

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## DAILY UPDATE HUMAN RIGHTS COUNCIL, 8<sup>TH</sup> SESSION 10 JUNE 2008

### Overview

The Council continued its consideration of the reports of the universal periodic review (UPR) Working Group. The countries considered today were:

- **Indonesia**, which was commended by States while other stakeholders raised many serious concerns, including in relation to impunity, the independence of the national human rights commission.
- **United Kingdom**, which was criticised in relation to issues on which it had not accepted the Working Group's recommendations.
- **India**, which States asserted had presented best practices in several areas, with NGOs expressing concerns about caste based discrimination in particular.
- **Brazil**, which was commended for its voluntary pledges to evaluate its human rights programmes and policies while NGOs addressed key human rights challenges.
- **Philippines**, which focused on the steps taken by the Philippines to implement the recommendations of the Working Group, with NGOs demanding concrete evidence for the effectiveness of the institutional measures taken. The Philippines were encouraged to report back to the Council before the next review.
- **Algeria**, which was characterised by a wave of compliments by members of the Organisation of the Islamic Conference (OIC), China, and Cuba, contrasted with critical remarks by NGOs on issues of disappearances, secret detention, and torture as well as freedom of expression and religion.
- **Poland**, which gave a comprehensive overview of steps taken since the review, as well as detailed written reactions to all recommendations made by the Working Group.

### Item 6 - Consideration of UPR reports

During the morning Egypt (on behalf of the African Group) made a general statement on civil society participation in the UPR. It underlined that it welcomes civil society participation in the process provided that it is 'within the rules' and 'beneficial'. It further endorsed the President's ruling of previous day that that NGO 'comments should focus on the outcome'. Egypt finally argued that any statement ruled to be 'out of context' should not be reflected in the report of the session or be posted on the extranet.<sup>1</sup>

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<sup>1</sup> The OHCHR extranet can be accessed (fill out the form on the page to receive the user name and password) at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm).

## Indonesia

### **State presentation**

The discussion on the adoption of the UPR report on Indonesia<sup>2</sup> stretched over two days (9 and 10 June 2008). The full discussion is covered in this report.<sup>3</sup>

Ambassador I Gusti Agung Wesaka Puja, Deputy Permanent Representative of Indonesia to the United Office in Geneva, noted that the National Action Plan on Human Rights had contributed significantly to fostering a human rights culture in his country. Indonesia considered the UPR recommendations it had accepted to be in line with its priority human rights programs. These included efforts to improve human rights training and education, and to harmonise national legislation with international norms. In cooperation with relevant stakeholders, the Government was assessing the readiness of authorities to implement additional human rights instruments that Indonesia had not yet ratified.

On the treatment of the *Ahmadiyah* minority, Indonesia informed that a recently-adopted decree did not outlaw the faith, but ordered its followers to stop their proselytising activities and respect the law. It also urged followers to return to the Islamic mainstream, and opponents to refrain from violence. With respect to invitations to Special Procedures, Indonesia acknowledged the importance of these mechanisms, but stressed that decisions on visits should be dictated by the needs and priorities of the country in question. Indonesia committed to disseminate information on the UPR domestically, including through civil society. It acknowledged the need to provide additional human rights training for military and law enforcement officials, and outlined some of its efforts to combat trafficking in persons, to increase women's participation in politics, and to develop relevant legislation and reform the judiciary.

### **Member and observer States**

Nine States were allowed to speak during the time slot allocated to States. Notably, aside from Cuba, these were exclusively members of the Organisation of the Islamic Conference (OIC).<sup>4</sup> Predictably, these States avoided overt criticism of Indonesia, and praised it for its commitment to human rights, its transparent and cooperative approach to the UPR, and the domestic reforms it was pursuing. Some States supported Indonesia's acknowledgment of the need to continue human rights training and education, including among officials, while others urged it to continue efforts to improve the situation of women and children. Cuba stressed that, in order to correctly assess any country's progress on human rights, its unique specificities needed to be taken into consideration.

### **Other stakeholders and concluding comments**

The Indonesian National Human Rights Commission (Komnas HAM) and six NGOs made statements. Notably, the National Human Rights Commission noted that the responses of the Government on the role and independence of Komnas HAM did not adequately describe the challenges faced by it.<sup>5</sup> It endorsed the recommendations that the relevant legislation should be amended to better ensure the independence and functioning of Komnas HAM. Many speakers expressed concern about the situation in West Papua.<sup>6</sup> NGOs

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<sup>2</sup> A/HRC/8/23.

<sup>3</sup> For more information about the UPR of Indonesia please see ISHR's report, available at [http://www.ishr.ch/hrm/council/upr/upr\\_1st\\_session\\_2008/upr\\_001\\_indonesia\\_final.pdf](http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_001_indonesia_final.pdf)

<sup>4</sup> The following States took the floor: Algeria, Tunisia, Qatar, Pakistan, Islamic Republic of Iran, Bahrain, Syria, Azerbaijan.

<sup>5</sup> Asian Legal Resource Center and the World Organisation against Torture (in a joint statement with Human Rights First) also expressed concern about its independence.

<sup>6</sup> Franciscans International, Asian Legal Resource Centre, Amnesty International.

regretted that the Government had not answered questions raised in this regard.<sup>7</sup> It encouraged Indonesia to issue a standing invitation to all special procedures and lift any restrictions to visit West Papua. In a joint statement, the International NGO Forum on Indonesian Development regretted that many other issues had been inadequately addressed by the Government, including impunity, migrants, indigenous people and minorities, independence of the judiciary, torture, and freedom of religion. NGOs also expressed concern about the security of human rights defenders,<sup>8</sup> and the situation of religious minorities.<sup>9</sup> NGOs encouraged Indonesia to ratify the Optional Protocol to the *Convention against Torture* and adopt a definition of torture in the criminal code.<sup>10</sup> Several speakers also specifically addressed the issue of impunity.<sup>11</sup> The Asian Legal Resource Centre stated that this was the most serious problem in Indonesia and that the UPR had failed to recognise it as such. It was underlined by Komnas HAM that these efforts should involve prosecution of perpetrators and follow up to its inquiries. Concern was expressed about the weaknesses and deficiencies of the judicial process and relevant institutions, which required legal reform.<sup>12</sup> In this regard, Indonesia was also encouraged to prosecute those responsible for gross violations in Timor Leste. Franciscans International pleaded that the questions that remained unanswered should not be ignored. Asian Forum for Human Rights and Development (Forum-Asia) encouraged the Council to closely monitor the implementation of the outcome.

During the NGO statements, Egypt raised a point of order in reaction to comments by an NGO<sup>13</sup> on the banning of *Ahmadiyah* activities by the Government the previous day. Egypt argued that any events that had taken place since the review were not relevant. The President then simply asked the NGO speaker to continue his intervention.

In closing, Mr Puja stated that the National Human Rights Commission has ‘one of the strongest’ legal foundations. It further underlined that it is not limiting freedom of religion by its ban on *Ahmadiyah* activities. He recalled that the UPR is intended to improve the human rights situation on the ground and expressed the hope that the concrete proposals made during the debate would be adopted and implemented.

The outcome was then adopted without a vote.

## United Kingdom of Great Britain and Northern Ireland

### State Presentation

Mr Peter Gooderham, Permanent Representative to the UN, addressed the Council on the responses by the UK to the recommendations made under the UPR.<sup>14</sup> Mr Gooderham emphasised that serious consideration had been given to all recommendations and that the UPR process was a genuine opportunity to critically re-examine its policies on the issues in question. He explained that the UK was in agreement with the majority of the recommendations, which consequently have been accepted. Where the Government was unable to accept a certain recommendation,<sup>15</sup> it has gone to great lengths to provide an explanation (the delegation made

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<sup>7</sup> Franciscans International (joint statement), International NGO Forum on Indonesian Development (joint statement).

<sup>8</sup> Asian Legal Resource Centre, Amnesty International.

<sup>9</sup> Komnas HAM, Asian Forum for Human Rights and Development (Forum-Asia).

<sup>10</sup> Franciscans International, International NGO Forum on Indonesian Development (joint statement), Asian legal Resource Centre.

<sup>11</sup> Komnas HAM, International NGO Forum on Indonesian Development (joint statement), Asian Legal Resource Center and the World Organisation against Torture (in a joint statement with Human Rights First), Amnesty International.

<sup>12</sup> International NGO Forum on Indonesian Development (joint statement), Amnesty International.

<sup>13</sup> Asian Forum for Human Rights and Development (Forum-Asia).

<sup>14</sup> The report is contained in A/HRC/8/25. For information on the UPR of the United Kingdom of Great Britain and Northern Ireland, see ISHR’s report, available at [http://www.ishr.ch/hrm/council/upr/upr\\_1st\\_session\\_2008/upr\\_001\\_uk\\_final.pdf](http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_001_uk_final.pdf).

<sup>15</sup> The UK did not accept recommendations on withdrawing an interpretative statement to article 4 of ICERD; shorten pre-trial detention; to consider any person detained by the armed forces as under its jurisdiction; to lift all reservations to ICCPR, and CAT

available in writing a copy of its ten page response).<sup>16</sup> He further highlighted that this was only the first step of the process and that the next phase of implementation would be even more important. Finally, the Government is committed to working with civil society in this process.

### **Member and observer States**

Only four States commented.<sup>17</sup> Algeria addressed several of the recommendations that had not been accepted by the UK. It highlighted the high incarceration rate of children and encouraged the UK to reconsider the use of “painful techniques” applied to children;<sup>18</sup> the need to shorten pre-trial detention;<sup>19</sup> the refusal to accede to the *International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families* (ICMRW);<sup>20</sup> regretted the decision to not allow access by the International Committee of the Red Cross (ICRC) to prisons;<sup>21</sup> and commended the UK for accepting to comply fully with its obligations under *International Covenant on Civil and Political Rights* (ICCPR) and the *Convention against Torture* (CAT), but maintained that the UK must extend the application of CAT and ICCPR to all the territories under its control.<sup>22</sup> Nigeria commended the UK for acknowledging the equal status of economic, social, and cultural rights.<sup>23</sup> Pakistan expressed hope that the UK will continue to harmonise some of its recent counter-terrorism laws with existing human rights standards. The Russian Federation expressed its satisfaction with the UK’s responses to the recommendations it had made but said that this demonstrated that there is ‘no ideal country in terms of human rights’.

### **Other stakeholders and concluding comments**

The International Save the Children Alliance (ISCA), appealed to the Government to do more to improve the situation of children, especially in the following areas: the juvenile prison system, the privacy of juvenile offenders, and child poverty rates.<sup>24</sup> It called on the UK to agree to the ICMRW to further protect the rights of children and to withdraw its reservation to the *Convention on the Rights of the Child*, specifically the provision that detained, refugee or asylum seeker children be separated from their [adult] family members while in confinement.<sup>25</sup> The ISCA ended with a strong call on the UK to consider all recommendations from the UPR. NGOs expressed over the lengthening of the pre-trial detention period.<sup>26</sup> Amnesty International also raised concerns over police actions that resulted in the violation of the right to life and the right to not be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. It called on the UK to perform more thorough investigations of these cases and create an independent mechanism for judicial inquiry into such human rights violations. The Islamic Human Rights Commission (IHRC) called for the UK government to review its counter-terrorism laws in light of human rights standards to prevent the spread of

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or to extend it to all territories under its control; to accede to the Convention on the Rights of Migrant Workers; facilitating access by the International Red Cross to its prisons; and to lift reservation to CRC provision on separating children from adults in prisons.<sup>16</sup> The UK’s written responses to the recommendations is available on the extranet. The OHCHR extranet can be accessed (fill out the form on the page to receive the user name and password) at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm).

<sup>17</sup> Algeria, Nigeria, Pakistan, Russian Federation.

<sup>18</sup> Point 18 – Written response to recommendations

<sup>19</sup> Point 19 - Written response to recommendations. Algeria stated that it had been criticised by the Human Rights Committee for extending its pre-trial detention period from nine to 12 days, while the UK is proposing to lengthen the time limit from 28 to 42 days.

<sup>20</sup> Point 20 – Written response to recommendations

<sup>21</sup> Point 21 - Written response to recommendations

<sup>22</sup> Point 17 - Written response to recommendations

<sup>23</sup> Point 23 - Written response to recommendations

<sup>24</sup> Point 11 - Written response to recommendations

<sup>25</sup> Point 20 - Written response to recommendations

<sup>26</sup> Amnesty International, Islamic Human Rights Commission.

racism and intolerance. The IHRC closed by thanking the Government for its receptiveness to the suggestions by civil society.

In his closing comments Mr Gooderham addressed the issue of time limits for pre-trial detention and clarified that the longer 42 day period would only apply in exceptional cases and would be subject to stringent judicial safeguards such as a weekly evaluation.

## **India**

### **State presentation**

Ambassador Swashpawan Singh, Permanent Representative to the UN, described the UPR mechanism as productive.<sup>27</sup> Mr Singh noted that the UPR mechanism would be a continuous process and not a one time exercise.<sup>28</sup> He considered this debate as the ‘first phase’ and stated that the implementation of all accepted recommendations would be the second. Finally he underlined that India’s human rights commitment was not limited to the recommendations that it had accepted.

### **Member and observer States**

The eight States<sup>29</sup> that spoke conveyed all positive sentiments for India’s efforts with the possible exception of the Netherlands’ recommending that India inform the Council before the next review in four years on any developments regarding the implementation of the recommendations made, including those not agreed to.<sup>30</sup>

Many States pointed out the incredibly rich diversity of India’s society and the resultant challenges it must face in the implementation of human rights.<sup>31</sup> Sri Lanka stated that their neighbouring country’s handling of such a multifaceted society served as a model to them and it reminded the Council that many delegations received India’s efforts as examples of best practices, a point also made during the State presentation. The general tone of State remarks was hopeful as many States indicated anticipation of further progress by the government of India.<sup>32</sup> Morocco specifically mentioned India’s adoption of a national action plan aimed at promoting a human rights culture in schools and among law enforcement officials.

### **Other stakeholders and concluding comments**

Seven stakeholders, the National Human Rights Commission of India and six NGOs, took the floor.<sup>33</sup> They voiced many concerns including discrimination stemming from India’s caste system,<sup>34</sup> disappearances and

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<sup>27</sup> For more information on the review of India by the UPR, please see ISHR’s report, available at [http://www.ishr.ch/hrm/council/upr/upr\\_1st\\_session\\_2008/upr\\_001\\_india\\_final.pdf](http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_001_india_final.pdf).

<sup>28</sup> The report of the Working Group is contained in A/HRC/8/26.

<sup>29</sup> Nigeria, Netherlands, United Arab Emirates, Qatar, China, Sri Lanka, Morocco, Ghana.

<sup>30</sup> It specifically referred to its own recommendations: recommendation 7 (Consider signature and ratification of ILO Conventions No. 138 and 182), and recommendation 9 (Review the reservation to article 32 of the *Convention on the Rights of the Child*).

<sup>31</sup> Nigeria, The United Arab Emirates, Sri Lanka.

<sup>32</sup> The United Arab Emirates, China, Sri Lanka, Morocco, Ghana.

<sup>33</sup> National Human Rights Commission of India, International Movement Against All Forms of Discrimination and Racism (on behalf of their own capacity, Pax Romana, Lutheran World Federation, Commission of the Churches on International Affairs of the World Council of Churches), Action Canada for Population and Development (on behalf of their own capacity, Federation for Women and Family Planning, Latin American Committee for the Defence of Women’s Rights), International Human Rights Association of American Minorities, Amnesty International, International Islamic Federation of Student Organizations, Interfaith International

<sup>34</sup> International Movement Against All Forms of Discrimination and Racism, Interfaith International

torture,<sup>35</sup> killings in 1984 and 2002,<sup>36</sup> impunity<sup>37</sup> and the arrest of minorities on unsubstantial charges.<sup>38</sup> Action Canada for Population and Development spoke on sexuality rights encouraging the Government to repeal a provision in the criminal code on same-sex activity enact civil rights legislation banning discrimination on the basis of sexual orientation. Amnesty International questioned a statement in India's review that its National Human Rights Commission equalled the Supreme Court in power and independence.<sup>39</sup>

In its final remarks, India addressed some of the issues addressed. It reiterated that there are many challenges facing the country including its vast and populous nature, but that the main obstacles are poverty and under-development. Mr Singh asserted that India is ready to receive advice from the international community as long as recommendations are within the constitutional framework. Mr Singh in some detail responded to the comments on caste-based discrimination. While the Government is 'deeply conscious' of the need to empower this group and ready to tackle discrimination, he asserted that there is no State discrimination and that the challenge is to change societal attitudes. He underlined the position of India that caste discrimination is not equal to racism or racial discrimination and stated that this 'was not subject to review'. Finally, he reiterated the Government's commitment to follow up on the recommendations.

The outcome was then adopted.

## **Brazil<sup>40</sup>**

### ***State presentation***

Ms Marcia Adorno Ramos, head of the human rights division in the Ministry of External Relations stated that the UPR is an innovative system for dealing with the defence of human rights in countries. She acknowledged that there are still many issues to be addressed before Brazil can claim the full realisation of human rights, including poverty reduction, eradication of racial discrimination, empowerment of women, protection of human rights defenders, elimination of torture, and rights of indigenous people. She further mentioned that Brazil will be organising several human rights conferences, including a national conference to review the national plan on human rights and is seeking to launch the human rights voluntary goals by December 2008. Finally, Ms Ramos highlighted that the voluntary commitments to elaborate human rights indicators and an annual report on the situation of human rights in Brazil would be fundamental tools for domestic monitoring.

### ***Member and observer States***

Seven States took the floor mainly to commend Brazil for its efforts to promote and protect human rights and its constructive engagement with the UPR.<sup>41</sup> China noted Brazil's active promotion of mainstreaming gender. Canada supported the initiative to develop internal human rights evaluation tools. Nigeria called on all concerned to assist Brazil in its implementation efforts. Pakistan encouraged the Government to continue to implement reforms in relation to indigenous people, prisons, protection of human rights defenders, and economic and social inequality. It also urged close Brazil to keep in mind global concerns related to climate

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<sup>35</sup> International Human Rights Association of American Minorities, Interfaith International.

<sup>36</sup> International Human Rights Association of American Minorities, International Islamic Federation of Student Organizations, Interfaith International

<sup>37</sup> International Islamic Federation of Student Organizations, Interfaith International

<sup>38</sup> International Human Rights Association of American Minorities

<sup>39</sup> They referenced amendments in 2006 on the authorization of the commission's chairperson to delegate powers and functions to the commission's secretary general, a government appointee

<sup>40</sup> The report of the Working Group is contained in A/HRC/8/27. For more information about the review of Brazil, please see ISHR's report, available at [http://www.ishr.ch/hrm/council/upr/upr\\_1st\\_session\\_2008/upr\\_001\\_brazil\\_final.pdf](http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_001_brazil_final.pdf).

<sup>41</sup> China, Canada, Nigeria, Pakistan, Switzerland, Syria, and Angola.

change and the right to food. Switzerland highlighted the situation of children and welcomed the existing programmes and initiatives to address their vulnerable situation. Switzerland and Angola noted with interest the commitment to evaluate national initiatives and action plans through indicators and an annual report. Angola welcomed the policies on African descendants, indigenous people, and gender equality as well as the efforts to improve standards of living.

### **Other stakeholders and concluding comments**

Conectas Direitos Humanos highlighted that the report of the Working Group did not reflect Brazil's answer on the protection of human rights defenders and the challenges and commitments for 2010. It underlined that the most important part of the UPR process begins now with the implementation of the recommendations from the UPR and from special procedures and treaty bodies. Amnesty International focused its comments on key human rights challenges, including impunity, violence against women, extrajudicial killings by police, torture and ill-treatment, and prison conditions. It called on Brazil to give effect to all of the recommendations. The Centre on Housing Rights and Evictions expressed concerns about racial discrimination against Afro-descendants with regard to land and forced evictions. Conectas also emphasised that the UPR in general should not weaken the system of special procedures or the treaty bodies, that recommendations should be concrete and turned into action, that civil society must take part in all phases of the process, and that the process must stretch well beyond a three hour meeting in Geneva.

In concluding comments, Ms Ramos affirmed Brazil's openness to working with civil society in the continuing process. It acknowledged that the final report of the Working group did not reflect its comments on the protection of human rights defenders and explained that Brazil has introduced a national programme on this issue.

The outcome was then adopted.

## **Philippines**

### **State presentation**

Ambassador Ms Erlinda F. Basilio, Permanent Representative to the UN, began by highlighting the Philippines' support to the UPR process, identifying it as a 'key instrument of [the] Council in advancing human rights on a global scale.' She expressed support for some of the recommendations<sup>42</sup> in the report of the Working Group, including the ratification of the optional protocol to the *Convention against Torture* (CAT). In light of these recommendations, Ms Basilio identified numerous voluntary commitments made by the Philippines. These included developing a gender-responsive approach to protect the rights of children and women, a commitment to address issues surrounding extrajudicial killings and trafficking in human beings, increasing the involvement of civil society in Government human rights programmes, and a continued effort to meet the needs of the poor and other vulnerable groups.

### **Member and observer States**

All of the seven States<sup>43</sup> that took the floor commended the Philippines for their active involvement in the UPR process. In particular, numerous States<sup>44</sup> applauded the Philippines on 'vigorously' addressing issues pertaining to vulnerable groups, such as women and children through a gendered perspective. Sri Lanka and

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<sup>42</sup> Support for recommendation nos. 1, 2, 5, 6, 9, 10, 12, 13, first part of 4 in para. 58 of the UPR Working Group Report (A/HRC/8/28)

<sup>43</sup> Algeria, Canada, China, Indonesia, Qatar, Sri Lanka, Thailand

<sup>44</sup> Algeria, China, Indonesia, Qatar

Algeria requested that international assistance be provided to the Philippines to expedite the implementation of the recommendations. However, despite overall positive comments, Canada voiced its concern with the Philippines' record of impunity and called on the State to prosecute those involved in extrajudicial killings, strengthen the witness protection programme, and enhance its education programmes for security professionals. Canada also suggested that the Philippines report back to the Council on progress with implementing the recommendations before the next review in four years. This could be an innovative measure for States to show that they take the follow-up to the UPR process seriously, and it would be positive if future Council sessions could provide opportunities for such discussion in the programme of work.

### **Other stakeholders and concluding comments**

Of particular note was the statement by the Asian Legal Resource Centre, which pointed out that the various commissions set up by the Government 'may look good on paper, but fail to address impunity in reality' and urged the Council to insist on demanding evidence of resolved cases and real progress.

Eight stakeholders spoke in relation to the Philippines and unlike previous sessions of the UPR, NGOs were able to make their statements without interruption. Some NGOs called on the Philippines to respond to the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary killings, Mr Philip Alston,<sup>45</sup> and Forum Asia regretted the negative comments about the Special Rapporteur's work by the Philippines earlier in the 8<sup>th</sup> session. The International Women's Right Action Watch-Asia Pacific (IWRAW-Asia Pacific) requested that the Philippines reject the recommendation by the Holy See, which calls for the government to 'protect children in the womb' and aims at preventing abortion. Accepting such a recommendation, IWRAW said, would be contrary to international law and further compound the huge health problems related to unsafe abortions. In a joint statement, Amnesty International and Human Rights Watch encouraged the Philippines to address impunity, extrajudicial killings and enhance the current witness protection programme to include financial and social support for families. The Centre on Housing Rights and Evictions (COHRE) called upon the Philippines to address forced evictions, regretting that little attention had been paid to this issue in the Working Group. The Commission on Human Rights of the Philippines (CHRP) requested the Philippines sign the *International Convention for the Protection of All Persons from Enforced Disappearance* (ICPPED) and strengthen national human rights efforts by ensuring the fiscal autonomy of the CHRP.

The Council adopted the outcome by consensus.

## **Algeria**

### **State presentation**

Ambassador Idriss Jazaïry presented Algeria's views on the outcome of the UPR.<sup>46</sup> He said that the Government had immediately after the review in the Working Group set out to implement the recommendations, and underlined that it had accepted almost all the recommendations made in the Working Group. The Ambassador claimed that Algeria had accepted '17 out of 20' recommendations, raising the impression that only three recommendations had not been accepted. However, the report of the Working Group indicates that Algeria did not support recommendations contained in several paragraphs of the report, amounting to a total of ten recommendations.<sup>47</sup> The Ambassador went on to stress that the Government had

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<sup>45</sup> Amnesty International, Human Rights Watch, Commission of Churches on International Affairs of the World Council of Churches, International Association of Democratic Lawyers, Asian Forum for Human Rights and Development

<sup>46</sup> A/HRC/8/29.

<sup>47</sup> The recommendations are contained in paragraphs 45, 55, 56 and 63 of the report of the Working Group, A/HRC/8/29. They relate to the Family Code, which was said to discriminate against women, withdrawing of reservations to CEDAW, the alleged

accelerated the implementation of the national action plan on human rights, launched a professional code for journalists, and is planning to hold national consultations on family relations, including on violence against children. He also announced that Algeria had accepted a visit by the Special Rapporteurs on freedom of religion and on violence against women, and was considering receiving other special procedures, including the mandate holder on freedom of expression.

### ***Member and observer States***

Reactions from member and observer States were largely positive. Almost all States that took the floor congratulated Algeria for its exemplary cooperation with the UPR, the tangible steps taken since the review in April, and its commitment to promotion and protection human rights despite the important challenges Algeria faces.<sup>48</sup> Pakistan particularly mentioned the fight against terrorism as an important challenge. Qatar (on behalf of the Arab Group) commended Algeria that ‘only three recommendations had not been accepted’. Of note was Indonesia’s agreement with Algeria’s view that decisions to invite special procedures ‘must be dictated by [the State’s] own need in the promotion and protection of human rights’. The only critical remark came from Belgium. It regretted that its recommendations had been summarily dismissed as contrary to the principle of non-discrimination related to religious worship, and repeated its call for Algeria to revoke the 2006 Ordinance determining the conditions and rules for the exercise of religions other than Islam.

### ***Other stakeholders and concluding comments***

The interventions by NGOs seemed to confirm the suspicion that some of the most crucial recommendations for Algeria to address were not supported by the State. The European Centre for Law and Justice welcomed the acceptance by Algeria to continue its dialogue with religious minorities, but regretted that Belgium’s recommendation had been refused, thereby failing to give practical application to the principle of religious freedom. The Federation of Human Rights Leagues (FIDH) and the Arab Commission Human Rights highlighted the need to address impunity for persons involved in disappearances. The latter pointed out that despite recommendations by several treaty bodies and the UPR Working Group to address the issue of disappearances and not to grant impunity to perpetrators, Algeria continues to treat this as ‘anecdotal problems’. Several speakers called for visits by special procedures.

Of particular interest was Egypt’s point of order during a statement by Amnesty International. The NGO expressed concern about ‘a consistent pattern of secret detention and torture’ by the Department for Information and Security. The issue of secret detentions was one of the main areas addressed by NGOs in the compilation of stakeholders’ information prepared by OHCHR. However, the existence of secret places of detention had been denied vigorously by the Algerian delegation in its presentation to the UPR Working Group but not taken up by any States during the interactive dialogue. Egypt objected to the statement by Amnesty International only on the grounds that ‘individual cases’ should not be raised.

In its response to the comments made, the Ambassador of Algeria rejected the views of NGOs as ‘politically motivated’. On the issue of visits by special procedures, Algeria consistently takes the position that special procedures wanting to visit must first explain what justifies the visit, and then the request will be studied by the Government. Ambassador Jazaïry voiced this position recently during Algeria’s examination by the Committee against Torture, when he said that as long as the Special Rapporteur on torture could not justify a visit, there was no need to invite him.

Following these statements, the Council adopted the decision by consensus.

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impunity for disappearances granted by the Charter on National Peace and Reconciliation, discrimination related to the exercise of religions other than Islam and issues around freedom of expression.

<sup>48</sup> China, Tunisia, United Arab Emirates, Bahrain, Qatar (on behalf of the Arab group), Cuba, Nigeria, Indonesia, Pakistan.

## **Poland**

### ***State presentation***

In consideration of its UPR report, Poland expressed its commitment to the review and said that the Council's credibility rested on the success of the UPR process. It added that it 'stands ready to share information about its experiences with other countries,' with a view to finding the best methods for implementing recommendations. The Ambassador of Poland explained that detailed responses of the Government to all recommendations made by the Working Group are contained in a separate document and the presentation would focus on outlining the steps taken since the review.

Poverty reduction and improvement of educational opportunities are among Poland's priorities in the implementation of the Working Group's recommendations, including a new law on social security strengthens assistance to families by improving income support, developing childcare systems, and increasing educational opportunities for children from low-income families. Poland announced its 'strategic aim' to 'upgrade the quality and level of education in rural areas' and reiterated its commitment to human rights education. It also pledged to improve the situation of disabled people, especially through vocational training. The Ambassador also outlined plans to combat domestic violence and gender inequality in Polish society, including a new law on domestic violence. Poland pledged to 'reinforce actions to implement equal treatment of men and women,' highlighting a draft law that incorporates the recommendations of the Beijing Platform for Action. Although Poland maintained that racism, xenophobia, anti-Semitism, and hate crimes were 'not common,' it affirmed its determination 'to implement a wide catalogue of measures'. In particular, it noted the implementation of a national programme for the Roma community, a law enforcement program aimed at combating hate crimes and the creation of a panel of human rights advisors to monitor hate incidents and misconduct of authorities. Poland also highlighted its ratification of the second optional protocol to the *International Covenant on Civil and Political Rights* (ICCPR) and vowed to take into account recommendations of the European Court of Human Rights in its domestic legal framework.

### ***Member and observer States***

No State took the floor.

### ***Other stakeholders and concluding comments***

The main concern voiced by NGOs regarded Poland's lack of willingness to discuss or make public investigations surrounding secret CIA detentions and renditions on Polish territory. NGOs urged Poland to conduct a credible and public inquiry into the allegations and expressed hope that it would engage in an open dialogue on this topic.<sup>49</sup> NGOs were also troubled by the 'climate of fear' in which they said many gay, lesbian, bisexual and transgender people live in Poland.<sup>50</sup> They pointed out that Polish anti-discrimination laws do not specifically protect these people and urged Poland to adopt legislation that combats discrimination on all grounds, including sexual orientation.<sup>51</sup> One NGO implored Poland to take additional steps to eliminate domestic violence and increase safe and legal access to abortion.<sup>52</sup>

In its closing remarks, Poland thanked the NGOs and said it had 'listened carefully' to their comments and was willing to cooperate with them. It explained, however, that the issues raised by the NGOs had been

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<sup>49</sup> International Commission of Jurists, Amnesty International, Helsinki Foundation for Human Rights.

<sup>50</sup> Amnesty International.

<sup>51</sup> Amnesty International, International Lesbian and Gay Association.

<sup>52</sup> Federation for Women and Family Planning.

discussed during the interactive dialogue on 14 March 2008 and that a written response to the UPR recommendations is available.

Following these statements, the Council adopted the decision by consensus.

## Informal consultations

### Human rights of migrants

Mexico convened the first informal consultation on its draft resolution on the human rights of migrants based on agreed language of previous resolutions.<sup>53</sup>

Delegations thanked Mexico and its co-sponsors for drafting the proposed resolution. The only point of contention was the proposed resolution's reference to 'reaffirming all international norms and standards.' Opposing States<sup>54</sup> expressed their concern over 'reaffirming' international norms and standards without including a definition of what represents such norms and standards. Spain (on behalf of the EU) requested the reference be deleted since no member country of the EU has ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW), and that therefore the EU would be unable to support any blanket reaffirmation of international norms and standards. In contrast, States in support of the contested text asserted that the phrase makes no explicit reference to a particular convention and simply recognises the universality of human rights, which warrants its inclusion in the proposed resolution.<sup>55</sup> Albania expressed its strong support for the reference, asserting that the human rights of migrants could not be addressed adequately without reference to international norms and standards.

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<sup>53</sup> Commission on Human Rights *Resolutions 1999/44, 2002/62 and 2005/47*.

<sup>54</sup> Canada, Spain (on behalf of the EU), United States.

<sup>55</sup> Albania, Egypt, Philippines

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