy laws.

597. Franciscans International in a joint statement with VIVAT International appreciated the Government of Indonesia's acceptance of two recommendations on the human rights situation in West Papua, but regretted the rejection of two important recommendations on the access of UN mechanisms to West Papua and the investigation into violations there. They asked the Government of Indonesia to investigate the cases of extrajudicial killings of indigenous Papuans without delay, and invite the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions to visit West Papua.

598. Asian Forum for Human Rights and Development called on Indonesia to immediately stop executions and urged the Government to extend an invitation to the Special Rapporteur on the rights of Indigenous Peoples, to address the impunity in Papua by activating the Permanent Human Rights Court, to uphold freedom of expression and religion or belief and to prevent discrimination based on all ground, including on sexual orientation and gender identity. It further called on non-criminal approach to blasphemy cases and investigation into riots linked to the gathering in the Foundation of Legal Aid Institute.

599. International Federation for Human Rights Leagues regretted that the Government did not show commitment to address discrimination against LGBTI and guarantee the rights of religious minorities. It noted the Government's failure to accept all of the recommendations concerning the abolition of the death penalty - including those calling for the moratorium on all executions and the abolition of capital punishment for drug-related offenses. It was also concerned that the Government did not accept recommendations that called investigations into past human rights abuses and was disappointed by the Government's decision not to extend an open invitation to all UN Special Procedures, including the Special Rapporteur on the rights of indigenous peoples.

600. Amnesty International urged Indonesia to ratify the international human rights instruments, which it accepted in the previous UPR cycle, but did not implement them. It noted that Indonesia's efforts to address past human rights violations and provide redress to victims and families were not sufficient and it did not accept a recommendation in this regard. Amnesty International welcomed the country's commitment to address human rights violations in Papua, but noted that the authorities continued to criminalize peaceful political activities, particularly in Maluku and Papua and to criminalize blasphemy and religious defamation. It regretted that Indonesia did not accept recommendations to repeal or amend provisions in laws and regulations which impose restrictions on freedom of expression, thought, conscience and religion. It welcomed Indonesia's commitment to consider moratorium on executions with a view to abolishing death penalty and commute the existing death sentences.

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

601. The President stated that based on the information provided out of 225 recommendations received, 167 enjoy the support of Indonesia, and 58 are noted.

602. The delegation of Indonesia expressed its appreciation and gratitude to all those who participated in the interactive dialogue and the States' genuine interest in Indonesia's efforts to progress and address challenges in the protection and promotion of human rights. It emphasized that such efforts is a continuous process. It also expressed its appreciation to the members of Troika and the Secretariat.

603. The delegation also acknowledged the presence and active and constructive engagement of representatives of national human rights institutions and civil society organizations during the dialogue and promised further cooperation with them in the follow up to the process.

604. In conclusion, the delegation reiterated Indonesia's commitment to the UPR mechanism and constructive engagement with member states and relevant stakeholders to better protect and promote the human rights of Indonesian people.

#### Finland

605. The review of Finland was held on 3 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Morocco in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/FIN/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/FIN/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/FIN/3).

606. At its 23rd and 24th meetings, on 21 September 2017, the Council considered and adopted the outcome of the review of Finland (see section C below).

607. The outcome of the review of Finland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/8), the views of Finland concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/8/Add.1*).

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

608. The delegation of Finland expressed its sincere appreciation to all delegations for making recommendations during the interactive dialogue in May. It welcomed, in particular, the opportunity to hear the views and comments from the Finnish National Human Rights Institution, accredited with A status and the non-governmental organisations.

609. The delegation stressed that rule of law in Finland is one of the world's strongest as it holds the third place in the global Rule of Law Index.

610. The delegation continued that the Constitution of Finland requires active measures from the public authorities for the protection and promotion of fundamental and human rights and that the implementation and promotion of human rights are stressed in the Government's activities.

611. According to the Government Programme, for 2025, Finland will be promoting an environment of trust and mutual respect where people with different backgrounds may participate in building society. This objective is in accordance with the theme of Finland's centenary celebration year, i.e. 'Together'. The story of 100-year-old Finland is first and foremost a story of doing things together.

612. The delegation of Finland emphasised that a well-functioning and active civil society is an important actor in picturing existing possible shortcomings in human rights and fundamental freedoms and signalling the importance for further actions, and stressed the Finnish administration's commitment to an active dialogue and constructive engagement with civil society. The democratic system and rule of law underline ensuring the freedom of action of civil society as well as the broadest possible opportunities for people to participate in and influence in various sectors of societal life.

613. During the national UPR process, dialogues and other interactions with the non-governmental organisations offered a good opportunity to assess the domestic human rights situation in a self-critical manner. This assessment facilitated an inventory of the developments and good practices as well as an ongoing discussion on the existing challenges to the full implementation of human rights.

614. As the UPR recommendations illustrated, racist, discriminatory and xenophobic attitudes remained a challenge in Finland as well as hate speech, other hate crimes and intolerance. Violence against women continued to be one of the most fundamental obstacles to the full realization of women's rights. The rights of persons belonging to minorities, LGBTI people, asylum seekers, refugees and migrants as well as of persons deprived of their liberty were not always fully realized. Part of the population is in danger of being marginalized. As regards the indigenous Sámi people, several human rights issues remained open, and the Government remained committed to finding solutions in cooperation with the Sámi.

615. These challenges viewed in the recommendations were at the same time largely also Finland's priority areas in further strengthening the implementation of human rights and fundamental freedoms. Many were addressed in the Second National Action Plan on Fundamental and Human Rights for years 2017-2019 and tackled by concrete measures. The Action Plan, with 43 special cross-administrative actions, focuses on human rights education, equality and non-discrimination, the right of individuals and groups to self-determination, fundamental rights and digitalisation. All actions are targeted to be implemented in cooperation with various stakeholders for achieving more sustainable results in the promotion of fundamental and human rights. Together with specific and more detailed Action Plans for several administrative branches and with the recent developments

for the national human rights architecture the Government's intention was to strengthen the knowledge of fundamental and human rights, focus on identified concrete shortcomings as well as to continue the common good practices also in order to address our international obligations and commitments in the further promotion of universal, indivisible human rights in a transparent manner.

616. As pledged during the dialogue in May, the network of contact persons for fundamental and human rights consisting of representatives of different ministries had already reviewed the UPR recommendations and will continue actively following up to their implementation. A voluntary mid-term report, with the support of human rights actors, including civil society, will be prepared and submitted to the Human Rights Council.

617. Finland's National Human Rights Institution, particularly the Human Rights Centre, will also naturally be playing a significant role in monitoring the implementation of the UPR recommendations.

618. The Government continued to emphasise the obligatory nature and the political importance of the economic, social and cultural rights so that they also in practice enjoy equal status with civil and political rights.

619. Finland received 153 recommendations, of which all were taken for further examination. Through intergovernmental cooperation and consultations with civil society representatives the Government has thoroughly considered all recommendations. The Government accepted altogether 120 recommendations and 6 recommendations were partially accepted. The rest, 27 recommendations were noted. The Government provided its written comments in the addendum of the Working Group's report at hand. In view of the word limitation, the Government focused on noted recommendations.

620. Many of the fully accepted recommendations were already in the process of being implemented.

621. Noting recommendations did not mean rejecting them or forgetting them altogether. Both noted and accepted recommendations will be used as human rights tools of equal value in the Government's work. The Government will review its stand on the noted recommendations and their possible implementation when preparing its voluntary mid-term report. Moreover, Finland will provide information on noted as well as accepted recommendations in its fourth UPR report. The National Human Rights Institution and non-governmental organisations will use noted recommendations as tools in their independent monitoring of the human rights situation in Finland. The constructive dialogue must go on.

622. Two of the partially accepted recommendations related to violence against women which is considered a serious human rights violation in Finland. Finland has ratified the Council of Europe's Istanbul Convention over two years ago and our first monitoring cycle of the Convention is about to start during this Autumn. The Government was of the view that all requirements were fulfilled in accordance with the Convention. Naturally, the implementation requires further budgetary resources. The ratification process intensified multi-sectoral actions in combatting violence against women and domestic violence, focused improvements in the victims' situation and led to several important amendments in the Criminal Code. The Government is also committed in continuing this work. Certain resources were being gradually increased, however the Government considered that recommendations related to immediate additional financial resources could not be accepted at this point.

623. The Government considered basic and further education to various administrative actors and branches organised and therefore was of the view of not accepting obligatory human rights education for certain administrative branches. However, the delegation of Finland emphasized that human rights are taken into consideration at all levels in formal



education. Measures had been taken to further strengthen human rights education for certain administrative branches including independent judiciary.

624. Discrimination and self-determination is one of the focus areas in the Government's fundamental and human rights activities over the next few years. The National Advisory Board on Social Welfare and Health Care Ethics had taken a position according to which a child has the right to define his/hers own gender. This position was being discussed with actors treating intersex individuals and the work continues.

625. Both international and national studies have shown that discrimination occurs in different areas of life in Finland and people may be exposed to it for various reasons. Tackling discrimination is a priority area in many of the Government's policy fields, including non-discrimination, gender equality and pay gap, in integration policy and in various minority policy areas.

626. The Government was also further developing monitoring mechanisms for discrimination and strengthening the legal protection for victims. In addition, special attention is drawn to early childhood education, reconciliation of work and family life, interfaces between work, unemployment and exclusion of labour force, housing, over indebtedness and immigration.

627. The non-discrimination legislation had widened the protection against discrimination on sexual orientation and gender identity. A working group was set up to evaluate the act on legal recognition of the gender of transgender persons and to propose necessary amendments. However, the Government had not yet agreed on presenting the issue to Parliament.

628. One of the four key areas in the Government's Integration Programme for 2016-2019 is to tackle racism, xenophobia, hate speech and hate crimes by promoting humane national discussion culture and respect for human dignity for fostering inclusion, integration and societal integrity. In addition the National Action Plan on Fundamental and Human Rights included several multi-sectoral activities which effectively address hate speech, racism and hate crimes in several ways; including establishing national dialogues and extensive participation of authorities, organisations and communities.

629. The Government's preliminary views on the recommendations had been presented for interactive discussion with the Finnish civil society in mid-August. In this discussion the representatives of non-governmental organisations stressed certain divergent opinions on the acceptance of the recommendations and urgency to further modify legislation on self-determination in accordance with international standards. Also issues related to violence against women and children's rights, including unaccompanied minors' rights were raised. As a result of the intervention by the civil society, the Government reviewed its position and decided to accept some additional recommendations. In Government's view genuine and constructive dialogue with a clear message from civil society resulted in further strengthening of human rights in certain policy areas.

630. The Government welcomed civil society participation in and contribution to the implementation process. Constructive and coherent cooperation will continue when preparing the mid-term report. Only by working together can we achieve positive changes for everyone.

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

631. During the adoption of the outcome of the review of Finland, 16 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>45</sup> are posted on the extranet of the Human Rights Council, if uploaded.

632. Lithuania noted Finland had once again shown its longstanding commitment to promoting human rights domestically and globally as well as its consistent and exemplary national efforts across a wide range of human rights issues. It welcomed the preparation of an implementation plan of the Istanbul Convention by a Special Committee established within the Government of Finland and inquired about the Committee's future work to use and build upon this good practice by other signatories of the Convention.

633. The Maldives noted Finland's acceptance of their recommendations on strengthening education system through training on human rights education, and to effectively provide services for minority and migrants. It was encouraged, by Finland's efforts to combat discrimination, racism and xenophobia. It commended the allocation of budgets for better integration of minorities, such as the Roma and the Sami.

634. Pakistan commended the Government of Finland for accepting the majority of the recommendations made during the UPR Working Group. It praised the efforts of the Government to implement structural reforms promoting employment, entrepreneurship and economic growth.

635. The Philippines conveyed its appreciation to Finland for accepting three of their recommendations. It hoped that the Government would consider in the future the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMRW).

636. Romania was pleased to acknowledge the acceptance by Finland of its recommendation regarding the placement of a child through a care system based on a decision of the Administrative Court, in compliance with Article 9 of the Convention of the Rights of the Child.

637. The Russian Federation welcomed Finland's decision to accept its recommendations but was concerned over the unwillingness on the part of the Finnish authority to recognise existing problems in the area of the rights of child, in particular the unjustified removal of children from their family. It was also alarmed by the placement of children together with adults in detention places.

638. Sierra Leone praised the new National Action Plan for the Prevention of Violent Radicalization and Extremism. It commended the Government's proposal for accession to the ICPPED. Furthermore, Finland was considering ratifying the ILO Convention (No. 169). Sierra Leone mentioned the anti-rape legislation that Finland had put in place to be sufficiently punitive. It encouraged Finland to further strengthen strategies in this regard, to ensure that eradication of domestic violence remained a national priority.

639. Afghanistan praised the development of the national action plan and the adoption of relevant human rights policies. It also noted that many other important measures had been taken to safeguard the rights and freedoms of all citizens in particular all vulnerable groups like children and persons with disability. It also appreciated measures taken to prevent violence against women and promote gender equality in particular the adoption of a four-

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<sup>45</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

year-action plan on implementation of the Convention on Preventing and Combating of Violence against Women and Domestic Violence and Action Plan for Gender Equality.

640. Albania noted with appreciation Finland's long-standing priorities on human rights policy, namely the importance of the free and active participation of civil society in all spheres of life and the inclusion of all people without discrimination. It acknowledged Finland's acceptance of a vast majority of recommendations including the two recommendations of Albania.

641. China appreciated that Finland accepted its recommendations to combat racial discrimination and xenophobia, to effectively reduce the number of cases of hate crimes; to adopt laws and policies to guarantee the human rights of refugees and migrants and rights of minority groups and to promote gender equality and further combat the violence against women. It commended the adoption of an anti-discrimination legislation and a national action plan for prevention of violent radicalization and extremism.

642. Côte d'Ivoire welcomed the efforts and progresses achieved by Finland in the area of human rights and encouraged it to continue on this path. It thanked the Government of Finland for taking into account the recommendations and encouraged to take all the necessary measures to ensure implementation and protection of human rights.

643. Egypt expressed concern with the escalation in hate speeches, islamophobia, xenophobia and racist acts against migrants and asylum seekers. It requested to give positive consideration to the recommendations put forward by Egypt to take immediate and effective measures to combat hate speech, islamophobia, xenophobia and racist acts. It encouraged Finland to provide protection to asylum seekers through legal assistance, family reunification, as well as social security and ratify ICMRW

644. Estonia welcomed the positive approach taken by the Government of Finland to continue to work on the accepted recommendations, including recommendations aimed at preventing and combating violence against women and domestic violence. It noted the commitment of the Government to continue to strengthen effective measures to combat, prevent and investigate hate speech and hate crimes on the Internet.

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

645. During the adoption of the outcome of the review of Finland, 7 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>46</sup> are posted on the extranet of the Human Rights Council, if uploaded.

646. The Finnish Human Rights Centre praised the Government's open dialogue and consultations with the independent human rights bodies and the civil society throughout the UPR process. The Centre referred to the Government's 2<sup>nd</sup> National Action Plan that will contribute to the implementation of the accepted recommendations in the UPR process. The Centre stressed that the Finnish Government accepted fully 120 recommendations, partially 6 and had noted 27 recommendations, too many in its view. In many of the accepted recommendations, the reasoning indicated that in the Government's view the issue at stake had already been positively resolved. The Centre was concerned that this 'status quo' approach could result in the lack of real progress when there were no measures foreseen. It mentioned the recommendations that were not accepted by Finland reiterating that a wide range of civil society organisations have called upon the Finnish government to amend the

<sup>46</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

Trans Act and immediately abolish the preconditions of sterilisation and a psychological diagnosis based on mental health to obtain legal recognition of their gender identity.

647. The European Region of the International Lesbian and Gay Federation in consultation with Trasek, an association for the rights of gender minorities and Finnish Youth Co-operation - Allianssi, referred to the recommendations noted by Finland to remove sterilization as a condition for legal gender recognition, recommendations that had been made by CEDAW, the Council of Europe for Human Rights and the UN Special Rapporteur against Torture. The European Court of Human Rights had recently ruled that sterilization requirement was a violation of human rights. The European Region of the International Lesbian and Gay Federation called upon Finland to amend the Trans Act in line with its international and regional obligations.

648. The International Federation of Human Rights Leagues (FIDH) and the Finish League for Human Rights (FLHR) regretted that 27 recommendations were not accepted by Finland. They urged Finland to protect the rights of transgender and intersex persons and remove the sterility requirement in line with the judgement of the European Court of Human Rights (ECtHR121(2017)). FIDH and FLHR called for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention 169 to solve land rights issues in Northern Ireland. They also mentioned the need to include human rights education in teachers study programmes.

649. Amnesty International urged Finland to amend the Trans Act to remove the need for sterilization and mental health diagnosis as a requirement for legal gender recognition. It acknowledged the acceptance of recommendations regarding the review of the asylum legislation, the fight against violence against women and trafficking and the amendment to Criminal Code to define rape. It welcomed Finland's acceptance of recommendations to strengthen the national human rights framework; to combat discrimination, racism and xenophobia; and to adequately fund human rights education and called on Finland to guarantee adequate resources for their early implementation.

650. The International Association for Democracy in Africa stressed that Finland was deemed to be a model democracy- It praised Finland's policies on women's rights, as a pioneer for gender equality. It mentioned the ratification of the CEDAW in 1986 and the establishment of the first Office of Ombudsman for Equality. It noted the legislation to promote good ethnic relations among population and the establishment of human rights institutions.

651. The Pan African Union for Science and Technology noted that Finland's literacy rates were the world's highest. Finland had also the highest labour-force participation of women and the largest share of women to have completed higher education compared with men. It commended Finland's promotion of sexual and reproductive health and rights of women and girls in developing countries.

652. The International Lawyers.Org (INTLawyers), in a joint statement with GACG welcomed Finland's efforts to respect human rights. It mentioned the engagement of Finland to secure a world based on the rule of law. INTLawyers encouraged Finland to ratify without delay the Nuclear Weapons Ban Treaty.

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

653. The President stated that based on the information provided out of 153 recommendations received, 120 enjoy the support of Finland, and., additional clarification was provided on another six recommendations, and 27 are noted.

654. The delegation of Finland thanked again all the participants to the third UPR of Finland. The interactive dialogue had provided further tools to assess the level of implementation of the recommendations from the UPR of 2012 as well as the implementation of recommendations from other human rights mechanisms. All comments and observations from the discussion were taken into consideration for further discussion and dialogue with Ministries and actors of the civil society. The delegation of Finland responded to the statement from the Russian Federation and underlined that the best interest of the child in Finnish legislation and in practice is at the core of all the activities of the authorities in Finland. The delegation concluded looking forward to the national follow up process to further enhance the realization of human rights in its country.

#### **United Kingdom of Great Britain and Northern Ireland**

655. The review of the United Kingdom of Great Britain and Northern Ireland was held on 21 September 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by the United Kingdom of Great Britain and Northern Ireland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/GBR/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/GBR/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/GBR/3).

656. At its 24th meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of the United Kingdom of Great Britain and Northern Ireland (see section C below).

657. The outcome of the review of the United Kingdom of Great Britain and Northern Ireland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/9), the views of the United Kingdom of Great Britain and Northern Ireland concerning the recommendations and/or conclusions, as well as its voluntary commitments and 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/36/9/Add.1*).

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

658. The delegation from the United Kingdom of Great Britain and Northern Ireland was pleased to present the formal response to the 227 Universal Periodic Review recommendations the Government received during the very constructive dialogue in May this year.

659. The United Kingdom had a longstanding tradition of ensuring rights and liberties were protected domestically and of fulfilling its international human rights obligations. The delegation underscored that the United Kingdom remained a confident, strong and dependable partner internationally.

660. It was honoured to serve again as an elected member of the Human Rights Council. It remained a strong advocate of the Council, and the mechanisms at its disposal including the Universal Periodic Review. It welcomed the positive changes that the UPR had promoted, including the spirit of international cooperation in human rights amongst States, and the important role played by technical assistance in helping States with their UPR recommendations.

661. During this third cycle of UPR, the United Kingdom had participated fully, and demonstrated its commitment to ensuring that all of the recommendations made to other States were precise, practical, constructive, forward looking and implementable. It had also continued to exercise restraint on the number of recommendations given to other States, and was open to working with other States who wished to learn from its approach and experience.

662. Regarding the May session of the UPR Working Group when the United Kingdom underwent its 3rd review every effort was made to respond on the day to the issues, recommendations and comments raised by States, and also to address the questions submitted in advance.

663. Following the May session, the Government reserved its position on the 227 recommendations received. This enabled the careful review of the recommendations through consultation across Government and with colleagues in the Scottish, Welsh and Northern Irish Government and the UK's Crown Dependencies and Overseas Territories. The United Kingdom Government also met with some stakeholders and its National Human Rights Institutions over the summer to discuss the recommendations with them, and to listen to their views on priority areas amongst the 227 individual recommendations.

664. The delegation insisted on the fact that the United Kingdom Government had given considerable thought to each recommendation and submitted its response in writing in August. The delegation referred to two documents: The Addendum, which grouped the recommendations by subject matter but referred to them only by number, and a longer 'Annex' which sets out the recommendations in full and outlines the Government's position in relation to each one. This document draws in responses from across the United Kingdom's Government and the United Kingdom's devolved administrations, and it hoped its content would help support a greater understanding of the Government's position on all recommendations.

665. In summary, the United Kingdom "supported" 96 recommendations (which meant the Government had either fully implemented them or intended to do so), and "noted" 131 recommendations (which indicated that the United Kingdom may have taken some steps but was not fully implementing these recommendations at this time).

666. In 2012, the Government voluntarily committed to updating the Working Group via a Mid Term Report, on its position in relation to the 132 recommendations received during its second cycle of UPR. It delivered on this commitment with a Mid Term Report in 2014.

667. The Government had again committed to follow up the 227 recommendations received with a Mid Term Report in 2019, and made the additional commitment to provide an update on up to 5 recommendations by May 2018. It stated the UPR was not just a three-and-a-half-hour dialogue that occurred for States every four years. Each cycle builds on the last, and Mid Term Reports and other updates were an important way to demonstrate ongoing commitment ahead of the next cycle.

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

668. During the adoption of the outcome of the review of the United Kingdom, 13 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>47</sup> are posted on the extranet of the Human Rights Council, if uploaded.

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<sup>47</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/34thSession/Pages/default.aspx>

669. The Russian Federation was extremely concerned that a major part of the Russian Federation's recommendations were not supported by the United Kingdom. It considered unacceptable that a State which portrayed itself as a democratic State considered the practice of censorship and pressure on the media to be acceptable. It stated it was regrettable that the United Kingdom was not ready to conduct a thorough and impartial investigation into mass cases of sexual abuse of children by high-ranking officials and punish those responsible.

670. Sierra Leone was encouraged by the Government's engagement to tackle racism and racial discrimination through the launch and implementation of the Hate Crimes Action Plan of 2016. It highlighted consisted efforts to tackle modern forms of slavery and trafficking. It was disappointed to note that the recommendations it made had not enjoyed the support of the United Kingdom and urged the Government to reconsider them.

671. Egypt expressed its concern about British policies which have facilitated the dissemination of many ideas of hatred and xenophobia. Unfortunately many programs were underfinanced in particular those dealing with women's rights, children's rights and minority rights. These were policies that brought an atmosphere of xenophobia and islamophobia. It expressed sadness that its five recommendations were not taken on board by the United Kingdom. It recommended that the United Kingdom abide by the recommendations made during the UPR.

672. The Sudan commended the launching of the new Hate Crime Action Plan in 2016 and encouraged the Government to implement it. It regretted that its recommendations did not enjoy the support of the United Kingdom.

673. The Bolivarian Republic of Venezuela was concerned about the serious effects of austerity measures expressed by cuts and new criteria to access social security benefits, which have increased poverty and the inequality gap. It was disappointed that the United Kingdom had not been capable of accepting an important number of constructive recommendations. It urged the Government to establish a national human rights action plan that included concrete measures to implement recommendations of United Nations mechanisms.

674. Albania commended the United Kingdom's constructive engagement and enhanced dialogue during the process and its continued engagement for the promotion and protection of human rights around the globe. It remained confident that the United Kingdom would continue to give due attention to women's and children's rights at a national level, in order to sustain progress to that regard.

675. Bahrain noted with satisfaction the number of supported recommendations by the United Kingdom, especially the two recommendations submitted by Bahrain regarding religious hatred and discrimination, xenophobia, and combatting trafficking in persons and children. It commended the launch of the action plan to combat hate crime and the measures taken to combat human trafficking.

676. China was concerned with the growing anti-refugee anti-migrant sentiment and racial discrimination. It regretted that the United Kingdom had not accepted recommendations on combatting racism and xenophobia. It appealed to the United Kingdom to accept and implement these recommendations, generally guarantee rights of migrants, refugees, women and children and make substantive progress in combating hate crime. It urged the United Kingdom to take practical measures to implement the Convention on the Elimination of Racial Discrimination.

677. Côte d'Ivoire thanked the Government for the interest in the recommendations made in the course of the review and remained convinced that their effective implementation would contribute significantly to the improvement of the human rights situation in the

country. It welcomed all efforts made by the Government to better protect the rights of persons living in the United Kingdom and encouraged it to continue its full cooperation with the international community.

678. Sri Lanka welcomed efforts to address human trafficking and modern-day slavery and encouraged the United Kingdom to continue its efforts. It commended the United Kingdom's commitment to advance gender equality, and took note of several measures taken to tackle gender discrimination, including the reduction of the United Kingdom gender pay gap to its lowest level ever, of 18.1%. It welcomed the Government's decision to review its reservations in the United Nations treaties.

679. Estonia positively noted the assurances by the Government of the United Kingdom to remain committed to the European Convention on Human Rights. It commended the United Kingdom for being a frontrunner in summoning a global response to prevent the terrorist use of the internet, and underscored its decisive steps to tackle the hate crime and hate speech. It regretted that the United Kingdom had decided to note many of the recommendations, including to ratify the First Optional Protocol to the International Covenant on Civil and Political Rights.

680. Gabon welcomed the United Kingdom Government's commitment to give effect to the recommendations which had received its support, and highlighted the actions taken by the Government envisaged to guarantee the promotion and protection of human rights in favour of all vulnerable people, including women and children. It encouraged the United Kingdom to continue its efforts to implement the accepted recommendations on the UPR of last May.

681. Ghana welcomed the 2016 Hate Crime Action Plan and measures to combat domestic violence. It noted with satisfaction the United Kingdom Government's commitment to improve the well-being of children in disadvantaged situations. It called on the United Kingdom to take steps to ratify the International Convention on the Protection of the Rights of All Migrant Workers and members of their Families and the International convention for the Protection of All Persons from Enforced Disappearance.

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

682. During the adoption of the outcome of the review of the United Kingdom, 11 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>48</sup> are posted on the extranet of the Human Rights Council, if uploaded.

683. The Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission expressed concern that so many challenges outlined in its latest reports were also raised in 2012. The United Kingdom's reputation of champion of human rights was now under threat, due to the negative tone of debate from some politicians and many parts of the media around the Human Rights Act, and the potential risk to people's equality and human rights protections when the country leaves the European Union. The Government's continued refusal to fully incorporate the United Nations treaties it had signed showed scant regard for its international commitments. They were disappointed by the lack of leadership on human rights across the Government.

684. British Humanist Association expressed disappointment about the absence of any criticism of the Government's position on the religious discrimination practiced by state-

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<sup>48</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/34thSession/Pages/default.aspx>



funded faith schools. In deciding which children to admit, state-funded schools designated with a religious character were able to discriminate against children on the basis of their own or their parents' religious beliefs. It called on the Government to extend current limits on religious selection at "free schools" to all state-funded religious schools, with a view to ultimately ending such discrimination.

685. Women's International League for Peace and Freedom stated that the United Kingdom's commitment to undertake a careful assessment before authorising arms transfer was at odds with its continued arms transfers to several countries. It called on the United Kingdom to: immediately stop arms transfers to Saudi Arabia; review its arms exports to all countries where there was evidence of human rights violations and violations of international humanitarian law; and duly take into account the United Nations recommendations to ensure effective, transparent, and gender-sensitive human rights impact assessments of arms exports.

686. Alliance Defending Freedom expressed disappointment that its concerns and recommendations were not taken into account in the United Kingdom UPR and claimed the country's commitment not to liberalize abortion laws any further. It underscored that the so-called "Counter-extremism and Safeguarding Bill" never again see the light of the day, asserting its vague and undefined concepts opened the door to "thought policing". Such a path would lead to the shutting down of legitimate speech and freedom of expression under the guise of "combatting terrorism," in violation of Articles 19 and 20 of the International Covenant on Civil and Political Rights.

687. International Association of Democratic Lawyers stated the United Nations Working Group on Arbitrary Detention found that Mr. Julian Assange was a victim of arbitrary detention, and, in January 2016 requested the United Kingdom and Sweden to give effect to Mr. Assange's immediate freedom of movement and right to compensation. It urged the Human Rights Council to recommend to the United Kingdom to ensure Mr. Assange's immediate freedom of movement.

688. Action Canada for Population and Development regretted that out of 227 recommendations to improve its human rights record, the United Kingdom chose to accept less than 100 recommendations. It stated that the criminalization of abortion in Northern Ireland was incompatible with international human rights obligations and that it was a violation of the rights to health, to non-discrimination, to privacy, to life, to liberty and to security of the person and to be free from inhuman and degrading treatment. Action Canada for Population and Development called on the United Kingdom government to put to one side the politics that have sustained this discrimination.

689. Defence for Children International welcomed efforts to improve protection of children's rights, significantly reducing the numbers of children in prison. However it highlighted the United Kingdom was only supporting 42% of the recommendations received, and urged it to reconsider its position and strongly encouraged implementing the recommendations concerning inter alia: safeguarding the Human Rights Act, ratifying the third Optional Protocol to the CRC, incorporating this treaty into domestic law, review anti-terrorism measures and prohibit all corporal punishment in the family.

690. Amnesty international regretted the United Kingdom's rejection of all thirteen recommendations calling for the preservation of its current level of human rights protection in any changes to the Human Rights Act and during the process of leaving the European Union. It was also concerned that proposals to replace this Act would result in a weakening of standards, and called on the United Kingdom to commit to retain the Human Rights Act and remain a signatory to the European Convention on Human Rights. It was deeply troubling that the United Kingdom had rejected recommendations to introduce a statutory time limit for detention of migrants and asylum seekers.

691. Edmund Rice International Limited stated that in the United Kingdom an increasing number of people accessed local food banks on a regular basis and that it was clearly failing to meet its human rights obligations to support the right to food of its citizens. The Government was also failing to address effectively homelessness in Northern Ireland. It stated the United Kingdom Government had no strategy or system for refugee support and integration and that rejected asylum-seekers were denied all statutory support following eviction. They were subjected to a form of extreme human marginalisation contrary to the United Nations human rights conventions.

692. Allied Rainbow Communities International stated that as part of the celebration of 50 years of decriminalization of same sex relations in the United Kingdom those convicted were “pardoned”. It stated it was integral that the United Kingdom apologize for the colonial laws criminalizing same sex desire and the logic of “pardon” for British homosexuals should be extended to the logic of “apology” to same sex desiring people in the ex-British colonies whose lives had been blighted by these laws. The act of apology had as an essential component the commitment to non-repetition, and it was understood as a forward looking gesture.

693. International Council Supporting Fair Trial and Human Rights stated people in the Gulf suffered direct colonization of territories in the Indian Ocean in the past by the United Kingdom and that now this was replaced by agreements which maintained the United Kingdom’s control. It called on the United Kingdom to reform this relationship in order to have one that guarantees the interests of both sides, pushing more democracy and freedoms, in accordance with the road map declared in the Geneva Declaration announced by Gulf jurors.

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

694. The President stated that based on the information provided out of 227 recommendations received, 96 enjoy the support of the United Kingdom of Great Britain and Northern Ireland, and 131 are noted.

695. The delegation of the United Kingdom of Great Britain and Northern Ireland stated the Government remained fully committed to the UPR mechanism.

696. In May, the Government had listened with interest to views and recommendations from States, including comments on the importance of ensuring the ongoing protection of equality and human rights as the United Kingdom leaves the European Union, and a desire for the country to strengthen its approach to international treaties. The United Kingdom Government will not repeal or replace the Human Rights Act while the process of leaving the European Union is underway, and it will consider its human rights legal framework when that process concludes.

697. Regarding incorporation, the delegation stated the United Kingdom was confident that it was fully complying with its United Nations treaty obligations. These treaties had not been incorporated into domestic law, and they did not require State Parties to do so.

698. The United Kingdom had put in place a combination of policies and legislation to give effect to the UN human rights treaties that it had ratified. The same approach was followed by the British Overseas Territories and by the Crown Dependencies to which those treaties have been extended.

699. The impact of changes to welfare benefits, access to justice as well as a desire to see continued monitoring of these changes was among other issues raised. In May, the delegation referred to policies to tackle poverty. The head of the delegation also spoke on the work underway to tackle modern slavery and hate crime.

700. In response to one of the statements made, the delegation stated that on the 28th November 2016 the Working Group on Arbitrary Detention rejected our request for review of its 2016 opinion. It was disappointed that the Working Group did not review the deeply flawed and incorrect position. Julian Assange is not and has not been arbitrarily detained. He is free to leave the Ecuadorian Embassy but he will be subject to the United Kingdom law.

701. The delegation underscored, regarding the number or percentage of recommendations “supported” or “noted”, that “noted” did not mean rejected, suggesting any statistical analysis be approached with caution, encouraging those interested in human rights to read the extensive response provided by the United Kingdom.

702. The delegation thanked the United Kingdom’s active civil society, National Human Rights Institutions and the Troika for their contributions. It remained a strong advocate, promoting open societies and challenging threats to civil society.

### **India**

703. The review of India was held on 4 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by India in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/IND/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/IND/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/IND/3).

704. At its 24th meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of India (see section C below).

705. The outcome of the review of India comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/10), the views of India concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/10/Add.1*).

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

706. The delegation of India, headed by H.E. Mr. Rajiv K Chander, Permanent Representative of India, thanked the Office of the High Commissioner for Human Rights for its able assistance in finalizing the Working Group report, and the Troika of India’s review – Latvia, the Philippines and South Africa – for their dedication and contribution to its review process.

707. The delegation underscored that India had been a firm supporter of the UPR since its inception in 2006. India valued the distinctly universal and peer review nature of this mechanism, which was supported by all. The review platform was conducive for open engagement among Member States and other stakeholders to address issues relating to human rights. The delegation noted that the UPR process was a mechanism that encouraged Member States to strengthen their human rights record and learn from the best practices of others. It stressed that India remained committed towards meaningful engagement with international organizations, as well as individual States in a constructive spirit.

708. The delegation stated that India was a vibrant pluralistic society founded on strong democratic principles. The Indian Constitution guaranteed fundamental rights to all its citizens. India was convinced that inclusive and equitable development was the key to securing a life of dignity, security, empowerment and freedom for all. In this regard, a set of robust socio-economic policies had been put in place to address various basic needs of people, including health, education, housing, poverty alleviation, women empowerment, food security, and social security.

709. The delegation noted that India's national report for this third cycle review reflected the current state of play in the implementation of previous recommendations and the progress made in other related areas, while acknowledging the challenges that India faced in the implementation of some of the recommendations. Most of these challenges stemmed from the complexity and diversity of the Indian society. However, India's endeavour remained to make progress in the fullest implementation of its commitments under various human rights instruments.

710. The delegation thanked all Member States for their active participation in India's review and their valuable recommendations. It stressed that India gave utmost importance to consistently build upon and further improve the standards of human rights achieved so far in the country, and that it was working towards ensuring that its policies and schemes were aimed at progressively giving the people of India a life with dignity and respect.

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

711. During the adoption of the outcome of the review of India, 13 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>49</sup> are posted on the extranet of the Human Rights Council, if uploaded.

712. China welcomed India's constructive approach to the UPR. It appreciated India's commitment to implement the accepted recommendations, including those made by China on continued efforts to promote sustainable economic and social development, improve people's living standards, guarantee the rights of persons with disabilities, the elderly and other vulnerable groups, and adopt effective legislation and law enforcement measures to combat violence against women. China also appreciated India's efforts to eliminate poverty and achieve inclusive sustainable development, and recognized the measures taken to guarantee people's rights to health, education, housing and food.

713. Côte d'Ivoire expressed its appreciation for India's interest in the recommendations made during its review, and remained convinced that their implementation would contribute significantly to the improvement of the human rights situation in the country. Côte d'Ivoire welcomed all the efforts made by India to promote and protect human rights, and encouraged it to continue its full cooperation with the international community.

714. Cuba reiterated its appreciation to India for the progress made in protecting and promoting all human rights, despite the challenges it faced. Cuba valued positively the progress made, inter alia, in the areas of early childhood education, child labour and protection of the rights of persons with disabilities. Cuba thanked India for having accepted the two recommendations it had made regarding ongoing measures to combat human trafficking and on gender.

715. Egypt recalled that it had commended India during its review for its efforts to provide more resources with a view to securing the enjoyment by all groups of their

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<sup>49</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/34thSession/Pages/default.aspx>

economic and social rights, particularly vulnerable groups such as women, children, the poor and faith holders. Egypt noted that India had undertaken to promote transparency and openness, particularly in relation to free access to information. Egypt also expressed its appreciation for India's steps to empower women in the market place with a view to securing decent working conditions as well as their socio-economic empowerment, and to provide good education for all children. Egypt welcomed India's acceptance of Egypt's recommendations on poverty eradication and achieving sustainable development.

716. Estonia commended India for its commitment to continue to finalize the efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to accept to more effectively prevent, prosecute and punish cases of domestic violence, as well as to promote awareness-raising campaigns on gender violence, including "honour" crimes. However, Estonia regretted that India did not accept the recommendations to ratify the Agreement on the Privileges and Immunities of the International Criminal Court, the Optional Protocol to the Convention against Torture, and the second Optional Protocol to International Convention on Civil and Political Rights. Estonia reiterated its recommendation to strengthen the independent functioning of the judiciary, in order to reduce delays in judicial proceedings, enhance transparency of the processes and guarantee the right to a speedy trial.

717. Ethiopia commended India for accepting its recommendations aimed at promoting equal access for justice for all, especially by providing more legal aid to the poor and marginalized and allocating appropriate resources to reducing backlog and delays in the administration of cases in courts. Ethiopia encouraged India to take all necessary measures in advance for the full implementation of the accepted recommendations.

718. Ghana welcomed the adoption by India of the National Food Security Act to eliminate all forms of malnutrition, including child malnutrition, and the expansion of the coverage of the Integrated Child Development Services Scheme for better nutrition, health and overall development of children under the age of 6. While acknowledging the efforts being made to promote and protect human rights and fundamental freedoms, Ghana urged India to take steps to ratify the Convention against Torture and its Optional Protocol.

719. The Islamic Republic of Iran welcomed India's efforts towards socio-economic development, poverty eradication, the increase in health expenditure and the health insurance plans for families living under the poverty line. The Islamic Republic of Iran also appreciated India's commitment to reforming its legal system with a view to protecting and promoting the rights of women and girls, and some positive achievements such as the adoption of the Rights of Persons With Disabilities Act in 2016 and the Child Labour Amendment Act, and the ratification of the Minimum Age Convention 1973 (No. 138).

720. Iraq expressed its appreciation for India's acceptance of the two recommendations it had made, and commended India for its acceptance of most of the recommendations made.

721. Kyrgyzstan commended India for accepting a number of recommendations, including those it had made, namely on taking additional serious measures to eliminate violence against women and children, including sexual violence; enhancing activities aimed at eliminating discrimination against women, in particular women from lower castes; and accepting more efforts to increase girls' secondary education, including ensuring that schools were girl-friendly in all parameters. Kyrgyzstan was convinced that their implementation would enhance the effectiveness of the protection of the rights of women and children and their well-being.

722. The Lao People's Democratic Republic commended India's unwavering efforts towards the promotion and protection of the rights of vulnerable groups, including women, children and persons with disabilities, by taking steps to promote equal participation of

women in the workforce and to combat violence against women. It also commended India for its constant efforts towards the ratification of the Convention against Torture.

723. Libya expressed its appreciation for India's commitment to continue its efforts to promote and protect human rights and fundamental freedoms. Libya stated that it hoped that India would continue to harmonize its development policies fitting in with sustainable development in the field of food security, poverty eradication and support for health and education. Libya wished India further progress and prosperity.

724. Lithuania stated that India had taken positive steps in the context of its human rights commitments towards strengthening its national mechanisms and improving the overall human rights record. While noting with appreciation that India had accepted numerous important recommendations made, Lithuania regretted that its own recommendations had only been noted, without providing explanation. Lithuania continued to believe that freedom of expression and a free and strong civil society were among key ingredients of democracy and full enjoyment of the fundamental rights and freedoms by all persons. It encouraged India to take additional steps in these areas in the future.

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

725. During the adoption of the outcome of the review of India, 11 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>50</sup> are posted on the extranet of the Human Rights Council, if uploaded.

726. The National Human Rights Commission of India (NHRCI) stated that challenges to the safeguarding of human rights in the country remained despite an independent and active judiciary, free media and an alert civil society. Several recommendations received during the second review were yet to be implemented. NHRCI expected that there would be better implementation of the recommendations accepted by India in this review. In this regard, NHRCI proposed to work with both the Government and the civil society towards implementation of these recommendations. NHRCI would also strive to disseminate and give publicity to the outcome of this review within the country amongst all the stakeholders for this purpose. NHRCI reported that it had already addressed the concerned Ministries calling upon them to expeditiously examine all the recommendations for early decision. NHRCI concluded by reiterating that it would work with all stakeholders to assist in the process of implementation before the next review.

727. The Center for Reproductive Rights (CRR) urged India to take immediate steps to strengthen accountability for child marriage, including by harmonizing personal laws, laws on domestic and sexual violence, including marital rape, reproductive health, marriage and birth registration, education, and dowry, with human rights and constitutional law to ensure a minimum legal age of marriage of 18 and to address gaps and inconsistencies that leave girls vulnerable to child marriage. CRR further urged India to end the violence and suffering caused by coercive, unsafe and abusive sterilization by implementing recent Supreme Court orders on this matter. CCR finally urged India to ensure that all women have access to counselling on, and access to, the full range of contraceptive methods in a voluntarily, safe and quality manner.

728. Minority Rights Group International (MRGI) welcomed India's acceptance of several recommendations. However, it stated that anti-cow slaughter legislation had influenced the rise of so-called 'cow-protection units' which had engaged in mob violence and lynching targeting minorities, and urged India to take steps to reform or repeal anti-cow

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<sup>50</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/34thSession/Pages/default.aspx>

slaughter and anti-conversion legislation. MRGI further stated that there remained an urgent need for authorities to investigate incidents of targeted violence, including vigilante violence against Muslims, and to hold to account the perpetrators, including public officials where State complicity was involved.

729. Franciscans International (FI) appreciated India's acceptance and commitment to ensure that laws were fully and consistently enforced to provide adequate protections for members of religious minorities and other vulnerable populations. However, it stated that it had observed an environment of intolerance and fears among the religious minorities, as well as practitioners of freedom of expression, belief, thought and assembly in the country. FI further stated that it had documented, inter alia, the increase of criminalization of minorities, Dalits and Adivasis for eating beef, as well as of hate speech delivered by State officials which led to incitement of violence and discrimination against minorities. FI urged India to take appropriate and visible actions against incidents of mob-lynching of minorities and human rights defenders.

730. The International Humanist and Ethical Union (IHEU) stated that India had continued to witness innumerable attacks on Dalits and members of its other minorities. IHEU commended India's acceptance of recommendations concerning the discrimination of Scheduled Castes and Scheduled Tribes. It noted that in 100 days, 39 Dalits had been killed while cleaning sewer lines. IHEU urged India to effectively implement the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. IHEU was disappointed that India had not accepted the recommendations about revising the Armed Forces (Special Powers) Act, amending the Foreign Contribution Regulation Act, and protecting human rights defenders against harassment and intimidation.

731. Asian Forum for Human Rights and Development (FORUM-ASIA) welcomed India's decision to accept 152 of the 250 recommendations made. However, it stated that it remained deeply apprehensive at the pattern of ambivalence that emerged from only noting the recommendations that firmly secured the future of Indian's civil and political rights. FORUM-ASIA was deeply disturbed that India had only accepted 13 out of 21 recommendations to ratify the Convention against Torture. It also expressed concern that India had noted several recommendations on hate speech, repeal of discriminatory laws, laws on preventing communal violence and protecting rights of religious minorities and on violence against women, as well as all recommendations related to the Armed Forces (Special Powers) Act and the rights and freedoms of human rights defenders. FORUM-Asia also regretted the absence of India's commitment to strengthening the justice delivery system and guaranteeing the independence of the judiciary.

732. The International Commission of Jurists urged India to reconsider, accept and implement UPR recommendations to: decriminalize consensual same-sex sexual relations; enact legislation consistent with the Supreme Court's recognition of the rights of transgender persons and international human rights standards; repeal the Armed Forces (Special Powers) Act and other similar laws; become a party to the treaties that had been recommended; and establish a moratorium on the use of the death penalty, with a view towards its abolishment.

733. Allied Rainbow Communities International (ARCI) urged India to act in accordance with a Supreme Court's ruling on the right to privacy for LGBT persons, and to take all necessary action to protect their rights. ARCI also noted with concern the rising tide of intolerance, which had created a climate that allowed for brutal violence against minorities and dissenting voices. ARCI urged India to condemn the recent killing of Ms. Gauri Lankesh, an independent journalist, in no uncertain terms and outline a plan of action to respond to these forms of hate crime and the hate propaganda that foments vilification of diverse viewpoints.

734. Christian Solidarity Worldwide (CSW) commended India for its engagement in the third UPR cycle, during which the Government had stated its commitment to ensure a safe environment for human rights defenders. However, CSW noted that the space for journalists, writers and other human rights defenders who voiced dissent was quickly deteriorating. The recent murder of Ms. Gauri Lankesh, who spoke against blatant attacks on freedom of expression and minorities rights, was indicative of wider crackdown on free speech and thought. CSW also expressed deep concern about the anti-conversion laws already in force in six states. CSW called upon India to implement its constitutional guarantees granting every citizen to right to practice their religion or belief, and to ensure that the voice of dissent against oppression and injustice was protected.

735. Amnesty International (AI) welcomed India's support of recommendations to improve access to health, education, and housing, and to reduce poverty. However, it regretted that India had rejected important specific recommendations to reduce discrimination and violence against marginalized groups, respect the freedom to dissent, and reduce impunity for human rights violations. AI stated that by taking steps recently to forcibly return all Rohingya refugees and asylum-seekers to Myanmar, where they may face serious human rights violations, India risked failing its moral and legal obligations. Finally, AI welcomed India's support of recommendations to ratify the Convention against Torture.

736. Action Canada for Population and Development (ACPD) called upon India to implement the recommendations on removing the exception to marital rape in its penal laws. It stressed that putting the institution of marriage before the basic human rights of a person to be free from sexual violence was unacceptable. ACPD also urged India to recognise and address the holistic sexual and reproductive health and rights of women and girls with disabilities and its impact on issues across access in accordance with General Comment 3 of the Convention on the Rights of Persons with Disabilities.

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

737. The President stated that based on the information provided out of 250 recommendations received, 152 enjoyed the support of India, and 98 were noted.

738. The delegation stated that India, the world's largest democracy, was home to a multi-ethnic, multi-religious, multi-linguistic population that had lived together for millennia with an ethos of respect for diversity and plurality. It was therefore natural that independent India had adopted a rights oriented constitutional framework with a secular polity, and independent judiciary. A range of national and state level commissions monitored compliance with human rights, and a free press and a vibrant and vocal civil society acted as the vigilant guardians of rights and freedoms in India. Given the hopes and aspirations of around 1.3 billion citizens, India continued to prioritise, through a range of protective and affirmative measures, the attainment of liberty and development for all. In the spirit of leaving no one behind, India followed the motto of "Sabka Saath, Sabka Vikas" (all together and development for all).

739. The delegation reiterated the high importance India attached to the UPR mechanism. India was working towards implementation of the 152 recommendations accepted, and remained mindful of the remaining 98 recommendations it had noted. In this context, the delegation underscored that national priorities and interests deserved due recognition as India adapted its UPR commitments into positive developments on the ground.

#### **Brazil**



740. The review of Brazil was held on 5 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Brazil in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/BRA/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/BRA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/BRA/3).

741. At its 24th meeting, on 21 September 2017, the Council considered and adopted the outcome of the review of Brazil (see section C below).

742. The outcome of the review of Brazil comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/11), the views of Brazil concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/11/Add.1*).

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

743. The Head of delegation, Her Excellency Ms. Maria Nazareth FARANI AZEVÊDO, Ambassador and Permanent Representative of Brazil to the United Nations Office at Geneva stated that Brazil was pleased to have participated in the third cycle of the Universal Periodic Review and considered that the UPR embodies the principles of universality, non-selectivity, non-politicization, international solidarity, constructive dialogue, cooperation and transparency.

744. Brazil prepared for the review in a spirit of openness, transparency and commitment to the promotion and protection of all human rights. During the introduction of its national report, Brazil was represented by a high level, diverse delegation, headed by the Minister of Human Rights, Luislinda Dias de Valois Santos.

745. Brazil was pleased to have received 246 recommendations -covering a wide variety of topics- from 103 different countries and accepted all but 4 of the recommendations. Brazil noted that only in these specific cases, which were incompatible with its legal system, including constitutional rules or Supreme Court decisions, was the country not in a position to support the recommendations. As for recommendation 136.99, by the Holy See, Brazil reiterated that it will continue to protect families composed of a man and a woman, as it protects all families, as well as the unborn, in accordance with the Brazilian legislation and the decisions made by Brazil's Supreme Court on this matter. It stated that the decision on each recommendation was the result of broad consultations with various sectors of Brazilian society. Brazil also had established an online system to receive inputs, held a public hearing in Congress and kept open dialogue with all those interested in contributing to the promotion and protection of human rights.

746. Brazil expressed its gratitude to the comments and constructive criticism presented in good faith during the review, many of which recognized the efforts and measures adopted by Brazil. Brazil was thankful for the confidence and encouragement received and reaffirmed its commitment to keep to the good path. Brazil also thanked the countries of the troika and the support and guidance received from the staff of the secretariat of the Human Rights Council and of the Office of the High Commissioner for Human Rights. It also

thanked the translators and interpreters and many other professionals that discreetly engaged in facilitating the process.

747. Brazil had steadily managed to recover from the worst economic crisis in recorded history, while preserving policies aiming to promote and protect human rights, in particular of those most vulnerable. Throughout the impeachment process of a standing President, its democratic institutions had remained solid. During that difficult period, Brazil had benefited from a vibrant civil society, open political debate, free press and independent judiciary. Brazil was seriously committed to fighting corruption, which corroborated not only its attachment to justice and the rule of law, but also the strength of its democratic institutions and constitutional order.

748. Brazil did not shy away from its responsibilities, and it was taking concrete steps to deal with the many challenges faced by the country. President Michel Temer had focused on fighting recession, while approving urgent and necessary reforms. At the same time, the Government had sought to maintain and expand social programmes to protect those Brazilians in vulnerable situations.

749. A Constitutional reform was adopted to restore the balance and sustainability of public accounts and ensure that public debt will remain at an acceptable level and will not hamper future generations' prospects for development. Brazil enacted legislation to reform secondary education in Brazil, which had been under discussion by Congress for more than 2 decades. It further strengthened the "bolsa família" and expanded the student loans for university (FIES), as well as the housing programme "Minha Casa, Minha Vida".

750. In view of the high rates of unemployment and underemployment, President Temer was implementing important innovations in the labour relations. The new legislation adopted by Congress will promote job creation, reducing informal and insecure employment and preparing Brazil for the challenges of the XXI century.

751. Brazil established the National Security Plan, which proposed an integrated approach focusing on three core areas: reducing homicides and violence against women, improving the prison system and ensuring more rigorous combat of transnational crime. All these initiatives had been democratically discussed by the Brazilian Congress, in a transparent and inclusive fashion, with full coverage by the media and consultation with relevant stakeholders.

752. Brazil remained committed to an ambitious reform agenda. In order to ensure that the retirement system is sustainable in the long run, urgent measures were needed in order to guarantee that present and future generations can benefit from the social security system.

753. Brazil was fully committed to implementing the UPR recommendations, seeking synergies with measures underway to achieve the goals and targets contained in the 2030 Agenda for Sustainable Development. Brazil was examining every one of the recommendations with a view to integrating them into laws, policies and mechanisms, which were already in place or that it will need to be adopted.

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

754. During the adoption of the outcome of the review of Brazil, 13 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>51</sup> are posted on the extranet of the Human Rights Council, if uploaded.

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<sup>51</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

755. China expressed appreciation to Brazil for its commitments to implement accepted recommendations. China thanked Brazil for accepting China's recommendations, including continue implementing social and economic development. China thanked Brazil for improving people's living standards, further enhanced social security systems, enhanced education infrastructure and improving rural education. China appreciated the achievements of Brazil in eradicating poverty, promoting gender equality and developing health and education.

756. Côte d'Ivoire welcomed the attention granted by Brazil to the recommendations formulated in the course of the review and remained convinced that their effective implementation will contribute to the improvement of the human rights situation in the country. Côte d'Ivoire appreciated the efforts made by Brazil in the context of ensuring the protection of human rights and encouraged Brazil to continue its full cooperation with the international community.

757. Egypt commended Brazil for increasing cooperation with the Human Rights Council. Egypt thanked Brazil for accepting the majority of the recommendations, which was a clear demonstration of its efforts to continue to protect and promote human rights in the country.

758. Estonia acknowledged the efforts of Brazil aimed to enhance the protection of human rights. Estonia noted positively the efforts to reduce violence against women, and encouraged Brazil to take further steps to combat domestic violence and high maternal mortality and to guarantee full protection of the rights of the child. It noted that Brazil should ensure an effective consultation process with indigenous peoples in all decision-making that might affect them.

759. Ethiopia commended Brazil for accepting many recommendations including its own recommendations aimed at continuing the efforts on the implementation of the National Policy on Climate Change, on reducing deforestation in the Amazon region, and to further continue the combating of slave and child labour. Ethiopia encouraged Brazil, to take all necessary measures in advance of the full implementation of the accepted recommendations.

760. Ghana noted with appreciation the establishment by Brazil of the National System to prevent and fight torture in compliance with its obligations under the Optional Protocol to the Convention against Torture. Ghana welcomed the Programme being implemented by Brazil to protect human rights defenders, in particular the mobilization of public agencies to investigate alleged violations of the rights of human rights defenders, as well as to prevent such violations.

761. Haiti thanked Brazil for having taken into account its three recommendations on reducing the murder rate of Afro-Brazilians, guaranteeing access to justice, and improving the quality of public education for Afro Brazilians. Haiti also encouraged Brazil to submit the Universal Periodic Review mid-term report.

762. India noted that Brazil's commitment to the UPR process was reflected in its support to all except 4 of the recommendations received. India commended Brazil for striving towards poverty alleviation, ensuring access to adequate housing and promoting sustainable development. It also recognized Brazil's efforts for incorporation of human rights principles into its national legislation as well as efforts aimed at minimizing racial discrimination.

763. Iran (Islamic Republic of) commended Brazil for its human rights achievements since its last UPR. Iran welcomed the establishment of the National Human Rights Institutions and the legislative measures aimed to enhance access to justice. It also welcomed the progress achieved in combating modern slavery and human trafficking, as

well as for the improvement of the human rights situation of persons with disabilities, children, women, indigenous peoples and afro descendants in Brazil.

764. Iraq appreciated that Brazil had accepted the recommendations made by Iraq. Iraq also appreciated that Brazil had accepted the majority of the recommendations received.

765. Libya welcomed that Brazil had accepted the majority of the recommendations. Libya encouraged Brazil to continue its efforts to protect and promote human rights and to combat poverty. It encouraged Brazil to continue improving the rights of health and education.

766. Madagascar welcomed the acceptance by Brazil of most of the recommendations made by the Member States during the UPR. Madagascar welcomed the efforts made by Brazil in favour of persons with disabilities in the areas of education, health and housing. It also welcomed the strengthening of the rights of the Child by the establishment of a new law prohibiting corporal punishment and sexual exploitation of children and adolescents in Brazil.

767. Morocco took note of the initiatives put in place by Brazil in the field of health with universal access to health care for all without discrimination. Morocco welcomed the integration of programs in Brazil aimed to raise awareness of human rights in the educational framework and in the school curricula. Morocco congratulated Brazil for its continued efforts in favour of the construction of a more just and sustainable society.

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

768. During the adoption of the outcome of the review of Brazil, 9 other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>52</sup> are posted on the extranet of the Human Rights Council, if uploaded.

769. Conectas Direitos Humanos noted that the rejection of Brazil of the recommendation made by the Holy See was in accordance with its international obligations. It condemned the efforts made by local conservative groups to overturn the decision of Brazil in that regard. It urged Brazil to take concrete steps to effectively implement the accepted recommendations and to develop fully functional mechanisms to monitor process and compile the recommendations. It encouraged Brazil to increase transparency in the process of selecting candidates for international human rights bodies.

770. Plan International celebrated Brazil's acceptance of the vast majority of the recommendations made by States during the third UPR, many of which explicitly encouraged the improvement of compliance with the human rights of children and adolescents. It urged Brazil to take effective measures to comply with these recommendations, implementing public policies with a committed budget that guarantees its full compliance. It noted the urgency of implementing the recommendations regarding the recently ratified OP3 CRC by creating the necessary complaint mechanisms for children; the National Education Plan, considering racial, ethnic and rural-urban inequalities; and the promotion of public policies that guarantee the rights to family and community coexistence to a life free of domestic, institutional and social violence.

771. Conselho Indigenista Missionario (CIMI) noted that the situation of indigenous peoples in Brazil was not ideal, as a consequence of different human rights violations affecting them. CIMI raised serious concerns about the killing of indigenous leaders, the

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<sup>52</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

disputes for indigenous lands, indigenous land demarcation process, and the destruction of the Amazonia.

772. Center for reproductive rights noted that Brazil's maternal mortality rates were disproportionately high for a country of its economic status, and the chances of dying in pregnancy and childbirth were greatest among indigenous, low-income, rural and Afro-descendant women. It indicated that abortion was legal only where it was necessary to save the women's life or where the pregnancy was the result of rape. It noted that instead of advancing women's rights, Brazil's restrictive laws on abortion continued to exacerbate and entrench discrimination against women. It welcomed Brazil's commitment in accepting the UPR recommendations on maternal health and reproductive rights.

773. Association for the Prevention of Torture (APT) noted that conditions of detention remained appalling in Brazil and ill-treatment was widespread. It also noted that the number of prisoners continued to increase and that Brazil had the third highest prison population in the world. It welcomed the major step taken by Brazil, since its last review, in implementing the OPCAT with the enactment of a federal law establishing a national system to prevent torture and creating a new specialized body as National Preventive Mechanism. APT highlighted the preventive significance of the implementation of custody hearings and gradually around the country. APT called Brazil attention to the needs of groups in a higher risk of being subjected to ill-treatment, such as LGBTI persons in detention, encouraging Brazil to ensure national and international standards aimed at protecting these groups.

774. In a joint statement, International Volunteerism Organization of Women Education and Development -VIDES-recognized the efforts undertaken by Brazil in the last years, in particular through the program "Women Living without Violence" which defined violence against women as a malicious crime. It noted that too many women were killed as a result of domestic violence and it was imperative that perpetrators were brought to justice. Vides International and IIMA called Brazil to create more specialized courts to address cases of female victims of violence, facilitate the denunciation of perpetrators of violence against women, including through continuous sensitization measures and psychological support for the victims and take concrete measures to educate, especially young people, about non-violence.

775. Associazione Comunita Papa Giovanni XXII noted the overcrowding, poor hygiene and sanitary conditions, ill-treatment, violence and even torture of detainees in the prison system in Brazil. It also underlined the lack of social integration and the stigma faced by the families of the detainees. It asked Brazil to expand through new regulatory instruments alternative measures to detention and promote collaboration with civil society. It also asked Brazil to take appropriate measures to support detainees' families through the creation of family support pathways aimed at reducing social exclusion and fostering access to health care, social security and employment.

776. Article 19 – International Centre Against Censorship, noted that Brazil's engagement with its third UPR came at a time when journalists, human rights defender, social leaders had been under unprecedented pressure. It indicated that already in 2017, 62 defenders, indigenous and traditional communities' leaders had been killed, and hundreds more had faced attacks including physical assault, stigmatization campaigns, harassment and intimidation, illegal surveillance, and judicial harassment. It noted that journalists and bloggers reporting on matters of public interest, protests and mass development projects, were most at risk of reprisal. It welcomed Brazil commitment to strengthen the Federal Protection Mechanism.

777. Amnesty International (AI) noted that there was a gap between Brazil's willingness to accept the recommendations made during the review and the trend of the laws and

policies being adopted in the country. AI indicated that while Brazil had accepted recommendations to investigate killings by the police and to prevent abuses by law enforcement officials, the number of people killed during police operations was increasing dramatically. It noted that Brazil had accepted recommendations to guarantee the safety of human rights defenders and maintains that the Programme of Protection for Human Rights Defenders was operating throughout the country. AI reported that the Programme of Protection was not operational and had in fact been dismantled in the past year, putting hundreds of defenders at risk. It noted that while Brazil had supported recommendations to protect the rights of the child, they were currently before Congress proposed legislation and constitutional amendments that would reduce the age of criminal responsibility.

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

778. The President stated that based on the information provided out of 246 recommendations received, 242 enjoy the support of Brazil and 4 are noted.

779. Brazil thanked all delegations and civil society organizations that took the floor and engaged constructively in the dialogue with Brazil in the context of the third cycle of the Universal Periodic Review.

780. Brazil was responsive to the demands of civil society and was committed to improving the channels of dialogue, with a view to ensuring that the UPR recommendations have a concrete and positive impact, in particular in favour of the most disadvantaged.

781. Brazil was working to ensure that the existing institutional framework provides venues for free, democratic and transparent interaction between state and society on all the relevant issues at hand. In this regard, it noted that the Ministry of Human Rights will play a crucial role. The Ministry enjoys greater coordinating capacity and is able to harmonize policies aimed at the promotion of racial equality, the rights of children, adolescents, LGBTI, older persons and persons with disabilities. It was naturally the focal point to the implementation of a great number of recommendations.

782. With regard to the issues raised by civil society organizations in this debate, the head of the delegation clarified the following points:

783. Brazil had showed a long commitment to protect indigenous peoples' rights, as enshrined in the Constitution, and as implemented through public policies, in particular in the areas of education and health with approximately \$ 700 million budget.

784. Brazil had created in 2013 a national committee and mechanism for combatting torture. It noted that the ongoing custody hearing programme, as well as the national policy of alternative punishment had yielded significant results.

785. Brazil reaffirmed its attachment to the principles and values embodied by the UPR mechanism. Brazil was ready to implement the UPR recommendations that were formally accepted, and will remain open to constructively engage with all relevant stakeholders, including civil society and UN agencies and mechanisms. Brazil reiterated its commitment to the promotion and protection of all human rights within its territory.

#### **Philippines**

786. The review of the Philippines was held on 8 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by the Philippines in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/PHL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/PHL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/PHL/3).

787. At its 25th meeting, on 22 September 2017, the Council considered and adopted the outcome of the review of the Philippines (see section C below).

788. The outcome of the review of the Philippines comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/12), the views of the Philippines concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/PHL/Add.1*).

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

789. The delegation stated that the full participation of the Philippines in the universal periodic review mechanism reflected the country's sustained support for the mechanism and also underscored the country's desire to further strengthen the mechanism. The mechanism was useful in that it encouraged the Philippines to continue with ongoing efforts towards the fulfilment of human rights for all, as presented in the country's national report and interventions during the review on 8 May 2017.

790. The Government undertook a careful review of all the recommendations that were received during the review and in that regard considered inputs from various stakeholders. It acknowledged those recommendations that reflected recognition and respect for the State's implementation of its human rights commitments and did not seek to intervene in the State's pursuance of human rights.

791. The delegation stated that of the 257 recommendations that had been received, 103 recommendations were accepted and fully supported. These recommendations reflected the understanding of the recommending States of the current human rights situation in the Philippines, gave due recognition and respect to the Philippines for having implemented the recommendations or to its efforts in implementing them, and were supportive of efforts by the Philippines in the pursuance of human rights aimed at uplifting human dignity.

792. The 103 supported recommendations related to, firstly, the strengthening of international cooperation with the human rights mechanisms for the protection of vulnerable sectors of the population; secondly, the sustainable protection of family and society, such as the preservation of the sanctity of family life, effective advocacy of economic and social rights through development, mitigation of the adverse effects of climate change, eradication of poverty, and improvements in access to health care and public education; thirdly, the enhancement of the current capacities of the State to protect the right to life, liberty and property through the rule of law, accessibility of victims to justice in pursuance of anti-abortion initiatives, eradication of all forms of slavery, counter-terrorism efforts, and the anti-illegal drugs campaign; and finally, an acknowledgment of the efforts to formulate and implement a national human rights action plan. The supported recommendations will be given special attention under the third Philippine Human Rights Plan for the period 2018-2022.

793. The delegation stated that 154 recommendations have been noted based on the country's national circumstances. Out of these recommendations, 99 recommendations have been accepted in principle as they were aligned with the aspirations of the Government. However, these recommendations could only be noted because the

Philippines could not guarantee or commit to their full implementation in the current cycle. The required processes for such implementation were beyond the sole control of any of the branches of the Government, particularly in cases of those recommendations that prescribed legislative action. However, the Philippines will strive to implement these recommendations in accordance with its national, cultural, and historical circumstances. The aforementioned 99 recommendations also included recommendations that were perceived to insinuate that the Philippines had not taken any action on the concerns raised despite the Government having substantially reported on the actions that had been taken in its national report and in its oral statement during the interactive dialogue. Supporting these recommendations would denigrate the serious efforts made by the Government to address the issues raised, and weaken the value of the interactive dialogue process.

794. Recommendations relating to extrajudicial killings allegedly resulting from the Administration's anti-illegal drug campaign have been noted. The Philippines had sufficiently explained that deaths, which occurred in the course of the implementation of the anti-illegal drug campaign, had not been extrajudicial killings and arose from legitimate law enforcement operations and furthermore, were in line with the rule of engagement by law enforcement officials. Mechanisms were in place to address any abuse by enforcement and security forces

795. As regards recommendations relating to the re-imposition of the death penalty and the lowering of the age of criminal responsibility, as conveyed in the statement made by the delegation during the interactive dialogue, these matters were being subjected to further deliberations by the Philippine Congress. As such, there were processes in place that needed to be followed and a pre-determined outcome could not be imposed.

796. Included in the 154 noted recommendations, were 55 recommendations which were not agreeable to the Philippines due to their premises and contexts. Many of these recommendations were sweeping, vague or contradictory, especially in the context of the country's democratic process.

797. The delegation proposed that those recommendations that have been noted, specifically those that have been supported in principle, be reviewed and updated in the fourth cycle review.

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

798. During the adoption of the outcome of the review of the Philippines, 14 delegations made statements. The statements of the delegations that were not delivered due to time constraints are posted on the extranet of the Human Rights Council, if provided by the concerned delegations.<sup>53</sup>

799. Lao People's Democratic Republic commended the Philippines for accepting many recommendations, including the two recommendations it had made. Due note was taken of the adoption of a national development plan for 2017-2022 and the implementation of various measures in relation to combating poverty, promoting the rights to health and education, and the rights of vulnerable groups.

800. Libya appreciated that many recommendations had been supported by the Philippines, which reflected the Government's commitment to protect human rights, and to positively interact with international human rights mechanisms. Libya expressed the hope that the Philippines will continue with its positive efforts.

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<sup>53</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>



801. Madagascar welcomed the high number of recommendations supported by the Philippines and commended the efforts made to protect human rights, despite the natural disasters the country had experienced in recent years. It noted the ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children and the creation of an inter-institutional committee to resolve cases of forced disappearance, torture and other grave violations. Madagascar encouraged the Philippines to implement the supported recommendations.

802. Malaysia expressed its appreciation to the Philippines for supporting the recommendations Malaysia had made relating to access to quality education, access to education for girls and combatting poverty. It commended the Philippines for integrating a human rights perspective into its development initiatives, and for upholding its commitment to the obligations under the human rights instruments to which the Philippines was a party.

803. The Maldives noted that the recommendations it had made, have been supported by the Philippines. It encouraged the Philippines to comply with international standards in its efforts to combat the use of illegal drugs. The Maldives appreciated the efforts that had been undertaken to promote gender equality and to provide quality education.

804. Myanmar commended the Philippines for its positive cooperation with the United Nations, the international human rights mechanisms and universal periodic review process. It noted that the Philippines had accepted a vast majority of recommendations, including the two recommendations that had been made by Myanmar.

805. China commended the Philippines for its commitment to implement all supported recommendations and appreciated that the recommendations made by China were supported. It also appreciated the efforts and achievements made in the promotion and protection of human rights, including efforts to eliminate poverty, provide social equality, develop the education and health sectors, increase employment and improve living standards. China supported the Philippines in adopting a comprehensive policy to combat drug-related crimes. China called on the international community to respect the judicial sovereignty of the Philippines and support its efforts in combating drug-related crimes.

806. The Russian Federation commended the Philippines for its efforts in further strengthening the human rights institutions and mechanisms with the view to upholding fundamental rights and freedoms. It stated that the positive experience amassed by the Philippines in implementation of the recommendations from the second UPR cycle would be useful for further improvements of the legal system.

807. Sierra Leone encouraged the Philippines to consider ratifying International Convention for the Protection of All Persons from Enforced Disappearance. It stated that efforts to eradicate the use and distribution of illegal drugs should not be detrimental to the respect and promotion of human rights and freedoms. The Philippines should consider granting the request for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

808. Singapore welcomed the acceptance of 103 recommendations, including the two recommendations made by Singapore. It expressed support for the continuing efforts of the Philippines to promote development and to realise the human rights of its people, in accordance with its national context and circumstances.

809. Sudan noted the ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, amongst others. It stated that the Philippines had supported the majority of the recommendations, but regretted that recommendations made by Sudan had not been supported.

810. Thailand was pleased by the commitment of the Philippines to promote and protect human rights, which was evident by the support of a number of recommendations,

including the two recommendations made by Thailand. It hoped that the Philippines will continue to fully implement the supported recommendations in an inclusive and participatory manner to bring concrete results on the ground.

811. United Kingdom of Great Britain and Northern Ireland was concerned by the high death toll associated with the campaign against illegal drugs and statements questioning the universality of human rights. It urged the Philippines to ensure thorough and independent investigations into all violent deaths and to commit to bring to justice those involved, including security forces. The United Kingdom was concerned by threats made against human rights defenders and called for a safe and enabling environment for them. It also called for a comprehensive response to modern day slavery, including building criminal justice capacities. It urged the Philippines to ratify the 2014 ILO Protocol to the Forced Labour Convention.

812. The United States of America welcomed the acceptance of the two recommendations made by the United States relating to the conduct of police operations and urged the Philippines to implement them. It also urged the Philippines to conduct thorough and transparent investigations into all reports of extrajudicial killings, and to ensure that all investigative and enforcement efforts were conducted in a manner that respected and ensured human rights for all and upheld the rule of law. The United States looked forward to seeing progress in the implementation of the supported recommendations.

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

813. During the adoption of the outcome of the review of the Philippines, 11 other stakeholders made statements. The statements of those stakeholders that were not delivered due to time constraints are posted on the extranet of the Human Rights Council, if provided by the concerned stakeholders.<sup>54</sup>

814. The Commission on Human Rights stated that a culture of impunity existed in the Philippines and that human rights were challenged on the ground by the restless war against illegal drugs, the extension of martial law in Mindanao and an active armed conflict causing internal displacement, the pursuance of a legislative agenda to reintroduce the death penalty and to lower the minimum age of criminal responsibility, public threats and intimidation of human rights defenders, journalists and oversight actors, and a reduction of the Commission's budget. The Commission reiterated its call to the Government to end impunity and to adhere to the rule of law in the campaign against criminality, to ensure accountability, transparency and cooperation in investigations of human rights violations, especially in cases of extrajudicial killings, torture and enforced disappearances, and to respect the independence of the Commission, amongst others.

815. International Lesbian and Gay Association remained concerned about the absence of national legislation to protect LGBTI persons from discrimination and the efforts by some legislators to obstruct the passage of the anti-discrimination bill in the Senate. It was also concerned that education institutions continued to enforce restrictive policies on uniforms for transgender students. It recommended speeding up the passage of the national anti-discrimination law.

816. The Center for Reproductive Rights urged the Philippines to end the continued criminalization of abortion and to take immediate steps to address the increasing number of abortions, and complications, injuries, and maternal deaths resulting from unsafe abortions.

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<sup>54</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

It also urged the Philippines to address the restrictions on accessing contraceptive information and services and to ensure that contraceptives were available and accessible.

817. Save the Children International stated that between July 2016 and August 2017, the anti-illegal drug campaign had claimed the lives of 54 children. It called for a humane, comprehensive and sustainable response to drug problem in the country, with an end to the killings. Children who were orphaned or affected by the killings should be provided with long-term interventions based on their psychological and socio-economic needs. Save the Children International urged the Philippine Congress to pass proposed bills that seek to prevent the recruitment, use or displacement of children in areas of armed conflict.

818. Franciscans International expressed its concern about the violent policies of the Government against its own people. Due process and the rule of law have been set aside for the poor and powerless. The war on drugs has indifferently killed more than 12,000 Filipinos, most of who were from poor and marginalized background. The imposition of martial law in Mindanao has led to the displacement of about 300,000 people. Human Rights Defenders continued to receive threats from the Government.

819. Global Initiative for Economic, Social and Cultural Rights stated that threats of rape became a tool of war to silence or drive women into submission. Women were among the victims of politically-motivated arrests, state-sanctioned killings and sexist remarks by Government officials. Legislated pro-women laws were meaningless as the rights of women were unmet or violated with impunity. Young women toiled as modern-day slaves under a system of labour contractualization.

820. International Humanist and Ethical Union expressed disappointment by the response of the Philippines to concerns raised by a number of states about extrajudicial killings, forced disappearance and torture in the so called war on drugs campaign. President Duterte had continued to threaten human rights defenders. It applauded the Government for standing firm against the pressure of the Catholic Church and other critics and adopting the Reproductive Health Act.

821. Asian Forum for Human Rights and Development stated that the Philippines had continued to defend its “war of drugs” but had refused to ensure that practices and policies conform to international human rights standards. In addition to the high number of killings of human rights defenders, threats against human rights defenders have increased. The Philippines further risks backtracking on its international human rights obligations by refusing to support recommendations to maintain the abolition of the death penalty and to maintain the minimum age of criminality.

822. International Service for Human Rights in a joint statement with CIVICUS - World Alliance for Citizen Participation continued to have serious concerns about the environment for human rights defenders in the country. They urged the Human Rights Council to ensure that the Philippines respect its pledges and commitments. They called for a halt to all forms of attacks on human rights defenders, the enactment of a law for their protection, and the acceptance of a full, independent visit by the United Nations Special Rapporteurs, including on the situation of human rights defenders.

823. International Federation for Human Rights Leagues, in a joint statement with Amnesty International noted that the Philippines had not supported recommendations relating to extrajudicial executions and to protect human rights defenders and journalists, and recommendations calling on the Philippines to refrain from reinstating the death penalty. The Government’s so called war on drugs was an assault on human rights. It was regrettable that the Philippines used the universal periodic review to justify its lethal anti – drug policies which overwhelmingly targeted poor and marginalized communities. They urged the Human Rights Council to adopt a resolution that establishes an international, independent commission of investigation into such cases.

824. Human Rights Watch was concerned that rather than investigating compelling evidence of culpability of the police and their agents in many of the killings, President Duterte had launched a campaign of vilification and harassment against individuals and institutions pursuing accountability for those abuses. Consequently, it called on the Human Rights Council to step in and do all that it can to end the violence, to support independent international investigations into the deaths, and to demand accountability for all unlawful killings.

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

825. The President stated that based on the information provided out of 257 recommendations received, 103 enjoy the support of the Philippines and 154 are noted.

826. The delegation thanked all those who participated in the review, including the Commission on Human Rights and civil society organisations, some of whom had come from the Philippines. Their presence clearly manifested that stakeholders in the Philippines attach great value to the universal periodic review. Furthermore, it demonstrated that the Philippines is a vibrant working democracy where all voices can be freely heard.

827. The delegation stated that it had conscientiously listened to and taken note of the concerns raised by the various delegations and civil society organisations. These concerns were already extensively discussed and responded to during the interactive dialogue and in the national report. The delegation stated that there was no culture of impunity in the Philippines. All deaths arising from police operations in relation to the campaign against illegal drugs were being investigated and administrative and criminal cases have been filed against police officers where appropriate. Just recently, an entire police force stationed in a particular city was relieved of its duty to give way to the unhampered investigation of alleged wrongdoings. Furthermore, the Commission on Human Rights was doing its own independent investigation. Just a few days ago, the Philippines House of Representative, contrary to premature and unwarranted criticism, including those by the Special Rapporteur on Executions, after due deliberation, approved the budget of the Commission. The Philippines will continue to engage in genuine and constructive dialogue on the remaining concerns and challenges in the field of human rights.

828. The Philippines was committed to eventually implement even those recommendations that had been noted, after the completion of the necessary legislative and other domestic processes. For instance, in relation to a relevant noted recommendation, the Philippine House of Representatives had just passed on third and final reading the proposed anti-LGBT discrimination bill.

829. The Philippines will continue to implement the supported recommendations in an inclusive manner. The Government saw the universal periodic review process as a continuing process and the spirit of the recommendations will inform and advise the national and local development plans, as well as the medium term national human rights action plan.

830. The delegation stated that freedom of expression was alive in the Philippines. On 21 September 2017, the 45<sup>th</sup> anniversary of the declaration of Martial Law, was declared a national day of protest which featured public rallies for and against martial law.

831. The delegation expressed its appreciation to the Troika, Switzerland, Paraguay and Kenya and to the Secretariat for all the support that had been received.

#### **Algeria**

832. The review of Algeria was held on 8 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Algeria in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/DZA/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/DZA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/DZA/3).

833. At its 25th meeting, on 22 September 2017, the Council considered and adopted the outcome of the review of Algeria (see section C below).

834. The outcome of the review of Algeria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/13), the views of Algeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also *A/HRC/36/13/Add.1*).

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

835. The Algerian delegation stated that it considers the UPR as the most important innovative reform brought in the field of human rights since the past ten years and noted it should be preserved and strengthened. It noted with appreciation the increased interest shown by States and stakeholders in the review of Algeria.

836. With regard to the recommendations that did not receive the support of Algeria, the delegation clarified that these were considered either in contradiction with the Constitution or against the values and rules that cement the Algerian society. Other recommendations were noted due to their intrusive formulation or because they were considered as making incorrect judgements. It affirmed that supported recommendations will be implemented gradually in the framework of the adaptation of the laws to the revised Constitution and in consultation with civil society. Amongst the numerous recommendations supported by Algeria, the delegation highlighted those pertaining to freedom of assembly, demonstration, association, and creation and those related to the guarantees for defendants.

837. The delegation emphasized that legislative elections that took place on 4 May 2017 were for the first time supervised by a high independent authority for elections oversight, which had been established as a constitutional body through the 2016 Constitutional review.

838. Algeria strengthened the institutional framework related to human rights through the provision of a constitutional status to the National Human Rights Council and the granting of its administrative and financial independence in line with the Paris principles.

839. The delegation highlighted that the 2016 Constitution introduced new guarantees to the exercise of the freedoms of information and expression, since prison sentences can no longer be pronounced against personnel working in the information sector, and enshrined the right to freedom of peaceful assembly. It added that the laws on associations and on information will soon be amended by the Parliament.

840. The delegation affirmed that Algeria cooperates fully and in good faith with the special procedures of the Human Rights Council and noted that it extended an invitation to

seven mandate holders in 2010 and announced six new invitations during the presentation of its UPR report.

841. Algeria is a party to almost all international human rights instruments and will examine its accession to additional instruments in the framework of an ongoing and gradual process that takes into consideration possible implications of such ratifications on coherence and adaptation of national legislation and practice.

842. The delegation noted that the legal framework to combat corruption had been enhanced and that new legislative provisions to fight discrimination, including racial discrimination, and incitement to hatred had been introduced in the Penal code.

843. The delegation concluded by stating that several measures had been adopted to ensure respect for physical integrity and prevent ill-treatment of persons and that provisions contained in the penal code had been incorporated into the Constitution. It further noted that Algeria strengthened its measures to combat human trafficking by the establishment of the National Committee against Trafficking in Persons tasked with the elaboration of an action plan to prevent and combat trafficking in persons and to protect victims.

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

844. During the adoption of the outcome of the review of Algeria, 14 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>55</sup> are posted on the extranet of the Human Rights Council, if uploaded.

845. The Islamic Republic of Iran commended the 2016 constitutional amendments, including the establishment of an election oversight authority, the National Human Rights Council, and the Office of the National Child Protection Ombudsman. It welcomed Algeria's efforts relating to economic and social rights, the establishment of judicial mechanisms and amendments to the Criminal Code and Code of Criminal Procedure, as well as laws to protect the rights of women, children and persons with disabilities. It further appreciated the promotion of education among detainees and measures to combat human trafficking and violence against women.

846. Iraq thanked Algeria for the comprehensive presentation on the situation of human rights in Algeria and appreciated Algeria's acceptance of the recommendations put forward by Iraq.

847. Jordan thanked Algeria for the comprehensive presentation and appreciated the acceptance by Algeria of the majority of the recommendations submitted to it, which reflects the commitment of Algeria to the promotion and protection of human rights. Jordan was confident that Algeria will continue to intensify its efforts for the implementation of the recommendations it has accepted and wished Algeria every success in its endeavour to promote and protect human rights.

848. Kuwait commended the efforts by Algeria in the field of human rights, which reflected its commitment to human rights and highlighted the progress made. It was confident that Algeria will redouble its efforts in the field of human rights in order to implement the recommendations contained in the report of the Working Group. Kuwait concluded by wishing Algeria every success in promoting and protecting human rights.

849. Libya commended the effective participation of Algeria in the third cycle of the UPR, its positive efforts made in the field of human rights, and the important measures

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<sup>55</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

taken in many areas. It appreciated the fact that Algeria accepted the majority of recommendations received, which is reflective of its genuine will and wish to promote and protect human rights and its positive interaction with relevant international human rights mechanisms.

850. Madagascar welcomed Algeria's decision to support numerous recommendations made by member States during the UPR session of May 2017 and noted with satisfaction the establishment of the National Human Rights Council and the ratification of regional instruments pertaining to the rights of woman and to democracy, election and governance. It welcomed the 2016 constitutional review and recommended that Algeria pursue its efforts in order to make the promotion and protection of human rights even more effective.

851. Oman welcomed the support by Algeria of numerous recommendations and commended the country for the reforms carried out with a view to reaffirming the rule of law, governance, human rights, and human development. It highlighted the efforts made by Algeria with regard to the independence of the judiciary, outreach and dissemination of human rights, and to combat violence against women and children.

852. Pakistan noted that Algeria's acceptance of numerous recommendations was reflective of its positive commitment on human rights. It particularly appreciated the strengthening of the judiciary and the establishment by Algeria of the National Human Rights Council and laws to protect the rights of women, children and persons with disabilities. It wished Algeria every success in the implementation of accepted recommendations.

853. The Philippines congratulated Algeria for supporting a large number of recommendations received during the interactive dialogue. It hoped that the country will continue to consider ratifying key human rights and labour conventions that enshrine the rights of migrants. The Philippines concluded by wishing Algeria success in the implementation of the accepted recommendations.

854. Qatar commended the positive efforts and motivated actions taken by Algeria in the field of human rights. It welcomed the comprehensive and transparent reforms undertaken by Algeria to strengthen the rule of law, good governance, and human development. More particularly, Oman noted the establishment of the National Human Rights Council and the creation of an institution to promote and protect children's rights. It called on Algeria to continue its open and constructive approach towards human rights.

855. The Russian Federation welcomed Algeria's reaffirmed commitment to improve its national mechanisms to promote and protect human rights and commended in particular the creation of the National Human Rights Council and the establishment of the position of a national ombudsman for the protection of the child. It noted with satisfaction that the majority of the recommendations received during the review were accepted.

856. Saudi Arabia noted that Algeria's position towards UPR recommendations reflected its spirit of cooperation with the mechanisms of the Human Rights Council. It noted that the efforts made by Algeria to enhance the right to health and to overcome challenges demonstrate its keen interest in the promotion and protection of human rights. Saudi Arabia concluded by commending Algeria for accepting most of the recommendations.

857. Sierra Leone applauded the engagement of Algeria in the UPR process and noted the comprehensive responses provided to the recommendations received in that context. Sierra Leone commended the establishment of a working group to examine the withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Finally, it encouraged Algeria to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

858. South Africa congratulated Algeria on the establishment of the National Human Rights Council and welcomed the steps taken to prioritise women's rights, as well as the efforts made with regard to education and health. South Africa concluded by wishing Algeria much success in implementing the recommendations contained in the UPR report.

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

859. During the adoption of the outcome of the review of Algeria, ten other stakeholders made statements. The statements of the stakeholders that were unable to deliver them owing to time constraints<sup>56</sup> are posted on the extranet of the Human Rights Council, if uploaded.

860. World Evangelical Alliance noted numerous recommendations made to Algeria on freedom of religion and religious minorities and stressed remaining challenges in practice, for instance with regard to family law which is not yet adapted to cope with religious pluralism. It recommended that Algeria amend Ordinance 06-03 which was used in the past as a tool to repress religious minorities. It encouraged Algeria to take measures in favour of minorities.

861. Victorious Youths Movement raised concerns about serious human rights violations as well as restrictions on the rights to education and health, particularly in the Saharan region. It stressed the importance of the exercise of sovereignty and rule of law in that region. It called on the international community to urge Algeria to ratify ICPEED and to investigate cases of enforced disappearances. It called on Algeria to send open invitations in particular to the Working Group on enforced disappearance, and to open the territory to human rights mechanisms.

862. Cairo Institute for Human Rights Studies saluted Algeria's will to remove constraints to freedom of assembly and peaceful demonstration, to repeal or amend the law on associations, and to adopt a law on refugees and asylum seekers. It called on the country to seek advice from Special Procedures mandate holders in drafting laws and to accept pending requests for visits. It regretted that Algeria had only noted the UPR recommendation to ratify ICPED, and urged that it guarantees the rights of victims and families to justice. It also regretted the partial acceptance of the recommendation to grant visas to international human rights organisations. It urged to withdraw without delay its reservations to CEDAW.

863. Amnesty International (AI) raised concerns about harassment of human rights defenders, journalists and peaceful protesters, as well as restrictions to the rights to freedom of expression, association and assembly. It urged Algeria to commit to a time-frame to bring legal provision on freedom of association and assembly in line with international standards. AI regretted the rejection of recommendations to decriminalize defamation, to grant visas to international human rights organisations and to extend a standing invitation to Special Procedures. Regarding the repression against the Ahmadi minority, AI regretted the lack of commitment to guarantee their religious freedom. It welcomed Algeria's commitment to adopt national legislation on refugees. AI called on Algeria to amend the Family Code, which discriminates against women.

864. Rencontre Africaine pour la défense des droits de l'homme (RADDHO) appreciated Algeria's efforts to combat corruption and improve human rights. It called on the country to tackle gender-based violence, to amend the Family Code, and to ensure women's access to employment. RADDHO urged Algeria to promote, protect and respect freedoms of expression, association, assembly, religion and belief. RADDHO expressed concern about

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<sup>56</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>



the rise of racism against Sub-Saharan migrants and the lack of legislation on refugees and asylum-seekers, and urged Algeria to protect African migrants. It invited Algeria to allow visits of all mandate holders, and to lift restrictions to human rights organizations and foreign journalists. It also referred to the poverty situation of youth.

865. African Development Association regretted the lack of investigation of cases of enforced disappearances, including in the Tindouf camps. It referred to documented cases of torture against human rights defenders and opponents. It noted human rights violations against residents of the Tindouf camps, including the rights to life, freedom of association, expression and demonstration, as well as to health and food.

866. JSSOR Youth Organization referred to the situation of Algerian youth affected by widespread unemployment, and urged Algeria to devote more attention to them. It made recommendations related to the socio-economic fields aimed at empowering youth and promoting their entrepreneurship.

867. Human Rights Watch (HRW) referred to criminal prosecutions against media and journalists, as well as labour activists calling for peaceful demonstrations. Despite accepting recommendations on freedom of speech and association in 2012, HRW noted that no tangible improvements were made and highlighted that prison sentences still exist in its legislation for nonviolent speech offenses. It urged Algeria to accept recommendations on freedom of speech, assembly and association. More particularly it called on Algeria to revise or repeal Law 12-06 on association, to issue visas to international human rights organizations and foreign journalists, and to reply to pending visit requests of UN human rights experts. While welcoming legislation criminalizing domestic violence, it urged Algeria to adopt a more comprehensive legal framework in that regard. It raised concerns about the prosecution of Ahmadis.

868. Organisation Internationale pour le Développement Intégral de la Femme referred to allegations of human rights violations in the South West of the country and in the Tindouf camps, including with regard to the rights to life, liberty and security, education, health, and housing. It requested Algeria to recognize the violations committed since its independence and to take moral and legal responsibility for the situation in the Sahara and to provide remedies to victims. It urged Algeria to implement the recommendations of special procedures that visited the Tindouf camps.

869. Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE) was concerned about the violations of the rights of African Sub-Saharan migrants, including their expulsion from Algeria, as well as the rights of women and children. It noted that OCAPROCE's report of these violations led to intimidation, threats and reprisals against the organisation. It invited Algeria to strengthen institutions and to develop policies in the area of human rights.

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

870. The President stated that based on the information provided out of 229 recommendations received, 177 enjoy the support of Algeria, additional clarification was provided on another 16 recommendations, and 36 are noted.

871. With reference to the statements made about the Sahrawi refugee camps in Tindouf, Algeria noted that this situation resulted from the violation, by the occupying power, of the rights of Sahrawi to independence. Non-governmental organisations that referred to this issue were not considered as credible and were manipulated. The delegation recalled that OHCHR conducted a technical visit in Tindouf two years ago and noted that it had since then requested a second visit to assess the human rights situation in the camps. It added that neither United Nations agencies and international non-governmental organisations present in the camp camps, nor members of Congress or of non-governmental organisations from

foreign countries who regularly visit the camps had ever reported human rights violations in the Sahrawi camps of Tindouf.

872. The delegation explained that freedom of religion or belief in Algeria has been forged over 14 centuries by Islam. Freedom of religion in Algeria is protected for all religions. It further said that all revealed religions are celebrated in the country and subject to legal rest days and that celebrations are the subject of radio broadcasts. It added that Christian and Jewish missionaries are paid by the Algerian State. The delegation concluded that the violations of freedom of religion or related harassments only exist in the imagination of those who make such allegations.

873. In relation to the Ahmadi community, Algeria said that persons were not prosecuted because of their religious conviction but because they committed acts that are illegal such as raising funds in public places or building religious building without authorisation, or even preaching in unauthorized or unidentified areas. The delegation noted that no differentiation was made between Islam and other religions.

874. The delegation said that Algeria is a country of asylum and as such it shows solidarity with those seeking asylum, help and assistance, as illustrated by the fact that hundreds of thousands of people found refuge in the country. With regard to the few cases of persons deported to their country of origin, the delegation said that this had been done at the request of their government. The delegation further noted that the allegation according to which these persons had been violently deported did not reflect the reality. These deportations were undertaken in the context of intergovernmental agreements between States and with the assistance of UNHCR and IOM. The delegation added that some persons involved in criminal activities had indeed been subjected to expulsion orders, as is the practice in all countries of the world.

875. With regard to violence against women, the delegation noted that the law punishes domestic violence, violence in private and public spheres, and at the workplace. The government adopted a repressive policy in that regard and specialized units have been set up in all police stations to accompany victims of gender based violence. In order to provide assistance to divorced women, a fund was set up to provide an indemnity for those who would not receive alimony from their ex-spouse.

876. In relation to freedom of association and the view that the 2012 law is too restrictive and does not enable civil society organisations to thrive in the social environment, the delegation noted that the number of associations substantially increased since the enactment of the law. It added that the Constitutional review led to the preparation, in cooperation with civil society organisations, of a new draft law that will be better adapted to international non-governmental organisations wishing to open an office in the country and to foreign funding.

877. The delegation concluded by thanking all delegations who participated in the third review of Algeria and ensured that the promises and commitments made with regard to the promotion and respect of human rights will be fully honoured by Algeria.

### **Poland**

878. The review of Poland was held on 9 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Poland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/POL/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/POL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/POL/3).

879. At its 25th meeting, on 22 September 2017, the Council considered and adopted the outcome of the review of Poland (see section C below).

880. The outcome of the review of Poland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/14), the views of Poland concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/14/Add.1*).

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

881. The Chargé d'affaires and the Deputy Representative of the Permanent Mission of Poland in Geneva, H.E. Mr. Jerzy Burski, stated that it was a pleasure for Poland to be among the first countries participating in the third cycle of the Universal Periodic Review. Poland highly valued the UPR process and considered it to be one of the most important human rights accomplishments to date.

882. He underlined that the preparation of the report as well as participation in the review in May had been a complex organisational challenge which had required participation of many governmental actors. The Government thanked the Polish non-governmental organisations which had decided to meet and share their remarks, views, and concerns regarding the governmental report.

883. Poland considered the UPR mechanism not only as a step in fulfilling international recommendations in the area of human rights, but also in the context of Polish candidacy to the Human Rights Council for the 2020-2022 term. Poland was making every effort to fulfil its human rights obligations. The Universal Periodic Review allowed for a general overview of the human rights situation in the country but also gave the opportunity for improvement in the areas which required corrections.

884. More than 80 states had participated in the review of Poland during 27th session of the UPR Working Group in May 2017. Poland had received 185 recommendations. In response, Poland marked 21 recommendations as noted/ not accepted and 10 as partially accepted. To 10 recommendations, Poland could not give its definitive position. The remaining recommendations (144), a large majority, were accepted by Poland.

885. Poland was party to the vast majority of human rights treaties. During the last UPR reporting period 2012- 2017, Poland had signed and ratified a number of Conventions, including Convention on the Rights of Persons with Disabilities and Lanzarote Convention which aimed at protecting children. The recommendations that did not enjoy its support concerned, i.e. ratification of certain Conventions including: Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families; 1954 and 1961 Statelessness Conventions; the ILO Convention no. 169 concerning Indigenous and Tribal Peoples in Independent Countries. Although Poland had no immediate plans to accede to these international treaties, it remained committed to protection of rights of all persons on the basis of its international obligations.

886. Mr. Burski elaborated on the position of Poland towards the issue of recent changes to the Polish legislation, which had been raised by some of the delegations. Firstly, concerning the recommendation to re-establish the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, he stated that, although Poland did not have such plans, the responsibilities of the former Council were fulfilled in the scope of

the existing institutional framework, which was tasked with preventing racial discrimination, xenophobia and intolerance. Secondly, some of the countries had recommended Poland to separate the function of the Prosecutor General and the Minister of Justice. Although, currently, Poland did not plan to separate these two functions, its position was that the existing law guaranteed the independence of prosecutors. Finally, he indicated the assurance of Poland that all amendments of the Polish law complied with its Constitution and international human rights provisions.

887. Regarding the questions of children's rights and the elimination of poverty among children, which was one of the main priorities of Poland, he stated that Poland had lately introduced a number of actions and policies in order to protect children's rights. Poland had amended Polish Family and Guardianship Code in order to guarantee better protection of children in case of divorce or separation of parents. It had introduced The *Family 500+* programme providing for the disbursement of child benefit, resulting in a considerable reduction of poverty levels as well as a decline in the number of persons collecting social welfare benefits. The Government had also adopted a resolution concerning so-called *For Life* programme with the aim of assisting families with members with disabilities, especially parents raising children with disabilities. Poland made every effort to promote and protect the rights of all children, including children of foreign nationalities in Poland. With this in mind, an *Ordinance of the Minister of National Education of September 9th 2016 concerning the education of foreign nationals and of Polish citizens formerly educated by schools forming part of education systems of other states* had been drafted. The ordinance made it possible to accommodate children arriving from abroad, foreign nationals without any or sufficient command of the Polish language, included in regular classes attended by their Polish peers. As Poland found the problem of human trafficking very alarming, particularly when it related to minors, the *Algorithm of Identifying and Proceedings with Minors – Human Trafficking Victims for Police and Border Guard Officers* had been drafted and issued to the Police and Border Guard in 2015.

888. Moreover, Poland was aware that poverty affected many vulnerable groups: children, persons with disabilities, but also elderly people. Therefore, Poland was currently working on the programme that would financially support retired people, so that they could enjoy their life in comfort and dignity.

889. Poland was making every effort in order to reach disadvantaged groups in the society as to improve the quality of their life and protect their human rights.

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

890. During the adoption of the outcome of the review of Poland, 12 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>57</sup> are posted on the extranet of the Human Rights Council, if uploaded.

891. The Russian Federation regretted that a number of important recommendations had been rejected by Poland. Any party or organization, which fuelled racial discrimination or instigated it, should be declared illegal. It hoped that Poland would demonstrate a will to cease the disgraceful practice of destruction of monuments in the honour of Soviet troops liberators, in line with the recommendations adopted and the General Assembly resolution on combating the glorification of Nazism.

892. Sierra Leone took note of the strategy for persons with disabilities for 2017-2030, the "Family 500+" programme, and the introduction of a police-led, new system to record

<sup>57</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

all hate crime investigations. It was pleased that its three recommendations enjoyed support, particularly on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. It hoped that Poland would continue to implement strategies for protecting women from domestic violence, including through the 2014-2020 programme.

893. Albania was pleased that Poland had accepted the vast majority of the recommendations, including its own regarding the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. It remained confident that Poland would continue to give due attention to the rights of migrant workers, minorities, and vulnerable groups, including by taking all appropriate measures to prevent and combat racial discrimination and intolerance, and violence and discrimination based on sexual orientation and gender identity.

894. Belarus appreciated the acceptance of its recommendation on strengthening the national mechanisms for combating human trafficking. The steps taken by Poland to provide financial support to families with children and to improve the exercise of the rights of persons with disabilities would strengthen the social protection of the population. It trusted that Poland would devote sufficient attention to fulfilling the recommendations on preventing the spread of all manifestations of hatred and discrimination.

895. China appreciated the acceptance of the majority of the recommendations, including its two recommendations. It looked forward to steps to be taken by Poland to implement these recommendations, especially legislative steps, to combat violence against women and to protect minorities, including Roma, and uphold their right to education, housing, healthcare, and employment to promote their social inclusion, and to adopt measures to ensure access for unaccompanied migrant children to high quality education services.

896. Egypt commended the ratification of the Convention on the Rights of Persons with Disabilities, legal amendments to combat violence against women, and reduction in the wage disparities between men and women, and the efforts to protect and support families. It looked forward to positive engagements by Poland with its recommendations, which called for sustained efforts in the framework of the new National Action Plan to Combat Human Trafficking and strengthening existing measures to combat xenophobia and hate crimes.

897. Estonia commended the commitment of Poland to continue to strengthen gender equality and empowerment of women, including accepting recommendations to continue efforts to eliminate violence against women. It encouraged Poland to ensure favourable legislation towards women's rights, including access to comprehensive sexual education and family planning. It regretted that Poland noted some recommendations, including the ones to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

898. India noted the positive measures taken by Poland to implement previous recommendations. It recognized the efforts in the sphere of women's rights, rights of persons with disabilities and introduction of institutional changes concerning the equality of treatment. It trusted that Poland would further intensify its efforts to implement the accepted recommendations in the coming years.

899. Iraq expressed its gratitude to Poland for presenting the human rights situation in the country. It appreciated that Poland had supported the majority of the recommendations, including the two recommendations that it had presented.

900. Libya appreciated the extensive explanations provided by Poland about the recommendations and took note of the acceptance of the large majority of them. It hoped that Poland would continue efforts to deal with challenges, including with regard to hate crimes and incitement, and the improvement of the situation of persons with disabilities.

901. The Maldives was encouraged by the efforts of Poland in advancing children's rights and the importance given to the protection of the rights of persons with disabilities. It also commended all the initiatives undertaken to fight against gender-based violence and discrimination women faced at workplace; sexual exploitation of children; and acts related to racial discrimination.

902. Pakistan acknowledged the steps taken to ensure equal treatment and to combat discrimination and hate crimes, including the appointment of equal treatment coordinators in each ministry and the project called "migrants against hate crimes: how to enforce your rights". It encouraged Poland to take further measures to combat discrimination and intolerance against migrants and religious minorities.

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

903. During the adoption of the outcome of the review of Poland, 11 other stakeholders made statements.

904. The Office of the Commissioner for Human Rights was concerned about the Government's statement that the integrity and independence of Constitutional Tribunal was protected, since there was a serious doubt concerning the independence of the Constitutional Tribunal, which posed a serious threat to the rule of law, democracy and human rights protection. The Commissioner also remained concerned about the political control over media. Due to the changes adopted in 2016, the governing majority had gained wide competences in appointing the management of the public broadcasters, while the National Broadcasting Council, the constitutional organ, had been deprived of its competences. The Commissioner welcomed the Government's acceptance of recommendations to criminalize hate crimes on the ground of age, disability, and sexual orientations, however, regretted that it did not see the need to change the Equal Treatment Act.

905. The International Bar Association urged Poland to ensure that the principles of the independence of the judiciary and the separation of powers are implemented in practice. It welcomed the veto by the President of the National Judicial Council Act and the Supreme Court Act and urged Parliament not to adopt these laws. If adopted, they would end the term of office of many members of the National Judicial Council, with their successors then being appointed not by the judiciary but by Parliament; they would also end the tenure of all judges sitting in the Supreme Court, except for those indicated by the President. In August 2017, the Law on Common Court Organisation came into force, which enabled the Minister of Justice to recall all the presidents of courts during their term of office. This contravened international standards regarding the tenure of judges.

906. European Region of the International Lesbian and Gay Association welcomed the acceptance by Poland of six recommendations regarding the amendment to the Penal Code to ensure that crimes motivated by discrimination on any grounds, including disability, gender identity and expression and sexual orientation, are included and can be investigated and prosecuted as hate crimes. It also welcomed the acceptance of the recommendations regarding combating violence and discrimination against LGBTI persons. However, the recommendations regarding legal recognition of same-sex partnerships were not accepted. It stressed that many human rights abuses on LGBT persons stemmed from the fact that Polish law did not provide a possibility to register a same-sex partnership.

907. Federation for Women and Family Planning stated that hospitals' arbitrary and unlawful procedures, abusive performance of conscientious objection, lack of proper information for patients, and criminalization of abortion led to the situation where pregnant women had no option to obtain safe medical service in public hospitals but to seek an abortion in unsafe conditions. The draft bill to ban abortion because of foetus' disability

was being prepared. The access to contraception was limited. The new curriculum of the subject, Preparation for Family Life, incorporated patriarchal and discriminatory stereotypes and religious views on reproductive health. The newest legislative proposal by the Ombudsman for Child's Rights revealed the approach treating women's bodies and fertility as a subject to scrutiny. The European Court of Human Rights found Poland responsible for human rights violation on the issue of access to reproductive health services.

908. Human Rights House Foundation stated that, since 2015, Poland had succeeded to dismantle the hard-won democratic principles. This began with changes to the functioning of the Constitutional Court, a law granting government control over public TV and radio, a law granting additional powers of surveillance, and the merging of the functions of the Minister of Justice and the Prosecutor General. Parliament had furthermore authorised the Minister of Justice to choose Supreme Court judges and enabled Parliament to appoint the members of the National Council of the Judiciary. It joined the High Commissioner for Human Rights in urging Poland to recall the Polish people's recent honourable struggle for human rights and to respect their rights to an independent judiciary, due process, independent media and fundamental freedoms.

909. African Regional Agricultural Credit Association stated that it had been more than 25 years since Poland had entered into a transformation from a Communist country to that of a vibrant democracy characterised by Western norms such as rule of law, good governance and respect for human rights. Poland had also been performing remarkably well on the economic front. With a gross domestic product of USD 475 billion in 2015, Poland was ranked 25th among the world's largest economic powers. Poland had also pursued a policy of sustainable development and had paid adequate attention to the issues of environmental concerns and climate change.

910. Action Canada for Population and Development stated that as many as six States had recommended guaranteeing access to safe and legal abortion. Poland responded by presenting itself as a State that faultlessly realized the right to legal abortion, contraception, and sexuality education. Poland referred to the possibility to obtain the service free of charge as stated in the Act on family planning. However, in practice, hospitals and doctors did not comply with the law. Many doctors prolonged the medical procedures for termination of pregnancy in order to exceed the deadline to perform a legal abortion. Doctors also refused to perform procedures, claiming their right to conscientious objection. This refusal to care without timely referral to another service provider was overused by doctors and in use in entire hospitals.

911. The Helsinki Foundation for Human Rights stated that the Constitutional crisis posed a serious threat to all checks and balances mechanisms and undermined the protection of rule of law. The Constitutional Tribunal was under the political influence, and two of the judgements of 2016 had not been published. The President had not sworn in to the office three judges legally appointed in 2015. It also remained concerned about the protection of freedom of speech and information and the public media. As consequences of the changes adopted in 2016, the governing majority increased its control over the process of appointing the management of the public broadcasters. The operational space for NGOs was also shrinking, as Parliament had adopted the law to change the process of distributing public funds for NGOs.

912. Amnesty International noted Poland's commitments to implement the recommendations of the Venice Commission and the European Commission with regard to the rule of law and to take measures to protect the independence of the judiciary and the separation of powers, however, indicated that these commitments came at a time when the Government and the President would be submitting new proposals for the judicial reforms, which were in direct breach of international human rights standards. It was concerned that

Poland had rejected a recommendation to repeal the restrictive amendments to the Law on Assemblies. It welcomed Poland's support for eight recommendations to ensure access for women to safe and legal abortion, however, noted the initiatives by civil society groups and members of Parliament to introduce further restrictions to access to abortion.

913. CIVICUS remained seriously concerned by the Government's control over state institutions and the media. There was an urgent need to revisit changes made to the Broadcasting Act in January 2016 to prevent political interference. It welcomed Poland's acceptance of the recommendation to guarantee freedom of assembly, but urged reconsideration of the rejection of the recommendation to "Repeal the restrictive amendments on the Law on Assemblies". It welcomed the acceptance of recommendations on freedom of association, however, urged Poland to ensure that these guarantees are applied equally to all, including groups promoting the rights of LGBTI people, and that the new counter-terrorism legislation is not used as a pretext for the erosion of the rights of minority groups, particularly Muslims.

914. European Union of Public Relations stated that Poland had managed to build a robust democracy and thriving free-market economy by carefully sequencing its economic and political reforms, installing welfare policies designed to protect the most vulnerable. Poland had a range of public policies intended to address short-term poverty and rehabilitate the poorest individuals and households to become self-sufficient. Poland also actively engaged in the promotion of women's rights and targeted inclusive economic growth with a focus on the poorer segments of society and less advanced regions. Its new policy measures included generous family spending under the Family 500+ programme.

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

915. The President stated that based on the information provided out of 185 recommendations received, 144 enjoy the support of Poland, additional clarification was provided on another 10 recommendations, and 31 are noted.

916. The Chargé d'affaires and Deputy Representative, Mr. Burski thanked all the speakers for their interest, words of encouragement and criticism. He stated that Poland would take all the recommendations and comments under serious consideration, and as previously, present UPR mid-term report. Poland was also looking forward to its next review to demonstrate its commitment to the protection of human rights. Poland hoped that its report showed the work and efforts undertaken to better protect human rights. It considered many initiatives in the field of human rights as permanent tasks, including in such areas as preventing discrimination or violence against women.

917. Mr. Burski informed that Poland had extended a standing invitation to special procedures, already in 2001, and was in the process of facilitating the next visit of the Special Rapporteur on the independence of judges and lawyers in October this year. He also addressed two issues, which had been raised during the discussion. The first issue concerned the government approach towards the rights of vulnerable groups, including LGBTI people. He underlined that Poland remained committed to the principle of universality of human rights. Everyone, irrespective of his or her sexual orientation or gender identity, was entitled to the enjoyment of human rights, as well as the protection by the state's authorities from violence and discrimination. The equality before the law and the general prohibition of discrimination was enshrined in the Constitution. In this context, Poland did not plan to recognize marriages between same-sex persons as it was against the provisions of the Constitution. The second issue concerned recent amendments and draft amendments of the acts on Polish judiciary system and the Constitutional Court. The Government's position was that the principles of the organization of Polish judiciary system were the sovereign prerogative of the State. Moreover, there was strong support in the Polish society for the judicial reform in Poland, which would be implemented.



918. Poland was determined to maintain the highest standards of the rule of law and relied oftentimes on the support of international institutions in this regard. Poland hoped for a fruitful cooperation with the Human Rights Council and the other United Nations mechanisms in the future.

### **The Netherlands**

919. The review of the Netherlands was held on 10 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by the Netherlands in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/NLD/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/NLD/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/NLD/3).

920. At its 26th meeting, on 22 September 2017, the Council considered and adopted the outcome of the review of the Netherlands (see section C below).

921. The outcome of the review of the Netherlands comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/15), the views of the Netherlands concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/36/15/Add.1*).

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

922. The delegation stated that representatives of all four countries of the Kingdom of the Netherlands, namely the Netherlands, Aruba, Curaçao and St. Maarten had taken part in the interactive dialogue of the working group held in May 2017 as each country is responsible for the implementation of obligations stemming from the different human rights conventions in its territory. The delegation thanked delegations of Belgium, Germany, Mexico, Norway, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland for submitting advanced questions. The advanced questions were proven to be useful for the delegation to prepare and engage effectively in the interactive dialogue. Thus, the delegation was of the view that the submission of advanced questions to a state under review should continue as a good practice. The delegation expressed its appreciation to 89 delegations that made statements during the interactive dialogue.

923. The Kingdom received a total of 203 recommendations during the review held in the working group. Most of the recommendations concerned the country of the Netherlands. The recommendations covered many different areas that were discussed during the interactive dialogue, including the human rights institutional infrastructure and the legislative and policy framework.

924. The delegation noted the encouragement that its Government has received to continue the implementation of its various action plans, including the National Action Plan on Human Rights. Many recommendations focused on such areas as protection from discrimination, rights of the child and of migrants, and hate crime. In this respect, the Netherlands was urged to continue its strategic and systematic approach to combat discrimination and hate crimes on the grounds of inter alia race, ethnic origin, nationality and religion. The Government of the Netherlands would follow-up those recommendations,

including by continuing the implementation of the National Action Programme against Discrimination.

925. The Kingdom received several recommendations related to business and human rights. The delegation expressed the Government's commitment to prevent and remedy the involvement of Dutch companies in human rights abuses and to continue its efforts in this area, in line with the United Nations Guiding Principles on Business and Human Rights and its National Action Plan on Business and Human Rights.

926. The delegation reported that the Government had examined thoroughly the recommendations. The Kingdom of the Netherlands as a whole, including its four countries expressed its position to seven recommendations (131.25, 131.26, 131.117, 131.123, 131.154, 131.199 and 131.203) and the Government of the Netherlands provided the position on the remaining recommendations in a written form. Due to extreme circumstances and the damages caused by Irma hurricane in Sint Maarten, the Government of Sint Maarten could not participate in finalizing the position of the Kingdom on recommendations from the universal periodic review. Therefore, some adjustments might be made by the Government of Sint Maarten.

927. The Kingdom of the Netherlands accepted 104 recommendations and 98 recommendations were noted. The delegation provided the explanation on its position in a written form. For instance, three recommendations (131.5, 131.6, 131.7) related to the ratification of the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights were noted because the Government has been currently studying the advice it has requested from the Council of State on a supporting draft law. A decision on ratification of the Optional Protocol would be taken by the new Government to be appointed soon. Other recommendations had been accepted, for instance, recommendations nos. 131.41 and 131.42 to strengthen national policy in order to decrease the gender wage gap as well as 13 recommendations to combat hate crime and hate speech.

928. The delegation informed the Human Rights Council that the Government of the Netherlands had informed the Parliament about its position on the recommendations before submitting them for the adoption by the Council. Furthermore, the consultation process included several stakeholders, including the Netherlands Institute for Human Rights and non-governmental organisations. The delegation noted with appreciation their contribution to the universal periodic review process and highlighted their vital role as a constructive partner and watchdog in the process of the follow-up to the recommendations.

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

929. During the adoption of the outcome of the review of the Netherlands, 15 delegations made statements.

930. Sierra Leone noted the efforts of the Government to protect the rights of vulnerable groups, including persons with disabilities and children. It noted the efforts of Aruba to develop a national action plan on human rights. Sierra Leone encouraged the Netherlands to consider withdrawing its reservations made to several articles of the Convention on the Rights of the Child.

931. The Sudan commended the Netherlands for the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of a national action plan on business and human rights. It encouraged the Netherlands to eliminate all forms of discrimination against women and girls. The Sudan noted that the Netherlands supported a large number of recommendations from the third cycle.

932. Tunisia commended the Netherlands for supporting a large number of recommendations. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of a national action plan on human rights and a national anti-discrimination programme.

933. Albania welcomed the voluntary submission of a midterm report by the Netherlands. It commended the Netherlands for its active engagement to advance the human rights protection globally and for upholding high standards of human rights at the national level. It noted that the Netherlands Institute for Human Rights had been awarded A status.

934. Bahrain commended the Netherlands for the supported recommendations, including two recommendations put forward by Bahrain to develop training for police officers and to eliminate discrimination and xenophobia. Bahrain expressed its hope that the Netherlands would continue working on the full implementation of the remaining recommendations from previous cycles, along with the new ones.

935. China noted information on the adoption of the national human rights action plan and the ratification of the Convention on the Rights of Persons with Disabilities. It also noted that the Netherlands supported most of the recommendations from universal periodic review, including two recommendations put forward by China. It hoped that the Netherlands would attach a high importance to the implementation of the recommendations, in particular those calling for strengthening anti-discrimination legislation, combating racial discrimination and xenophobia, and racial violence, protecting the rights of the Roma, ethnic minorities, refugees and of migrants, and combating human trafficking and sexual exploitation of children.

936. Côte d'Ivoire noted with appreciation that the Netherlands supported a number of recommendations and hoped that the Netherlands would take efforts for their full implementation. It praised the efforts of the Netherlands to guarantee equality and human rights to all its citizens. Côte d'Ivoire encouraged the Netherlands to continue its cooperation with international human rights mechanisms.

937. Egypt commended the Netherlands for some positive developments in the protection of human rights, including the ratification of the Convention on the Rights of Persons with Disabilities and the measures to address the gender pay gap. It noted persisting discrimination against minorities, including islamophobia, and discrimination against refugees and asylum-seekers. It expected that the Netherlands would consider positively recommendations put forward by Egypt, including to adopt policies to protect all minorities and take measures to address intolerance in the political discourse and the Internet, to address human rights violations by Dutch companies, and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

938. Estonia noted with appreciation that the Netherlands supported the majority of recommendations. It commended the Netherlands for the establishment of a national human rights institution and the implementation of a national human rights action plan. It noted the decision to launch the ratification process of the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights, which might lead to re-examination of the ratification of the Optional Protocol to the Convention of the Rights of Persons with Disabilities.

939. India commended the Netherlands for its achievements in advancing human rights, particularly the efforts to prevent ethnic profiling. It noted the projects to increase public awareness about the importance of economic independence of women. India highlighted the steps taken to evaluate the national human rights action plan. It hoped that the Government would continue its efforts to implement the recommendations that it had supported.

940. Islamic Republic of Iran called upon the Netherlands to combat systematic discrimination on the grounds of race, ethnicity, nationality and religion and to strengthen its efforts to prevent discriminatory attitudes and actions, including hate speech against Muslims, migrants, refugees and asylum seekers. It hoped that the Netherlands would fully implement the accepted recommendations put forward by the Islamic Republic of Iran.

941. Iraq commended the Netherlands for supporting the majority of the recommendations, including two recommendations put forward by Iraq.

942. Libya noted with appreciation that the Netherlands supported a number of important recommendations. It commended the Netherlands for the measures taken to promote human rights, including the adoption of a national human rights action plan in 2013 in line with the recommendations from the second review, and the implementation of an action plan to fight discrimination in employment. It hoped that the Netherlands would continue its efforts to reduce hate speech.

943. The Philippines noted that the Netherlands supported the recommendations put forward by the Philippines to prevent and combat violence against women, including domestic violence. It hoped that the Netherlands would consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and would be able to accept in the future accountability for human rights violations and environmental damages caused by the companies registered or based in the Netherlands.

944. The Russian Federation reiterated its concern that the legal amendments adopted by the Parliament expanded the authority of Special Services and facilitated their access to information on the Internet. It considered that the Government should take measures to protect the right to privacy, including private information from the unjustified interference by the Special Services. It highlighted the need to ensure oversight by civil society over the conditions of and treatment in detention places for asylum seekers and other categories of migrants. The Russian Federation was concerned about poor prison conditions, cases of human trafficking and the limited access to education and health care in the Caribbean part of the Netherlands.

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

945. During the adoption of the outcome of the review of the Netherlands, 10 other stakeholders made statements.

946. The Netherlands Institute for Human Rights (by video message) noted with satisfaction that the most important human rights issues were reflected in the recommendations from the third cycle of the review. Those recommendations could, therefore, be used for a new national action plan on human rights. It encouraged the Netherlands to use the lessons learned from the previous action plan to develop a new effective instrument with measurable objectives for the realisations of the recommendations. The Institute highlighted the differences in the realisation of human rights between Caribbean part and the European part of the Kingdom that required urgent attention of the Kingdom.

947. The Defence for Children International welcomed the continuous efforts of the Government to protect the rights of the child, the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the national human rights action plan in 2013. It encouraged the Netherlands to implement several recommendations related to the rights of the child, including on the ratification of the Convention on the Rights of the Child on a communications procedure, on the inclusion of the human rights education in the

curriculum of schools and the protection of children of refugees, asylum seekers and undocumented migrants from discrimination.

948. The Minnesota Citizens Concerned for Life Inc. Education Fund noted that the universal periodic review and recommendations from the review did not address the growing and troubling practice of euthanasia in the Netherlands. It noted the concern expressed by the Human Rights Committee at the lack of guarantees for decisions for euthanasia not to be subject of undue influence or misapprehension. It referred to concerns expressed some human rights treaty bodies at the cases of euthanizing children under the age of 18 and infants with disabilities. The right to life, the right to health and the freedom from discrimination were violated by the practice of euthanasia in the Netherlands.

949. Federatie van Nederlandse Verenigingen tot Integratie Van Homosexualiteit – COC Nederland welcomed the efforts of the authorities to protect the rights of persons based on their sexual orientation. It noted, however, the remaining challenges in the protection of trans and intersex persons and in addressing discrimination and violence against lesbian, gay, bisexual, trans and intersex persons. It encouraged the authorities to inter alia improve the access to legal gender recognition, including reimbursement of all aspects of gender affirmative health care, to ensure comprehensive education on sexual and gender diversity and to address discrimination against trans and intersex persons in the labour market.

950. The International Commission of Jurists encouraged the Minister of Interior of the new Government to make efforts in coordinating the implementation of the accepted recommendations from the universal periodic review and to engage with the Parliament to set up priorities and to design meaningful actions towards the new human rights action plan. It conveyed the message of Dutch civil society to Government to start turning the words into actions.

951. Action Canada for Population and Development noted the supported recommendations by the Netherlands related to comprehensive sexuality education and paternity leave. It noted, however, that the Government's response to those recommendations implied that those recommendations were fully implemented. The Action Canada for Population and Development considered that a comprehensive approach to sexuality education has been often missing and thus, it urged the Government to inter alia ensure that gender equality and sexual rights are compulsory elements of the school curriculum and to increase paid paternity leave beyond the minor increase from 2 to 5 days.

952. Amnesty International noted that the number of people in immigration detention was on the rise and thus, it regretted that the Netherlands did not support recommendations to reduce immigration detention and to prioritize the use of alternative measures. It noted also the Government did not support recommendations to ensure adequate safeguards against human rights violations in counter terrorism measures. It called for systematic monitoring of police stop-end-search operations and for the inclusion of human rights education in the mandatory school curriculum.

953. International-Lawyers.Org noted with concern the growing number of instances of xenophobia and especially Islamophobia in the Netherlands. It urged the Government to address such discrimination in line with the Convention on the Elimination of All Forms of Racial Discrimination as well as Durban Declaration and Programme of Action.

954. Endeavour Forum Inc. stated that the Netherlands ignored the rights of children based on age. It stated that abortion constituted a killing of a human being. It expressed a view that human dismemberment was not a solution of social problems and that abortion was the worst form of child abuse. Endeavour Forum Inc, stated that the practice of abortion resulted in genocide of a large number of human beings in the past decades.

954. The Islamic Human Rights Commission noted the recommendations from the Committee on the Elimination of Racial Discrimination to promote the elimination of some features of the character of Black Pete which reflected negative stereotypes and were experienced by many people of African descent as a vestige of slavery. It reported that the Netherlands did not agree to ban the racist aspects of the Sinterklass festival. It noted reports on cases of intimidation and threats against journalists questioning the racist aspects of the festival and was concerned by the rise of Islamophobia and of cases of violence.

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

955. The President stated that based on the information provided out of 203 recommendations received, 104 enjoyed the support of the Netherlands, additional clarification was provided on one recommendation, and 98 were noted.

956. In conclusion, the delegation thanked the States and representatives of civil society that participated in the review for their constructive comments and expressed criticism. It reassured the Council that the Government would carefully consider those comments and expressed the Government's readiness to continue bilaterally the discussion on those issues. The delegation reported on the plans of the Government to organize a conference on the follow-up of the recommendations with the participation of relevant stakeholders in November. The Conference would be divided into several workshops on the different themes discussed during the review.

957. The delegation informed the Human Rights Council that a new Government would be formed following the 2017 elections, which would subsequently adopt its new policies. Nevertheless, the Netherlands would remain strongly committed to the universal periodic review process and the recommendations from the review. The outcome of the conference on the follow-up to be held in November would be reflected in the new policies. The delegation expressed its view that an important factor of the success of the universal periodic review in the third cycle remained the effective implementation of the recommendations. The delegation concluded its statement by reiterating the appeal made by one of the non-governmental organisations to kick off the work towards the implementation of the recommendations.

#### **South Africa**

958. The review of South Africa was held on 10 May 2017 in conformity with all the relevant provisions contained in relevant Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by South Africa in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/27/ZAF/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/27/ZAF/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/ZAF/3).

959. At its 26th meeting, on 22 September 2017, the Council considered and adopted the outcome of the review of South Africa (see section C below).

960. The outcome of the review of South Africa comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/16), the views of South Africa concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also *A/HRC/36/16/Add.1*).

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

961. Mr John Jeffery, Deputy Minister of the Department of Justice and Constitutional Development, introduced South Africa's position on the recommendations received to the Human Rights Council.

962. It was recalled that September had marked the 40 year anniversary of the death of Steve Biko, who was killed in police custody on September 12, 1977, after a litany of human rights violations that included enforced disappearance, arbitrary detention, torture and state sanctioned murder, all of which were too common in Apartheid South Africa. The delegation stated that the best way to honour his legacy was to ensure human rights for all. It was therefore pleased to report back on progress made regarding the Working Group report.

963. During the third cycle review in May 2017, South Africa received a total of 243 recommendations, out of which 187 were accepted. These recommendations were receiving the attention of the Government and were at various phases in the planning and implementation process. At least one of the recommendations was beyond the scope of South Africa to implement as it fell within the purview of the institution building text of the Human Rights Council. The remainder of the recommendations were ongoing in nature and would therefore require more detailed consideration. Acceptance of these recommendations would also require a realistic reflection of available resources. Therefore, South Africa would report comprehensively on all the recommendations at its next Universal Periodic Review in 2021.

964. The delegation noted that many of the recommendation made to South Africa had focused on the elimination of hate speech, hate crimes, racism and other forms of discrimination. It stressed the Government's commitment to eliminating racism in all its forms. The Prevention and Combating of Hate Crimes and Hate Speech Bill had been published for public comment earlier in the year and generated considerable debate, notably in relation to the provisions on hate speech. The Government believed that criminalising such conduct would act as a deterrent and discourage persons from expressing such views. The delegation also noted that the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance was in the process of being finalized.

965. South Africa also received many recommendations on the elimination of discrimination and violence against women. The Government remained concerned by the continuation of this scourge and was endeavouring to improve the operation of the many initiatives and programmes in existence, such as the work being carried out by the Thuthuzela Care Centres and the Sexual Offences Courts. A number of initiatives were being undertaken in collaboration with NGOs which focused on better parenting and involved fatherhood.

966. With regards to the rights of LGBTI persons, the delegation recalled the work of the National Task Team, noting that this engagement between civil society, various government departments as well as national human rights institutions was beginning to yield results.

967. The delegation also highlighted that the Government was making important strides by developing standard operating procedures, hosting national dialogues as well as training of immigration officials.

968. Social cohesion, nation building and the prevention of sporadic attacks on foreign nationals were high on the Government's agenda and various Inter-Ministerial Task Teams had been established to address this issue. Some of the challenges that were being addressed included the implementation of South Africa's labour policies as they pertained

to foreign nationals, the implementation of the laws that govern business licences, the country's border management and migration policies.

969. The delegation recalled questions received during the Working Group regarding the Life Esidimeni incident and reported on the measures taken to implement the initial recommendations by the Health Ombudsman to establish an Alternative Dispute Resolution Process.

970. The delegation also indicated that South Africa welcomed recommendations received to promote socio-economic rights and reiterated the Government's commitment to the pro-poor programmes. It noted progress made including the increase over the last 23 years of the social grants programme to poor and vulnerable communities from 2.7 million to 17 million people, as well as numerous measures taken with regards to education.

971. The delegation highlighted achievements in the area of health noting that, this year, the White Paper on the National Health Insurance had been gazetted as a policy document. The National Health Insurance was a health financing system that would seek to provide access to quality health care services to all South Africans. Additionally, with 3.9 million persons on anti-retrovirals South Africa had the biggest ARV programme in the world. The country had also recently reached a breakthrough pricing agreement on ARVs that would accelerate the availability of the first affordable, generic, single pill HIV treatment regimen in the public health sector.

972. Despite South Africa's commitments and many legislative, policy and other measures to achieve social-economic, political rights for all, South Africa still struggled to overcome the legacy of inequality. The delegation noted that September 2017 marked the 5th anniversary of the National Development Plan, which was the country's socio-economic development blueprint to tackle the challenges of poverty, unemployment and inequality by 2030.

973. On the issue of National Human Rights Institutions, the delegation noted that the Constitution had set up an array of independent institutions. With regards specifically to recommendations made on the work of the South African Human Rights Commission (SAHRC) the delegation indicated that the Government undertook regular cooperative meetings with the Commission.

974. With regard to the Optional Protocol to the Convention against Torture, the delegation indicated that before ratification could be achieved, an agreement on the structure and the location of the National Preventive Mechanism needed to be reached.

975. The delegation recalled ongoing efforts to combat human trafficking, including the adoption of the Prevention and Combating of Trafficking in Persons Act. A National Inter-Sectoral Committee on the Prevention and Combating of Trafficking in Persons had also been established. The work being carried out was aligned to commitments made in the United Nations Global Plan of Action to Combat Trafficking in Persons and to Sustainable Development Goal 16.

976. The delegation stressed that South Africa remained fully committed to the protection, promotion and enjoyment of human rights by all.



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

977. During the adoption of the outcome of the review of South Africa, 16 delegations made statements. The statements of the delegations that were unable to deliver them owing to time constraints<sup>58</sup> are posted on the extranet of the Human Rights Council, if uploaded.

978. Senegal stated that South Africa had developed economic, social and cultural policies to consolidate the nation. In this context, the national plan for development entitled “Vision 2030” had been recently adopted. Senegal shared the aims of South Africa’s authorities to combat racism, xenophobia, intolerance and discrimination and, in this regard, welcomed the enactment of the bill criminalizing hate speech.

979. Sierra Leone noted with interest that crimes committed against persons with albinism would be prosecuted under the Prevention and Combating of Hate Crimes and Hate Speech Bill of 2016 and encouraged all efforts aimed at the protection of persons with albinism. Sierra Leone encouraged South Africa to consider becoming a signatory to the core conventions it was not currently a party to notably: the International Convention for the Protection of All Persons from Enforced Disappearance (ICPEED) and the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

980. Sri Lanka noted that South Africa had accepted 187 recommendations out of 243. It welcomed commitments to human rights, and in particular, measures taken towards the implementation of the Sustainable Development Agenda through a National Development Plan “Vision 2030”. It encouraged the Government to continue efforts to eliminate hate crimes, hate speech and racism, racial discrimination, xenophobia and related intolerance through legal and policy measures that it had already embarked upon.

981. The Sudan commended developments such as the enactment of the Prevention and Combating of Trafficking in Persons Act of 2013, as well as the adoption of the national development plan-2030 Vision and the drafting of a national action plan to combat racism, racial discrimination, and xenophobia and related intolerance. It noted with appreciation that South Africa had accepted the majority of the recommendations received.

982. Togo welcomed South Africa’s full participation in the UPR process and its renewed commitment to continuing to protect and promote human rights in the country. Togo commended South Africa for measures adopted to eliminate poverty and reduce inequalities and encouraged South Africa to continue its efforts to combat hate speech and hate crimes.

983. Tunisia welcomed South Africa’s acceptance of the majority of the recommendations received and steps taken to promote economic and social rights, in particular, the adoption of the national development plan Vision 2030 to combat poverty and reduce inequality by 2030. Tunisia welcomed the adoption of specific laws to combat torture, human trafficking and protect information.

984. Uzbekistan thanked South Africa for the updated information and comments provided with regards to the UPR recommendations and commended the country for its constructive participation in the UPR process. Uzbekistan stated that the effective implementation of the UPR recommendations would help to further strengthen the protection of human rights in South Africa.

985. Venezuela (Bolivarian Republic of) stated that the sound social programs adopted by South Africa to reduce inequality and poverty reaffirmed the country’s determination to

<sup>58</sup> <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>

achieve the wellbeing of its people. It noted the increase in the budget for education and significant progress in different areas related to health such as increase in life expectancy and improvement in the mortality rates. It noted South Africa's leadership for the effective implementation of the Durban Declaration and Programme of Action.

986. Albania commended South Africa for its constructive engagement with the Council's mechanisms, including its standing invitation to the Special Procedures. Albania appreciated the acceptance by South Africa of its recommendation on the ratification of the Optional Protocol to the Convention against Torture and encouraged the country to continue on its positive path in upholding human rights, including by enhancing implementation of its international obligations in its national legislation.

987. Algeria noted that South Africa had done much to combat racism, as reflected in the draft national plan of action developed in this context. Algeria welcomed South Africa's commitment at the regional and international levels to promote human rights for all. It noted that South Africa had accepted most of the recommendations received during its third UPR, including those made by Algeria related to combating sexual violence against children and the fight against HIV/AIDS.

988. Azerbaijan commended the constructive engagement in and commitment of South Africa to the UPR process. Azerbaijan congratulated South Africa for its continuous efforts in the promotion and protection of human rights in the country, and commended the institutionalized and committed approach the Government of South Africa with regards to the implementation of the Sustainable Development Goals.

989. Belgium asked about concrete measures that would be adopted with regards to strengthening the protection of LGBTI persons. It noted with regret that two recommendations had not been accepted by South Africa, the first concerning the revision of the legislation on children in order to establish at 18 the minimum age for marriage for boys and girls; and the second on the ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

990. Botswana noted the development of the education system with a view to increasing access. It also noted the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance aimed at providing a basis for the development of a comprehensive public policy against those scourges, and was confident it would be finalised as planned.

991. China commended South Africa's acceptance of recommendations received including to continue promoting sustainable development, eradicating poverty and improving people's living standards. China appreciated South Africa's remarkable achievements in breaking down racial barriers promoting equality and in protecting various rights of its people. China also appreciated the implementation of the national development plan – Vision 2030.

992. Côte d'Ivoire congratulated South Africa on the efforts made in favour of the promotion and protection of human rights in the country. Côte d'Ivoire encouraged South Africa to continue its efforts, in particular for the promotion of women's rights, the rights of the child and of vulnerable persons.

993. Cuba thanked South Africa for accepting its two recommendations related to continuing the implementation of policies to reduce poverty and inequality; and advancing the process for the adoption of the Prevention and Combating of Hate Crimes and Hate Speech Bill. Cuba welcomed the active role played by South Africa in the international debate on very relevant issues, such as the impact on human rights of the activities of transnational corporations, in particular private military and security companies; and the right to development.

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

994. During the adoption of the outcome of the review of South Africa, 12 other stakeholders made statements. The South African Human Rights Commission (by video message) commended the Government for the significant progress achieved since the last UPR. It supported recommendations on inequality, racism and xenophobia, realisation of socio-economic rights, gender-based violence, hate crimes persons with disabilities, HIV aids and children's rights. It reiterated recommendations for the ratification of outstanding international instruments, including OP-CAT and ICRMW.

995. International Bar Association noted that South Africa had withdrawn its notice to withdraw from the International Criminal Court but that the ANC had called for an African Court to address international crimes which would exempt heads of State and senior officials from prosecution. It called on the Government to adopt a hate speech law as recommended, and to ratify ICRMW and facilitate a visit of the Special Rapporteur on Racism.

996. International Lesbian and Gay Association noted with appreciation that the Government had accepted all of the 7 recommendations on sexual orientation, gender identity and expression and sex characteristics. It urged the state to support civil society organizations on public education campaigns to combat hate speech and social stigmatization of transgender and intersex people and to take measures to increase tolerance and social inclusion.

997. Association for the Prevention of Torture noted that though South Africa had signed the Optional Protocol to the Convention against Torture 10 years ago and, since then, accepted recommendations to ratify that instrument, it had failed to do so. It hoped that it would now give priority to ratification of OP-CAT and was encouraged by renewed interest around the practicalities of its implementation.

998. Swedish Association for Sexuality Education noted that this year marked the 20<sup>th</sup> anniversary of the Choice on Termination of Pregnancy Act. However, an estimated 50% of abortions were still performed by illegal providers and almost 10% of maternal deaths were from unsafe abortions. It urged South Africa, through the implementation of its UPR recommendations, to uphold the sexual and reproductive health and rights of all and that place women and youth at the centre of the right for reproductive justice.

999. Action Canada for Population and Development noted that many of the 243 recommendations made in this UPR cycle echoed recommendations made in the previous cycles, notably on gender-based violence, HIV/AIDS, poverty, inequality and racial discrimination. The repeated commitments by South Africa to address these issues were undermined by, among others, rampant extraction of the country's natural resources by multinational corporations, the political economy of aid which was the modern face of colonialism, and corruption.

1000. Edmund Rice International Limited noted that South Africa had high rates of gender-based violence and that statistics showed that only a fifth of perpetrators faced legal action following a reported rape. It indicated that despite significant government investment, the education system was highly dysfunctional. It recommended that the Government reopen refugee offices and hire additional personnel.

1001. Amnesty International emphasized the need for a national strategic plan on combatting gender-based violence, and for urgent improvement of conviction rates and justice for survivors. It welcomed the acceptance by South Africa of some of the recommendations to reduce excessive use of force including through capacity building. It deeply regretted that more than five years after the killing of 34 striking miners and injury of 70 others at Marikana the victims and their families were still awaiting justice.

1002. Human Rights Watch urged South Africa to fulfil commitments made during its third UPR cycle, including on the prevention of xenophobia and other forms of intolerance and violence against women. It indicated that South Africa should re-affirm its commitment to the International Criminal Court. It noted recommendations calling on South Africa to prioritize implementing inclusive education for children with disabilities and indicated that the Government should ensure that children with disabilities have access to quality basic education.

1003. Rencontre Africaine pour la défense des droits de l'homme remained concerned by the increase in violence, xenophobia, discrimination and intolerance against African migrants in the country as well as the pillaging of their belongings and livelihoods. It called on the government to launch an outreach campaign for tolerance. It noted the steady decline in HIV infections. It encouraged South Africa to fight against corruption and sexual violence as well as excessive use of force by the security forces.

1004. Villages Unis (United Villages) congratulated South Africa for its full cooperation with the mechanisms of the Human Rights Council. It encouraged South Africa in its efforts to combat discrimination and violence against women and welcomed the clear political will of the government to adopt concrete measures and take action against xenophobia and racism.

1005. International-Lawyers.org welcomed the Hate Crimes and Hate Speech Bill, noting that South Africa's most prominent legacy was its struggle against racism and other forms of discrimination. In this context, it urged South Africa to continue to pursue its role as a global leader in support of the Durban Declaration and Programme of Action.

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

1006. The President stated that based on the information provided out of 243 recommendations received, 187 enjoy the support of South Africa, and 56 are noted.

1007. The delegation thanked the representatives of the States and civil society organizations for their comments on the report, the majority of which had been supportive. Certain issues raised related to areas where further action could be taken. On the issue of migrants, refugees, asylum-seekers and stateless persons, this was a complicated area that required international cooperation and burden sharing. South Africa strongly supported the development of the global compacts on refugees and migrants to ensure the protection of their human rights. The delegation stated that South Africa viewed the UPR mechanism as an important tool for cooperation and constructive engagement among states and all other stakeholders. It remained committed to effectively implementing accepted recommendations and would engage in consultations in this regard.

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

1008. At the 27th meeting, on 22 September 2017, and at the 28th meeting, on 25 September 2017, 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: Armenia<sup>59</sup> (on behalf of the International Organisation of la Francophonie), China, Cuba, Egypt (also on behalf of the Group of Arab States), Estonia<sup>60</sup> (on behalf of the European Union),

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<sup>59</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>60</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Georgia, Iraq, Paraguay, Portugal (also on behalf of Angola, Australia, Bahamas, Belgium, Botswana, Brazil, Colombia, Costa Rica, Denmark, Ecuador, Fiji, Georgia, Haiti, Italy, Mexico, Morocco, the Netherlands, Norway, Paraguay, the Republic of Korea, Seychelles, Slovenia, Thailand, Timor-Leste, Tunisia and Uruguay), Tunisia (also on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Belize, Guinea-Bissau, Haiti, Iran (Islamic Republic of), Malawi, Maldives, Montenegro, Morocco, Samoa (also on behalf of Angola, Belize, Guinea-Bissau, Malawi, Mali, Marshall Islands and Mauritania), Sweden, Turkey;

(c) Observer for an intergovernmental organization: the Commonwealth;

(d) Observers for non-governmental organizations: ABC Tamil Oli; Africa Culture Internationale; African Regional Agricultural Credit Association; Alliance Creative Community Project; Alsalam Foundation; Americans for Democracy & Human Rights in Bahrain Inc; ANAJA (L'Eternel a répondu); Article 19 - International Centre Against Censorship, The; Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association des étudiants tamouls de France; Association of World Citizens; Association pour les Victimes Du Monde; Association pour l'Intégration et le Développement Durable au Burundi; Association Solidarité Internationale pour l'Afrique (SIA); Association Thendral; Canners International Permanent Committee; Center for Environmental and Management Studies; Center for Organisation Research and Education; Colombian Commission of Jurists; Commission to Study the Organization of Peace; Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Ensemble contre la Peine de Mort; Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland; Health and Environment Program (HEP); Indian Council of South America (CISA); Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Buddhist Relief Organisation; International Educational Development, Inc.; International Human Rights Association of American Minorities (IHRAAM); International Humanist and Ethical Union (also on behalf of Alliance Defending Freedom; Baha'i International Community; Christian Solidarity Worldwide; European Humanist Federation; International Association for Religious Freedom and International Fellowship of Reconciliation); International Organization for the Elimination of All Forms of Racial Discrimination; International-Lawyers.Org; Iraqi Development Organization; Khiam Rehabilitation Center for Victims of Torture; Le Pont; Liberation; L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie; Maarij Foundation for Peace and Development; Mbororo Social and Cultural Development Association; Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale; Pan African Union for Science and Technology; Prahar; Rencontre Africaine pour la defense des droits de l'homme; Society Studies Centre (MADA ssc); Tamil Uzhagam; The Next Century Foundation; Tourner la page; United Schools International; United Towns Agency for North-South Cooperation; UPR Info; VAAGDHARA; Verein Sudwind Entwicklungspolitik; World Barua Organization (WBO); World Environment and Resources Council (WERC); World Muslim Congress.

## C. Consideration of and action on draft proposals

### Bahrain

1009. At the 22nd meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/101 on the outcome of the review of Bahrain.

**Ecuador**

1010. At the 22nd meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/102 on the outcome of the review of Ecuador.

**Tunisia**

1011. At the 22nd meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/103 on the outcome of the review of Tunisia.

**Morocco**

1012. At the 23rd meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/104 on the outcome of the review of Morocco.

**Indonesia**

1013. At the 23rd meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/105 on the outcome of the review of Indonesia.

**Finland**

1014. At the 24th meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/106 on the outcome of the review of Finland.

**United Kingdom of Great Britain and Northern Ireland**

1015. At the 24th meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/107 on the outcome of the review of the United Kingdom of Great Britain and Northern Ireland.

**India**

1016. At the 24th meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/108 on the outcome of the review of India.

**Brazil**

1017. At the 24th meeting, on 21 September 2017, the Council adopted, without a vote, decision 36/109 on the outcome of the review of Brazil.

**Philippines**

1018. At the 25th meeting, on 22 September 2017, the Council adopted, without a vote, decision 36/110 on the outcome of the review of the Philippines.

**Algeria**

1019. At the 25th meeting, on 22 September 2017, the Council adopted, without a vote, decision 36/111 on the outcome of the review of Algeria.

**Poland**

1020. At the 25th meeting, on 22 September 2017, the Council adopted, without a vote, decision 36/112 on the outcome of the review of Poland.

**Netherlands**

1021. At the 26th meeting, on 22 September 2017, the Council adopted, without a vote, decision 36/113 on the outcome of the review of the Netherlands.

**South Africa**

1022. At the 26th meeting, on 22 September 2017, the Council adopted, without a vote, decision 36/114 on the outcome of the review of South Africa.

**Extension of the mandate of the independent international fact-finding mission on Myanmar**

1023. At the 41st meeting, on 29 September 2017, the Council adopted, without a vote, decision 36/115 on the Extension of the mandate of the independent international fact-finding mission on Myanmar.

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

### A. General debate on agenda item 7

1024. At the 28th and the 29th meetings, on 25 September 2017, 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 Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, Egypt, Egypt (also on behalf of the Group of Arab States), Indonesia, Iraq, Nicaragua<sup>61</sup> (also on behalf of Algeria, Bahrain, Bangladesh, Bolivia, Cuba, Ecuador, Egypt, Indonesia, Malaysia, Namibia, Nicaragua, Pakistan, Saudi Arabia, South Africa, the United Arab Emirates, Venezuela (Bolivarian Republic of) and Zimbabwe), Nigeria, Pakistan<sup>62</sup> (also on behalf of the Organization of Islamic Cooperation), Qatar, Saudi Arabia, South Africa, Tunisia, Tunisia (also on behalf of the Group of African States), United Arab Emirates, Venezuela (Bolivarian Republic of), Venezuela (Bolivarian Republic of) (also on behalf of the Non-Aligned Movement);

(c) Representatives of observer States: Algeria, Angola, Bahrain, Chile, Democratic People's Republic of Korea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mauritania, Morocco, Namibia, Nicaragua, Oman, Pakistan, Russian Federation, Senegal, Sudan, Turkey;

(d) Observer for an intergovernmental organization: the Cooperation Council for the Arab States of the Gulf;

(e) Observers for non-governmental organizations: ADALAH - Legal Center for Arab Minority Rights in Israel; Africa Culture Internationale; Agence pour les droits de l'homme; Al-Haq, Law in the Service of Man; Amuta for NGO Responsibility; Association of World Citizens; BADIL Resource Center for Palestinian Residency and Refugee Rights; B'nai B'rith (also on behalf of Coordinating Board of Jewish Organizations); Cairo Institute for Human Rights Studies (also on behalf of Al Mezan Centre for Human Rights); Commission of the Churches on International Affairs of the World Council of Churches; Conseil de jeunesse pluriculturelle (COJEP); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Defence for Children International; Human Rights Watch; Indian Movement "Tupaj Amaru"; International Association of Democratic Lawyers (IADL); International Buddhist Relief Organisation; International Federation for Human Rights Leagues; International Human Rights Association of American Minorities (IHRAAM); International Organization for the Elimination of All Forms of Racial Discrimination; International Youth and Student Movement for the United Nations; International-Lawyers.Org; Khiam Rehabilitation Center for Victims of Torture; Meezaan Center for Human Rights; Norwegian Refugee Council; Palestinian Center for Development and Media Freedoms "MADA"; Servas International; The Palestinian Return

<sup>61</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>62</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.



Centre Ltd; Union of Arab Jurists; United Nations Watch; Women's Centre for Legal Aid and Counseling; World Jewish Congress; World Muslim Congress.

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

### A. Panel

#### **Annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms**

1025. At the 11th meeting, on 15 September 2017, pursuant to Human Rights Council resolution 6/30, the Council held the annual discussion on the integration of a gender perspective, with a focus on the theme “The universal periodic review and the 2030 Agenda for Sustainable Development: Achieve gender equality and empower all women and girls”.

1026. The United Nations High Commissioner for Human Rights made an opening statement for the panel. The Executive Director of the Gender Centre, Graduate of Institute of International and Development Studies, Claire Somerville, moderated the discussion for the panel.

1027. At the same meeting, the following panellists made statements: the Secretary General of the Commission for Women in Jordan, Salma Nims; the Deputy Executive Director, International Division, Danish Institute for Human Rights, Eva Grambye; the Executive Director of UPR Info, Roland Chauville; and the UNFPA Assistant Representative of Malawi Country Office, United Nations Population Fund, Dorothy Nyasulu.

1028. The ensuing panel discussion was divided into two slots, which were held at the same meeting, on the same day. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Belgium (also on behalf of Luxembourg and the Netherlands), Brazil (also on behalf of the Community of Portuguese Speaking Countries), Canada<sup>63</sup> (also on behalf of Australia, Iceland, Liechtenstein, New Zealand, Norway and Switzerland), Chile (also on behalf of Argentina, Brazil, Colombia, Costa Rica, Guatemala, Mexico, Peru and Uruguay), Estonia<sup>64</sup> (also on behalf of Denmark, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), Ethiopia, Pakistan<sup>65</sup> (also on behalf of the Organization of Islamic Cooperation), Switzerland (also on behalf of Austria, Liechtenstein and Slovenia), Tunisia (also on behalf of the Group of African States);

(b) Representatives of observer States: Bahrain, Ireland;

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

(d) Observer for a national human rights institution: Global Alliance of National Human Rights Institutions (GANHRI);

(e) Observers for non-governmental organizations: Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights - RFSL (also on behalf of International Lesbian and Gay Association); Terre Des Hommes Federation Internationale (also on behalf of Defence for Children International; Foundation ECPAT International (End Child

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<sup>63</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>64</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>65</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes) and Plan International, Inc.)

1029. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.

1030. The following made statements during the second speaking slot:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Botswana, Georgia, India, Qatar, United Arab Emirates;

(b) Representatives of observer States: Angola, Bosnia and Herzegovina, Bulgaria, Greece, Israel, Italy, Maldives, Pakistan, Sierra Leone, Spain, Viet Nam;

(c) Observer for an intergovernmental organization: International Development Law Organization;

(d) Observers for non-governmental organizations: Action Canada for Population and Development; CIVICUS - World Alliance for Citizen Participation (also on behalf of Association for Women's Rights in Development (AWID)); International Service for Human Rights; Verein Sudwind Entwicklungspolitik.

1031. At the same meeting, the panellists answered questions and made concluding remarks.

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

1032. At the 29th meeting, on 25 September 2017, and at the 31st meeting, on 26 September 2017, 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: Bolivia (Plurinational State of), China, Colombia<sup>66</sup> (also on behalf of Argentina, Brazil, Chile, Costa Rica, Mexico and Uruguay), Egypt (also on behalf of the Group of Arab States), Estonia<sup>67</sup> (also on behalf of the European Union), Ethiopia (also on behalf of Italy, Japan, Mexico, Morocco and the United Kingdom of Great Britain and Northern Island), Iraq, Pakistan<sup>68</sup> (also on behalf of the Organization of Islamic Cooperation), Philippines, South Africa, Switzerland (also on behalf of a Albania, Brazil, Colombia, Greece, Guatemala, Mexico, Paraguay, Portugal and Uruguay), Tunisia (also on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Greece, Israel, Libya, Mozambique, Namibia, Russian Federation;

(c) Observers for non-governmental organizations: ABC Tamil Oli; Action Canada for Population and Development (also on behalf of Allied Rainbow Communities International; Center for Reproductive Rights, Inc., The; Centro de Estudios Legales y Sociales (CELS) Asociación Civil; European Humanist Federation; European Youth Forum; Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland; International Commission of Jurists; International Federation for Human Rights Leagues; International HIV/AIDS Alliance; International Humanist and Ethical Union; International Lesbian and Gay Association; International Planned Parenthood

<sup>66</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>67</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

<sup>68</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Federation; IPAS; Medecins du Monde – International; Rutgers; Sonke Gender Justice Network; Women Enabled; Women’s International Democratic Federation and World Young Women’s Christian Association); Alliance Creative Community Project; Alsalam Foundation; Americans for Democracy & Human Rights in Bahrain Inc; ANAJA (L’Eternel a répondu); Asian Forum for Human Rights and Development; Association A.M.OR; Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association of World Citizens; Association pour les Victimes Du Monde; Association pour l’Intégration et le Développement Durable au Burundi; Association Solidarité Internationale pour l’Afrique (SIA); Association Thendral; Canners International Permanent Committee; Center for Environmental and Management Studies; Center for Organisation Research and Education; Centre for Human Rights and Peace Advocacy; Centro de Estudios Legales y Sociales (CELS) Asociación Civil (also on behalf of Penal Reform International); Centro Regional de Derechos Humanos y Justicia de Genero; Commission to Study the Organization of Peace; Conectas Direitos Humanos; Conseil de jeunesse pluriculturelle (COJEP); Conseil International pour le soutien à des procès équitables et aux Droits de l’Homme; European Union of Public Relations; Human Security Initiative Organization; Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Humanist and Ethical Union; International Human Rights Association of American Minorities (IHRAAM); International Organization for the Elimination of All Forms of Racial Discrimination; International-Lawyers.Org; International Youth and Student Movement for the United Nations; iuventum e.V.; Kham Rehabilitation Center for Victims of Torture; Le Pont; Liberation; L’Observatoire Mauritanien des Droits de l’Homme et de la Démocratie; Maarif Foundation for Peace and Development; Mbororo Social and Cultural Development Association; Meezaan Center for Human Rights; Organisation Internationale pour le Développement Intégral de la Femme; Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale; Pan African Union for Science and Technology; Prahar; Presse Embleme Campagne; Rencontre Africaine pour la defense des droits de l’homme; Servas International; Society for Development and Community Empowerment; Tamil Uzhagam; Tourner la page; United Nations Watch; United Schools International; VAAGDHARA; Verein Sudwind Entwicklungspolitik; Victorious Youths Movement; World Barua Organization (WBO); World Environment and Resources Council (WERC); World Muslim Congress.

1033. At the 29th meeting, on the same day, statement in exercise of the right of reply was made by the representative of the Bolivarian Republic of Venezuela.

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

### **A. Interactive dialogue with a special procedures mandate holder**

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

1034. At the 31st meeting, on 26 September 2017, the Chairperson of the Working Group of Experts on People of African Descent, Sabelo Gumedze, presented the reports of the Working Group (A/HRC/36/60 and Add.1-2).

1035. At the same meeting, the representatives of Canada and Germany made statements as the States concerned.

1036. Also at the same meeting, a representative of the German Institute for Human Rights made a statement.

1037. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Chairperson of the Working Group questions:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), Botswana, Brazil, Cuba, Ecuador, Nigeria, Tunisia (on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Azerbaijan, Benin, Italy, Kenya, Libya, Mexico;

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

(d) Observers for non-governmental organizations: Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC); 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; Espace Afrique International; International Organization for the Elimination of All Forms of Racial Discrimination; International Youth and Student Movement for the United Nations; International-Lawyers.Org; Minority Rights Group.

1038. At the same meeting, the Chairperson of the Working Group answered questions and made his concluding remarks.

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

1039. At the 32nd meeting, on 26 September 2017, the Human Rights Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Brazil, Brazil (also on behalf of Argentina, Chile, Guatemala, Haiti, Mexico, Peru and Uruguay), China, Cuba, Ecuador, Egypt (on behalf of the Group of Arab States), Estonia<sup>69</sup> (also on behalf of the European Union, Albania, Bosnia and Herzegovina, Georgia, Liechtenstein, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav

<sup>69</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

Republic of Macedonia, Turkey and Ukraine), Iraq, Pakistan<sup>70</sup> (also on behalf of the Organization of Islamic Cooperation), Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of), Venezuela (Bolivarian Republic of) (also on behalf of the Non-Aligned Movement);

(b) Representatives of observer States: Armenia, Azerbaijan, Bahrain, Greece, Iran (Islamic Republic of), Israel, Libya, Mexico, Pakistan, Russian Federation, Sierra Leone, Turkey, Ukraine;

(c) Observers for non-governmental organizations: ABC Tamil Oli; Africa Culture Internationale; Alliance Creative Community Project; Alsalam Foundation; Americans for Democracy & Human Rights in Bahrain Inc; Amuta for NGO Responsibility; ANAJA (L'Eternel a répondu); Asian-Eurasian Human Rights Forum; Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association des étudiants tamouls de France; Association of World Citizens; Association pour les Victimes Du Monde; Association pour l'Intégration et le Développement Durable au Burundi; Association Solidarité Internationale pour l'Afrique (SIA); Association Thendral; Center for Environmental and Management Studies; Center for Organisation Research and Education; Commission africaine des promoteurs de la santé et des droits de l'homme; Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme; European Union of Public Relations; Indian Council of South America (CISA); Indian Movement "Tupaj Amaru"; Indigenous People of Africa Coordinating Committee; International Association for Democracy in Africa; International Buddhist Relief Organisation; International Educational Development, Inc.; International Human Rights Association of American Minorities (IHRAAM); International Movement Against All Forms of Discrimination and Racism (IMADR); International Organization for the Elimination of All Forms of Racial Discrimination; International Youth and Student Movement for the United Nations (also on behalf of Action internationale pour la paix et le développement dans la région des Grands Lacs; African Development Association; Association Dunenyoy; Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC); Commission africaine des promoteurs de la santé et des droits de l'homme; Espace Afrique International; Global Action on Aging; Indian Movement "Tupaj Amaru"; International Association Against Torture; International Association of Democratic Lawyers (IADL); International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic & Other Minorities; International Organization for the Elimination of All Forms of Racial Discrimination; International-Lawyers.Org; iuventum e.V.; Liberation; Servas International and Tiye International); International-Lawyers.Org; Iraqi Development Organization; Khiam Rehabilitation Center for Victims of Torture; Le Pont; Liberation; L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie; Maarij Foundation for Peace and Development; Mbororo Social and Cultural Development Association; Meezaan Center for Human Rights; Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale; Organization for Defending Victims of Violence; Pan African Union for Science and Technology; Pasumai Thaayagam Foundation; Prahar; Rencontre Africaine pour la defense des droits de l'homme; Servas International; Sikh Human Rights Group; Society for Development and Community Empowerment; Stichting International Center for Ethnobotanical Education, Research & Service; Tamil Uzhagam; The Next Century Foundation; The Palestinian Return Centre Ltd; Tourner la page; United Nations Watch; United Schools International; VAAGDHARA; Verein Sudwind Entwicklungspolitik;

<sup>70</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

World Barua Organization (WBO); World Environment and Resources Council (WERC); World Jewish Congress; World Muslim Congress.

1040. At the 32nd meeting, on 27 September 2017, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, China, Cuba and the Russian Federation.

1041. Also at the same meeting, statements in exercise of the second right of reply were made by the representatives of Armenia and Azerbaijan.

## C. Consideration of and action on draft proposals

### Mandate of the Working Group of Experts on People of African Descent

1042. At the 42nd meeting, on 29 September 2017, the representatives of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.16, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Haiti and Venezuela (Bolivarian Republic of). Subsequently, Bolivia (Plurinational State of), Brazil, Canada, Chile, China, Costa Rica, Cuba, the Dominican Republic, Ecuador, Greece, Honduras, Panama, the Republic of Korea and the former Yugoslav Republic of Macedonia joined the sponsors.

1043. At the same meeting, the representative of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) made a general comment in relation to the draft resolution.

1044. 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.

1045. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the delegation from the consensus on the draft resolution.

1046. Also at the same meeting, the draft resolution was adopted without a vote (resolution 36/23).

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

1047. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.17/Rev.1, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Chile, China, Cuba, Ecuador, Haiti and Venezuela (Bolivarian Republic of). Subsequently, Bolivia (Plurinational State of), the Philippines, Thailand and Turkey joined the sponsors.

1048. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council), Switzerland and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

1049. 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 voting was as follows:

#### *In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia,

Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Germany, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Belgium, Croatia, Georgia, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia

1050. Draft resolution A/HRC/36/L.17/Rev.1 was adopted by 32 votes to 5, with 10 abstentions (resolution 36/24).

1051. At the same meeting, the representative of the Bolivarian Republic of Venezuela made a statement in explanation of vote after the vote and general comments in relation to all draft proposals adopted under agenda item 9.



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

### **A. Enhanced interactive dialogue on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo**

1052. At the 33rd meeting, on 26 September 2017, pursuant to Human Rights Council resolution 33/29, the United Nations Deputy High Commissioner for Human Rights presented the report of the High Commissioner on the situation of human rights situation in the Democratic Republic of the Congo in the electoral context (A/HRC/36/34).

1053. Also at the same meeting, the following presenters made statements: the Minister of Human Rights of the Democratic Republic of the Congo, Marie-Ange Mushobekwa; the Special Representative of the Secretary-General in the Democratic Republic of the Congo and the Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, Maman Sidikou; the Commissioner for Political Affairs of the African Union, Cessouma Minata Samate; and the Chairperson of the Congolese Association for Access to Justice, Georges Kapiamba.

1054. During the ensuing discussion, at the 34th meeting, on 27 September 2017, the following made statements and asked the Deputy High Commissioner for Human Rights and presenters questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, Botswana, China, Egypt, Germany, Netherlands, Portugal, Switzerland, Tunisia (on behalf of the African Group), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Angola, Canada, Congo, Czechia, France, Greece, Ireland, Morocco, Mozambique, Sudan, Sweden (also on behalf of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania and Norway), Uganda, Holy See;

(c) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

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

(e) Observers for non-governmental organizations: African Development Association; Amnesty International; Espace Afrique International; Human Rights Watch; International Federation for Human Rights Leagues; International Federation of ACAT (Action by Christians for the Abolition of Torture); International-Lawyers.Org; Rencontre Africaine pour la defense des droits de l'homme.

1055. At the same meeting, the presenters answered questions and made their concluding remarks.

1056. Also at the same meeting, the Deputy High Commissioner for Human Rights answered questions and made her concluding remarks.

### **B. Interactive dialogue on cooperation and assistance to Ukraine in the field of human rights**

1057. At the 33rd meeting, on 26 September 2017, pursuant to Human Rights Council resolution 35/31, the Deputy High Commissioner for Human Rights provided an oral update on the situation of human rights in Ukraine.

1058. At the same meeting, the Deputy Minister for Foreign Affairs of Ukraine, Sergiy Kyslytsya, made a statement as the State concerned.

1059. During the ensuing interactive dialogue, at the 33rd meeting, on the same day, the following made statements and asked the Deputy High Commissioner questions:

(a) Representatives of States Members of the Human Rights Council: Albania, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Austria, Azerbaijan, Bulgaria, Czechia, Denmark, Estonia, Finland, France, Iceland, Ireland, Lithuania, Luxembourg, New Zealand, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Spain, Sweden, Turkey;

(c) Observers for non-governmental organizations: Caritas Internationalis (International Confederation of Catholic Charities); Human Rights House Foundation; Human Rights Watch; Minority Rights Group; World Federation of Ukrainian Women's Organizations.

1060. At the 33rd meeting, on the same day, the Deputy High Commissioner for Human Rights answered questions and made her concluding remarks.

### **C. Interactive dialogue on technical assistance and capacity-building to improve human rights in Libya**

1061. At the 35th meeting, on 27 September 2017, pursuant to Human Rights Council resolution 34/38, the United Nations Deputy High Commissioner for Human Rights provided an oral update on the situation of human rights in Libya.

1062. At the same meeting, the Head of the Human Rights, Transitional Justice and Rule of Law Division of the United Nations Support Mission in Libya, Matilda Bogner, made a statement.

1063. Also at the same meeting, the representative of Libya made a statement as the State concerned.

1064. During the ensuing interactive dialogue, at the 35th and 36th meetings, on 27 September 2017, the following made statements and asked the Deputy High Commissioner for Human Rights questions:

(a) Representatives of States Members of the Human Rights Council: China, Egypt, Egypt (also on behalf of the Group of Arab States), Hungary, Netherlands, Portugal, Qatar, Tunisia, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria; Bahrain; Greece; Ireland; Italy; Jordan; Mali; Malta; Spain; Sudan; Turkey; Ukraine;

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

(d) Observers for non-governmental organizations: Amnesty International; Article 19 - International Centre Against Censorship, The; Cairo Institute for Human Rights Studies; Conseil de jeunesse pluriculturelle (COJEP); Human Rights Watch; Rencontre Africaine pour la defense des droits de l'homme.

1065. At the 36th meeting, on 27 September 2017, the Deputy High Commissioner for Human Rights answered questions and made her concluding remarks.

## D. Interactive dialogue with a special procedures mandate holder

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

1066. At the 34th meeting, on 27 September 2017, the Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, presented her report (A/HRC/36/61).

1067. At the same meeting, the representative of Cambodia made a statement as the State concerned.

1068. During the ensuing interactive dialogue, at the same meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: China, Germany, Japan, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Czechia, France, Ireland, Lao People's Democratic Republic, Mexico, Myanmar, Thailand;

(c) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

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

(e) Observers for non-governmental organizations: Article 19 - International Centre Against Censorship, The; Asian Forum for Human Rights and Development; Human Rights Watch; International Catholic Child Bureau; International Commission of Jurists; International Federation for Human Rights Leagues; Lawyers' Rights Watch Canada; World Organisation Against Torture.

1069. At the 34th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

### Independent Expert on the situation of human rights in Somalia

1070. At the 35th meeting, on 27 September 2017, the Independent Expert on the situation of human rights in Somalia, Bahame Nyanduga, presented his report (A/HRC/36/62).

1071. At the same meeting, the representative of Somalia made statement as the State concerned.

1072. During the ensuing interactive dialogue, at the same meeting, on the same day, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Botswana, Egypt, Egypt (also on behalf of the Group of Arab States), Germany, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, France, Ireland, Italy, Mozambique, Qatar, Sudan, Turkey, Yemen;

(c) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

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

(e) Observers for non-governmental organizations: East and Horn of Africa Human Rights Defenders Project; Human Rights Watch; International Educational Development, Inc.; International Federation of Journalists; Rencontre Africaine pour la defense des droits de l'homme.

1073. At the 35th meeting, on the same day, the Independent Expert answered questions and made his concluding remarks.

**Independent Expert on the situation of human rights in the Sudan**

1074. At the 36th meeting, on 27 September 2017, the Independent Expert on the situation of human rights in the Sudan, Aristide Nononsi, presented his report (A/HRC/36/63).

1075. At the same meeting, the representative of Sudan made a statement as the State concerned.

1076. During the ensuing interactive dialogue, at the 36th meeting, on the same day, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: China, Cuba, Egypt (also on behalf of the Group of Arab States), Ethiopia (also on behalf of Djibouti, Kenya, Somalia, South Sudan, the Sudan and Uganda), Germany, Iraq, Qatar, Slovenia, Switzerland, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Bahrain, Democratic People's Republic of Korea, Eritrea, France, Libya, Nicaragua, Somalia, South Sudan;

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

(d) Observers for non-governmental organizations: Christian Solidarity Worldwide; East and Horn of Africa Human Rights Defenders Project; Eastern Sudan Women Development Organization; Human Rights Watch; International Federation for Human Rights Leagues; Maarij Foundation for Peace and Development; Rencontre Africaine pour la defense des droits de l'homme; Society Studies Centre (MADA ssc).

1077. At the 36th meeting, on the same day, the Independent Expert answered questions and made his concluding remarks.

**Independent Expert on the situation of human rights in the Central African Republic**

1078. At the 36th meeting, on 27 September 2017, the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita Bocoum, presented her report (A/HRC/36/64).

1079. At the same meeting, the representative of the Central African Republic made a statement as the State concerned.

1080. During the ensuing interactive dialogue, at the 36th meeting, on 27 September 2017, and at the 37th meeting, on 28 September 2017, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, China, Egypt; Germany, Netherlands, Portugal, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Angola, France, Gabon, Luxembourg, Morocco, Mozambique, Spain, Ukraine;

(c) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

(d) Observers for intergovernmental organizations: European Union, International Organization of la Francophonie;

(e) Observers for non-governmental organizations: Amnesty International; Defence for Children International; Human Rights Watch; International Federation for Human Rights Leagues; International Organization for the Elimination of All Forms of Racial Discrimination; World Evangelical Alliance (also on behalf of Caritas Internationalis (International Confederation of Catholic Charities)).

1081. At the 37th meeting, on the same day, the Independent Expert answered questions and made her concluding remarks.

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

1082. At the 37th meeting, on 28 September 2017, the United Nations Deputy High Commissioner for Human Rights presented country reports of the Office of the High Commissioner and the Secretary-General submitted under agenda items 2 and 10 (A/HRC/36/32, A/HRC/36/33, A/HRC/36/65).

1083. Also at the same meeting, the representatives of Cambodia, Georgia and Yemen made statements as the States concerned.

1084. At the 37th and the 38th meetings, on 28 September 2017, the Human Rights Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Bolivia (Plurinational State of), Brazil, China, Croatia, Cuba (also on behalf of Algeria, Angola, Antigua and Barbuda, Bahrain, Belarus, Bolivia (Plurinational State of), Burundi, Chad, China, Comoros, the Congo, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Guinea-Bissau, Haiti, India, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Libya, Mauritania, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Pakistan, the Philippines, Qatar, the Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Somalia, South Africa, South Sudan, Sudan, Suriname, the Syrian Arab Republic, Tajikistan, Timor-Leste, Tunisia, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe and the State of Palestine), Egypt, Estonia (also on behalf of the European Union), Germany, Ghana, Hungary, Iceland (also on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America), India, Indonesia, Japan, Latvia, Morocco (also on behalf of the International Organization of la Francophonie), Nicaragua (also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador and Venezuela (Bolivarian Republic of)), Paraguay, Saudi Arabia, Tunisia (also on behalf of the Group of African States), Ukraine (also on behalf of Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Azerbaijan, Bahrain, Belarus, Belize (also on behalf of Angola, Guinea-Bissau, Mali, Malawi, Marshall Islands, Mauritania and Samoa), Bulgaria, Cambodia, Democratic People's Republic of Korea, Denmark, Estonia, Fiji, Finland, France, Honduras, Lithuania, Malaysia, Maldives, Marshall Islands, Norway, Pakistan, Poland, Republic of Moldova, Romania, Samoa, Senegal, Sierra Leone, Sweden, Syrian Arab Republic, Thailand, Turkey, Ukraine;

(c) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

(d) Observer for an intergovernmental organization: Cooperation Council for the Arab States of the Gulf;

(e) Observers for non-governmental organizations: ABC Tamil Oli; Al Zubair Charitable Foundation; Alsalam Foundation; Americans for Democracy & Human Rights in Bahrain Inc; Amnesty International; Association Bharathi Centre Culturel Franco-Tamoul; ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE; Association des étudiants tamouls de France; Association of World Citizens; Association pour l'Intégration et le Développement Durable au Burundi; Association Solidarité Internationale pour l'Afrique (SIA); Baha'i International Community; Cairo Institute for Human Rights Studies; Center for Organisation Research and Education; Centre for Human Rights and Peace Advocacy; Conseil de jeunesse pluriculturelle (COJEP); Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme; Eastern Sudan Women Development Organization; Egyptian Organization for Human Rights; Human Rights Now; Human Rights Watch; Indian Council of South America (CISA); Indian Movement "Tupaj Amaru"; International Buddhist Relief Organisation; International Federation for Human Rights Leagues; International Lesbian and Gay Association; International Organization for the Elimination of All Forms of Racial Discrimination; Iraqi Development Organization; Lawyers' Rights Watch Canada (also on behalf of Lawyers for Lawyers); Le Pont; Liberation; Maarif Foundation for Peace and Development; Mbororo Social and Cultural Development Association; Minority Rights Group; Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale; Prahar; Rencontre Africaine pour la defense des droits de l'homme; Save the Children International (also on behalf of Action contre la faim; Care International; Relief International); Society Studies Centre (MADA ssc); Tamil Uzhagam; The Next Century Foundation; Tourner la page; United Nations Watch; Verein Sudwind Entwicklungspolitik.

1085. At the 38th meeting, on 28 September 2017, statements in exercise of the right of reply were made by the representatives of Bahrain, Philippines and the Russian Federation.

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

### **Technical assistance and capacity-building in the field of human rights in the Central African Republic**

1086. At the 42nd meeting, on 29 September 2017, the representatives of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.18/Rev.1, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Belgium, France, Germany, Hungary, Ireland, Italy, Monaco and Spain. Subsequently, Argentina, Austria, Brazil, Canada, Croatia, Czechia, Denmark, Estonia, Finland, Greece, Indonesia, Japan, Latvia, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Sweden, Switzerland, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

1087. At the same meeting, the representative of Tunisia (on behalf of the Group of African States) orally revised the draft resolution.

1088. Also at the same meeting, the representatives of Latvia (on behalf of the European Union) and the United States of America made general comments in relation to the draft resolution as orally revised.

1089. 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.

1090. At the same meeting, the draft resolution as orally revised was adopted without a vote (resolution 36/25).

#### **Technical assistance and capacity-building to improve human rights in the Sudan**

1091. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.19, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Egypt (on behalf of the Group of Arab States), Qatar, the Sudan and the United States of America. Subsequently, Japan, Norway and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

1092. At the same meeting, the representatives of Egypt (on behalf of the Group of Arab States) and the United States of America made general comments in relation to the draft resolution.

1093. Also at the same meeting, the representative of the Sudan made a statement as the State concerned.

1094. 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.

1095. At the same meeting, the draft resolution was adopted without a vote (resolution 36/26).

#### **Assistance to Somalia in the field of human rights**

1096. At the 42nd meeting, on 29 September 2017, the representatives of Somalia and the United Kingdom of Great Britain and Northern Ireland introduced draft resolution A/HRC/36/L.23, sponsored by Somalia and the United Kingdom of Great Britain and Northern Ireland and co-sponsored by Australia, Austria, Belgium, Cyprus, Denmark, Ethiopia, France, Germany, Hungary, Iceland, Italy, Kenya, Luxembourg, Malta, Montenegro, the Netherlands, Poland, Romania, Spain, the Sudan, Sweden, Tunisia (on behalf of the Group of African States), Turkey, Ukraine and the United States of America. Subsequently, Bosnia and Herzegovina, Canada, Croatia, Czechia, Estonia, Finland, Georgia, Greece, Indonesia, Japan, Latvia, Lithuania, Maldives, New Zealand, Norway, Portugal, Qatar, the Republic of Korea, Slovakia, Switzerland and Thailand joined the sponsors.

1097. 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.

1098. At the same meeting, the draft resolution was adopted without a vote (resolution 36/27).

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

1099. At the 42nd meeting, on 29 September 2017, the representative of Thailand introduced draft resolution A/HRC/36/L.28, sponsored by Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, Thailand and Turkey and co-sponsored by Albania, Angola, Australia, Canada, Chile, Cyprus, Finland, France, Germany, Haiti, Hungary, Iceland, Israel, Italy, Kenya, Luxembourg, Malaysia, Maldives, Mexico, the Netherlands, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Rwanda, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine. Subsequently, Argentina, Austria, Azerbaijan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Costa Rica, Croatia, Denmark, the Dominican Republic, Egypt (on behalf of the Group of Arab States), El Salvador, Fiji, Georgia, Greece, Ireland, Japan, Lithuania, Malawi, Mali, Malta, Mauritius, Montenegro, the Republic of Korea, Sri Lanka, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Viet Nam joined the sponsors.

1100. 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.

1101. At the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the delegation from the consensus on preambular paragraph 4 of the draft resolution.

1102. At the same meeting, the draft resolution was adopted without a vote (resolution 36/28).

**Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development**

1103. At the 42nd meeting, on 29 September 2017, the representative of Paraguay introduced draft resolution A/HRC/36/L.30, sponsored by Brazil and Paraguay and co-sponsored by Australia, Belgium, Bolivia (Plurinational State of), Bulgaria, Chile, Colombia, Cyprus, Denmark, Ecuador, France, Georgia, Germany, Haiti, Honduras, Italy, Luxembourg, Mexico, Panama, Peru, Portugal, the Republic of Korea, Romania, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Turkey, the United States of America and Uruguay. Subsequently, Angola, Argentina, Armenia, Austria, Bosnia and Herzegovina, Botswana, Canada, Costa Rica, Croatia, the Dominican Republic, El Salvador, Fiji, Greece, Guatemala, India, Ireland, Malawi, Maldives, Mongolia, Montenegro, the Netherlands, Sri Lanka and Switzerland joined the sponsors.

1104. At the same meeting, the draft resolution was adopted without a vote (resolution 36/29).

**Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo**

1105. At the 42nd meeting, on 29 September 2017, the representatives of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.34/Rev.1, sponsored by Tunisia (on behalf of the Group of African States). Subsequently, Indonesia, Japan and Turkey joined the sponsors.



1106. At the same meeting, the representative of Tunisia (on behalf of the Group of African States) orally revised the draft resolution.

1107. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the State concerned.

1108. 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.

1109. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution as orally revised.

1110. 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 voting was as follows:

*In favour:*

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Republic of Korea

1111. Draft resolution A/HRC/36/L.34/Rev.1 was adopted by 45 votes to 1, with 1 abstention (resolution 36/30).

### **Human rights, technical assistance and capacity-building in Yemen**

1112. At the 42nd meeting, on 29 September 2017, the representative of Egypt (on behalf of the Group of Arab States) introduced draft resolution A/HRC/36/L.8, sponsored by Egypt (on behalf of the Group of Arab States). Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Latvia, Luxembourg, Maldives, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland joined the sponsors.

1113. At the same meeting, the representative of Egypt orally revised the draft resolution.

1114. Also at the same meeting, the representatives of the Netherlands, Saudi Arabia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America made general comments in relation to the draft resolution as orally revised.

1115. At the same meeting, the representative of Yemen made a statement as the State concerned.

1116. 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 the Programme

Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement in relation to the budgetary implications of the draft resolution.

1117. At the same meeting, the draft resolution as orally revised was adopted without a vote (resolution 36/31).

#### **Advisory services and technical assistance for Cambodia**

1118. At the 42nd meeting, on 29 September 2017, the representative of Japan introduced draft resolution A/HRC/36/L.21, sponsored by Japan.

1119. At the same meeting, the representative of Japan orally revised the draft resolution.

1120. Also at the same meeting, the representative of the United States of America introduced an oral amendment to the draft resolution as orally revised.

1121. At the same meeting, the representatives of Japan and Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) made general comments in relation to the draft resolution as orally revised and the proposed oral amendment.

1122. Also at the same meeting, the representative of Cambodia made a statement as the State concerned.

1123. 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 the Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement in relation to the budgetary implications of the draft resolution.

1124. At the same meeting, the Council took action on the oral amendment.

1125. Also at the same meeting, the representatives of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) and Switzerland made statements in explanation of vote before the vote in relation to the oral amendment.

1126. At the same meeting, at the request of the representative of Japan, a recorded vote was taken on the oral amendment. The voting was as follows:

*In favour:*

Albania, Belgium, Croatia, Germany, Hungary, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Congo, Cuba, Ecuador, Egypt, El Salvador, India, Indonesia, Japan, Kenya, Kyrgyzstan, Mongolia, Panama, Paraguay, Philippines, South Africa, Venezuela (Bolivarian Republic of)

*Abstaining:*

Botswana, Brazil, Côte d'Ivoire, Ethiopia, Georgia, Ghana, Iraq, Nigeria, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Togo, Tunisia, United Arab Emirates,

1127. Oral amendment was rejected by 12 votes to 20, with 15 abstentions.

1128. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution as orally revised.

1129. Also at the same meeting, the draft resolution was adopted as orally revised without a vote (resolution 36/32).

1130. At the same meeting, the representative of Latvia (on behalf of the member States of the European Union that are members of the Human Rights Council) made a statement in explanation of vote after the vote and general comments in relation to all draft proposals adopted under agenda item a general comment under agenda item 10.

## Annex I

### Attendance

#### Members

Albania	Germany	Rwanda
Bangladesh	Ghana	Saudi Arabia
Belgium	Hungary	Slovenia
Bolivia	India	South Africa
(Plurinational State of)	Indonesia	Switzerland
Botswana	Iraq	Togo
Brazil	Japan	Tunisia
Burundi	Kenya	United Arab Emirates
Congo	Kyrgyzstan	United Kingdom of Great Britain and Northern Ireland
Côte d'Ivoire	Latvia	United States of America
Croatia	Mongolia	Venezuela (Bolivarian Republic of)
Cuba	Netherlands	
China	Nigeria	
Ecuador	Panama	
Egypt	Paraguay	
El Salvador	Philippines	
Ethiopia	Portugal	
Georgia	Qatar	
	Republic of Korea	

#### States Members of the United Nations represented by observers

Algeria	Central African Republic	Greece
Andorra	Chad	Guatemala
Angola	Chile	Guinea
Antigua and Barbuda	Colombia	Guinea-Bissau
Argentina	Comoros	Haiti
Armenia	Costa Rica	Honduras
Australia	Cyprus	Iceland
Austria	Czechia	Iran (Islamic Republic of)
Azerbaijan	Democratic People's Republic of Korea	Ireland
Bahamas	Democratic Republic of the Congo	Israel
Bahrain	Denmark	Italy
Belarus	Djibouti	Jamaica
Belize	Dominica	Jordan
Benin	Dominican Republic	Kazakhstan
Bosnia and Herzegovina	Equatorial Guinea	Kuwait
Brunei Darussalam	Eritrea	Lao People's Democratic Republic
Bulgaria	Estonia	Lebanon
Burkina Faso	Fiji	Lesotho
Cambodia	Finland	Liberia
Cameroon	France	Libya
Canada	Gabon	Liechtenstein
Cabo Verde	Gambia	Lithuania
		Luxembourg

Madagascar	Pakistan	Sudan
Malawi	Peru	Suriname
Malaysia	Poland	Swaziland
Maldives	Republic of Moldova	Sweden
Mali	Romania	Syrian Arab Republic
Malta	Russian Federation	Tajikistan
Marshall Islands	Saint Vincent and the Grenadines	Thailand
Mauritania	Samoa	the former Yugoslav Republic of Macedonia
Mauritius	San Marino	Timor-Leste
Mexico	Senegal	Turkey
Monaco	Serbia	Turkmenistan
Montenegro	Seychelles	Uganda
Morocco	Sierra Leone	Ukraine
Mozambique	Singapore	United Republic of Tanzania
Myanmar	Slovakia	Uruguay
Namibia	Solomon Islands	Uzbekistan
Nepal	Somalia	Viet Nam
New Zealand	South Sudan	Yemen
Nicaragua	Spain	Zambia
Niger	Sri Lanka	Zimbabwe
Norway		

### **Non-Member States represented by observers**

Holy See  
State of Palestine

### **United Nations**

Food and Agriculture Organization of the United Nations	United Nations Development Programme
United Nations Children's Fund	International Fund for Agricultural Development
	United Nations Population Fund

### **Specialized agencies and related organizations**

International Organization for Migration

### **Intergovernmental organizations**

African Union	International Development Law Organization
Commonwealth Secretariat	International Organization of la Francophonie
Cooperation Council for Arab States of the Gulf	Organization of Islamic Cooperation
European Union	

### **Other entities**

International Committee of the Red Cross  
Sovereign Military Order of Malta

## National human rights institutions, international coordinating committees and regional groups of national institutions

Arab Network for National Human Rights Institutions	Equality and Human Rights Commission
Burundi Independent National Human Rights Commission	Finnish Human Rights Centre/NHRI
CNIDH	National Human Rights Commission of Nigeria
Commission nationale des droits de l'homme de Mauritanie	National Human Rights Commission, India
Commission on Human Rights of the Philippines	National Human Rights Committee Qatar
Conseil national des droits de l'Homme	National Human Rights Council
Conseil national des Droits de l'Homme du Maroc	National Human Rights Council of the Kingdom of Morocco
Danish Institute for Human Rights	Office of the Commissioner for Human Rights
Defensoria del Pueblo de Ecuador	Portugal: Provedor de Justiça
	Qatar National Human Right Committee
	Indonesian National Commission on Human Rights (Komnas HAM)

### Non-governmental organizations

"Coup de Pousse" Chaîne de l'Espoir Nord-Sud ( C.D.P-C.E.N.S)	Amuta for NGO Responsibility
ACT Alliance - Action by Churches Together	Arab Organization for Human Rights
Action Canada for Population and Development	Article 19 - International Centre Against Censorship, The
Action internationale pour la paix et le développement dans la région des Grands Lacs	Asia Pacific Forum on Women, Law and Development
Action pour la protection des droits de l'homme en Mauritanie	Asian Forum for Human Rights and Development
Africa Culture Internationale	Asian Legal Resource Centre
African Development Association	Asian-Eurasian Human Rights Forum
African Regional Agricultural Credit Association	Asociacion Cubana de las Naciones Unidas (Cuban United Nations Association)
African-American Society for Humanitarian Aid and Development	Aspafrique-Jics
Agence Internationale pour le Développement	Association "Paix" pour la lutte contre la Contrainte et l'injustice
Al Baraem Association for Charitable Work	Association apprentissage sans frontieres
Al Zubair Charitable Foundation	Association Bharathi Centre Culturel Franco-Tamoul
Al-Hakim Foundation	Association Democratique des Femmes du Maroc
Al-Haq, Law in the Service of Man	Association des étudiants tamouls de France
Al-khoei Foundation	Association du Développement et de la Promotion de Droits de l'Homme
Alliance Defending Freedom	Association Dunenyo
Alliance Globale contre les Mutilations Génitales Féminines	Association for Defending Victims of Terrorism
Alsalam Foundation	Association for Progressive Communications (APC)
American Association of Jurists	Association for the Protection of Women and Children's Rights (APWCR)
Americans for Democracy & Human Rights in Bahrain Inc	Association Internationale pour l'égalité des femmes
Amnesty International	Association mauritanienne pour la promotion des droits de l'homme

Association Mauritanienne pour la promotion du droit	Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC)
Association of World Citizens	Commission africaine des promoteurs de la santé et des droits de l'homme
Association pour les Victimes Du Monde	Commission of the Churches on International Affairs of the World Council of Churches
Association pour l'Intégration et le Développement Durable au Burundi	Commission to Study the Organization of Peace
Association Thendral	Commonwealth Human Rights Initiative
Association tunisienne de la santé de la reproduction	Conectas Direitos Humanos
Auspice Stella	Conseil de jeunesse pluriculturelle (COJEP)
BADIL Resource Center for Palestinian Residency and Refugee Rights	Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme
Beijing NGO Association for International Exchanges	Conselho Indigenista Missionário CIMI
Business and Professional Women Voluntary Organization - Sudan	Consortium for Street Children, The Cultural Survival
Cairo Institute for Human Rights Studies	Disability Organisations Joint Front
Cameroon Youths and Students Forum for Peace	Dominicans for Justice and Peace - Order of Preachers
Canners International Permanent Committee	Earthjustice
Center for Environmental and Management Studies	East and Horn of Africa Human Rights Defenders Project
Center for Organisation Research and Education	Eastern Sudan Women Development Organization
Center for Reproductive Rights, Inc., The	Ecumenical Alliance for Human Rights and Development (EAHRD)
Centre catholique international de Genève (CCIG)	Edmund Rice International Limited
Centre de Documentation, de Recherche et d'Information des Peuples Autochtones (doCip)	Egyptian Organization for Human Rights
Centre Europe - Tiers Monde - Europe-Third World Centre	Elizka Relief Foundation
Centre for Human Rights and Peace Advocacy	Ensemble contre la Peine de Mort
Centre pour les Droits Civils et Politiques	Espace Afrique International
Centre CCPR	European Law Students' Association, The (ELSA)
Chant du Guépard dans le Désert	European Solidarity Towards Equal Participation of People
Charitable Institute for Protecting Social Victims, The	European Union of Jewish Students
Child Development Foundation	European Union of Public Relations
Child Rights Connect	Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland
China Society for Human Rights Studies (CSHRS)	Femmes Solidaires
Chinese Association for International Understanding	FIAN International e.V.
Christian Solidarity Worldwide	Foundation for GAIA
CIRID (Centre Independent de Recherches et d'Initiatives pour le Dialogue)	France Libertes : Fondation Danielle Mitterrand
CIVICUS - World Alliance for Citizen Participation	Franciscans International
Colombian Commission of Jurists	Friends World Committee for Consultation
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Asociación Civil	Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social
	Fundacion Vida - Grupo Ecologico Verde
	Geneva Institute for Human Rights (GIHR)
	Genève pour les droits de l'homme : formation internationale
	Global Action on Aging
	Global Institute for Water, Environment and Health
	Global Migration Policy Associates (GMPA)
	Hawa Society for Women
	Helsinki Foundation for Human Rights
	Henry Dunant Centre for Humanitarian Dialogue

Himalayan Research and Cultural Foundation  
 Human Rights House Foundation  
 Human Rights Information and Training Center  
 Human Rights Now  
 Human Rights Watch  
 Humanist Institute for Co-operation with Developing Countries  
 Indian Council of Education  
 Indian Council of South America (CISA)  
 Institute for Planetary Synthesis  
 International Association for Democracy in Africa  
 International Association for Religious Freedom  
 International Association of Democratic Lawyers (IADL)  
 International Bridges to Justice  
 International Buddhist Relief Organisation  
 International Career Support Association  
 International Catholic Child Bureau  
 International Catholic Migration Commission  
 International Commission of Jurists  
 International Educational Development, Inc.  
 International Federation for Human Rights Leagues  
 International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic & Other Minorities  
 International Federation of ACAT (Action by Christians for the Abolition of Torture)  
 International Fellowship of Reconciliation  
 International Human Rights Association of American Minorities (IHRAAM)  
 International Institute for Non-aligned Studies  
 International Lesbian and Gay Association  
 International Movement Against All Forms of Discrimination and Racism (IMADR)  
 International Movement for Fraternal Union among Races and Peoples  
 International Muslim Women's Union  
 International Organization for the Elimination of All Forms of Racial Discrimination  
 International Organization for the Right to Education and Freedom of Education (OIDELE)  
 International Peace and Development Organization  
 International Service for Human Rights  
 International Work Group for Indigenous Affairs  
 International Youth and Student Movement for the United Nations  
 International-Lawyers.Org  
 Iranian Elite Research Center  
 Iraqi Development Organization  
 iuventum e.V.  
 Jammu and Kashmir Council for Human Rights (JKCHR)  
 Jssor Youth Organization  
 Khiam Rehabilitation Center for Victims of Torture  
 Kiyana Karaj Group  
 Lawyers' Rights Watch Canada  
 Le Pont  
 Liberal International (World Liberal Union)  
 Liberation  
 L'observatoire mauritanien des droits de l'homme et de la démocratie  
 Lutheran World Federation  
 Maarij Foundation for Peace and Development  
 Maat for Peace, Development and Human Rights Association  
 Mbororo Social and Cultural Development Association  
 Meezaan Center for Human Rights  
 National Union of Jurists of Cuba, The  
 Nonviolent Radical Party, Transnational and Transparty  
 Norwegian Refugee Council  
 Oidhaco, Bureau International des Droits Humains – Action Colombie  
 Organisation Internationale pour le Développement Intégral de la Femme  
 Organisation internationale pour les pays les moins avancés (OIPMA)  
 Organisation Marocaine des Droits Humains  
 Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale  
 Organization for Defending Victims of Violence  
 Pakistan Rural Workers Social Welfare Organization (PRWSWO)  
 Palestinian Center for Development and Media Freedoms "MADA"  
 Pan African Union for Science and Technology  
 Pasumai Thaayagam Foundation  
 Plan International, Inc.  
 Prahar  
 Prajachaitanya Yuvajana Sangam  
 Prevention Association of Social Harms (PASH)  
 Rainforest Foundation International  
 Redress Trust



Rencontre Africaine pour la defense des  
 droits de l'homme  
 Réseau International des Droits Humains  
 (RIDH)  
 Réseau Unité pour le Développement de  
 Mauritanie  
 Russian Peace Foundation  
 Sanad Charity Foundation  
 Save the Children International  
 Schweizerische Arbeitsgemeinschaft der  
 Jugendverbände  
 Servas International  
 Society for Development and Community  
 Empowerment  
 Society for Threatened Peoples  
 Society Studies Centre (MADA ssc)  
 Solidarité pour un Monde Meilleur  
 Solidarité Suisse-Guinée  
 Stichting Forest Peoples Programme  
 Stichting International Center for  
 Ethnobotanical Education, Research &  
 Service  
 Sudan Council of Voluntary Agencies  
 (SCOVA)  
 Sudanese Women General Union  
 Sudanese Women Parliamentarians  
 Caucus  
 Swedish NGO Foundation for Human  
 Rights  
 Syrian Center for Media and Freedom of  
 Expression  
 Tamil Uzhagam  
 Terre Des Hommes Federation  
 Internationale  
 The Next Century Foundation  
 The Palestinian Return Centre Ltd  
 Tourner La Page  
 Track Impunity Always - TRIAL /  
 Association suisse contre l'impunité  
 Union Internationale des Avocats –  
 International Union of Lawyers  
 United Nations Watch  
 United Schools International  
 Verein Sudwind Entwicklungspolitik  
 Victorious Youths Movement  
 Village Suisse ONG  
 Villages Unis (United Villages)  
 Women Research Center  
 Women's Centre for Legal Aid and  
 Counseling  
 Women's Federation for World Peace  
 International  
 Women's Human Rights International  
 Association  
 Women's International League for Peace and  
 Freedom  
 World Association for the School as an Instrument of  
 Peace  
 World Barua Organization (WBO)  
 World Environment and Resources Council (WERC)  
 World Evangelical Alliance  
 World Federation of the Deaf (WFD)  
 World Jewish Congress  
 World Muslim Congress  
 World Organisation 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

### Documents issued for the thirty-sixth session

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A/HRC/36/12/Add.1	6	Addendum
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A/HRC/36/14	6	Report of the Working Group on the Universal Periodic Review - Poland
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A/HRC/36/17/Add.1	1	Election of members of the Human Rights Council Advisory Committee - Addendum
A/HRC/36/18	2	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights - Report of the United Nations High Commissioner for Human Rights
A/HRC/36/19	2, 3	Summary of the Human Rights Council panel discussion on access to medicines
A/HRC/36/20	2, 3	Summary of the panel discussion on realizing the right to health by enhancing capacity-building in public health - Report of the United Nations High Commissioner for Human Rights
A/HRC/36/21	2, 3	Panel discussion on unaccompanied migrant children and adolescents and human rights - Summary report of the United Nations High Commissioner for Human Rights
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A/HRC/36/24	2, 3	Midterm progress report on the implementation of the third phase of the World Programme for Human Rights Education - Report of the United Nations High Commissioner for Human Rights
A/HRC/36/25	3, 4, 7, 9, 10	Communications report of Special Procedures
A/HRC/36/26	2, 3	Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty - Yearly supplement of the Secretary-General to his quinquennial report on capital punishment
A/HRC/36/27	2, 3	High-level panel discussion on the question of the death penalty - Report of the United Nations High Commissioner for Human Rights
A/HRC/36/28	2, 3	Report of the United Nations High Commissioner for Human Rights on non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding
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A/HRC/36/42	2, 3	Report of the United Nations High Commissioner for Human Rights on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law
A/HRC/36/43	3	Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences
A/HRC/36/44	3	Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
A/HRC/36/44/Add.1	3	Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights on his mission to the Russian Federation
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A/HRC/36/L.14	3	Human rights and unilateral coercive measures
A/HRC/36/L.15	3	Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies
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A/HRC/36/G/3	6	Letter dated 23 May 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council
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A/HRC/36/G/11	10	Note verbale dated 5 September 2017 from the Permanent Mission of Somalia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/36/G/12	6	Carta de fecha 2 de octubre de 2017 del Representante Permanente de la Argentina ante la Oficina de las Naciones Unidas y otras organizaciones internacionales en Ginebra dirigida al Presidente del Consejo de Derechos Humanos
A/HRC/36/G/13	3	Note verbale dated 28 September 2017 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights
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A/HRC/36/NGO/159	4	Written statement submitted by the Agence pour les droits de l'homme. The continued killing of civilians and targeted civilian objects, population gathering, and many victims of children and women by the airstrikes of the Arab coalition warplanes led by Saudi Arabia on Yemen and the overlook of international community
A/HRC/36/NGO/160	9	Exposé écrit présenté par Agence pour les droits de l'homme. Stop au génocide au Myanmar
A/HRC/36/NGO/161	3	Written statement submitted by The Death Penalty Project Limited. The Human Rights Council must act to ensure Commonwealth countries respect their international obligations in relation to capital punishment
A/HRC/36/NGO/162	4	Joint written statement submitted by the Agence pour les droits de l'homme. Announcement of concern from Human Rights Defenders about the lack of consideration of Nigeria religious minority rights
A/HRC/36/NGO/163	6	Written statement submitted by The Endeavour Forum Inc. Abortion - the Netherlands A Victim's Perspective Universal Periodic Review UPR Outcome of the Netherlands
A/HRC/36/NGO/164	8	Venezuela y la injerencia extranjera en los asuntos internos

*Documents issued in the national institutions series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/NI/1	6	Joint written submission by the Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission

**Annex IV****Advisory Committee members elected by the Human Rights Council at its thirty-sixth session and duration of terms of membership**

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<i>Member</i>	<i>Term expires in</i>
Dheerujlall Baramlall Seetulsingh (Mauritius)	30 September 2020
Mohamed Bennani (Morocco)	30 September 2020
Ajai Malhotra (India)	30 September 2020
Changrok Soh (Republic of Korea)	30 September 2020
Ion Diaconu (Romania)	30 September 2020
Elizabeth S. Salmón (Peru)	30 September 2020
Ludovic Hennebel (Belgium)	30 September 2020

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## Annex V

### **Special procedures mandate holders appointed by the Human Rights Council at its thirty-sixth session**

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

E. Tendayi Achiume (Zambia)

**Working Group of Experts on People of African Descent from Western European and other States**

Marie-Evelyne Petrus (France)

**Working Group on the issue of discrimination against women in law and in practice from African States**

Meskerem Techane (Ethiopia)

**Working Group on the issue of discrimination against women in law and in practice from Asia-Pacific States**

Melissa Upreti (Nepal)

**Working Group on the issue of discrimination against women in law and in practice from Eastern European States**

Ivana Radačić (Croatia)

**Working Group on the issue of discrimination against women in law and in practice from Western European and other States**

Elizabeth Broderick (Australia)

**Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members**

Alice Cruz (Portugal)