

HUMAN RIGHTS COUNCIL ADOPTS OUTCOME OF UNIVERSAL PERIODIC REVIEW ON REPORTS ON NETHERLANDS, SOUTH AFRICA AND CZECH REPUBLIC

11 June 2008

The Human Rights Council this morning adopted the outcome of the Universal Periodic Review process on the reports on the Netherlands, South Africa and the Czech Republic.

On the outcome on the Netherlands, Arjan Hamburger, Human Rights Ambassador of the Ministry of Foreign Affairs of the Netherlands, said the issues that had been debated during the interactive debate were issues that were currently subject of debate in the Netherlands as well. The recommendations and questions they had received would help them find answers for the challenges they were facing.

In the discussion on the report, speakers said it was important to have non-governmental organizations participate in all human rights debates. The Government of the Netherlands should speed up the ratification of human rights instruments. In the Netherlands there was no ministry responsible for domestic human rights. The Netherlands should further inform in its reports on the situation in the non-European parts of its Kingdom.

Speaking were the representatives of the International Association of Democratic Lawyers, Aim for Human Rights and the International Commission of Jurists.

On the outcome on South Africa, Glaudine Mtshali, Permanent Representative of South Africa to the United Nations Office at Geneva, said South Africa was proud of the success in the first 14 years of the democracy. As a deliberate policy, South Africa embarked on a national programme through parliament to repeal all the discriminatory legislation and put in place a broad range of legislation promoting equality and dignity.

In the discussion on the report, delegations applauded South Africa for taking the necessary measures to implement the recommendations it had agreed to during the Universal Periodic Review. They highlighted reports of abuse of migrants in South Africa and recommended that the rights of migrants were respected. Many were encouraged and remained confident that the South African Government would do its utmost to promote tolerance, to combat prejudice, and to ensure the safety of migrants.

Speaking in the discussion on the report on South Africa were the delegations of Nigeria, Canada, Tunisia, China, Pakistan, Botswana, Algeria, Malaysia, Egypt, Angola, Syria and Djibouti.

Also speaking were the representatives of Human Rights Watch, Centre on Housing Rights and Evictions, Canadian HIV/AIDS Legal Network and Amnesty International.

On the outcome on the Czech Republic, Tomas Husak, Permanent Representative of the Czech Republic to the United Nations Office at Geneva, said since the interactive dialogue on the situation of human rights in the Czech Republic, the Government had diligently considered all the recommendations raised during the discussion and a detailed written response to them had been submitted to the Council. The Czech Republic deeply appreciated the contribution of human rights defenders to the protection of human rights and actively supported effective measures to improve their protection and promote their activities worldwide.

In the discussion on the report, speakers welcomed the process and outcome of the Universal Periodic Review, the focus on the issue of discrimination against ethnic minorities in the review, severe exclusion of the Romani minority in the Czech Republic, as well as the close attention paid during the review on matters concerning the need to tackle discrimination on the basis of sexual orientation. Some asked that the record reflect specific concerns, including the lack of Government response to the coercive sterilization of several hundreds of Romani women during the period from the late 1970s to 2004.

Speaking were the representatives of the Centre on Housing Rights and Evictions (COHRE) and Amnesty International.

The Council is scheduled to meet again this afternoon at 3 p.m. when it will consider the outcome of

the Universal Periodic Review process for the reports on Argentina, Gabon, Ghana and if time permits Guatemala.

Consideration of Outcome of Universal Periodic Review for Report on the Netherlands

ARJAN HAMBURGER, Human Rights Ambassador of the Ministry of Foreign Affairs of the Netherlands, in introductory remarks, said that it had been an honour for the Netherlands to be part of the first session of the Universal Periodic Review. The issues that had been debated during the interactive debate were issues that were currently subject of debate in the Netherlands as well. The recommendations and questions they had received would help them find answers for the challenges they were facing. In their responses to the recommendations they had tried to be as open and transparent as they had been during the review by substantiating why certain recommendations could or could not be supported. Many of the recommendations concerned integration, discrimination and migration issues. Most of these recommendations could be supported; they were generally in line with the Dutch Government's policies. Two of the questions received still needed an answer. The first concerned the lack of sufficient mental health services for adolescents, the prevalence of drug and alcohol abuse, teenage pregnancies and sexually transmitted infections. It was assured that the Netherlands offered a variety of programmes for young people suffering any of these problems. The second question had asked about the action plan on human rights education. It was noted that it was currently being discussed within the human rights education platform. A big challenge was the limitation that schools could not be mandated with subjects they had to include in their curriculum.

Mr. Hamburger further said that, with regard to the Universal Periodic Review, they saw that major human rights issues in every State under review had been brought forward in a constructive manner. Also, an increasing openness and transparency was experienced as the session evolved. The Universal Periodic Review was an additional tool for human rights monitoring. But it should not take away the mandate of the Human Rights Council to act upon gross human rights violations in specific countries. It was crucial to have an open dialogue both in the Council and at home and also between governments and civil society. In the preparation of the Universal Periodic Review, the Netherlands had organised consultative meetings with a number of Dutch human rights non-governmental organizations. The State Secretary had also participated in a non-governmental organization side-event on the outcome of the Dutch review. Others were strongly encouraged to opt for a more active civil society involvement in the preparations and follow-up of the Universal Periodic Review. Further, it was believed that it was essential for the productive Universal Periodic Review outcome that the voice of civil society was sufficiently heard in the room.

EDRE U. OLALIA, of the International Association of Democratic Lawyers, asked how could the principles and values of the Dutch Governments which put strong emphasis on human rights in legislation, policy and enforcement policies be compatible with the reported persecution of certain Filipino political exiles, asylum seekers and refugees who were in democratic opposition to policies of the Philippine Government? The Association also asked how could the claims made by the Secretary during the review process regarding combating terrorism through law and enforced under legal supervision be possible when cases of political persecution as well as other cases were not even mentioned in the outcome. There were serious allegations that the Dutch Government gave credence to information provided by a Philippine agency which Special Rapporteur Professor Alston recommended to be abolished. The Association asked the Council to consider these three comments when it decided to adopt the outcome of the review in the plenary.

MARTHA MEIJER, of Aim for Human Rights, said it was important to have participation of non-governmental organizations (NGOs) in all human rights debates. The Dutch Government had conducted an open dialogue with NGOs, which was appreciated. The Government should speed up the ratification of human rights instruments, such as the Convention against Enforced Disappearances, the Convention on the Rights of Migrants and the Optional Protocols to the Convention on the Rights of the Child and the Convention against Torture. The Government should comply with recommendations made by treaty bodies. In the Netherlands there was no ministry responsible for domestic human rights. A strategy should be developed for domestic human rights. The Netherlands should develop a holistic approach to prevent the spread of intolerance and discrimination on the grounds of religion, race, sexual orientation and ethnic origin. The Netherlands had yet to implement all pledges it made two years ago to the Human Rights Council. The Council should urge the Government of the Netherlands to implement its pledges as well as the outcome of

the Universal Periodic Review.

LUKAS MACHON, of the International Commission of Jurists, said that the Universal Periodic Review had recommended, among others, that the Netherlands ratify the Optional Protocol to the Convention Against Torture and that the Government review legislation in order to protect fundamental rights of all persons, independently of their migrant status. The Netherlands had on many occasions expressed its intentions to ratify the Optional Protocol to the Convention against Torture. It would help to improve the conditions of detentions in the country. The Netherlands should finalize the ratification process as soon as possible. As regards the counter-terrorism measures, a law expanding the powers to investigate and prosecute terrorist acts had come into effect this February. Its prerogatives were in breach of the right to a fair trial. All anti-terrorism measures had to be brought in line with human rights standards. Also, the Netherlands was late in submitting its reports to treaty bodies. The Netherlands should further also inform in its reports on the situation in the non-European parts of its Kingdom.

ARJAN HAMBURGER, Human Rights Ambassador of the Ministry of Foreign Affairs of the Netherlands, in his closing remarks, repeated what the State Secretary of Justice Nebahat Albayrak said in April. For the Kingdom of Netherlands the Universal Periodic Review was not just a snap shot of a particular moment in time, but rather an ongoing process that should lead to a permanent focus on promoting human rights at the national level. The Government would therefore not wait four years to write a new report for the next review, but submit interim overviews to inform States and others about the implementation of the recommendations and of other relevant human rights developments in the Kingdom of the Netherlands. These reports would include steps in progress and the pledges that were made when they submitted candidature for the Human Rights Council. The Government would continue dialogue that had been already underway with civil society, and would include the answers to questions and comments that were posed today.

Mr. Hamburger thanked Nigeria, Pakistan and Peru, the members of the troika that helped prepare the Dutch Working Group report and the Council Secretariat and the staff of the Office of the High Commissioner for Human Rights for their tremendous efforts.

Consideration of Outcome of Universal Periodic Review for Report on South Africa

GLAUDINE MTSHALI, Permanent Representative of South Africa to the United Nations Office at Geneva, in her introductory remarks thanked members of the Human Rights Council for the interactive dialogue. Challenges existed in the young democracy. South Africa was grappling with the challenge of having to reverse in concrete terms the negative effects of institutionalized forms of racial discrimination and dispossession which lasted well over 30 years under successive oppressive colonial regimes and apartheid. South Africa was proud of the success in the first 14 years of the democracy. As a deliberate policy, South Africa embarked on a national programme through parliament to repeal all the discriminatory legislation and put in place a broad range of legislation promoting equality and dignity.

Most of the recommendations for South Africa required serious contextualization. Most of the recommendations had been implemented. The issue of corporal punishment in the home was being dealt with through domestic legislation. One-stop service centres for victims of sexual assaults had been set up. The Government had by legislation banned corporal punishment in school. South African schools focused on the best interest of the child and respect for their dignity. The Department of Education had initiated an advanced certificate programme in human rights and values education for teachers. Further the Department of Education had taken steps to ensure the right to education. Periodic reviews by the Human Rights Commission had ensured that these policies were effectively delivered. There was a racial integration principle in place and guidelines against sexual discrimination in schools. A recent study on learner retention concluded that there was now a near full enrolment until at least grade 9 after which there was a challenge regarding drop outs. The Government was undertaking a number of measures to increase enrolment, including increasing the number of non-fee schools.

All in South Africa had the right to equal protection and benefit of the law. No one may be discriminated against on any grounds. The Constitution extended this protection to all groups, including persons with alternative life and sexual orientation. The Government was preparing legislation aimed at criminalizing all acts that were repugnant and demeaning of dignity. The Government of South Africa was on record as having publicly deplored the recent acts of violence

against foreigners in the country by individuals and groups, ostensibly motivated by xenophobia. Many of the Special Procedures of the Council who previously visited South Africa legitimately recommended to the Government to consider ratifying the International Covenant on Economic, Social and Cultural Rights. The Government was examining the appropriate implementing agent to coordinate the various rights resorting under this important instrument.

The South African delegation was spearheading an initiative within the framework of the Human Rights Council aimed at the rectification of the legal status of the Committee on Economic, Social, and Cultural Rights. South Africa was one of the strong advocates for a very strong Optional Protocol on these rights.

OSITADINMA ANAEDU ([Nigeria](#)) applauded South Africa for taking the necessary measures to implement the recommendations it had agreed to during the Universal Periodic Review. Nigeria was optimistic that with such a level of commitment, the primary objectives of the Universal Periodic Review would be fully realised. The laudable strides made by the South African Government to transform the State and deploy resources to give all citizens equal access to rights and provide equal service to all were welcomed. Nigeria looked forward to South Africa's follow-up review in four years.

TERRY CORMIER ([Canada](#)) said that during the Universal Periodic Review Working Group, Canada had highlighted reports of abuse of migrants in South Africa, and recommended that South Africa ensure that the rights of migrants were respected. The violence that subsequently occurred in Johannesburg and a number of other urban areas in South Africa showed that addressing issues related to xenophobia and the abuse of foreign nationals was not easy. The challenge was made greater by the ongoing movement of large numbers of Zimbabweans seeking to escape the deteriorating political and humanitarian situation in their country. Canada was encouraged by South Africa's strong condemnation of these attacks and remained confident that the South African Government would do its utmost to promote tolerance, to combat prejudice, and to ensure the safety of migrants. Further Canada conveyed its support to South Africa for its efforts.

ALI CHERIF ([Tunisia](#)) expressed gratitude to South Africa for their commitment to the Universal Periodic Review. Tunisia welcomed the efforts of South Africa in the area of human rights. It paid tribute to the leadership of South Africa for combating racism. The country remained a source of inspiration and pride.

ZHOU XIANFENG ([China](#)) appreciated the serious responsive attitude of South Africa to the Universal Periodic Review process and recommendations made. South Africa had successfully completed the transition from the apartheid period and had strengthened human rights in the following years. It had also hosted the world's biggest conference on racism. China was convinced that the Government would make all efforts to further promote and protect the human rights of all its people.

SYED ALI ASAD GILLANI ([Pakistan](#)) thanked South Africa for their elaborate report on the Universal Periodic Review. South Africa was dealing with a number of internal situations after years of apartheid. They had invested material capital to improve the quality of life in the country. A focus on economic, social, political rights, in particular democracy and rule of law, education, racial integration policies and xenophobia was encouraged. With the commitment displayed by the Government of South Africa, it was clear that the country would achieve its goals. Pakistan wished the Government of South Africa all the success in this endeavour.

O. RHEE HETANANG ([Botswana](#)) commended South Africa for its demonstrable commitment to the Universal Periodic Review process. It noted the efforts taken by the Government to counter the xenophobic attacks. Botswana looked forward to South Africa's continued efforts for the promotion and protection of human rights.

IDRISS JAZAIRY ([Algeria](#)) commended South Africa for adopting, after the first democratic election of 1994, a reconstructive framework whose primary goal had been to address the historical legacy of inequality and improve the quality of life of all South Africans. The Government of South Africa was demonstrating a firm commitment to continue progressing in the implementation of its human rights obligations and to address in the most appropriate manner xenophobic attitudes towards immigrant labour from neighbouring countries. With regard to HIV/AIDS, it was noticed that the

Government had made medicine affordable for all through the implementation of a medicine pricing regulation. Concerning housing issues, Algeria was impressed by the challenge that the country had met notably in addressing the phenomena of homelessness-landlessness. The strong constitutional and legislative protection measures taken to prevent illegal evictions and to provide judicial recourse for victims of illegal evictions was acknowledged. South Africa would continue to be a source of inspiration in the field of human rights.

ROHANI ABDULLAH ([Malaysia](#)) thanked Claudine Mitshali, the Permanent Representative of South Africa to the United Nations Office at Geneva, for her statement. Malaysia appreciated the positive engagement by the Government of South Africa in the Universal Periodic Review process, including its forthcoming responses during the interactive dialogue in the session of the Working Group of the Review on 15 April 2008. South Africa had made a commendable transformation into a vibrant democratic nation embracing the principles of the rule of law and sound socio-economic policies for its population. The benefits of these had been acknowledged during the review of South Africa's national report by the Working Group. Malaysia congratulated the efforts of the Government of South Africa in further improving the promotion and protection of human rights in the country despite the challenges it continued to face. Further, they reiterated their support for the Government's leading role in the global fight against racism and racial discrimination.

IHAB GAMALELDIN ([Egypt](#)) thanked South Africa for their presentation and congratulated it for its efforts. Egypt welcomed the achievements made in South Africa, including the Constitution. What was achieved was a good basis, but a work in progress. South Africa successfully included civil society in the process. Egypt looked forward to further progress by South Africa.

EFIGENIA JORGE ([Angola](#)) welcomed South Africa's readiness for an open and constructive dialogue regarding the situation of human rights in the country. Angola appreciated the efforts of the Government to improve the human rights situation in spite of the challenges they had to face. South Africa was creating strategies in order to improve civil and political rights as well as economic, social and cultural rights. In spite of the historical legacy of the colonial and apartheid systems, the Government was committed to overcome these obstacles. The policies undertaken by the Government to promote gender equality were welcomed. Angola welcomed the South African Bill of Rights, which had had the greatest impact on the society and was considered to be a cornerstone of democracy in South Africa. The efforts to achieve universal primary education by 2015 were also welcomed. Angola believed that only through education could a nation aspire to achieve growth and development and more importantly to sustain it. The importance of education could not be neglected.

ABDULMONEM ANNAN ([Syria](#)) expressed Syria's appreciation for South Africa's transparency and collaboration with the different human rights mechanisms, including the Human Rights Council. South Africa's acceptance and endorsement of the various difficult recommendations was indicative of its determination to promote and protect human rights in their different manifestations and interpretations, despite the heavy legacy it inherited from the shameful ex-racist regime. These included inter alia, its commitment to improve the handling by police of rape cases and to curb rates of violence, particularly against women and girls, to ratify the International Covenant on Economic, Social and Cultural Rights, to ensure that the rights of migrants were respected, particularly by law enforcement officials, and to take measures to address inequities in access to HIV/AIDS treatment and support, particularly in rural areas. South Africa's inherited development burden was enormous but its achievements in the fields of housing, basic services provision, education, and medical care, in favour of the historically disadvantaged masses were genuinely unsurpassed in the developing countries and it deserved the Council's engagement and full support.

AHMED MOHAMED ABRO ([Djibouti](#)) noted the achievements of South Africa, given its history. South Africa had established a multicultural and multiethnic society. Djibouti encouraged South Africa to continue along this path.

JULIE DE RIVEIRO, of [Human Rights Watch](#), welcomed the Universal Periodic Review outcome report, which included numerous important recommendations to address the problems of sexual violence, equal access to HIV retroviral treatment and the enhanced protection of those seeking safety from persecution on South African territory. Recommendations relating to the treatment of migrants and asylum seekers had become particularly pertinent given the actual surge in xenophobic attacks. Nevertheless, widespread poverty, unemployment, persistently high levels of violent crime and gender inequality continued to inhibit the full enjoyment of human rights. A

priority concern for the non-governmental sector in South Africa was to ensure that the Government continued to address the progressive realisation of socio-economic rights.

DEANNA FOWLER, of [Centre on Housing Rights and Evictions](#), welcomed the attention paid by at least six national delegations to housing rights matters during the interactive dialogue on South Africa in the Universal Periodic Review. The Centre was concerned that these interventions were primarily congratulatory, and that there were no recommendations on housing rights issues. Further, a number of concrete issues raised by States during the interactive dialogue were excluded from the report of the Working Group. The Centre was alarmed by proposed amendments to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act. The Act would limit the scope of persons protected, and there were concerns that this would lead to an increase in evictions and the number of people rendered homeless by evictions. The Centre urged the Council to record these concerns about erosions to housing rights protections. They urged the Government of South Africa to address these issues without delay.

MARIANNE LILLIEBJERG, of [Amnesty International](#), welcomed the recommendations in the outcome report to ensure that the rights of asylum seekers and migrants were respected in line with South Africa's obligation under the Convention on the Elimination of Racial Discrimination. Amnesty International urged South Africa to ensure that those who had been subjected to recent violence and displacement were given effective protection and access to legal remedies and humanitarian assistance. A full, independent and impartial judicial inquiry must be conducted into the violence, including by law enforcement officials. Amnesty International urged the Government to act on recommendations to address the inequities created by poverty and gender-based discrimination in the access to prevention, treatment, care, and support for those at risk of, or living with HIV and AIDS, particularly women in rural areas. Amnesty International was disappointed at the limited participation from the capital in the review in April and that the State report was available to the Working Group only the day before the review.

GLAUDINE MTSHALI, [Permanent Representative of South Africa to the United Nations Office at Geneva](#), in concluding remarks, said that South Africa had welcomed the opportunity to be reviewed as one of the first States under the Universal Periodic Review. They had had the opportunity to present their challenges, achievements and best practices to the Council. The active participation and collaborative spirit in which South Africa's review had been conducted was welcomed. The very positive and constructive statements made in the support of South Africa's efforts to firstly achieve economic, social and cultural rights, since civil and political rights were already largely achieved, especially by States which had experienced similar challenges in the past, were welcomed. Also, the comprehensive reports and presentations by all States under review reflecting their achievements and best practices no doubt constituted valuable resources for countries that were looking for possible solutions to address their own challenges.

Consideration of Outcome of Universal Periodic Review for Report on Czech Republic

TOMAS HUSAK, [Permanent Representative of the Czech Republic to the United Nations Office at Geneva](#), in his introductory remarks said that it was a pleasure to represent the Czech Republic before the Council in this important exercise. He welcomed the report as well as the whole process starting by the preparation of the national report, continuing with the interactive dialogue on 16 April 2008 and followed by the adoption of the outcome document. The Czech Republic was ready to continue the follow-up to the review in cooperation with civil society and while including a gender equality perspective. Since the interactive dialogue on the situation of human rights in the Czech Republic, the Government had diligently considered all the recommendations raised during the discussion and a detailed written response to them had been submitted to the Council. Regarding the rights of ethnic minorities, especially the Roma minority, the Government was aware of the need to continue its efforts and through a number of initiatives strove to eliminate all forms of discrimination against or exclusion of individuals and groups defined by their race, colour of skin, nationality or language. Included and implemented in the framework of the Government's anti-extremism policy were the recommendations related to the fight against Nazism and extremism. The policy also included medium and long-term provisions, both of a preventive and repressive nature, against extremism, neo-Nazism, racism, anti-Semitism and xenophobia. All activities leading to violence against groups of people and individuals, as well as any incitement to hatred against nations, ethnic groups, races or beliefs, as well as support of movements leading to suppression of the rights and freedoms of people were criminal offences under Czech law.

The Czech Republic deeply appreciated the contribution of human rights defenders to the protection of human rights and actively supported effective measures to improve their protection and promote their activities worldwide. Regarding the areas of sterilisation of women without their proper informed prior consent, the Ombudsman had identified 50 such cases, in some of these complaints were filed with a court. Measures had been taken to improve the effectiveness of the existing legal safeguards against sterilizations based on uniformed consent. Further the Government would be considering the proposal by the Council to establish an interdepartmental working commission to examine past sterilization practices starting from 1 July 1966.

The Government had for many years been exercising its strong resolve to fight trafficking in human beings. The recommendations in this field enjoyed its full support and were being implemented in compliance with the National Strategy of Fighting against Trafficking in Human Beings which had been in force since 2003 and was updated every two years. The Government's current activities and plans in the area of protection of children conformed to the recommendations raised. In March 2008, the Government tasked the Ministry of Labour and Social Affairs to prepare a proposal of necessary measures for transformation of the system of protection of children, which would be submitted to the Government by the end of 2008. Regarding the Yogyakarta principles, currently, a committee for the issues of sexual minorities was being set up under the Government Council for Human Rights. On the international political and legal framework for protection and promotion of human rights, the Government remained committed to full cooperation and open and constructive dialogue with all the monitoring treaty bodies and human rights special mechanisms.

Mr. Husak said, that the Government was ready to submit in the coming months and years to the Human Rights Council information on all concrete developments that would be achieved in the areas covered by the recommendations as a proof of their commitment to the ultimate goal of the Universal Periodic Review which was to bring concrete improvements to the situation of human rights in countries under review.

CLAUDE CAHN, of [Centre on Housing Rights and Evictions](#), in a joint statement with Canadian HIV/Aids Legal Network, welcomed the process and outcome of the Universal Periodic Review. The Centre welcomed the close attention paid during the interactive dialogue and the report in the Working Group to the severe exclusion of the Romani minority in the Czech Republic, as well as to matters concerning the need to tackle discrimination on the basis of sexual orientation. It asked that the record reflect specific concerns, including the lack of a Government response to the coercive sterilization of several hundreds of Romani women during the period from the late 1970s to 2004. The Government had not offered any clear indication as how it intended to rectify erosion currently taking place to the domestic law right to adequate housing. It was also unknown how the Government would desegregate the school system and deal with the Presidential-veto of an anti-discrimination law.

MATTEO DE BELLIS, of [Amnesty International](#), welcomed the focus in the review on the issue of discrimination against ethnic minorities. Recommendations to ensure that Roma should not be discriminated against in the area of employment, healthcare, education, housing and access to justice were welcomed. Roma continued to suffer from discrimination at the hands of both public officials and private individuals. They could frequently not obtain housing, even when presenting financial guarantees. Segregation in the education system was widespread and Romani children were frequently placed in special schools for children with mental disabilities. Concern was also expressed over the fact that Roma women had been subjected to sterilisation procedures without their full and informed consent. The Government should stop take all measures to stop such practices.

TOMAS HUSAK, [Permanent Representative of the Czech Republic to the United Nations Office in Geneva](#), in closing remarks thanked all representatives that had taken the floor. Thanks were also expressed to all those who had devoted their time to studying the human rights situation in the Czech Republic and had raised their concrete recommendation during the interactive dialogue. For his delegation and his colleagues in their ministries, the Universal Periodic Review had become a unique chance to see the human rights in the country through the eyes of all others and they would continue working on its follow-up.

For use of the information media; not an official record