

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## DAILY UPDATE HUMAN RIGHTS COUNCIL, 8<sup>TH</sup> SESSION 9 JUNE 2008

### Overview

The Council began its consideration of UPR reports for the first time today, and will continue the review of reports from the first two sessions of the UPR for the duration of week two of the 8<sup>th</sup> session of the Council.<sup>1</sup> The countries reviewed were:

- **Bahrain**, which was dominated by procedural wrangling over whether NGOs could provide ‘general observations’ (as provided explicitly in the Council *Resolution 5/1*) or whether they were restricted, in the narrowest interpretation, to simply commenting on the outcome report of each UPR review;
- **Ecuador**, which chose to focus its intervention on the commitments that it was undertaking to fulfil the 48 recommendations contained in the outcome report of the UPR;
- **Tunisia**, which outlined the various measures it had already set in motion in response to UPR recommendations;
- **Morocco**, which again (as per Bahrain) was marred by the continued debate on the scope of NGO comments. Egypt continually interrupted NGO statements, and urged the President to insist that statements focus only on the outcome of the review, in apparent contradiction to Council *Resolution 5/1*;
- **Finland**, the first consideration of a Western State, drew no comments from States, and focused on the measures Finland intended to take in response to the recommendations contained in the Working Group report;
- **Indonesia**, which was not completed (this will follow in tomorrow’s Daily Update).

The discussions around **NGO participation** were particularly regressive and may have a large bearing on NGO involvement in the present and future UPR sessions, and even on the credibility of the UPR process as a whole.

Separately, the second round of informal consultations on the draft resolution on the right to education took place on Monday afternoon. Egypt raised the main points of contention which related to the provision of assistance to least developed countries and the application of the right to education in emergency situations. The next informal session will be held on Wednesday 11 June at 15.00. The second informal consultations on the draft resolution to renew the mandate of the Special Rapporteur on extrajudicial, summary, or arbitrary

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<sup>1</sup> All UPR reports are available on the OHCHR extranet, which 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). For a review of countries before the UPR, see ISHR’s UPR page at <http://www.ishr.ch/> and <http://www.upr-info.org/>. For a critical analysis of the first session of the UPR, see [http://www.ishr.ch/hrm/council/upr/upr\\_1st\\_session\\_2008/upr\\_1st\\_session\\_overview.pdf](http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_1st_session_overview.pdf)

executions also took place with several States proposing changes to the text that would weaken States' duty to cooperate with the mandate and continued discussion of India's proposal seeking to appoint a new mandate holder.

## Item 6 – consideration of UPR reports

### **Bahrain**

#### ***State presentation***

H.E. Mr Nizar Albaharna, Minister of State for Foreign Affairs of Bahrain, spoke on behalf of Bahrain as the first ever State to be reviewed under the UPR. He recognised this pioneering role as 'both a privilege and a burden', and proceeded to outline Bahrain's efforts in the last three months. This included the gathering of information from governmental and non-governmental organisations, and resulted in the adoption of a national action plan.<sup>2</sup> This plan was designed to implement pledges, voluntary commitments and responses to UPR outcomes, and was described as a product of transparency deriving from a participatory national process. Mr Albaharna identified as specific areas of action the strengthening of the national system for the promotion and protection of human rights, the protection of vulnerable and at-risk groups, the promotion of free speech, anti-discrimination efforts and the strengthening of international cooperation with the United Nations.

Mr Albaharna concluded that Bahrain's most immediate goals were the development of a strategy program to strengthen governmental and non-governmental capacities and the organisation of a meeting to analyse the respective UPR processes pertaining to the reviews of the first 16 states.

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

Following Mr Albaharna's introduction, the President permitted nine out of the nineteen states listed to voice their views.<sup>3</sup> Each of the nine states expressed support for the efforts undertaken by Bahrain with very little critical comment. The exception was Slovenia, which noted Bahrain's acceptance of all the recommendations but expressed regret about the non-inclusion of Slovenia's recommendation concerning women migrant workers. Qatar and Pakistan commended Bahrain's decision to amend laws regarding freedom of expression and noted the gender-specific steps it has taken to promote women's rights. Tunisia and Saudi Arabia thanked Bahrain for the transparency of its national plan while Algeria pointed to it as proof of Bahrain's acceptance of constructive criticism. The Syrian Arab Republic and Pakistan pointed out the historical significance of the event and Saudi Arabia emphasised the high bar set by Bahrain's cooperation with the UPR.

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

The very first opportunity for NGOs to speak as part of the UPR process was threatened by the forceful tactics of Egypt, Pakistan and others to restrict their participation. Arguing that the President's statement<sup>4</sup> on the modalities for the plenary session restricted NGO statements to the outcomes of the UPR, Egypt continued to interrupt statements made by NGOs. This argument was not helped by the President's own interpretation of Council *Resolution 5/1*, which explicitly provides that NGOs can make 'general comments'<sup>5</sup> and are thus not restricted to the outcome report of the UPR.

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<sup>2</sup> The action plan was adopted on May 26, 2008 along with a representative of the High Commissioner on Human Rights

<sup>3</sup> The States which spoke were; Algeria, Slovenia (on behalf of their own national capacity and on behalf of the Troika), Tunisia, Qatar (on behalf of the Arab Group), Indonesia, Pakistan, Jordan, Syrian Arab Republic, Saudi Arabia.

<sup>4</sup> A/HRC/8/L.1, 8/PRST/1, available on the OHCHR extranet, *ibid*.

<sup>5</sup> Council *Resolution 5/1*, para. 31.

NGO interventions began uneventfully with the Bahrain Women's Association speaking about the difficulties faced by Bahraini women of mixed marriage who are not able to pass citizenship onto their children. It called upon the Government to remove this barrier and amend the Family Law accordingly. Frontline International Foundation for the Protection of Human Rights Defenders then discussed the siege and banning of several rights groups and declared that human rights defenders were harassed, detained, and subjected to excessive force. It was at this point that Pakistan 'very respectfully' recalled the opening words of the President that NGOs 'should not re-open discussions discussed in the working group'. The President then asked that NGOs 'stick to the provision of Resolution 5/1 as well as all relevant documents' which he claimed was 'perfectly clear'. However, as these state that NGOs may make 'general comments', the President's requests were anything but clear and disorder ensued.

The Cairo Institute for Human Rights Studies (CIHRS) claimed that insufficient attention had been given to civil and political rights in the review of Bahrain, and that people did not possess political rights as the King runs the State without opposition. At this point Egypt intervened to complain that CIHRS was addressing the human rights situation in the country and not the outcome of the UPR. Slovenia responded that provided the situation is linked to the outcome then such an intervention is permissible, and cautioned against a 'too restrictive approach'. Egypt retorted that 'there is nothing about how the King runs the country in the outcome report'. Germany stated that this was a serious review process and that those who spoke should be able to address the recommendations and make comments related to them. CIHRS then carried on from where it had left off only for Egypt to again raise a point of order that the President was not invoking his clear statement of Friday 6 June 2008 that 'other stakeholders' would only speak on the outcome of the UPR, and that it was unacceptable that he was not upholding his own rules. Mexico then intervened to remind Egypt of the co-operative nature of the process and to point out that 'general comments' are not as excessively limited as Egypt's interpretation. The debate went back and forth with Egypt incorrectly asserting that paragraph 4.3 of the President's statement on modalities refers to the 'summary of views on the outcome of the review'. Canada then accused Egypt of acting against the spirit of the process, while Nigeria and Pakistan insisted that the review took place in the Working Group and that these latest interventions constituted a re-opening of the review. The President failed to close the issue, and no States took the floor to challenge Egypt and Pakistan's misreading of the *Resolution 5/1*, with the creditable exception of Switzerland and those mentioned above.

When CIHRS resumed its statement by explaining that it had not had the opportunity to speak during the Working Group, the President immediately closed down the speaker by claiming that such a remark was 'totally inappropriate'. It was not at all clear why this was inappropriate and so ended the NGO interventions on the worst possible note.

Following the comments made by NGOs, H.E. Mr Nizar Albaharna, 'proudly' announced that Bahrain would take on board all 'relevant' human rights remarks made by concerned countries and NGOs. He reminded the Council of the methods which had allowed for the transparent and participatory nature of their UPR process, including hotlines, web pages, reviews, meetings, and press events. Other ongoing measures to improve the human rights situation in Bahrain included a national conference on understanding the concept of gender,<sup>6</sup> a legislative amendment that would abolish censorship and the imprisonment of journalists, a workshop on human rights, the establishment of a national committee to combat human trafficking, the implementation of a project with the assistance of the United Nations Development Programme, and further cooperation with human rights experts and civil society members. Mr Albaharna gave two minutes to the Deputy, Higher Council for Women to reply to remarks by the Bahrain Women's Association regarding Bahraini women being denied the right to extend citizenship to their children. The Deputy stated that the Bahraini Government now had legislation in this area and that it agreed with these concerns. Social constraints were the main factor

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<sup>6</sup> This conference will be launched on Monday 9 June 2008 and Tuesday 10 June 2008.

inhibiting immediate progress, she continued, and the Government had been undertaking awareness raising programmes on the importance of such developments for a number of years.

Mr Albaharna concluded by expressing his appreciation for the spirit of cooperation and constructive dialogue that had characterised ‘every step’ of the UPR process. Following these statements, the Council adopted the decision by consensus.

## **Ecuador**

### ***State presentation***

Undersecretary of Multilateral Relations in the Ministry of Foreign Affairs, Mr Emilio Izquierdo, began by stating that Ecuador had contributed throughout to the creation of the UPR and had played an active part in the review process, which was reflected in the rich dialogue with the high-level delegation. It valued the extensive participation of other States and welcomed all recommendations. Ecuador then used its allotted time to detail the measures that it was undertaking under each of the 48 recommendations that it had accepted under the UPR. This included, by way of example, collaborating more closely at the international level with the Office of the High Commissioner for Human Rights (OHCHR) and relevant procedures, co-sponsoring and supporting draft resolutions on human rights situations in any part of the world, continuing to co-operate with special procedures at both the UN and the Inter-American Commission, adopting the *Optional Protocol to the Convention against Torture* (OPCAT) and the *International Convention against Disappearances*, and supporting the adoption of new international instruments.

Ecuador’s list of commitments at the domestic level was even more exhaustive, and included: updating legal standards for human rights, such as amendments to the penal code and the incorporation of the provisions of the *Rome Statute* of the International Criminal Court; the construction of seven new prisons as part of the penitentiary review; the training of public servants in human rights; the promotion of the rights of Afro-Ecuadorians, including implementing recommendations of the Special Rapporteur on the rights of indigenous peoples; social programmes to eradicate child labour and the development of an agenda to promote the political rights of girls and young people; women’s rights, including the punishment of interfamily violence and violence against women, and institutionalisation of sensitivity to women’s rights including through an intercultural focus; improving access to health, education and training programmes for persons with disabilities; and raising awareness of these issues among the police and armed forces.

Mr Izquierdo concluded that Ecuador looked forward to hearing from all stakeholders.

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

Only three States expressed their views in relation to Ecuador. Pakistan noted the valuable role played by Ecuador in the UPR and in the Council, and commended their ‘forthcoming attitude’ in accepting all recommendations. It claimed that the practice of explaining how it intended to follow-up on the recommendations was ‘a noteworthy step to be followed’. Italy expressed its sincere appreciation to Ecuador and also claimed that its commitments indicated the willingness to enact concrete follow-up, which ‘is the main merit of the UPR here.’ Alluding to a previous disagreement in the Working Group over the inclusion of recommendations referring to sexual orientation, Italy noted specifically that all recommendations are of equal value, even if there were differences of interpretation, and that the State under review enjoys the full freedom to accept the recommendations it chooses, even if they are problematic for others. Brazil concluded by commending Ecuador for its political will to face challenges.

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

Only four NGOs spoke in relation to Ecuador. The Latin American Committee for the Defence of Women's Rights (CLADEM) advised that the new draft Constitution should include recognition of women's right to work, their reproductive and sexual rights, and should also recognise non-paid labour. Comision Juridica Para El Autodesarrollo de los Pueblos Originarios Andianos (Capaj) referred to the collective rights of indigenous peoples in the Andes and Amazon regions, and claimed that the State must reaffirm the constitutional rights of indigenous peoples and recognise their right to self-determination in the new draft Constitution. Action Canada for Population and Development, speaking on behalf of partner organisations in Ecuador, welcomed Ecuador's inclusion of sexual orientation in their voluntary commitments, and called for sexual orientation to be listed as a grounds for discrimination in accordance with recommendation 7, paragraph 60 of the outcome document. The Centre for Women's Global Leadership also sought a strengthening of awareness raising in accordance with recommendations 6, 7 and 8 of the outcome report.

Ecuador concluded the consideration of its UPR report by stating that many recommendations made by NGOs were in its commitments as listed above. It stated that it was very important to weigh the experience of this first session and that in the future States should prepare reports with more leeway in order to provide more engagement with NGOs. Mr Izquierdo hoped that collectively the Council could 'drive forward the goals of the process so it will continue to be constructive'.

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

## **Tunisia**

### ***State presentation***

Mr Béchir Tekkari, Minister of Justice and Human Rights, updated the Council on the measures taken by the Government of Tunisia in implementing the recommendations made to it during the UPR.<sup>7</sup> These included the invitation of special procedures,<sup>8</sup> the adoption of a law bringing the national human rights institution in line with the *Paris Principles*, accession to international human rights instruments,<sup>9</sup> the drafting of a law concerning jurisdictional guarantees during preventive detention,<sup>10</sup> and the submission of reports to UN treaty monitoring bodies.<sup>11</sup> Mr Tekkari identified the rise of xenophobia, defamation of religions, and extreme poverty as some of the main challenges facing the international community.

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

Of the 19 States on the speakers' list,<sup>12</sup> the first nine were given the floor. These delegations were virtually unanimous in lauding Tunisia for its committed and open approach to the UPR, and commended it for the steps it had already taken towards the implementation of the recommendations of the Working Group. Belgium was unique in voicing dissatisfaction with the UPR of Tunisia. It expressed its regret about the general manner in which references to freedom of expression, freedom of the press, and the situation of human rights defenders were made in the report. Moreover, while welcoming the announcement that Tunisia

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<sup>7</sup> For information on the UPR of Tunisia, see ISHR's report at

[www.ishr.ch/hrm/council/upr/upr\\_1st\\_session\\_2008/upr\\_001\\_tunisia\\_final.pdf](http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_001_tunisia_final.pdf).

<sup>8</sup> The UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, and the Special Rapporteur on human rights defenders in Africa and the Special Rapporteur on the rights of women of the African Commission on Human and People's Rights.

<sup>9</sup> *Convention of the Rights of Persons with Disabilities, Optional Protocol to the Convention on the Rights of Persons with Disabilities, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*. Tunisia also withdrew by law its reservations to the *Convention on the Rights of the Child*.

<sup>10</sup> Human Rights Watch has been authorised, in principle, to conduct prison visits.

<sup>11</sup> Committee on Economic, Social and Cultural Rights, Committee on the Rights of the Child.

<sup>12</sup> Algeria, Morocco, Qatar (on behalf of the Arab Group), Belgium, Indonesia, Pakistan, Angola, Bahrain, Cuba, Jordan, Syria, Saudi Arabia, India, Egypt, UAE, Kuwait, China, Nigeria, Burkina Faso.

will receive the Special Rapporteur (of the African Commission) on human rights defenders in Africa, Belgium encouraged the Government to invite the Council's Special Rapporteur on human rights defenders.

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

Several NGOs praised Tunisia's achievements in areas such as gender equality and women's rights,<sup>13</sup> children's rights,<sup>14</sup> poverty reduction,<sup>15</sup> and the rights of disabled persons.<sup>16</sup> This was in stark contrast to other NGOs such as the International Federation of Human Rights Leagues (FIDH, joint statement), World Organisation against Torture (OMCT, joint statement), and International Publishers Association (IPA), who expressed their disappointment with the Working Group's report. FIDH regretted that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has not yet been invited to Tunisia. It also pointed out that some statements made in the Working Group contradicted the findings of special procedures and treaty bodies, and reminded the Council that the UPR should be an objective exercise. OMCT listed a number of points that could have been included in the report to effectively address the 'lacunae' in Tunisian law. These concerned, *inter alia*, ensuring the independence of judges, investigation of torture, and ending the harassment of human rights defenders. IPA was highly critical of Tunisia's restrictions on the freedom of expression, including arrests of journalists, blocking of websites, and censorship of books.

In his closing statement, Mr Béchir Tekkari rejected some of the NGO criticisms. For instance, he firmly rejected the possibility of inviting the Special Rapporteur on torture, denying the occurrence of torture as such in Tunisia.<sup>17</sup> He furthermore declared that 'nobody is detained for their opinions' in Tunisia, arguing that the journalists referred to by IPA were detained for reasons not relating to their profession. Mr Tekkari reiterated his Government's commitment to progress on human rights in the face of challenges and obstacles such as religious extremism and terrorism. He also reminded the Council of the Government's cooperation with civil society and declared its will to consolidate this partnership. Mr Tekkari concluded by emphasising that the UPR must be followed by self-examination at the national level, a process which has already begun in Tunisia.

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

## **Morocco**

### **State presentation**

Mohammed Loulichki, Permanent Representative of Morocco to the UN, delivered an overview of the recommendations made during the interactive dialogue, and measures taken in this regard. He noted that out of 13 recommendations, 11 had been accepted. A symposium had been organised by the Centre for Documentation and Training for Human Rights in April 2008 to develop a National Action Plan, which would be finalised next week. Mr Loulichki outlined various other measures taken by Morocco, including with regard to violence against women. He advised that shelters were being established for women and children who were the victims of violence, and that there were legislative measures being implemented to criminalise such acts. Further, he noted that measures both of a quantitative and qualitative nature were being introduced to raise public awareness of these issues, and 'healing centres' were being established for the perpetrators of such crimes. The prison system was being expanded, with a view to improving the living

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<sup>13</sup> Organisation of Migrant Mothers (joint statement), National Union of Tunisian Women, Espace Afrique International.

<sup>14</sup> Tunisian Association for the Rights of the Child.

<sup>15</sup> Foundation for Development and Solidarity.

<sup>16</sup> Association for Communication.

<sup>17</sup> The minister stressed that there were only isolated cases of torture, which were prosecuted under law.

conditions of inmates. Turning to the ratification of outstanding Conventions he said that Morocco had signed and ratified the *Convention on the Rights of Persons with Disabilities*.

### **Member and observer States**

Ten States offered comments on the final report and the statement by Morocco. Notably, only one of these was a Western State, while the remainder comprised fellow Organisation of the Islamic Conference (OIC) States.<sup>18</sup> Predictably, the OIC States were unanimous in congratulating Morocco on its report, its commitment to human rights, and the progress it had made so far. The Netherlands noted that it would have preferred to see a full listing of all recommendations in the Working Group report, including those that had not been accepted – but the ‘Human Rights Council had decided otherwise’. It also asked if Morocco would reconsider its stance on the *Rome Statute* for the International Criminal Court, a call that was later supported by Amnesty International. Jordan, Bahrain and Egypt noted improvements in the rights of women and children, while Pakistan welcomed Morocco’s comment that serious consideration would be given to any request for an invitation by the UN Special Procedures.

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

A heated debate again arose during the time allocated to NGOs. This continued a debate that had commenced earlier in the day concerning the nature of NGO comments allowable under this item (see in particular the section on Bahrain). The Egyptian delegation persistently interrupted proceedings, and there were several interventions by the Chair. Following various NGO interventions on the current human rights situation in Morocco, and the elements that were missing from the Working Group’s report, Egypt repeatedly stressed that the inclusion of such references in NGO contributions was not in line with agreed procedures, and that, in its view, comments should only be made specifically on the outcome of the report.

Canada responded by citing paragraph 31 of the institution-building package (resolution A/HRC/RES/5/1), which states that ‘other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary.’ Canada suggested that the relevant paragraph did not contain the restrictions that Egypt was implying from it. Slovenia supported Canada’s view, and added that NGOs could not be excluded firstly from participating actively in the Working Group’s deliberations, and then ordered to comment only on the outcome of that Working Group. Switzerland made the important point that it had been deliberately negotiated that NGOs would be free to speak at the end of the process, and that there was nothing in the institution-building package nor the President’s Statement to restrict their comments to the extent suggested by Egypt. Egypt responded that this would mean that NGOs are accorded a higher authority than States in their statements, and that Egypt would never accept this. Egypt added its view that the Chair had made a ruling earlier in the day on this matter, to the effect that NGOs could only comment on the outcome of the review. Curiously (given its lack of relevance to NGOs’ role), it also referred to paragraph 30 of the institution-building package to ‘bolster’ its argument. That paragraph provides that *States* ‘will be given the opportunity to express their views *on the outcome* of the review before the plenary takes action on it’. It should be noted that States had abundant opportunities to address a broader range of issues in the Working Group, whereas NGOs had not been given any opportunity to speak until the adoption sessions currently underway.

Slovenia commented that the procedure was ‘turning into a farce’, and urged the President to proceed in a manner consistent with the institution-building package. This drew raucous applause from many NGOs present, which did not impress the President. NGOs were allowed to continue their presentations but Egypt continued to make points of order. It commented, ironically, that it would not accept accusations that it was derailing the process, and ‘will not be terrorised’. France supported Slovenia’s view, and pointed out that

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<sup>18</sup> The following States took the floor: Netherlands, Tunisia, Qatar, Pakistan, Bahrain, Syrian Arab Republic, Saudi Arabia, Jordan, Egypt, United Arab Emirates.

NGOs only had 20 minutes to speak, yet were being interrupted every 30 seconds. The Chair appeared to take a slightly more nuanced stance during the presentation by Amnesty International. Following some points made by Amnesty International on the lack of accountability of the security forces, Western Sahara, and the killing of migrants, Egypt made another point of order, pursuant to which the Chair stated clearly that Amnesty had offered a clear analysis of the report at the outset and mentioned issues that were and were not in the report. He continued by saying that the organisation had a view on these issues in the context of the outcome of the review, and may continue.

The meeting concluded with a final response from Mr Loulichki, who noted that Morocco was in the process of ongoing reform. It faced challenges relating to security, but would not allow this to affect its commitment to human rights, which was firm, constant, and irreversible. Morocco's counter-terrorism policies were in harmony with human rights law, and torture was no longer an issue. Obviously hinting at the debate that had just unfolded on NGO participation, Mr Loulichki noted the importance of 'keeping the serenity of the UPR', without which it was likely to be 'undermined and used as a tool'.

The decision was adopted by consensus.

## **Finland**

### ***State presentation***

Finland was the first Western country to have its UPR report considered. In the consideration of its UPR report, Finland described the review process as an 'excellent opportunity to assess our national human rights situation in a self-critical manner.' It indicated that the recommendations would form an 'integral part' of the Government's upcoming human rights policy report, which was to be submitted to Parliament in Spring 2009.

Finland acknowledged 'certain problems' relating to racism, xenophobia and intolerance, and explained that a non-discrimination act was under revision. It drew particular attention to the plight of migrants, assuring the Council that the security of immigrants was a 'key issue' under the new program. It said it had worked towards ensuring the cooperation of internet providers in reining in xenophobic hate speech on the Internet.

Finland highlighted progress in combating gender-based violence and discrimination based on sexual orientation. It pointed to advocacy efforts and awareness-raising programs aimed at ending domestic violence, and stressed its commitment to the full integration of a gender perspective as a follow up to the UPR. It planned an inter-agency approach to accomplish this goal, including measures to introduce a gender perspective in schools. As to discrimination based on sexual orientation, Finland emphasised that everyone was equal under the Finnish constitution and said it would continue studying the role and usefulness of the Yogyakarta Principles in order to further improve the situation of Lesbian, Gay, Bisexual and Transgender (LGBT) persons.

In declining to follow the UPR recommendation that it ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, Finland insisted that the rights of immigrants were adequately covered by national and European Union legislation. It asserted its commitment to the 1951 *Convention relating to the status of refugees*, and noted that its constitution prohibited the deportation of aliens to places where they might face ill treatment.

Finland did, however, state that it hoped to eventually ratify International Labour Organization *Convention 169 on Indigenous and Tribal Peoples in Independent Countries*. In particular, it said it was 'pursuing actively' the enhancement of the rights of Sami people, with a focus on resolving the issues related to competing forms of land use in the Sami homeland.

### **Member and observer States**

No State took the floor.

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

Only two NGOs took the floor. One of them pointed out that perhaps because Finland was among the first States reviewed under the UPR, not all relevant concerns had been reflected in the final report as recommendations.<sup>19</sup> It drew attention in particular to the excessive length of civil service as compared to military service, a concern that had not been translated into an explicit recommendation. Another NGO speaker expressed doubt about Finland's commitment to democratic processes.<sup>20</sup>

In its closing remarks, Finland expressed gratitude for the 'valuable comments and suggestions received throughout the process' and thanked the representatives of civil society that had spoken. It confirmed its full commitment to turning the UPR into 'a strong, important mechanism for the Human Rights Council.'

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

### Informal consultations

### **Special Rapporteur on extrajudicial executions**

The second informal consultation on the draft resolution to renew the mandate of the Special Rapporteur on extrajudicial executions focused on the latter half of the draft resolution as the first consultations held on 5 June had discussed the first part.

A number of States<sup>21</sup> proposed weakening already agreed upon language on States' cooperation with the mandate in relation to visits, responding to communications, and follow up to recommendations. India argued that since the institution-building process developments had taken place that made it necessary to review the previously agreed language and make it less prescriptive. It was further suggested that these changes were necessary to ensure a standardised approach in all resolutions renewing special procedures mandates.<sup>22</sup> The Russian Federation also proposed that a reference to the mandate holder complying with the Code of Conduct for special procedures should be added.<sup>23</sup> On the other hand, several States<sup>24</sup> were opposed to such a revision of already agreed upon language and asserted that any weakening of language would weaken the mandate as a whole. Instead, they argued, the text should be strengthened. A number of States<sup>25</sup> expressed also their concern over a reference in the draft inviting States that were mentioned in the Special Rapporteur's report to cooperate. It was no surprise that India stated that such mention should be deleted since it had taken strong exception to its mention in the Special Rapporteur's latest report.<sup>26</sup> However, Canada, the Netherlands and UK expressed their support for the paragraph, as it provided substantial support to the Special Rapporteur in carrying out his mandate.

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<sup>19</sup> Joint statement by Friends World Committee for Consultation (Quakers) and Amnesty International.

<sup>20</sup> International Federation of Human Rights Leagues.

<sup>21</sup> Algeria, China, India, Singapore.

<sup>22</sup> Philippines.

<sup>23</sup> Supported by China, Algeria.

<sup>24</sup> Austria, Germany, Ireland, Netherlands, New Zealand, UK, US.

<sup>25</sup> India, Russia, Singapore, Sri Lanka, Thailand

<sup>26</sup> Supported by Singapore, Thailand, Philippines.

Following from the previous consultations, India presented the paragraph that it wanted inserted to ensure that a new mandate holder be appointed to the mandate. The new proposed paragraph requests ‘the President of the Human Rights Council to initiate the process for appointing another mandate holder in accordance with the procedure established in the Human Rights Council resolution 5/1.’<sup>27</sup> India explained that in the absence of a comprehensive solution to the question of reappointment it was ‘compelled’ to present this. In contrast, the majority of States<sup>28</sup> strongly opposed India’s proposed text, citing that such an inclusion is unwarranted because the proposed resolution is dealing only with the renewal of the mandate and not any issues related to the mandate holder, with whom they were perfectly happy. The Philippines also presented a new amendment to a provision debated at the last informal consultations. It proposed that the mandate holder should collect information ‘in a fair and objective manner and verify all information’. A number of States<sup>29</sup> welcomed the proposal, however the majority of States<sup>30</sup> not only disagreed with the proposal, but also questioned whether the amendment was taking partially from the Code of Conduct.

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<sup>27</sup> Supported by Algeria, China, Philippines, Singapore, Sri Lanka.

<sup>28</sup> Argentina, Australia, Austria, Canada, Denmark, Finland, Germany, Mexico, Netherlands, Slovenia, Switzerland, UK, US.

<sup>29</sup> Algeria, India, Singapore.

<sup>30</sup> Australia, Austria, Denmark, Netherlands, US.

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