

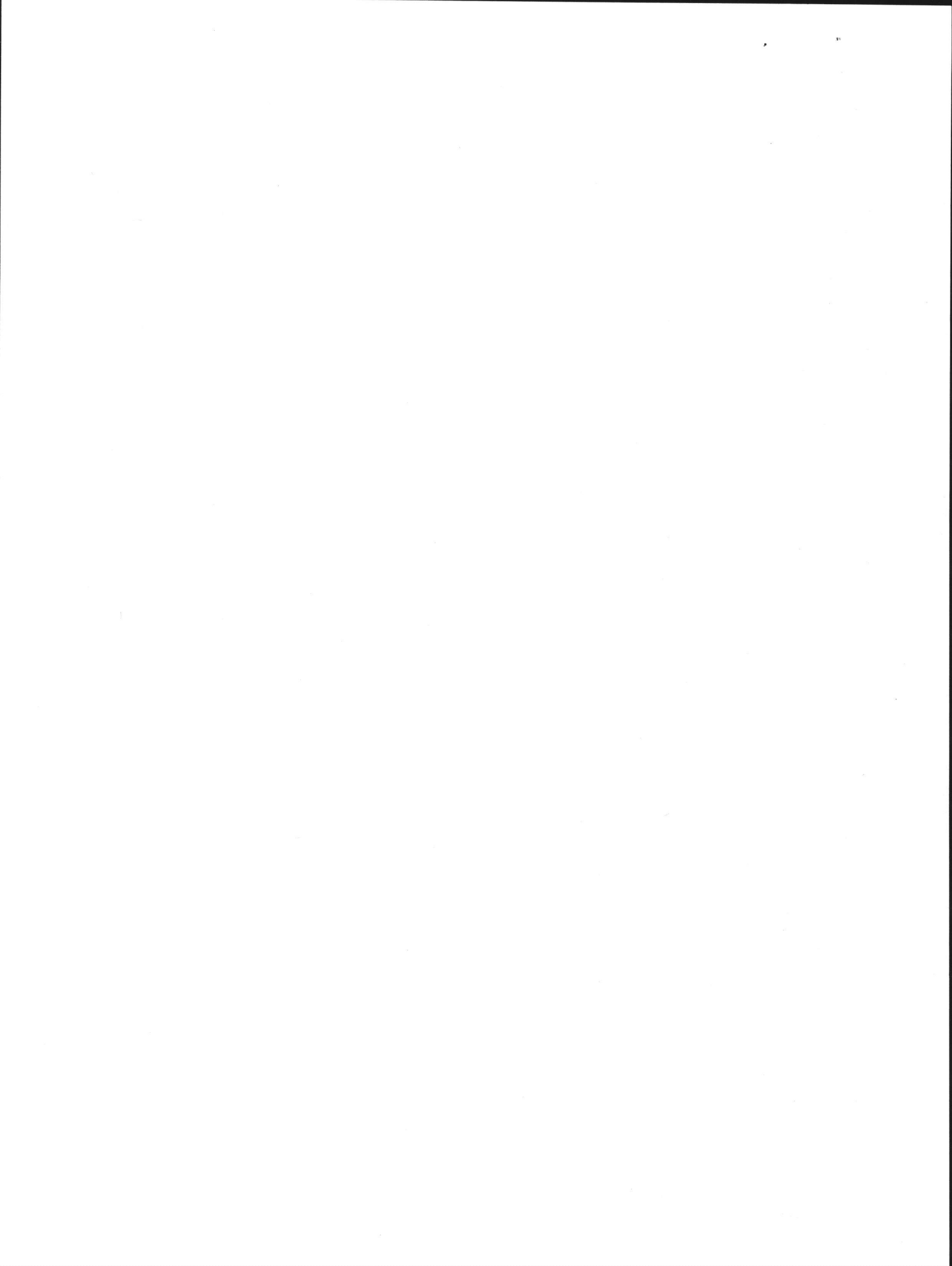


STATEMENT BY H.E. MR ERKKI TUOMIOJA
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61ST SESSION OF THE COMMISSION ON HUMAN RIGHTS
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**Statement by Mr Erkki Tuomioja, Minister for Foreign Affairs of Finland,
at the 61st Session of the Commission on Human Rights
Geneva, 15 March, 2005**

Mr Chairman,

Let me, first of all, congratulate you on your election as the Chair of this important Commission. I wish you and the other members of the bureau every success in your challenging task.

I also wish the High Commissioner for Human Rights, Ms Louise Arbour success in carrying out her important responsibilities as the principal UN human rights official.

In addition to what was said by Mr Jean Asselborn, the Minister of Foreign Affairs of Luxembourg on behalf of the European Union, I would like to make the following remarks.

Mr Chairman,

In May last year, Finland was elected as one of the new members of this Commission for the term 2005-2007 after holding an observer status for ten years. Therefore, it is timely to describe how Finland regards the status of this Commission and which issues we would like to give priority in its work.

The role of the Commission on Human Rights is unique. It is the most important institution to set global human rights standards and the focal point for international human rights mechanisms. It tackles human rights violations

everywhere in the world and also plays an essential role in taking preventive measures. One can safely conclude that the practical implementation of existing human rights standards has helped to prevent suffering and even loss of human lives.

The universal nature of human rights suggests that human-rights violations must be addressed irrespective of where they occur. This necessarily also implies that the Commission on Human Rights must be able to deal with individual country situations: the implementation of human rights in theory is futile. They must be put into practice in all countries across the world.

Finland welcomes the ongoing efforts to streamline the operation of the UN human rights machinery as is recommended in the report of the High Level Panel. Finland, like the EU, particularly welcomes plans to strengthen the role of human rights in the UN system, also from the point of view of safeguarding international peace and security.

Finland, for its part, encourages efforts to enhance the functioning of the UN human rights bodies, as well as efforts to safeguard proper funding for the human rights sector. At the moment, the funding from the UN general budget to the Office of the High Commissioner does not correlate with the importance of the task of this office.

The world human rights situation leaves a great deal to be desired. There is plenty of urgent work, and the Human Rights Commission is the key global forum for the protection and promotion of human rights. Let me therefore stress that Finland begins its term in this Commission with an open and constructive mind, determined to do its share for this common cause.

Mr Chairman,

Terrorism features prominently in the international human rights debate and on the agenda of the Commission. We have all been deeply shocked by the unprecedented attacks against innocent civilians that have taken place in different places. There is ample reason to ask how such madness could be prevented and a different kind of dynamic created for the future. What could be the role of the Human Rights Commission here?

In many countries, people are constantly haunted by various kinds of violations of human security. The situation is aggravated by lack of democratic participation and good governance as well as shortcomings in the functioning of the judiciary. Restrictions on the freedom of speech and marginalisation of minorities hinder democratic reform. Frustration caused by human rights violations is an ideal breeding ground for those instigating terror. In many cases, violence breeds violence.

On the other hand, confidence can be built by ensuring that everyone can rely on the principles of the rule of law and good governance. Democratic processes should be inclusive enough to enable participation by all segments of society. Investments in the improvement of the human security are also investments in enhanced peace and stability.

In the fight against terrorism, Finland particularly emphasises respect for human rights and compliance with the rule of law. Combating terrorism must not involve any compromising on basic human rights standards - the absolute prohibition of torture, due process of law and the principle of non-refoulement being cases in point. In this respect, I expect the Commission on Human Rights to display clarity and coherence.

I hope that this session will make a concrete contribution towards ensuring the full implementation of human rights in the combat against terrorism. The independent expert nominated on the basis of last year's resolution has, in his report, pointed out gaps in the UN system which could be addressed through a strengthened mechanism on human rights and terrorism.

Mr Chairman,

Human security and the full enjoyment of human rights are closely linked. The achievement of the goal of freedom from fear and want is conditional upon a safe and peaceful environment. For example, it is a fact, that uncontrolled transfers of small arms and light weapons have contributed to war crimes, genocide and other human rights violations.

Finland supports the ongoing process designed to develop universally binding principles for arms exports and transfers. National legislation or regional norms will not be enough in the long run. The human rights perspective must be integrated into the process that has been launched in order to conclude an international arms trade treaty or a politically binding commitment. Finland supports the view that arms, including small arms and light weapons, should not be exported to a destination where there is a risk that the weapons might be used for internal repression or human rights violations.

Mr. Chairman,

In the work of the Commission, Finland prioritizes the promotion of non-discrimination. The empowerment of women contributes to the eradication of poverty and enhancement of security and sustainable development. The

gender perspective should be included in all activities related to conflict prevention and reconstruction. In this context, I particularly wish to emphasize the need of an effective follow-up of the Security Council resolution 1325 on women, peace and security.

In practice, though, women continue to be discriminated against all over the world. Their rights are restricted by traditions or custom or even through legislation enacted by the state. Trafficking in human beings is on the increase - in spite of efforts to the contrary. The reproductive and sexual rights of women continue to be challenged. In many cases, women may be subject to discrimination on multiple grounds.

Violence against women is a key human rights challenge in various regions, including in Finland. The Commission on Human Rights has had a Special Rapporteur on Violence against Women for more than ten years. During that time, essential knowledge on the dismal reality still facing many women has greatly developed. Nevertheless, I feel that we have so far failed to give this issue the priority it deserves.

Violence against women, including domestic violence, always takes place in the context of the surrounding society, its laws and attitudes towards women. Therefore, this phenomenon can also be counteracted through adequate legislation and effective policies. Multilateral fora, and this Commission in particular, can be instrumental in the process of taking - at last - violence against women seriously.

Furthermore, sexual orientation continues to spark discrimination, harassment and human rights violations in many parts of the world. It is clear, however, that each and every individual should benefit from the principle of non-discrimination and be protected against human rights

violations. This Commission cannot shy away from addressing the clearly existing human rights challenges related to sexual orientation.

Mr Chairman,

Finland is convinced that the main challenge ahead does not lie so much in drafting new human rights instruments but in implementing the ones we have. During our term, Finland will therefore look for concrete ways of contributing to enhanced implementation of the existing standards.

What is required is, in many cases, fine-tuning of the present standards or preparation of additional instruments geared to enhanced implementation. A case in point is the economic, social and cultural rights. Finland emphasizes the indivisible nature of human rights. In fact, reality is full of examples of how different human rights are interlinked and mutually reinforcing. In many cases, it is even impossible to define where exactly economic, social and cultural rights end and civil and political rights start. Labour rights, for example, embrace elements of all these rights.

In spite of this inherent inter-linkage, economic, social and cultural rights are still not always perceived as justifiable, "real" human rights. Finland will therefore continue to work actively for the elaboration of an optional protocol to the Covenant on Economic, Social and Cultural Rights as a means of clarifying and strengthening the obligations of the Covenant.

Mr Chairman,

For Finland, it is essential to build alliances and work together. The principles of transparency and participation are important and relevant also in the work of this Commission.

Let me take this opportunity to highlight the role of non-governmental organisations and human rights defenders in the Commission on Human Rights and in promoting human rights more generally. As a member of the Commission, we intend to make its work better known also in our own country. It is important to keep in mind that this Commission is not working in isolation, but that our activities matter for the people at home.

Participatory rights are essential for those belonging to minorities and indigenous peoples. As an example, let me refer to the establishment of a European Roma Forum in partnership with the Council of Europe last December. The idea was originally launched by the President of Finland and promoted in cooperation with France, but the Forum was set up in close cooperation with the European Roma. I hope that this positive regional example, based on participation by those concerned, could inspire more effective ways of enhancing minority rights and the rights of the indigenous peoples also at global level.

Mr Chairman,

Historically speaking, democracy is undoubtedly on the increase. More people are able to make genuine political choices to determine the future of their countries. However, the trend is not consistent. Setbacks also occur and countries turn to pose various restrictions on the functioning of democratic institutions and the rights of citizens. Work for the promotion of democracy, and for human rights as its key component, will need to be a continuous effort.

The same is true with regard to the prevention of genocide. Remembering the tragedies of history is not enough; we need to make sure that our tools aimed

at preventing large-scale human rights violations and genocide from occurring again are adequate and functioning. The Commission on Human Rights represents hope for the women, men and children in various countries calling for justice and the full the realization of their human rights.

Thank you.