



# PAKISTAN

PERMANENT MISSION TO THE UNITED NATIONS

---

56 Rue de Moillebeau, 1211 Geneva Tel: (4122) 749.1930 Fax: (4122) 734.8085

---

PLEASE CHECK AGAINST DELIVERY

**STATEMENT**

**BY**

**AMBASSADOR MASOOD KHAN  
PAKISTAN'S PERMANENT REPRESENTATIVE**

**ON BEHALF OF THE  
ORGANIZATION OF THE ISLAMIC CONFERENCE**

**AT THE**

**THIRD SESSION OF THE HUMAN RIGHTS COUNCIL  
ON PRELIMINARY CONCLUSIONS OF WORKING  
GROUP ON THE UNIVERSAL PERIODIC REVIEW**

**Geneva,  
4 December 2006**

Mr. President,

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

We thank Ambassador Mohammed Loulichki for his leadership on the question of universal periodic review and for the working methods he has chosen for discussions and preliminary negotiations on this question. We have taken note his initial conclusions on the exercise. We endorse the three *bases* he has outlined for our work:

- One, we should establish a credible, effective and manageable universal periodic review.
- Two, such a mechanism by definition is an evolving process.
- Three, there is a link between UPR and the other review processes undertaken by the Council, notwithstanding their specificities.

Our interim views on the Facilitator's preliminary conclusions are as follows:

- I. **Basis of Review:** The firm basis for the review should be the UN Charter and the Universal Declaration of Human Rights as well as other human rights instruments which have been ratified by a state. Voluntary pledges are a good yardstick, but they should not be given the same status as legal obligations. The OIC has also proposed to take into consideration the level of development of a state and religious and cultural specificities, as applicable. The International Humanitarian Law will be directly relevant to the situations armed conflicts. Despite many rounds of discussions we have not been able to establish direct validity of the domestic laws or proven utility of the customary law in regard to the UPR.
- II. **Objectives and principles:** We endorse the common elements listed under this heading. In the second part, the observation that the UPR should be among a number of tools at the disposal of the Human Rights Council is not clear. What are the other measures that are being contemplated? And what circumstances would trigger such measures? Would a parallel process not undermine and weaken the UPR? We need clarity on these issues. We believe that the primary stakeholders and actors participating in the review will be states, as it is essentially a state-centric exercise. However, the concerned state during the preparation may choose to consult other actors, such as national human rights institutions and civil society, as is customary in the case of some treaties bodies. In any case, the UPR should not add a cumbersome, duplicative process on the states being reviewed. Proposals on assessment of human rights situations, including gross and consistent violations, and any recommendation, thereon would require closer scrutiny.
- III. **Periodicity and order of review:** On the question of periodicity and order of review, we would like to reiterate OIC's proposal of 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. Details of our proposal are given in the OIC's paper on the UPR. We do not favour sub-committees conducting review. If Working Groups are established they should be open-ended to ensure universal representation. Preparations

could be made inter-sessionally but the review itself should be conducted during the Council's sessions. It is only logical that the UPR starts after the modalities for the mechanism have been agreed.

- IV. **Process and modalities of review:** We agree with the elements of convergence listed by the Facilitator. One point needs clarification. The review could be open to observer states and NGOs with the ECOSOC consultative status who may attend to observe the proceedings of the UPR, but members of the Council would conduct the review. The core background document should be prepared by the state concerned according to a specified timeline. The report should contain elements of basic facts, institutional infrastructure, status of ratification, religious and socio cultural specificity, as applicable, and role and independence of the media and civil society.

The rule of thumb should be that any questionnaire related to the UPR would be approved by the Council. The questionnaire should be standardized. However, if the Council so desires, it may wish to customize it in exceptional circumstances. The Council is fully competent to develop such a questionnaire. Association of experts or rapporteurs with the process would just add a redundant layer. We have to walk a thin line to ensure that this process remains a cooperative mechanism and does not become agenda item 9 of the Commission on Human Rights.

The UPR should be conducted in the HRC plenary. A working group, if established by the Council, should be universal and open-ended.

- V. **Outcome of the Review** The outcome could be in the form of *Process Verbale* containing a summary of proceedings with recommendations to be adopted by consensus. We maintain that UPR should be a cooperative mechanism leading to the capacity-building needs of concerned states. Sharing the best practices to enhance cooperation for the promotion and protection of human rights is an excellent idea. This would require technical assistance for capacity building. The country concerned would have to be fully involved in the preparation and adoption of the outcome. Questions relating to a special procedure mandate, fact-finding missions, and liaison with the Office of the High Commissioner's field offices would require deeper analysis and careful negotiations.

- VI. **Follow-up to the review:** It should entail implementation of the voluntary initiatives by states, technical cooperation and review of progress at the next UPR. The outcome should be implemented by the state concerned and other actors of civil society. We do not see the merit of consolidating all UPR reports into a global report.