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HUMAN RIGHTS COUNCIL ADOPTS OUTCOMES OF UNIVERSAL PERIODIC REVIEW OF ANGOLA, IRAN AND MADAGASCAR

Decides on Technical Extension of Mandate of Independent Expert on Sudan to End of September Session

10 June 2010

The Human Rights Council this afternoon adopted the outcomes of the Universal Periodic Review of Angola, Iran and Madagascar.

At the beginning of the meeting, the Council decided to proceed with a technical extension of the mandate of the Independent Expert on Sudan until the end of the fifteenth session of the Council to enable an interactive dialogue with him.

Georges Rebello Chickoty, Secretary of State for Foreign Affairs of Angola, said that 166 recommendations were made which were related to international conventions and the Government had been encouraged to accede to various international instruments for protecting and promoting human rights. On the procedure mechanisms, stress was laid on the importance that Angola invited Special Rapporteurs more frequently. Mr. Chikoty explained that following national independence Angola had lived through diverse difficult periods but was today beginning a new cycle that was characterized by a new Constitution that marked the end of Angola’s transition phase and definitely established the idea of a democratic rule-based State and privileged human rights as a factor of strength.

In the discussion on Angola, many speakers congratulated Angola on the achievements registered since the restoration of peace and the end of the civil war in 2002. Gains had been made in development and the fight against poverty, combating discrimination, and the protection of the rights of women and children. It was noted with satisfaction that Angola had accepted the majority of recommendations, particularly those on eradicating poverty, reforming its judicial system, humanizing the prison system, and human rights education and training. Speakers urged Angola to reconsider its non-acceptance of the recommendation regarding decriminalization of consensual same-sex activity between adults.

Speaking in the general debate on the Universal Periodic Review of Angola were United States, Algeria, the Democratic People’s Republic of Korea, Cuba, Sudan, Morocco, Mozambique, Belgium, Nigeria and South Africa. Also taking the floor were the following non-governmental organizations (NGOs): Human Rights Watch, Amnesty International, Recontre Africaine pour la defense des droits de l’homme, Organisation pour la Communication en Afrique et de Promotion de la Coopeartion Economique Internationale, HIV/AIDS Legal Network, and Conectas Direitos Humanos.

Mohammad Javad Larijani, Secretary-General of the High Council for Human Rights of Iran, said that the Universal Periodic Review had provided a unique opportunity to review Iran’s human rights achievements. From the total of 188 recommendations, 123 had been accepted, 45 had not enjoyed the support of Iran and 20 had been taken back to Tehran for further review. Iran said that the Human Rights Council must be the focal point of reliance, hope and participation for all peoples and governments to address human rights issues and in that context Universal Periodic Review constituted a forum for dialogue, cooperation and positive minded engagement. The human rights policy of Iran had continuously emphasized the significance of interactive and cooperative approach as well as avoidance of confrontation, double standards and politicization.

In the discussion on Iran, some speakers welcomed the progress Iran made, such as in women's rights, protection of children, improvement of living conditions of the people and further development of the socio-political and judicial system. Speakers condemned human rights violations perpetrated after the elections of June 2009 and the post-electoral repression. Iran had accepted many important recommendations from the international community, including allowing freedom of expression, freedom of the media, and of assembly, and the Government should live up to and implement these commitments.

Speaking in the general debate on the Universal Periodic Review of Iran were United States, United Kingdom, Norway, Kuwait, China, Pakistan, Algeria, the Democratic People’s Republic of Korea, Venezuela, and Cuba. Also taking the floor were the following NGOs: Baha’i International Community, Human Rights Watch, Amnesty International, CIVICUS- World Alliance for Citizen Participation, Verein Sudwind Entwicklungspolitik, Democracy Coalition Project Inc., International Federation for Human Rights Leagues, Rencontre Africaine pour la defense des droits de l’homme, Charitable Institute for Protecting Social Victims, and Child Foundation.

Guy Rajemison Rakotomaharo, Permanent Representative of Madagascar to the United Nations Office at Geneva, said during the examination of the report of Madagascar, 84 recommendations were formulated, of which 65 were accepted, 2 rejected, and 17 remained, on such issues as the resolution of the crisis, the opening of an independent investigation into the events linked to the crisis, the immediate freeing of political prisoners, abolition of capital punishment, the eradication of discrimination towards descendents of slaves and the caste system, the implementation of a mechanism of prevention of arbitrary detention. Aware of the dangers engendered by the continuance of the political, economic and social impasse, Madagascar considered that there was a need for arbitrage in the form of free and transparent elections.

In the discussion on Madagascar, speakers repeated the call for the transitional institutions foreseen in the Maputo agreement be put in place and that credible elections were held. Madagascar was invited to open a credible and independent process for investigating deaths and the events surrounding the March 2009 military coup. A speaker was concerned about the impact of the crisis on unemployment and said that some 500,000 people were affected.

Speaking in the general debate on the Universal Periodic Review of Madagascar were United States and Norway. Also taking the floor were the following NGOs: Amnesty International, Indian Movement Tupaj Amaru, Women's International League for Peace and Freedom and International Federation of ACAT.

The next meeting of the Council will be on Friday, 11 June at 10 a.m., when it is scheduled to consider the Universal Periodic Review outcomes of Iraq, Gambia and Egypt.

Decision on Independent Expert on Sudan

In a decision on the Independent Expert on Sudan, the Council decides, given the exceptional nature of the circumstances and without setting a precedent, to proceed with a technical extension of the mandate of the Independent Expert on the human rights situation in the Sudan until the end of the fifteenth session of the Council to enable an interactive dialogue with him. It is understood that the Independent Expert will continue his work up to the end of the fifteenth session of the Council and will be in a position to complement his report thereupon, if he so decides, at that session, and it is further understood that the issue of the extension of the mandate will be discussed at the above mentioned fifteenth session.

Universal Periodic Review of Angola

GEORGES REBELO CHIKOTI, Secretary of State for Foreign Affairs of Angola, said in February Angola had submitted the report on its human rights situation. As part of the review of that report, 166 recommendations that could be divided into three sections had been made. The first group related to international conventions and the Government had been encouraged to accede to various international instruments for protecting and promoting human rights. In the second section, which was on the procedure mechanisms, stress was laid on the importance that Angola invited Special Rapporteurs more frequently. The third section related to the Millennium Development Goals, among other topics.

Mr. Chikoty explained that following national independence Angola had lived through diverse difficult periods but was today beginning a new cycle that was characterized by a new Constitution that marked the end of Angola’s transition phase and definitely established the idea of a democratic rule-based State and privileged human rights as a factor of strength. Many concerns mentioned in the interactive debate were not only covered in that Constitution but were also already being implemented in various Government programmes. Mr. Chikoty thus formally announced that Angola accepted most of the recommendations that had been made by the seventh session of the Universal Periodic Review mechanism but expressed reservation to recommendations 36, 37, 38, 39, 43, 44, 98 and 99.

Regarding recommendations 36, 37, 38 and 39, Mr. Chikoty said collaboration with the Council’s mechanisms and the Working Groups, as well as with the treaty bodies stood fundamentally on the undertakings Angola had already assumed. Angola had reaffirmed its commitment for the re-election to the Council but this cooperation could not be established outside the limits of the principles set out by the United Nations Charter. With regards to recommendations 43, 44 and 45, Mr. Chikoty informed the Council that Angola had excellent relationships with the Office of the Resident Coordinator of the United Nations in Angola, and that the Government accepted these recommendations. As regards recommendations 98 and 99, it was important to bear in mind that under legislation enforced in Angola only hetero-sexual and monogamist marriages were recognised. Moreover, since there was no reference in the national juridical order for the criminalization of homosexual relations, the Government feared that the relevant recommendations could not be accomplished.

JOHN C. MARIZ (United States) said the United States appreciated Angola’s explanations of the acceptance and rejection of the recommendations and still urged Angola to reconsider its non-acceptance of the recommendation regarding decriminalization of consensual same-sex activity between adults. The United States commended Angola’s acceptance of the recommendation related to the strengthening of protection of journalists against harassment, attacks and arbitrary detention and the acceptance of the recommendation regarding the partnership of the extracting initiatives. The United States was appreciative of Angola’s willingness to ratify the United Nations Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

BOUALEM CHEBIHI (Algeria) said Algeria congratulated Angola for its re-election to the Human Rights Council, which was evidence of the recognition of the contribution that Angola had made. Algeria welcomed the commitment of the Government of Angola to the promotion and protection of human rights, which was demonstrated by tangible progress in realizing the economic, social and cultural rights of Angolan people. The political and economical situation in the country was improving since the end of the civil war in 2002, and Algeria called on the international community to continue to support the authorities in the consolidation of the achievements.

CHOE MYONG NAM (Democratic People's Republic of Korea) said the Democratic People’s Republic of Korea welcomed the update by the delegation of Angola, and commended the preparation of the national report through cross-sectoral processes, and its constructive participation in the Working Group, which was evidence of the commitment to the Universal Periodic Review, despite tremendous natural disasters. Angola attached great importance to the protection and promotion of human rights, and had taken a series of strategies and measures in areas of education, public health, national reconstruction and the fight against poverty. The commitment and positive efforts by the Government were saluted. This would certainly contribute further to the enjoyment by all people of their human rights especially economic, social and cultural rights, including the right to development.

MARIA DEL CARMEN HERNANDEZ (Cuba) said Cuba congratulated Angola on the spirit of compromise with which it had participated in the Working Group process. Light had been shed on the actions taken to combat discrimination, efforts to protect the rights of women, children and seniors, the right to health and to food, as well as the considerable efforts deployed to ensure the enjoyment of human rights for all persons in Angola. The information provided on the recommendations issued was appreciated. Angola's activities were solid evidence of the Government's efforts to protect and promote human rights for all, and to implement the recommendations and continue the plans and programmes to increase the well-being of its people. Cuba sent its recognition to the people and Government of Angola with regard to the efforts it made and continued to make. Cuba congratulated Angola on its successes in human rights and encouraged its Government to continue along this road.

HAMZA AHMED (Sudan) said Sudan valued the commitment of Angola and thanked it for accepting some of its recommendations put forward during the review. Angola had committed itself to promoting and protecting the human rights of its entire people, as inter alia highlighted by the adoption of many human rights instruments. The Government had always stressed the importance it attached to human rights through its efforts to strengthen peace, enhance living standards in both rural and urban areas, and provide drinking water. Sudan cooperated with Angola to achieve the Millennium Development Goals and reduce poverty and recommended that the Council adopt the report.

MOHAMED ACHGALOU (Morocco) said the Universal Periodic Review had allowed countries to note and support the efforts that the Angolan Government was constantly making. Morocco noted with satisfaction that Angola had accepted the majority of recommendations, particularly those on eradicating poverty, reforming its judicial system, humanizing the prison system, and human rights education and training which had been made by the Moroccan delegation. Morocco commended the people and authorities of Angola for their courage and efforts to cope with the various adverse effects since 2002. Angola had attached priority to economic, social and cultural rights and that was reflected in the fact that it had been drafting a poverty reduction strategy since 2003. Morocco encouraged Angola to continue along those lines and appealed to the international community to assist Angola in its programmes and policies aimed at protecting and promoting human rights.

FRANCES RODRIGUES (Mozambique) said Angola was a country that in the recent past had to endure extended years of war. After peace had arrived, basic steps had to be undertaken to ensure the creation of a political and social environment of democratic values and principles that upheld the respect for human rights and individual freedoms. Angola had abolished the death penalty, arbitrary detentions had been erased and the percentage of women in political positions was among the highest in Africa. Mozambique praised Angola for its policy to commit the revenues from oil exploration for economic and social development, particularly in agriculture, infrastructure, development, health and education. Mozambique was confident that Angola would continue to display its commitment to human rights protection by accommodating the recommendations made in the context of the review process.

XAVIER BAERT (Belgium) said that the Universal Periodic Review process would allow Angola to proceed with the reform and reconstruction process underway in its country. As a member of the Human Rights Council, Angola was duty bound to demonstrate the highest standards in the promotion and protection of human rights. Belgium welcomed the fact that Angola had abolished the death penalty and hoped that Angola would ratify the Second Optional Protocol on the Abolition of Death Penalty. Belgium thanked Angola for the information provided concerning the abuses committed by security forces during the expulsion of immigrants and the information about how this was being addressed bilaterally with the Democratic Republic of the Congo. Belgium encouraged the authorities to start implementing as soon as possible all the recommendations and invited Angola to present an interim report before the second cycle of the Universal Periodic Review, in consultation with civil society.

CECILIA OLUFOLAKE YAHAYA (Nigeria) said Nigeria appreciated the statement and commended Angola for its constructive engagement in the Universal Periodic Review process, congratulating Angola for the additional information provided on its efforts to fulfil its human rights obligations, and was encouraged to see that Angola adopted most of the recommendations made, which was truly reflective of Angola's willingness to continue to engage with the United Nations system in its efforts to protect and promote the human rights of all its population. Nigeria was convinced that Angola's efforts to implement national plans and strategies in the field of human rights in cooperation with the various relevant mechanisms would be fruitful.

KGOMOTSO DAPHNE RAHLAGA (South Africa) said South Africa congratulated the delegation of Angola for the achievements registered since the restoration of peace. The Government had undertaken impressive initiatives aimed at reforming the judiciary such that its domestic laws conformed to international human rights instruments that the country was party to, had facilitated access to justice through the provision of free legal aid, and had adopted a Constitution. Undoubtedly, the progressive approach adopted, which was rooted in the Government's objective of consolidating democracy and the rule of law would go a long way in ensuring that the Government was able to fulfil its international human rights obligations. South Africa was confident that the recommendations that Angola had adopted would help to consolidate these gains.

PHILIPPE DAM, of Human Rights Watch, said Human Rights Watch was concerned about the continuation of restrictions on the right to freedom of expression, the right to receive and impart information of all kinds, as well as restrictions on the right to freedom of assembly and association. Angola should accept recommendations to undertake the necessary steps to ensure freedom of the press, guarantee full protection of human rights defenders as well as freedom of association, and the Government should take the swift and necessary reforms to address those concerns as a matter of priority. Human Rights Watch was also concerned about arbitrary and politically motivated arrests of prominent human rights defenders, civic activists and Government critics in the province of Cabinda.

CATHERINE BEVILLACQUA, of Amnesty International, said Amnesty International had received reports that in early March this year over 3,000 families had been forcibly evicted from their homes in Lubango and transported to an area outside the city with no facilities or services. While seven people had reportedly died as a direct or indirect result of those evictions no official investigation was known to have taken place. Amnesty International also urged Angola to consider the ratification of various human rights treaties, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and its Optional Protocol, the Convention on Forced Disappearances, and the International Covenant on Economic, Social and Cultural Rights.

BIRO DIAWARA, of Rencontre africaine pour la défense des droits de l'homme, congratulated the delegation of Angola on the efforts made to consolidate peace. There was still violence, torture and ill treatment in the country that had received the support of all Africa after its independence. Recontre Africaine pour la defense des droits de l’homme called on Angola to put an end to stigmatisation and to bring the law enforcement bodies under control, including adopting a code of conduct for the treatment of detainees. Recontre Africaine pour la defense des droits de l’homme asked Angola to continue efforts to improve the situation of human rights and to ensure that oil revenues could remove disparities between different groups of the population.

GBALLOU MATHILDE CONSTANCE, of Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE International), in a joint statement with Al-Hakim Foundation, and Indian Council of South America, expressed its concern over the situation of primary education in Angola and particularly access to school by girls, which was still limited because of social prejudices. Organisation pour la Communication en Afrique et de Promotion de la Coopeartion Economique Internationale welcomed all the commitment Angola had made and encouraged it to continue the efforts in developing the country that had suffered a lot because of the civil war. Organisation pour la Communication en Afrique et de Promotion de la Coopeartion Economique Internationale called on the Government to protect the rights of women and girls, and was alarmed by the evidence of violence against children, sexual violence and forced prostitution of children. Organisation pour la Communication en Afrique et de Promotion de la Coopeartion Economique Internationale congratulated the Government on its constructive participation in the Universal Periodic Review and hoped that the international community would continue to support the development of Angola.

JIDE MACAULAY, of Canadian HIV/AIDS Legal Network, said criminalisation of same-sex activities was a violation of established international human rights law and a major blow to public health, raising serious issues of discrimination and jeopardising the important struggle against HIV/AIDS. The Government of Angola should urgently repeal discriminatory laws, and legally reinforce security for lesbian, gay, bisexual and transgender people and ensure the full protection of their human rights; address underlying stereotypes and discrimination through education programmes and community dialogue, to help create a more supportive environment for lesbian, gay, bisexual and transgender persons; and promote media training explicitly designed to discourage attitudes of discrimination, incitement to violence and stigmatisation, especially in respect of HIV/AIDS.

PIO WACUSSANGA, of Conectas Direitos Humanos, said the Angolan presentation at the Working Group session was a landmark of hope to the building of a society based upon the rule of law and sustainable democracy, and to this end, the Angolan State should take the following measures, among others: implement the recommendations involving civil society, with a focus on women's participation; enable a free working environment for human rights defenders; protect the victims of forced evictions and house demolition; protect and promote the rights of the most vulnerable groups; accede to and ratify international instruments; and enact a law on the protection of all human rights defenders. In the long run, special attention should be paid to the issue of poverty reduction, and to education, especially of girls in rural areas, and healthcare improvement.

GEORGES REBELO CHIKOTI, Secretary of State for Foreign Affairs of Angola, in concluding remarks, said the question of homosexuality had been taken up in considerable detail during the interactive debate. In Angola there was a saying that there could not be a crime without a law; Angola had no law criminalizing homosexuality and the Government had dealt with this subject in a very general way. Turning to transnational crime and the conventions and protocols on that issue, Mr. Chikoty said Angola had already approved legislation on transnational crime and that legislation was currently being ratified and would be submitted to the United Nations in the near future. Mr. Chikoty went on to say that Angola did not accept recommendations 36 to 39, recommendations 43 and 44, as well as recommendations 98 and 99. However, Angola had learned a lot from the review process, which indicated that enhancing international cooperation continued to be a vital factor for the promotion and protection of human rights. Angola was recently elected for another term in the Council, was a party to the main international human rights Conventions, and would present its reports to several key United Nations committees in the near future. That highlighted that Angola attempted to live up to its obligations.

The Council then adopted the outcome of the Universal Periodic Review of Angola.

Universal Periodic Review of Iran

MOHAMMAD JAVAD LARIJANI, Secretary-General of the High Council for Human Rights of Iran, said that the Universal Periodic Review had provided a unique opportunity to review Iran’s human rights achievements and to raise awareness on its practices and experiences in the promotion and protection of human rights. Iran’s genuine intention in this process was to enhance national capacities for the promotion and protection of human rights. From the total of 188 recommendations, 123 had been accepted, 45 had not enjoyed the support of Iran and 20 had been taken back to Tehran for further review. The position of the Government on the rejected and pending recommendations was elaborated in the report.

With regard to the accession of Iran to new international instruments, Iran said it required certain legal processes and debate by the Parliament and the Government was not in a position to make any prejudgement and predictions concerning the outcome of Parliamentary debates. Concerning the cooperation of Iran with the Human Rights Council mechanisms, Iran said it should be noted that by extension of a standing invitation to the Special Procedures and the six visits that had taken place so far, Iran had demonstrated its intention to promote cooperation with the international human rights mechanisms. The Human Rights Council must be the focal point of reliance, hope and participation for all peoples and governments to address human rights issues and in that context the Universal Periodic Review constituted a forum for dialogue, cooperation and positive minded engagement. A number of recommendations did not enjoy the support of Iran due to their contradiction to those principles. The human rights policy of Iran had continuously emphasized the significance of an interactive and cooperative approach as well as avoidance of confrontation, double standards and politicization. In this regard, Iran looked forward to continuing its close cooperation with the Council and thanked all delegations that contributed to the interactive dialogue in a constructive manner.

EILEEN CHAMBERLAIN DONAHOE (United States) said the United States noted with concern Iran's presentation during the Universal Periodic Review and its disturbing lack of progress since then in strengthening the protection of human rights in Iran. Although Iran highlighted its variety of traditions as a model of brotherly and amicable coexistence, arrests of religious minorities had increased in the past year, and seven Baha'i leaders were currently on trial for crimes against the State. No visits by Special Rapporteurs or other mandate holders had occurred since 2006, despite many attempts and requests. Iran should cooperate with the Special Procedures and follow-through on its recent promise to welcome a visit by the Office of the High Commissioner for Human Rights. Iran had accepted many important recommendations from the international community, including allowing freedom of expression, freedom of the media, and of assembly, and the Government should live up to and implement these commitments. Empty promises were not enough: Iran needed to act. The Government should uphold all of its international commitments and account honestly for its human rights record, particularly over the past year.

PETER GOODERHAM (United Kingdom) said the United Kingdom noted Iran's response to recommendations following the Universal Periodic Review, but some rejections of recommendations required further clarification. Given the affirmation that torture was a punishable offence and fair trial proceedings were ensured, the United Kingdom was surprised at the rejection of the recommendation that all allegations of abuse be fully investigated by the judiciary in a timely, independent and transparent manner. The rejection of the abhorrent practice of torture showed that there was no reason to reject the visits of the Special Rapporteurs on torture and on independence of judges and lawyers. Iran had also rejected recommendations on harassment of religious and ethnic minorities, but there were ongoing reports of discriminatory practices in education and public employment. The United Kingdom would follow the implementation of other recommendations with interest, including on freedom of assembly and expression. Iran should end the abhorrent practice of juvenile executions.

BENTE ANGELL-HANSEN (Norway) said Norway welcomed that Iran had accepted a number of recommendations and looked forward to their implementation. However, Norway disagreed with the assertion that the 45 recommendations contained in paragraph 92 of the report of Iran were “inconsistent with the institution-building text and/or not internationally recognized human rights, or not in consistency with its existing laws, pledges and commitments”. Norway took issue with the basis for the rejections and strongly urged the Iranian Government to reconsider. As an example, Norway could not accept the rejection to invite the Special Rapporteur on torture to visit the country; the prohibition against torture was absolute, as laid down in international law. Iran had earlier issued a standing invitation to all Special Procedure mandate holders and this thus seemed to be contradictory at best. Norway called on the Government of Iran to faithfully implement the human rights commitments and obligations it had entered into.

TALAL ALMUTAIRI (Kuwait) said Kuwait wished to thank the delegation for their presentation which had highlighted Iran’s ongoing efforts. Human rights were an area that was constantly being strengthened and the delegation had explained Iran’s efforts to meet challenges with regards to areas of human rights. Kuwait welcomed that Iran had accepted a certain number of recommendations, particularly those that related to policy, women's rights, and the protection of children. Kuwait supported the periodic report on Iran.

YANG XIAONING (China) thanked Iran for the detailed replies to China’s question asked in February which was evidence of the importance the Government attached to the process and cooperation with the Human Rights Council. China noted that Iran had accepted many recommendations and had already implemented many of them. China noted the need to promote cultural diversity and eliminate illiteracy and said that much progress had been made in this regard. Iran, being a developing country, suffered many difficulties like other developing countries, but China said it was confident that with the support of the international community Iran would scrupulously implement the recommendations from the review process.

ZAHOOR AHMED (Pakistan) said that Iran’s presence today was a testimony to their commitment and readiness to engage with the international community in an open and transparent manner on human rights issues. Iran had had a successful and constructive review, in which more than 180 recommendations were made, of which Iran had accepted 123 on the spot. Pakistan was pleased to note that Iran had expressed its readiness to establish a national human rights institution fully compliant with the Paris Principles and said this would help Iran to improve its human rights system. Pakistan was sure that Iran would take all necessary steps in accordance with the laws of the land to ensure the protection of the human rights of its citizens.

BOUALEM CHEBIHI (Algeria) said Algeria wished to extend a warm welcome to the delegation of Iran and thanked them for all of the information provided concerning the human rights situation in Iran. The delegation of Iran had received 188 recommendations, and 123 had been immediately accepted. Algeria understood Iran's attitude towards a number of recommendations that it had not accepted, and this was in accord with the spirit of tolerance and mutual respect that should prevail in the Council. Despite all the racial and religious diversity and the differences of language and traditions, Iran was a society that lived in peace and social harmony and had seen progress in various spheres. Iran was encouraged to continue its work along these lines.

CHOE MYONG NAM (Democratic People's Republic of Korea) said as a country with one of the oldest and richest human civilizations, Iran had made a lot of contributions to world civilisation, as illustrated by a number of its initiatives at the United Nations. Since the victory of the Islamic Revolution, which put an end to the root causes of oppression and violation, the Government had consistently attached priority to human rights, as vindicated during the course of the Working Group. The Democratic People's Republic of Korea took particular note of the policies and efforts of the Government of Iran for the improvement of living conditions of the people and further development of the socio-political and judicial system, which would further enhance the protection and promotion of the human rights of all people in the country. Iran had accepted a large number of recommendations, and was now taking a series of measures to implement them as part of its continued endeavour to further improve the enjoyment of human rights, despite all forms of severe difficulties and challenges, including the political pressure and sanctions imposed by foreign forces.

GERMAN MUNDARAIN HERNANDEZ (Venezuela) said Venezuela commended the cooperation of the Iranian Government with the Universal Periodic Review mechanism. Venezuela endorsed Iran’s resolve and efforts to promote and protect human rights in its territory. Iran had undergone the review process in spite of the immense difficulties the country had been facing. Iran had been subjected to harassment by extremely hostile foreign powers, with permanent international defamation campaigns, and had been subjected to repeated and unfair sanctions for politically motivated reasons. Venezuela called for respect for Iran’s sovereignty and a people’s right to self-determination.

JUAN ANTONIO QUINTANILLA (Cuba) congratulated Iran for the serious attitude with which it had participated in the Universal Periodic Review process. It had been possible to shed light on the positive activities taken by the Iranian Government in the area of human rights, inter alia in terms of job generation, education, health and the right to social security. Iran had achieved progress in spite of the damaging impact of the measures which had been imposed on that country. The actions undertaken were evidence of the Government’s commitment to promoting and protecting human rights for all. Cuba welcomed that Iran had accepted the recommendation that Cuba had made to it in a spirit of cooperation.

SARAH VADER, of Baha’i International Community, said Baha’i International Community was deeply disturbed by Iran’s refusal to accept basic recommendations concerned with ending injustice, persecution and discrimination in the country. With particular reference to the situation of the Baha’i, the rejected recommendation had asked Iran to stop discrimination, incitement to hatred and acts of oppression against the community. It was regrettable to see the head of the Iranian delegation attempting to mislead the Universal Periodic Review about the treatment of the Baha’i community, which demonstrated the low regard of the Government for the Universal Periodic Review process. While welcoming the recommendations accepted by Iran, Baha’i International Community was deeply concerned by the Government’s insistence on a partial reading of the right to freedom of religion enshrined in Article 18 and its continued refusal to commit to measures that would actually put a stop to discrimination and persecution.

JULIE DE RIVERO, of Human Rights Watch, said that a full year had passed since the election and the human rights violations that had ensued. Iran had mislead the Council with the statements that the abuses and violations then committed were being investigated. The truth was that no investigations were taking place. Iranian security forces continued to arrest and detain individuals who had participated in the post-election demonstrations, while hundreds were in prison. Equally important, Iran had categorically rejected some of the recommendations such as prosecuting security officials involved in killing and raping, amending the criminal code and others. Human Rights Watch recommended that the Council strike Iran from the list of countries with standing invitations to Special Procedures.

MARIANNE LILIEBJERG, of Amnesty International, said in the Working Group, Iran had indicated its immediate support of general recommendations about cooperation with the Special Procedures. These recommendations were unlikely to be acted upon by the current Government. Iran had outright rejected no less than seven recommendations calling for it to facilitate visits by specific Special Procedures. Since 2005, requests for visits from seven Special Procedures had remained ignored. Iran's lack of cooperation with the Special Procedures called into question the sincerity of the standing invitation and demonstrated that the termination of the Special Representative's mandate was premature. The Government continued to impose severe restrictions on the rights to freedom of expression, association and assembly. Executions had been carried out for politically motivated reasons and were used to send a chilling message. These human rights violations appeared to be committed by State officials with virtually total impunity. The Government had taken the absurd stand that virtually no violations had occurred in Iran, and was playing cat and mouse with the procedures of the Council, which should not tolerate this, and should re-establish an Iran-specific Special Procedure.

OMID MEMARIAN, of CIVICUS- World Alliance for Citizen Participation, said some of the recommendations given to Iran were rejected outright, including an end to severe restrictions on the rights to free expression, association and assembly, and an end to the detention and trial of writers solely for the practice of their right to freedom of expression. The situation of human rights defenders in Iran was one of the worst in the world. Freedom of expression was also severely limited. Similarly, there were substantial restrictions to the freedom of association and assembly - civil society organizations that advocated freedom of speech and the advancement of human rights often experienced pressure to curtail their work, and restrictions that rendered them illegal. The Human Rights Council should take decisive action and steps to stop the gross violations of human rights within Iran. Iran must be held accountable.

HASSAN NAYEB HASHEM, of Verein Sudwind Entwicklungspolitik, said Iran had promised a national plan for human rights and that needed to be binding, as was also the case for Iran’s treaty obligations which had never been implemented. Verein Sudwind Entwicklungspolitik requested that the Government of Iran immediately stop juvenile execution. Further, how could discrimination against women be accepted and the Convention on the Elimination of Discrimination Against Women not be acceded to? The respect for equal treatment was not guaranteed and there existed gender apartheid in Iran. Presenting a distorted country report was not enough; improvement with respects to human rights must be shown in everyday life.

OMID MEMARIAN, of Democracy Coalition Project Inc., said the Iranian delegation had told this Council in February that 21 recommendations were either already implemented or in the process of implementation. The facts on the ground strongly negated this assertion: hundred of individuals remained in prison solely on the basis of their opinions and beliefs; they continued to suffer torture and were denied fair trials. Since November 2009 alone the Government had carried out the secret execution of nine political prisoners while the perpetrators of those violations enjoyed impunity. In the interactive debate, the Iranian delegation had questioned the universality of human rights standards based on cultural relativism. Iranian human rights defenders rejected this notion and pointed out that human rights violations could not be condoned under the guise of culture in order to provide impunity.

JULIE GROMELLON, of International Federation for Human Rights Leagues, said that a majority of States had strongly condemned human rights violations perpetrated after the elections of June 2009. The International Federation for Human Rights Leagues shared a number of serious concerns raised by many States during the interactive dialogue. Since the elections, peaceful protests had been harshly repressed in Iran, with several hundred political prisoners behind bars, human rights defenders prevented from exercising their work and torture appeared to be carried out on a daily basis in prisons. The International Federation for Human Rights Leagues supported the recommendations repeatedly made that Iran ensure and independent, transparent and impartial investigation into the numerous cases of violence against the protesters. The International Federation for Human Rights Leagues regretted that Iran denied the reality and the gravity of human rights violation during its Universal Periodic Review and had not provided any concrete reply to the grave accusations made.

CHARLES GRAVES, of Rencontre africaine pour la défense des droits de l'homme, in a joint statement with Al-Hakim Foundation, the achievements of Iran with regard to women’s rights included positive developments in child custody, inheritance rights, and literacy of girls. Regarding children, Iran had ratified free and mandatory education for children up to secondary school. Inhabitants in urban and rural areas enjoyed better living conditions, such as improved access to water, sanitation, electricity and the Internet. Criticism of the government should be allowed. The death penalty continued to be applied and disproportionately affected minorities. Rencontre Africaine pour la defense des droits de l’homme urged the Government of Iran to protect the rights of minorities and promote freedom of association, freedom of the media and political participation.

MARYAM SAFARI, of Charitable Institute for Protecting Social Victims, said the promotion of human rights in any country was a gradual, and not a short-term and sudden, process. Like other countries, Iran could not claim to not have any human rights shortfalls or issues, and without a doubt, there were certain areas that Iran must work hard on. In recent years, positive and deep developments had taken place in child custody, increase in inheritance rights, and equality of women. Iran was not in any way a single-voiced society, and the cultural, ethnic and religious diversity and their coexistence showed there was a good degree of tolerance in the country. Human rights was a generality, a collective of civil and political rights, economic, social and cultural rights, and the alienation or separation of just one of these headings without paying attention to the generality of human rights was wrong.

MEHRAN HOSSEINI, of Child Foundation, said the sanctions against Iran had caused the loss of life of many people. The sanctions also included spare parts for airplanes. In the last seven years, many of the victims of air disasters were Iranian. There was no legal justification for sanctions impeding the sale of spare parts. Furthermore, many pharmaceutical companies had also had a taste of the sanctions. Iran's pharmaceutical industry was not a direct casualty of the sanctions, but buyers of raw materials faced difficulties in obtaining credit. The United Nations should note the impact that the enforcement of sanctions on countries had on the basic human rights of people, and should encourage diplomacy to be used instead of sanctions.

MOHAMMAD JAVAD LARIJANI, Secretary-General of the High Council for Human Rights of Iran, in concluding remarks, said some of the recommendations were already being implemented. Responding to the comments made by the United States, Mr. Larijani expressed his expectation that all delegations gather in a well-founded discussion and said he objected to the way the United States had accused Iran with ill-founded and unsubstantiated allegations. It was recommended that the United States look to its human rights record, which unfortunately was very dismal. Further, the society of the United States society was full of Islamophobia and a hundred other ills. Mr. Larijani went on to say that Iran was perhaps the only and the greatest democracy in the Middle East and was different from liberal democracies; that should be accepted and taken into account when assessing Iran’s human rights situation. Iran had managed to create a modern State and looked forward to expanding and enriching that. Mr. Larijani said more than 7,000 non-governmental organizations had mushroomed in the country after the Iranian revolution, but unfortunately few of them had the opportunity to participate in this Council’s debate. More importantly, there was a close harmony between non-governmental organizations who had spoken here and the Governments who hosted them as highlighted by their similar statements. That was a severe threat to these very non-governmental organizations and was not purely accidental. Responding to comments made, Mr. Larijani said Baha’i were very affluent people and many of them attended university. In contrast, Iran was against sect or cult-tribe activities and would ban these. As for torture, the Iranian Constitution explicitly criminalized that act and Iran did not have any difficulties joining the ban on torture. Mr. Larijani went on to say that Iran’s invitation to Special Rapporteurs was standing and the Government had already been coordinating their visit with the Office of the High Commissioner.

The Council then adopted the outcome of the Universal Periodic Review of Iran.

Universal Periodic Review of Madagascar

GUY RAJEMISON RAKOTOMAHARO, Permanent Representative of Madagascar to the United Nations Office at Geneva, said during the examination of the report of Madagascar, 84 recommendations were formulated, of which 65 were accepted, 2 rejected, and 17 remained, on such issues as the resolution of the crisis, the opening of an independent investigation into the events linked to the crisis, the immediate freeing of political prisoners, the abolition of capital punishment, ratification of the Optional Protocols to two Conventions, the eradication of discrimination towards descendents of slaves and the caste system and the implementation of a mechanism of prevention of arbitrary detention. Aware of the dangers engendered by the continuance of the political, economic and social impasse, Madagascar considered that there was a need for arbitrage in the form of free and transparent elections. A road map had therefore been elaborated in this regard, and the elections would be prepared, organised and supervised by an independent body, the National Independent Electoral Commission.

With regard to the prevention of arbitrary detention, Madagascar already had a chamber which had the competency to act to prevent this. The Force d'Intervention Spéciale (FIS) intervened at the moment of arrest of persons suspected of having participated in acts that were considered crimes. This Force had no right to decide upon matters of detention. With regard to the recommendation on the immediate abolition of the death penalty and the ratification of the two Optional Protocols, there were not yet favourable conditions for immediate application of these, but Madagascar would make efforts to that end. With regard to the elimination of discrimination against the descendants of slaves, it was impossible to identify these descendants, and further, the Constitution forbade all discrimination based on origin. Despite the actual context, Madagascar was committed to implementing the recommendations that were accepted, and a workshop on their implementation would be held this year. The resolutions issuing from the workshop would serve to elaborate a plan of action for implementation and follow-up.

JOHN C. MARIZ (United States) said the United States appreciated the participation of the de facto Government of Madagascar in the Universal Periodic Review and welcomed its acceptance of the recommendation to define torture in domestic legislation and make it a criminal offence with specific sanctions. The United States strongly encouraged Madagascar to restart the four-party Maputo process talks with the goal of establishing an inclusive transitional Government that would prepare the country for free and fair elections, and to put in place the transitional institutions foreseen in the Maputo Agreement. Finally, the United States encouraged Madagascar to open a credible and independent process for investigating deaths and the events surrounding the March 2009 military coup.

GEIR SJOBERG (Norway) said Norway repeated the call for the transitional institutions foreseen in the Maputo Agreement to be put in place and for credible elections to be held. The media was crucial for ensuring freedom of expression and Norway would continue to follow the status of freedom of the media and freedom of expression in Madagascar. While Norway welcomed the reinstatement in March of the ban on rosewood logging and exports by the transitional government, it remained concerned about the lack of practical impacts on the ongoing and the unchecked plunder of biological treasures of Madagascar. The Universal Periodic Review recommendations, when translated into implementation, would pave the way for progress, peace and security in Madagascar.

MARIANNE LILIEBJERG, of Amnesty International, was concerned about the excessive, sometimes lethal, use of force by security forces, arbitrary arrests and detentions in the context of the current political crisis, as well as the political interference in the administration of justice, resulting in a lack of independent investigations into such violations. Defendants had been denied the right to be brought promptly before a judge, or to be tried within a reasonable time, and others had been denied the right to defence, or their lawyers had been harassed and intimidated. The Government was urged to implement the recommendations to release political detainees, cease arbitrary detention, and ensure that those arrested and detained were given a fair trial. It was also essential that Madagascar open an independent inquiry into the deaths and the excessive use of force during the demonstrations in 2009.

NAIKA ELIANE, of Indian Movement “Tupaj Amaru”, said Madagascar had been living through a political crisis. Since the beginning of this crisis, approximately 500,000 people had been suffering from unemployment. Since January 2006, several hundred people had died, had been victims of forced disappearance or arbitrary detention, without any independent investigations being conducted. Moreover, according to reports of local media, armed militias had attacked private goods, companies had participated in the exploitation of natural resources, and public officials had started a hunger strike to denounce the looting of public goods. Also, magistrates reported that Madagascar’s justice system had become a political instrument that was solely used to eliminate political adversaries.

CARA GLEESON, of Women's International League for Peace and Freedom, Women’s International League for Peace and Freedom questioned what effect the Universal Periodic Review had on improving the situation of human rights on the ground and minimising the risk for the people of Madagascar, and was concerned at the Government's absence of response to the recommendation to release all political prisoners, as well as their refusal to open a credible and independent process for investigating the deaths and the events surrounding the March 2009 military coup. Since the Review in February, reports showed there had been no changes to the human rights situation in Madagascar; violence and arrests continued, but under different guises and rationales. Women’s International League for Peace and Freedom was concerned by Madagascar's failure to comply with international conventions, and asked the international community to ensure that the Universal Periodic Review process, in the case of Madagascar and in all cases, be an effective mechanism for the implementation of human rights in countries under review.

NATHALIE JEANNIN, of International Federation of ACAT (Action By Christians for the Abolition of Torture, said the International Federation of ACAT noted with satisfaction the commitments entered into by the Government of Madagascar, and was aware of the efforts of the Government. The International Federation of ACAT congratulated Madagascar on having accepted the recommendation to allocate sufficient resources to respect international standards in prisons, as detention conditions continued to be worrying and tantamount to ill-treatment. Malnutrition continued to be one of the main causes of death in prisons. Madagascar should adopt effective measures to prevent torture and other forms of ill-treatment. The practice of weekend arrests was widespread and led to detention of more than 48 hours. The Government should abolish the death penalty.

GUY RAJEMISON RAKOTOMAHARO, Permanent Representative of Madagascar to the United Nations Office at Geneva, said that Madagascar took into account the recommendations and remarks made and said that they allowed the identification of strong and weak points of Madagascar in the area of the promotion and protection of human rights. Madagascar reiterated the total availability of the country to improve the human rights situation and the importance of technical cooperation with international human rights bodies.