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# PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

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STATEMENT

BY

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ON BEHALF OF THE ORGANIZATION  
OF THE ISLAMIC CONFERENCE

ON THE

PROGRESS REPORT OF THE WORKING GROUP ON THE  
UNIVERSAL PERIODIC REVIEW (UPR)

AT THE SECOND SESSION  
OF THE HUMAN RIGHTS COUNCIL

GENEVA  
2 October 2006

**OIC statement by Ambassador Masood Khan of Pakistan on the Progress Report of the Working Group on the Universal Periodic Review (UPR), Geneva, 2 October 2006**

Mr. President,

I have the honour to make this statement on behalf of the Organization of the Islamic Conference (OIC).

**Calendar:**

We deeply appreciated convening of informal consultations from July to September 2006 on determining the modalities of the two Working Groups. The Bureau has now given us two sets of dates for 2006 for the Working Group on Review of Mandates, including the Sub-Commission and 1503 Procedure, from 16 to 20 October; and for the Working Groups on Review of Mandates and UPR, from 13 to 17 November.

The second set of date is fine. The first will pose problems as it coincides with the human rights segment of the Third Committee. Since most of the Geneva-based experts would be in New York around that time, we would suggest appropriate adjustment in the dates for the first meeting by ensuring that the two Working Groups meet in tandem with one meeting in the morning and the other in the afternoon to achieve better and effective coordination. We are not suggesting this is to create negotiating linkages but to eliminate duplication and to rationalize the human rights machinery.

Since we have already presented our views on the UPR in an OIC paper on 2 August and 5 September, I shall restrict myself to highlight some of the salient points of the paper and annex it to this statement.

**Basis and Purposes:**

The normative and legal basis of the UPR is: all universal human rights under the Charter, the Universal Declaration of Human Rights (UDHR), conventions and treaties, domestic laws, commitments and obligations. It would be necessary to stay within the broad parameters of the General Assembly Resolution A/60/251. We need not reinvent the wheel.

Six principles should guide all our deliberations:

- Objective and reliable information.
- Universality of coverage and equal treatment.
- Cooperative mechanism: interactive dialogue with the full involvement of the state concerned.
- Capacity building.
- Non duplication with the treaty bodies and
- It would be a member-driven exercise

**Reviewers:**

The Universal Periodic Review will involve all Council members. If it is considered by a Committee, it should be a Committee of the Whole. Observer states and NGOs with the ECOSOC consultative status will observe the proceedings.

**Presentation:**

The presentation should be prepared and presented by the states themselves. Additional information could be presented by the treaty bodies and other UN sources. The presentation should have the following five elements: basic facts; institutional infrastructure; ratifications; affirmative programmes; role and independence of the media and civil society.

The Council each year shall approve a standard Questionnaire along with a list of countries to be reviewed. The UPR will be conducted through interactive dialogue. A presentation by the state concerned could be followed by the adoption of an outcome. The Review will be conducted in a collegial, constructive and cooperative manner. The approach would not be based on "naming and shaming" of countries but inspired by reciprocal altruism. Our motto will be to help states help themselves. A Rapporteur should be designated to facilitate the task.

**Periodicity:**

For the periodicity and time allocation, the OIC has suggested two alternatives. The first proposes a five-year cycle of review covering all UN member states. The second option suggests a staggered examination based on the level of development from developed countries being reviewed every three years to LDCs every seven years. Most developing countries, as in the first option, would be examined every five years.

**Outcome and follow-up:**

The outcome could be in the form of *Proces Verbale* containing a summary of proceedings with recommendations to be adopted by consensus. The follow-up would entail implementation of the voluntary initiatives by states, technical cooperation and review of progress at the next UPR.

**When to start the UPR:**

The UPR should commence after modalities for the new mechanism have been adopted by the Council. We should prepare for the Council intersessionally, but conduct review during the sessions.

**Stockholders and Stakeholders:**

The relationship with the NGOs has to be handled carefully. Council members and NGOs should cooperate and respect each others space. Efforts should be made to reduce the latent hostility and to create new synergy between them.

I thank you Mr. President.

**THE UNIVERSAL PERIODIC REVIEW<sup>1</sup>**  
**BY THE HUMAN RIGHTS COUNCIL**

**I. BASIS OF THE REVIEW; INSTRUMENTS, LAWS, COMMITMENTS**

The UPR should be based on and guided by the following:

- o The UN Charter;
- o The Universal Declaration of Human Rights;
- o Obligations arising from treaties to which the State is a Party;
- o State's domestic laws; and
- o Commitments and pledges made by the State being reviewed.

Additionally, the UPR should duly take into consideration the following factors;

- o Level of development of the state (s);
- o Religious and socio-cultural specificities, as applicable.

**II. PRINCIPLES AND PARAMETERS**

OP-5(e) of Resolution A/60/251 lays down following principles and parameters for the Universal Periodic Review by the Human Rights Council<sup>2</sup>:

1. It will be based on objective and reliable information;
2. It will review fulfillment by each state of its human rights obligations in a manner which ensures universality of coverage and equality of treatment with respect to all states;
3. It will be a cooperative mechanism based on interactive dialogue with the full involvement of the country concerned;
4. Consideration will be given to the capacity building needs of the concerned states (s);
5. Such a mechanism will complement and not duplicate the work of treaty bodies;
6. The Council shall develop modalities and time allocation within one year after holding its first session.

The OP-9 of the Resolution A/60/251 stipulates that Members shall be reviewed under the UPR mechanism during their term of membership.

The UPR will be a member-driven exercise.

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<sup>1</sup> Referred to as UPR

<sup>2</sup> Referred to as the Council

### III. MODALITIES

#### A. Periodicity and time allocation

##### Suggested Alternative One

|  |  |
|--|--|
| Cycle of Review:                             | Five years (to cover all UN Member States) |
| Number of states to be examined each year:   | 35 to 40                                   |
| Time allocation for review of each state:    | 2 hours                                    |
| Number of days required for UPR in one year: | 12 to 14 days                              |

##### Suggested Alternative Two

|   |  |  |
|---|--|--|
| Cycle of review:                            | Multiple cycles according to the level of development of States. |  |
| Developed countries (35)                    | -Every three years (11 per year)                                 |  |
| Developing countries (106)                  | -Every five years (20 per year)                                  |  |
| LDCs (50)                                   | -Every seven years (7 per year)                                  |  |
| Number of states to be examined each year   | 40   |  |
| Time allocation for review of each state:   | 3 hours  |  |
| Number of days required for UPR in on year: | 20   |  |

#### B. Review Format

(1) **Dialogue:** Interactive dialogue in the Plenary of the Council that would consist of:

- (i) Presentation of the report by the state concerned;
- (ii) Interactive dialogue involving Member States of the Council;
- (iii) Responses by the state concerned; and
- (iv) Adoption of the outcome.

(2) **Reviewers:** Member States of the Human Rights Council will conduct the review. Observer states and NGOs with the ECOSOC Consultative status may attend to observe the proceedings of the UPR.

(3) **Spirit:** The dialogue should be conducted in a positive and constructive spirit. Confrontation should be avoided.

#### C. Presentations

The core review should be based on the presentation prepared by the state concerned and submitted to the Council according to a specified timeline. The reports of the treaty bodies as well as objective and reliable information available from Special Rapporteurs and other UN sources on the state concerned should also be available as additional information.

The presentation of the state should contain objective information on basic facts; areas of achievement; deficits and challenges; and requirements of capacity building and technical assistance. Collation of data should focus on the following:

- (a) **Basic facts** regarding the country including size, population breakdown of gender, minorities, etc. as well as information relating to socio-economic indicators such as GDP growth rate, trade, balance,

- (b) natural resources, health and education infrastructure, employment rate, etc.;
- (b) **Institutional Infrastructure** in the field of human rights: constitutional measures, National Human Rights Institution, Parliamentary institutions, Government departments, judiciary and other special institutions like ombudsman;
- (c) **Status of ratifications** of international human rights conventions. However, the review may not be solely focused on the treaty bodies;
- (d) **Religious and socio-cultural** specificities, as applicable
- (e) **Affirmative programmes** for women, children, minorities (where applicable);
- (f) **Role and independence** of media, NGOs and civil society.

#### IV. **OUTCOME and FOLLOW-UP**

**Outcome** of the review should be a summary of the UPR proceedings containing recommendations and should be adopted by consensus.

**Follow-up** should include:

- (a) Any voluntary initiatives by the state concerned in pursuance of the discussions in the review;
- (b) Technical cooperation programmes at the request of the state;
- (c) Review of progress in the next UPR of the State.

Follow up should itself be reviewed on the basis of the empirical evidence gathered from its operation.

#### V. **PROCESS**

- (1) The Council in its first session every year should approve:
  - (a) **Standard Questionnaire** to be sent to the states to be reviewed.
  - (b) **List of countries** to be reviewed under UPR mechanism during the year. The list should take into account that members of the Council would be first to be subject of review although each year a mix of Council members and non-member states should be reviewed. The inclusion of non-member states in the list should be either alphabetically or on voluntary basis;
  - (c) **Schedule** indicating the time of consideration of each country to be reviewed should be circulated by the Secretariat. The list of countries to be reviewed and the schedule should be placed on the Council's extranet page;
- (2) **Presentation** by the State to be reviewed should be furnished to the Council Secretariat one week in advance of the Session of the Council in which it is to be reviewed;
- (3) **Time limits** for report presentation and interventions may be finalized by the Bureau in consultation with the states;

- (4) **A Rapporteur** from one of the Member States of the Council may be designated to coordinate the process and ensure smooth conduct of the review.

## **VI. COMMENCEMENT**

The review should start after adoption of the consensual outcome of the modalities of the UPR by the Council.

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