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Statement by the Indonesian delegation  
on the Non-paper by the Facilitator on the Universal Periodic Review  
WG on the Universal Periodic Review (Implementation of OP-6)

Geneva, 12 February 2007

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Mr Facilitator,

As we continue our consultations on the implementation of OP-6 of GA resolution 60/251, my delegation would like, ~~at the outset~~, to thank you for the Non-paper summing up the status of consultations and positions to date which you have presented for delegations' comments. ~~We appreciate the work that has gone into the preparation of this document. We are also aware of the challenges linked to this task given the wide range of issues on which the Working Group and delegations are expected to reflect. Your efforts will certainly be instrumental in helping our discussions move forward towards tangible and satisfactory outcomes.~~ excellent.

The significance of the Universal Periodic Review as one of the key mechanisms of the Council requires of us that we give this issue our fullest attention and judicious contributions. At this point in our work, it is important that we make steady and consistent headway on all outstanding issues. Indeed, the deadline for the completion of our task is fast approaching, therefore we must more than ever concentrate our efforts in the present evolving process and go for convergence.

Mr Facilitator,

Our delegation, ~~for its part~~, <sup>aligns</sup> ~~endorses~~ the remarks made <sup>by Pakistan</sup> on behalf of the OIC and the NAM <sup>by Cuba on Behalf NAM</sup> ~~by their respective spokesmen~~. In this regard, we are encouraged by the wide degree of convergence that can be noted in sections I and II, namely those dealing with the basis of the review and the principles and objectives. In particular, we want to highlight the importance we attach to the centrality of the dialogue in and cooperative character of the UPR. Likewise, the comprehensiveness of the material on which countries will be reviewed, and the principles of universality and equality that will govern the way their human rights status is approached will be critical in ensuring success. <sup>obligations & commitments.</sup>

The premise, throughout the process, must be the improvement and facilitation of the implementation of countries' human rights ~~programme and policies~~. A fully interactive process, with informed and due regard for all parameters in countries' respective situations, will be essential guarantees of a truly objective assessment, free from judgemental overtones. ~~In this regard, we share the view expressed by Pakistan emphasizing the fact that, in the order of review, countries must be allowed to prepare adequately. The modalities of this preparation should therefore be discussed further in the framework of the present consultations.~~ X

Moving on to some of the other points put forward in the Non-paper, notably the various options presented in the Annex, our delegation wishes to state its preference for Option I. Indeed, this option is, in our view, the simplest and most straightforward by enabling countries to present their case directly in the plenary meeting of the HRC, thereby offering the best guarantees of a public and hence more open and transparent process. X

for further comments concerning various options

in your annex my delegation will give its substantive comment at the later stage. However like others we wish to state our preference for the UPR to be conducted directly in the plenary meeting of the HRC

~~On the outcome of the review, we can support the compromise proposal of the Facilitator to the effect that the decision-making for UPR outcomes should be the same as for other decisions of the Council.~~

On the other hand, my delegation has reservations concerning two of the elements requiring further consideration under letter B., namely assessment of the implementation of treaty body and special procedure recommendations and conclusions, as well as their follow-up; and appointment of a special procedure mandate, dispatching of fact-finding missions, investigative teams or commissions of inquiry.

In our view, neither of these processes are appropriate or relevant under the UPR mechanism since they are already fully catered for by other specific procedures charged with examining countries' human rights records. When reviewing countries, the emphasis must be on existing procedures coordinating their data, not on their duplication by new mechanisms. Moreover, introducing the latter into a public process such as the UPR is to run the risk of drifting back into the politicization and finger-pointing which was the hallmark of the former Commission and which must imperatively not be allowed to vitiate the UPR.

Finally, on the topic of follow-up to the review, our delegation would welcome further clarification on the measures referred to in the case of non-compliance by a State with the UPR outcome. In this regard, we must emphasize again that full account must be taken of a country's capacity-building needs, when assessing compliance, and that the country in question must be fully involved in the process at all times.

Mr Facilitator,

The UPR, as a new mechanism of the HRC, will embody all the key principles and improvements with which we want to endow the Council: greater openness, transparency and objectivity, pillared by the principles of universality and interactive dialogue. It will be an emblematic forum, where all countries will be treated equally. Our inputs to the elaboration of this mechanism are therefore crucial in ensuring that these criteria are enshrined in the final product. For its part, our delegation will continue to express its commitment to these principles through its active participation in the present discussions.

Thank you. Mr. Facilitator.

In this regard, it is the view of my delegation that no punitive measures should be taken in any case throughout the UPR process. The emphasis must be taken of ensuring that UPR be aimed at strengthening the States capacity to comply with their HR obligations.