

Conscience and Peace Tax International

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Conscientious Objection and the Universal Periodic Review Procedure

Derek Brett has been actively engaged in the new Universal Periodic Review (UPR) procedure of the United Nations Human Rights Council. Derek is the CPTI Representative to the U.N. in Geneva, Switzerland, and his abbreviated report concerning the most recent UPR session is provided as follows:

Derek writes:

I spent the first two weeks of December sitting in the “Third Session of the Working Group on the Universal Periodic Review of the Human Rights Council”. I came away impressed.

The “UPR” is the one feature of the new Human Rights Council which is completely different from anything in the old Commission on Human Rights. Under it, all 192 UN Member States are to report and be questioned on what they are doing about human rights on a regular four-year cycle. Sounds a splendid idea, but of course the details were negotiated by representatives of governments, some of which were at pains to ensure that the process was kept firmly within the control of the member states. Non-governmental organisations (NGOs) such as CPTI have no right to speak during the working groups; only other governments are able to ask questions and to make recommendations. The procedure is co-operative; the last word on whether or not any recommendation is accepted lies with the state being examined. In all, the UPR seemed to have been effectively emasculated at birth.

I was not in Geneva at the time of the first two working group sessions, and did not think I was missing anything. But last June, at the plenary of the Council which adopted their reports, I noted that conscientious objection to military service had been raised with the Republic of Korea and with Finland. Perhaps the UPR was at the moment the best opening for this issue in the Council.

Although NGOs do not participate directly in UPR sessions, an NGO may, some seven months in advance, send in a five-page submission on a reporting state. All such submissions are then summarised by the secretariat into a ten-page document which, along with the state’s own report and a summary of UN information, forms the raw material on which the examination is based. A complicated lottery had decided which sixteen states would be examined in each of the twelve Sessions of the first round. As it happened, the third Session included five countries (Colombia, Israel, Serbia, Turkmenistan and Uzbekistan) where conscientious objectors to military service currently face extreme difficulties, so I submitted reports about these five on behalf of CPTI.

The effect of this intervention exceeded my wildest hopes. All five CPTI reports were explicitly quoted in the “Summary of Stakeholders’ Information”. Except on Turkmenistan, ours had been the only input to the process to mention conscientious objection. In all five cases they led to questions being asked and recommendations made in the Working Group.

There is not space here to report in detail. Fortunately, there is a dedicated website, (www.UPR-info.org) where you can access all the documentation and even watch webcast footage of the entire proceedings. Copies of CPTI's own submissions will shortly be on our website (www.cpti.ws).

Although our impact was gratifying - and encouraging - it was the overall process which impressed me most. Never before have the UN's member states themselves been involved in addressing the substance rather than the rhetoric of human rights in such a concrete way, and with so little reference to the geopolitical agendas which have so often undermined any discussion of human rights - nowhere, of course, more evidently than over any question involving Israel.

Israel was one of the states reporting during the session.. This was obviously going to be the severest test for the new process, and it was a test from which it emerged with credit. Yes of course Arab states in particular used their interventions not only to question Israel on human rights violations in the occupied territories, but to denounce the illegality of the occupation itself, and to call for its end. Far, far more telling, though, was the careful analysis of human rights violations and detailed list of recommendations made by Canada, which in the absence of the USA has taken on the mantle of Israel's chief defender in the Human Rights Council - habitually calling a vote on critical resolutions and casting the sole vote against, as it did again in the January Special Session on Gaza. And, unprecedentedly, the UPR also addressed violations of the human rights of Jewish Israeli citizens, including, as a result of CPTI's intervention, those of the young conscientious objectors of both sexes who are being subjected to repeated terms of imprisonment in military prisons.

Israel is a tiny country, about the size of the American state of Massachusetts (but rather more crowded). However it was larger than many of those reporting. By bringing each of the UN's 192 members in turn into the spotlight, the process reminds of those we rarely hear in debates, and reveals just how small many of them are. The Session started with Botswana, which although larger in extent than France has less than two million people. The Bahamas, Barbados, Luxembourg and Montenegro have populations much smaller than a million each, and areas to match. Liechtenstein's population is a mere 35,000; its area 160 square kilometres. At the end of the first week, I calculated that the ten states we had heard from had *in aggregate* an area and a population much smaller than Colombia, which reported during the second week.

Of course Colombia, with its greater resources, was able to make a much slicker presentation. There were large piles of glossy documentation in three languages - including a pamphlet about how the Colombian military were promoting human rights by killing guerrillas. (The delegation were somewhat embarrassed by the recent revelation that a number of the bodies the army had produced in distant war zones turned out to be of homeless youths rounded up on the streets of Bogotá.) Many states raised with Colombia the safety of human rights defenders, and the dangers of classifying all who might be regarded as critics of the government policy (e.g. conscientious objectors), as supporters of the active ongoing armed insurgency. As if to underline their point, the spokesman from the Ministry of Defence explained that the army's job was becoming more difficult as the enemies it was hunting down were less and less people with weapons but instead people who mixed in indistinguishably with the civilian population.

The fortnight ended, delightfully, with Tuvalu, whose 12,000 or so people live on 26 square kilometres of scattered islands, culminating in an unnamed peak some 6 metres above sea level, and the major part of whose national income comes from websites with the suffix “.tv”. Even in the General Assembly, Tuvalu’s is one of the desks most often left unoccupied; I would not be surprised if this was the first time their representatives had ever been seen at the UN in Geneva. Tuvalu expressed surprise to be asked about torture; the only form of torture practised there was the regular slaughter of pigs for feasting, particularly at this time of year. In a more serious vein, the week after the new government in the Maldives had talked about buying a future homeland, Tuvalu, which is first in line to disappear beneath the ocean, emphasised that their priority was to retain the right and the possibility to live on their own islands. We also saw perhaps the smallest member of the UN defy the largest. Among the regional partners to which Tuvalu expressed thanks was “The Republic of China, Taiwan”. Despite an inevitable point of order from China, Tuvalu refused to delete the reference. Finally, as outside the Palais des Nations the wet snow swirled in a penetrating wind, we were all offered seasonal greetings and encouraged to visit Tuvalu to assess the situation on the ground - particularly the alleged breaches of the Convention against Torture!

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