

AM

BANGLADESH

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First of all let me join others in appreciating you for your leadership of this working group and presenting us the non-paper which is an excellent basis for our discussion. We ~~have always~~ lauded your succinct but substantive presentation. ~~It is a pleasure to have you here and to have you present this paper.~~

my delegation associates itself with the statement made by Pakistan on behalf of OIC and Cuba on behalf of the Non-Aligned movement.

As a general comment I would like to raise 2/3 issues of importance to my delegation. high light

Mr. Facilitator,

Our point of departure is always operative paragraph 5 of the resolution 60/251. It stipulates that the Council shall undertake a review of the "fulfilment by each State of its human rights obligations and commitments. Obligation of a member State arises from UN Charter, the Universal Declaration of Human Rights and human rights instruments to which a State is a party. But most importantly, obligation of a States arises from its domestic legislation, constitution and legal system. This element is missing as a basis of review in your paper. *We would urge its inclusion in the revised paper.*

The resolution said that the review should be conducted based on reliable information on the situation of human rights. This reliability should be beyond doubt. Information provided by the State and compilation of authentic information from the reports of treaty bodies and other relevant UN document should serve as the basis. We ~~had~~ advocated for a standardized questionnaire for every State and answer to such questionnaire may take a form of a report if the State so prefers.

The same paragraph of the 60/251 stipulates that the review shall be a cooperative mechanism, based on interactive dialogue with full involvement of the country concerned. It did not say anything about outcome, follow up or implementation, I presume to keep the spirit of cooperation not confrontation or coercion in the mechanism. The outcome should, therefore, be constructive in nature. *on preference is* ~~should~~ a summary of proceedings; it may contain recommendations of cooperation or assistance for the promotion and protection of human rights. It may also include voluntary pledges by the country under review. *In all cases outcome should be a consensual one.*

The proposal by some to include possibility of appointing special rapporteur, fact-finding mission or reporting to the Council would be quite contrary to the spirit of UPR mechanism and should be left out ^{as options} of the list. Follow up would be the next review according to the set periodicity, not any other reporting obligation ~~to the Council~~. *Which is burdensome to a state.*

[Capacity building and technical assistance are being seen as panacea for solving many problems. We prefer capacity building instead of technical assistance. There are many situations where technical assistance is useful, and indeed required. We need to consider whether, in the case of the UPR, it would not be better for the country concerned to prepare its own report. The commitment of the country would be total, and it would feel totally involved. If we were to send some experts to write out the report for the country, the level of commitment to it would be different.]

We underscore the importance of taking into account the level of development in the UPR. Let me explain why. Environment for effective enjoyment of human rights depends on ability of the State in providing right circumstances. There is a need for a body of laws, of institutions, of the legal system, of the enforcement mechanism, of the human and material resources, etc. One can go on.

Countries that have achieved a high level of development have much greater ability to provide this environment than those at a considerably lower level of development. Recognizing the difference among the capabilities of countries does not compromise the principles or ideals or the universality of human rights. Such recognition, in fact, will help us in the creation of this environment that is so necessary for human rights to be effectively enjoyed.

This reality should be taken into account during the review ^{mean} as well as on periodicity, as suggested by the OIC

[The beauty of UPR is its universal coverage and non-selective nature. It is therefore very likely that a country will cooperate with the mechanism. *Therefore, condemnation of punitive measures in the UPR mechanism would be uncalled for.*]

Not diminishing the HRCs capacity to respond to urgent human rights situations

Including national NGOs. Or to stop after stakeholders. As we said the modalities to be determined by the Council at a later stage.