

Statement by the PR of Malaysia, Ambassador Hsu King Bee  
on Universal Periodic Review Mechanism  
1<sup>st</sup> Session of the HRC, 28 June 2006

Mr. President,

Given the one year time during which the Council is to develop the modalities of the UPR after the holding of its first session, we believe the Council has sufficient time to deliberate and agree upon clear and well thought out details of the review mechanism on a consensual basis. Thus this process should not be rushed.

2. We support the President's proposal to establish an inter sessional working group to develop the modalities of the UPR rather than an inter sessional opened ended consultative process. The ~~latter~~ <sup>former</sup> in our view connotes a ~~less~~ <sup>more</sup> transparent course.

3. We seek clarity on the basis and the manner in which the facilitator of the working group will be appointed.

4. Given that information on existing mechanism for periodic review would be helpful in the deliberations of the working group particularly for small delegations, we suggest that these be provided to member states at least a week or so before the work of the working group begins.

5. We agree that the facilitator should update the Council regularly on progress made. In this connection, we wish to underline that this Working Group should not work independently of the process to review, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission as their work inevitably impact on each other. At certain intervals, there should be convergence between the two processes.

Mr. President,

6. We see/agree that OP5(e) of UNGA Resolution 60/251 established the main parameters for the UPR as well as note the relevance of certain preambular paragraphs in this respect.

. [OP5(e) provides that the UPR be:

- based on objective and reliable information;
- of the fulfillment of each state of its human rights obligations and commitments;
- ensure universality of coverage and equal treatment of all states;
- is a cooperative mechanism based on interactive dialogue with the full involvement of the country concerned;
- consideration given to its capacity building needs;
- complement and not duplicate the work of treaty bodies;
- develop within one year after the holding of the first session the modality and necessary time allocation of the UPR.]

7. On the scope of the Universal Periodic Review, we believe it is important at the outset to establish its scope. In this context, OP5(e) provides that the UPR should be based on objective and reliable information of the fulfillment of each State of its human rights obligations and commitments.

8. Given this clear formulation, we believe that the review should be based mainly on obligations specifically made by states through their ratification of, or accession to human rights treaties as well as their respective constitution and domestic laws. If a state has not acceded to a particular human rights treaty, there must be particular reasons domestically why it is not able to do so. And in reviewing states' fulfillment of its obligations and commitments, their national particularities and historical, cultural and religious background must be taken into account. So also their views expressed, whether in written form or through interactive dialogue. After all OP5(e) stated that the review shall be undertaken with the full involvement of the country concerned. And any outcome, in our view, should be realistic if it is to be achievable and result oriented. It is only in this manner that the cooperative mechanism and the emphasis given to capacity building envisaged in Resolution 60/251 could be realized.

9. Finally, Mr. President, the process in the preparation of the review should not be too cumbersome and burdensome on member states particularly on developing countries, some of whom do not have the resources or capacity for this purpose.