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STATEMENT

BY

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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 REVIEW OF MANDATES
(1503 COMPLAINT PROCEDURE)

GENEVA
6 DECEMBER 2006

Mr. President,

I am making this statement on behalf of the Organization of the Islamic Conference.

We thank Ambassador Blaise Godet, for his paper on the human rights "complaint procedure". Ambassador Godet's "Preliminary Conclusions", especially his "comments" require ~~for~~ further discussions on a number of issues. These comments in some places help to move the discussions forward. However, decisions should be left to the Working Group.

Mr. President,

The OIC has supported the continuation of the 1503 procedure. The ideas about the preventive or early warning role of the complaint procedure, as of now, are not clear and would require further consideration.

The new concept of a high "threshold" of violations is vague and imprecise. It can be subjectively interpreted and it can lead to politically motivated complaints. "Gross and consistent violations of human rights" should remain the anchor of admissibility and should continue to be used as the barometer.

Admissibility Criteria

The existing criteria for admissibility of complaints or allegations of human rights violations under the 1503 procedure should be faithfully observed. Communications that contain abusive language, are based on mass media reports, are manifestly politicized or are ill-founded. This criteria should not be diluted or qualified with such phrases as "essentially" and "exclusively".

Complaints should be made by persons or by groups of persons who are victims of violations and not by individuals "acting in good faith". Such "do-gooders" could and would abuse the procedure as it has been demonstrated empirically. Domestic remedies need to be exhausted before a complaint is considered. The UN Charter should continue to be the basis for the admissibility criteria of complaints.

Finally, there should be no overlap between the 1503 procedure and the work of special procedures and treaty bodies.

Stages of the Procedure

A two stage process with two Working Groups, the first one of experts and the second formed of HRC Members, must be retained. The first stage should examine the admissibility of the allegations and report to the second working group. The second working group should propose measures to be taken by the Human Rights Council. To insulate screening against politicisation, the laid down criteria for selection of complaints should be strictly observed. The Secretariat should not, under any circumstances, take over the role of the Working Group on Communications.

Approval for the admission of the complaint should be given by the working group itself.

Confidentiality

Confidentiality should remain the fundamental principle of the complaint procedure. Instead of naming and shaming States in public proceedings, a confidential procedure will work effectively to redress complaints at the first stage.

Information should be made public only if a state demonstrates unwillingness to cooperate with the procedure.

Confidentiality is also necessary to provide relief to an individual or group of individuals. Author should not be involved in the consideration of the complaint. Such involvement would undermine confidentiality.

Composition and the size of the working groups examining communications/situations

The two working groups should be composed on the basis of equitable geographical representation. Composition of the first working group should be drawn from the expert successor body of the Sub-Commission for Promotion and Protection of Human Rights. The OIC would look carefully into the question of enlargement of the working groups. The two working groups should retain the current tenure.

On the principle of appointment/election, we believe that the existing practice should continue, where nominees to the Working Group on Communications are appointed by each regional group from the successor body of Sub-Commission, and nominees to the Working Group on Situations are also appointed by each regional group.

The Human Rights Council should deal with complaints procedure once a year. Admission of a complaint and its final outcome should not have any artificial time limit.

The OIC would not like to link the complaint procedure with the UPR in view of its confidential nature.

Outcome of the procedure should remain as under the 1503 confidential procedure.

Capacity Building

Focus may be given to the capacity building and technical assistance needs of the developing countries whose cases are under consideration of complaint procedure.

I thank you Mr. President