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IIMA/VIDES at the UN



UNIVERSAL PERIODIC REVIEW



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The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.

The UPR was created through the UN General Assembly on 15 March 2006 by resolution 60/251, which established the Human Rights Council itself. It is a cooperative process which, by 2011, will have reviewed the human rights records of every country. Currently, no other universal mechanism of this kind exists. The UPR is one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

UPR: 4th Session (2-13 February 2009)

The Human Rights Council's Universal Periodic Review (UPR) Working Group concluded its 4th session after having reviewed the fulfillment of human rights obligations in 16 States and adopting reports for each State review.

During the two-week session, which began on 2 February, interactive discussions between the States under review and the Working Group, comprised of the 47 members of the Human Rights Council, and observers, were held during which a

wide range of human rights issues were raised.

During the 4rd Session, which took place February 2 through 13, 2009, at the United Nations in Geneva, Switzerland, IIMA and VIDES representatives attended the meetings and attentively followed the country reports.

In this newsletter, IIMA and VIDES hope to provide you with information relative to the Universal Periodic Review and our human rights work at the United Nations.

10th special session of the Human Rights Council: "The Impact of the Global Economic and Financial Crises on the Universal Realization and Effective Enjoyment of Human Rights"



*Martin Ihoeghian Uhomoibhi
President of the UN
Human Rights Council
In the opening of Special
Session he claimed:*

*"When two
elephants
fight, it is
the grass
that suffers"*

IIMA and VIS participated at the "10th special session of the Human Rights Council" which took place February 20, 2009, in Geneva.

The Human Rights Council concluded the tenth Special Session after adopting a resolution on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights in which it stressed that global economic and financial crises did not diminish the responsibility of national authorities in the realization of human rights and urged the international community to support national efforts to, inter alia, establish and preserve social safety nets for the protection of the most vulnerable segments of their societies. In the resolution, which was adopted by a vote of 31 for and 14 abstentions, the Council expressed deep concern that the universal realization and effective enjoyment of human rights were challenged due to multiple and interrelated global economic and financial crises and recognized the severe impacts on the

ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of these crises. The Council underlined the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making. It called upon all States to refrain from reducing international financial resources for development and from imposing protectionist measures.

The Council invited relevant thematic Special Procedures, building on the deliberations of this Special Session, to consider any of the impacts of the global economic and financial crises on the realization and effective enjoyment of all human rights and to integrate their findings in their regular reports presented to the Human Rights Council, with special attention to non-discrimination and to ways and means to ensure respect for and protection of the human rights of vulnerable and marginalized groups.

DURBAN REVIEW PROCESS

IIMA and VIDES representatives assisted at the preparatory process of the Durban Review Conference which held February 23, 2009. Government representatives have completed their first week of substantive negotiations on text that will become the draft outcome document of the Durban Review Conference, to be held in Geneva in April.

The up-coming conference will review progress and assess implementation – at national, regional and international levels – of the Durban Declaration and Program of Action, which was adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa.



*Members States conference
during the preparatory
meeting for the Anti-racism
Review Conference*



The Durban Anti-Racism review conference is scheduled to take place in Geneva, Switzerland April 2009.

A working group, formally known as the intersession open-ended intergovernmental working group, was set up to negotiate and finalize a draft outcome document for the Durban Review Conference and is open to participation by all UN Member States and observers.

The Durban Review Conference, will held in Geneva, Switzerland, 20-24 April 2009, will evaluate progress towards the goals set by the World Conference against Racism, Racial

Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001.

The Review Conference will serve as a catalyst to fulfilling the promises of the Durban Declaration and Program of Action agreed at the 2001 World Conference through reinvigorated actions, initiatives and practical solutions, illuminating the way toward equality for every individual and group in all regions and countries of the world.

COUNTRIES SUMMARY REPORTS ISSUED FROM THE UPR

GERMANY

The review of Germany was held at the 1st meeting on 2 February 2009. The delegation of Germany was co-headed by H.E. Gernot Erler, Deputy Minister for Foreign Affairs and H.E. Peter Altmaier, Deputy Minister of the Interior. In the course of the discussion, the following recommendations were made to Germany:

- 1) Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- 2) Rights Take necessary measures to ensure the protection of the rights of all children and to make sure minors are not imprisoned with adults ;
- 3) Resolve the problem of the so-called street children ensuring that their basic needs are covered including education, health, housing and food;
- 4) Adopt time-bound measures to increase children with disabilities' access to inclusive education in mainstream schools, and that it ensure funding for the specific services necessary to help these students reach their full learning potential and participate along with other students ;
- 5) Take concrete actions to deal with the discriminatory practices on the grounds of religion in access to employment and social integration ;
- 6) Consider taking more resolute action to prevent and punish perpetrators of racially motivated acts of violence against members of the Roma/Sinti, Muslim, Jewish communities, as well as German nationals of foreign origin and asylum seekers and adopt laws to punish racist acts.

CANADA

The review of Canada was held on 3 February 2009. The delegation of Canada was headed by Mr. John Sims, Deputy Minister of Justice. In the course of the discussion, the following recommendations were made to Canada:

- 1) Continue its committed policy, federally, provincially and territorially, to promote and protect all human rights;

COUNTRY SUMMARYcontinued

- 2) Create or reinforce a transparent, effective and accountable system that includes all levels of the government and representative of the civil society, including indigenous people, to monitor and publicly and regularly report on the implementation of Canada's human rights obligations;
- 3) Continue policies and programmes aimed at reducing inequalities that still exist between the Aboriginal, especially between women, recent immigrants and other Canadians and intensify efforts to improve employment, housing, education and health care and combat racism, racial discrimination and xenophobia;
- 4) Implement in national legislation the prohibition and criminalization of all types of violence against women and children, specially indigenous women and children;
- 5) Integrate economic social and cultural rights in its poverty reduction strategies in a way that can benefit the most vulnerable groups in society, specially the Aborigines, afro-Canadians, migrants, persons with disabilities, youth, women with low incomes, and single mothers;
- 6) Intensify its efforts to ensure that higher education is equally accessible to all, on the basis of capacity;
- 7) Re-consider the approach on the nature of prohibition of torture and to review the non-refoulement principles in its domestic legislation.

RUSSIA FEDERATION

The review of the Russian Federation was held at the 5th meeting on 4 February 2009. The delegation of the Russian Federation was headed by H.E. Mr. Alexander V. Kononov, Minister of Justice of the Russian Federation. The following recommendations will be examined by the Russian Federation :

- 1) Consider ratifying many international conventions to provide full enjoyment of all human rights to its people;
- 2) Consider officially establishing a moratorium on executions with a view to abolishing death penalty ;
- 3) Further step up efforts to punish and stop extremist crimes, counter racism and xenophobia, and promote greater respect and tolerance for cultural diversity in society ;
- 4) Take further efforts in addressing the problem of unemployment, socio-economic inequality and social vulnerability among its population and continue policy to ensure gender equality aimed at upholding the rights of women;
- 5) Pursue its action plans to protect the rights of the child and of the family; Enhance its efforts to provide equal educational opportunities for children with disabilities, including by abolishing the practice of "corrective" and "auxiliary schools", by providing the necessary support and by ensuring that teachers are trained to educate children with disabilities in regular schools ;
- 6) Increase its efforts to ensure full respect of the rights of persons belonging to minorities and indigenous groups ;
- 7) Strengthen its ongoing efforts to reform the justice system according to international standards and establish a juvenile justice system that not only strives to punish, but rather to help juveniles to re-integrate into society and provide prison guards and law enforcement officials in general, with human rights training specifically focusing on protection of human rights of women, children and national minorities;
- 8) Promote and adopt further measures aimed at improving the state of media freedom and protecting the working conditions of journalists and human rights defenders in the Country, in order to provide more space for expressing diverse views and opinions.

CAMEROON

The review of Cameroon was held at the 7th meeting on 5 February 2009. The delegation was headed by H.E. Dr. Joseph DION NGUTE, Minister Delegate of External Relations in charge of Commonwealth.

The recommendations formulated during the interactive dialogue have been examined by Cameroon and the recommendations listed below enjoy the support of Cameroon :

- 1) Adopt measures to strengthen the national human rights infrastructure continuing its efforts to spread a culture of human rights and ratify, or consider to ratify, many international conventions ;
- 2) Improve domestic legislation to fight discrimination against women, promote equality between men and women and make all possible efforts to achieve the complete elimination of all kinds of violence against women and girls, including domestic violence;
- 3) Improve measures to prevent and combat the trafficking, sale of children, children exploited in the labour market and child victims of commercial sexual exploitation, including prostitution and pornography ;
- 4) Continue its efforts to universalize free primary education and to ensure equal access to any level of education throughout its territory for all, without distinction as to sex or social origins;
- 5) Continue its efforts to strengthen the health sector, paying particular attention to access to health services for children and indigenous peoples ;
- 6) Continue to improve its policies and programmes towards strengthening measures and mechanisms on administration of justice, investments in prison infrastructure, protection of detainees' rights, in particular of detained children, as well as strengthen its efforts to eradicate corruption;
- 7) Reinforce measures to resolve the situation of indigenous peoples, particularly for the Mbororos fulany and pygmy peoples to have ownership of their traditional lands;
- 8) Agree to the visit of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

CUBA

The review of Cuba was held at the 8th meeting on 5 February 2009. The delegation of Cuba was headed by H. E. Mrs. María Esther Reus González, Minister of Justice. The recommendations formulated during the interactive dialogue and enjoy Cuba have been

listed below:

- 1) Continue its action to align, to strengthen and to make compatible national legislation with its international obligations in accordance with the international bodies ;
- 2) Continue its implementation of measures designed to further promote and protect the rights of children and to intensify its efforts aimed at providing greater opportunity for higher education ;
- 3) Continue positive efforts to eliminate, in accordance with international obligations and commitments, all forms of discrimination, especially discrimination against vulnerable groups, especially disabled persons, and all groups that have been historically most deprived ;
- 4) Strengthen national capacities to assist victims of domestic violence ;
- 5) Continue its commitment to fulfil the right to education and to the right to health for all its citizens ;

- 6) Maintain its efforts to continue ensuring respect for freedom of religion and belief for all Cubans and maintain its policy of respect and tolerance for all religions without discrimination ;
- 7) Maintain its efforts for not applying death penalty and receive the Special Rapporteur on the question of torture;
- 8) Consider adopting a general legal framework for the right to food, as a good practice and reference for developing countries and receive the Special Rapporteur on the right to food.

SAUDI ARABIA

The review of Saudi Arabia was held at the 9th meeting on 6 February 2009. The delegation of Saudi Arabia was headed by Dr. Zaid bin Abdul Muhsin Al-Husain. The following recommendations will be examined by Saudi Arabia which will provide responses in due time :

- 1) Continue with the reform process and ratify a number of international instruments to provide full enjoyment of all human rights to its people;
- 2) Continue to give priority attention to the protection of the rights of the child and amend the Code of Criminal Practice to stipulate that only individuals aged over 18 will be tried as adults;
- 3) Adopt all necessary measures to protect the rights of women, incriminate violence against women and conduct a resolute penal policy to combat this scourge ;
- 4) Abolish all legislation, measures and practices that discriminate against women, in particular for right to education, employment, freedom of movement, marriage with their free and full consent and health ;
- 5) Establish oversight mechanisms to ensure the elimination of all forms of discrimination and reform its legislation on religious freedom in order to ensure adequate protection for all religious minorities ;
- 6) Develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education ;
- 7) Continue its efforts to protect the rights of migrant workers and strengthen efforts to ensure that violations of physical abuse and discrimination of migrant women who come to serve as domestic workers ;
- 8) Cease application of torture, other cruel, inhuman or degrading treatment or punishment, and corporal punishment of prisoners.

CHINA

The review of China was held at the 11th meeting on 9 February 2009. The delegation of China was headed by H.E. Mr. LI Baodong, Ambassador and Permanent Representative of China to the United Nations Office at Geneva. The recommendations formulated during the interactive dialogue have been examined by China and the recommendations listed below enjoy the support of China:

- 1) Continue its national efforts for the promotion and protection of human rights;
- 2) Consider strengthening the positive engagement with civil society, nongovernmental organizations and academic institutions, with a view to enhancing the promotion and protection of human rights and fundamental freedoms of its people ;

- 3) Attach more importance to the protection of rights of the child through national plans for economic and social development ;
- 4) Adopt further measures to ensure universal access to health and education and other welfare for women, children, the elderly, the disabled, ethnic minorities, rural communities, disadvantaged families and the internal migrant population ;
- 5) Bridge the gap in economic and social development between rural and urban areas and among regions ;
- 6) Continue to advance the rule of law and to deepen the reform of the judicial system ;
- 7) Guarantee the freedom of speech strengthen Internet governance.

MEXICO

The review of Mexico was held at the 13th meeting on 10 February 2009. The delegation of Mexico was headed by H.E. Sr. Fernando GÓMEZ-MONT, Minister of Interior. The recommendations listed below have been examined by Mexico and enjoy the support of Mexico :

- 1) Ensure concrete implementation of international human rights standards at all levels, through the adoption of policies, laws and other measures at the federal and state levels and through regular consultations with key stakeholders, including states, civil society organizations and others ;
- 2) Take further steps to address discrimination against, protect and provide assistance to women and vulnerable groups including children, minorities and indigenous peoples ;
- 3) Continue efforts to eradicate and address cases of violence against women, domestic violence and child abuse, ensure effective investigation and punishment of the crimes against women and children, and adopt additional measures to ensure that they are fully protected from corporal punishment and other forms of violence or exploitation;
- 4) Ensure the effective access of all children to education, in particular migrant and indigenous children, and take effective measures to combat their exclusion from the education system ;
- 5) Promote the implementation of the police and the judiciary reforms to ensure complains in cases of torture, arbitrary detention and forced disappearances
- 6) Continue efforts and take further steps / strengthen the national programme to ensure the right to food, to health, and to education, particularly for the vulnerable groups living in extreme poverty, including indigenous people ;
- 7) Take the necessary measures to prevent/prohibit the use of torture / ill-treatment; in particular by security forces in prisons ;
- 8) Undertake legal reforms to ensure openness and transparency of the media.

JORDAN

The review of Jordan was held at the 15th meeting on 11 February 2009. The delegation of Jordan was headed by H.E. Dr. Mousa Burayzat, Director of the International Relations and Organizations Department and Director of The Human Rights Department at the Ministry of Foreign Affairs. The recommendations formulated in the course of the inter-active dialogue have been examined by Jordan and the recommendations listed below enjoy the support of Jordan :

- 1) Continue the implementation of national policies aimed at the protection and promotion of human rights;

- 2) Take further steps to address discrimination against women, girls, minorities and vulnerable groups, including children and disabled people ;
- 3) Continue looking into the promotion of the status of women with a view to ensure that violence and all sorts of discrimination against women and girls are effectively eliminated ;
- 4) Continue the efforts to promote women's equality and empowerment, with emphasis on promoting enhanced economic opportunities for women and equality in the workplace and in higher decision-making posts;
- 5) Continue efforts in providing all with basic education ;
- 6) Pursue its efforts aimed at improving the living conditions of persons with disabilities and the well-being and human rights protection of migrant workers, including domestic workers ;
- 7) Continue to improve the legislation aimed at prohibiting all forms of torture and in particular, to strengthen measures to protect the rights of detainees ;
- 8) Take further steps to promote an open and free press where journalists may report on a full spectrum of political, social and economic issues without fear of retribution.

Just a Note . . .

With the conclusion of the 4th session, the Human Rights Council had now reviewed the human rights records of 64 States, one-third of the way to reviewing the human rights records of all 192 UN member States. During this session, the Human Rights Council witnessed an exceptionally high number of interventions during the interactive dialogues. The high number of speakers and the high level delegations attending the reviews highlight once again the increasing importance the international community attaches to this process.

The fundamental question consists of evaluating whether UPR process is or will be a genuine review of the State's obligations and commitments. This is a very hard aim because the UPR is a very political process. In fact, the States that today are called for giving suggestions (if not accuses), tomorrow will be reviewed as well. Maybe, would it be a good idea not to be too difficult, hoping or expecting that other States will return the favor? Of course, this kind of strategy clearly conflicts the genuine goal of the UPR mechanism. The 4th Session of UPR distinguished itself for the review of some States affected by very ticklish questions. In this difficult process, different views surfaced, especially concerning the diatribe about the concept of Human Rights. For example, *sharia* law respects and protects Human Rights - as Jordan's Ambassador said - but other no Muslim Countries seem not to sense that. Can we talk about West and East interpretation of the same rights? Which is the role of different cultures? Are those cultures really a reason to justify the gap in HR implementation?

It's difficult to respond. But, what we know for sure is that the entire UN system springs from the attempt to reduce this gap and to strike a balance between so different components.



OTHER NEWS...

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During the month of February VIDES/IIMA Human Right Office also participated in the Committee on the Rights of the Child: Democratic Republic of Congo review, which took place January 21st, and in the side event “Draft Declaration on Human Rights Education and Training”, hold February 27th.



IIMA and VIDES are preparing a training course for Human rights defenders in Geneva

During the 10th session of the Human Right Council, delegates from VIDES International and IIMA planned, in collaboration with BICE, a training course, entitled “Educational strategies for welcoming, accompanying, rehabilitating and reintegrating street children in accordance with the Convention on the Rights of the Child.”

Many salesian sisters coming from different side of the world will participate at this trianing course and at the 10th session of the Human Rights Council.

In addition of this, the Organisations have planned two important Parallel Events at the UN, in order to present to the international community the activities carried out from the salesian sisters in Latin America and Asia aimed to help street children.

The next session of the UPR Working Group will take place from 4 to 15 May during which the next group of 16 States will have their human rights obligations reviewed. The States to be reviewed during the next session are, in order of review: Central African Republic, Monaco, Belize, Chad, Congo, Malta, New Zealand, Afghanistan, Chile, Viet Nam, Uruguay, Yemen, Vanuatu, The Former Yugoslav Republic of Macedonia, Comoros and Slovakia.