



CHAIR OF
THE NON-ALIGNED MOVEMENT



HUMAN RIGHTS COUNCIL

WORKING GROUP ON THE MODALITIES OF UNIVERSAL PERIODIC REVIEW
MECHANISM

STATEMENT BY H.E. MR. JUAN ANTONIO FERNANDEZ, AMBASSADOR,
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OF THE NON-ALIGNED MOVEMENT

(Check against delivery)

Geneva, 12 February 2007

AM

Mr. Facilitator,

I have the honor to deliver this statement on behalf of the Non Aligned Movement.

Mr. Facilitator,

First of all allow me to thank you for the non-paper you have presented on UPR. We consider it constitutes a good basis to continue our discussions on this important issue.

Mr. Facilitator,

The Non-Aligned Movement attaches special importance to the establishment of this new mechanism.

Last September, in the context of the XIV Summit of the Non-Aligned Movement, held in Havana, our Heads of State and Government stated clearly the principled position of NAM on UPR, reflected in the Final Document adopted, which I quote:

"The Universal Periodic Review to be conducted by the Human Rights Council should be on the basis of the report and information submitted by the State under review. It should also be a result oriented, cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs and that such a mechanism shall complement and not duplicate the work of treaty bodies, bearing in mind the need to eradicate selectivity, double standards and politicization in the consideration of human rights issues. It should aim at strengthening the Member States capacity, upon their request, to implement their obligations, on promotion and protection of human rights. It should not be used as a tool to coerce States and subject them to politically motivated country-specific resolutions".

This is the basis of NAM approach to modalities of UPR.

In this regard, the NAM considers UPR shall review the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equality of treatment with respect to all States, with a view to contributing to the improvement of the human rights situation on the ground, enhance the State's capacity and technical assistance, at its request, and promote genuine cooperation in the promotion and protection of all human rights for all.

To this end, it is crucial to ensure universality, objectivity, impartiality and non-selectivity, as well as to stamp out double standards and politicisation.

At the same time, due respect should be paid to the different political, economic and social systems, to national and regional particularities, and to various historical, cultural and religious backgrounds. Different levels of development, as well as external challenges and obstacles affecting the capacity of governments to implement policies and programmes to ensuring the realization of all human rights for all should also be duly considered.

Mr. Facilitator,

The NAM considers that UPR should be an intergovernmental process, based on an interactive dialogue involving all Member States of the United Nations. It should be conducted in HRC plenary meeting, in order to allow Intergovernmental organizations, NGOs in consultative status with the ECOSOC and other relevant stakeholders of the Council attend the proceedings, as observers.

The main source of information should be the State under review, which shall make an initial presentation, based on general and flexible guidelines previously adopted by the Council, and any other information it considers relevant to the process. Official reports from Treaty Bodies, thematic mechanisms of the Council and other relevant United Nations reports, together with the comments and observations made to them by the Government concerned, could be use as complementary sources of information in the review.

The outcome of the review should be a report consisting of a summary of the proceedings of the review process. This summary may be accompanied by recommendations on possible actions of technical cooperation and capacity building's assistance, upon request of the Government concerned, as well as any other recommendation of a constructive nature aimed at enhancing cooperation for the promotion and protection of human rights. The recommendations shall be adopted by consensus, especially with the agreement of the State reviewed.

Mr. Facilitator,

The NAM believes that genuine cooperation and dialogue is the only way to effectively promote and protect all human rights.

The UPR mechanism is an important tool in our hands that could contribute to promote an approach of cooperation and genuine dialogue and to end past practices of political manipulation and double standards. It is vital to avoid from the very beginning of the works of this new mechanism any attempt of imposing selective and politically motivated treatment to any country. In this regards, the NAM opposes those proposals directed to use this mechanism to impose country specific resolutions and mandates or any other punitive measure.

Mr. Facilitator,

The Non Aligned Movement is firmly engaged in this process and is willing to participate in a cooperative and flexible manner. We will go into details of your non-paper in the course of our discussions in this working group, and a written contribution will be submitted in this regard.

Finally, Mr. Facilitator, I wish to convey to you the absolute confidence of all NAM Members in your capacity and abilities in the conduct of the work of this Working Group, and the conviction that under your wise guidance a successful outcome will be achieved.

I thank you