General Comments by Malaysia
Intersessional Working Group on Universal Periodic Review
Morning, 12 February 2007

Mr. Facilitator,

Malaysia associates itself with the statement by Pakistan on behalf of the OIC and by Cuba on behalf of the NAM. My delegation joins other speakers in thanking you for the non-paper. We deeply appreciate your efforts in facilitating the discussions in the Working Group. The non paper which outlined, in your assessment, elements of convergence and elements requiring further consideration on the UPR will certainly advance our work. In our view, the non paper is an excellent basis to move our discussions forward. Since the statements of the NAM and the OIC had already focused on general comments which we share, we will now only focus on 3 specific issues in the non paper.

2. First, on the **basis of review**, we continue to maintain that one important element, namely the inclusion of national particularities as well as historical, cultural and religious background has to be included as a basis. This element has been highlighted by many delegations in earlier meetings of the working group and should be included as a basis of review given the diversities of countries in the world we live in instead of listing it under principles in the element requiring further consideration.

3. Second, on the **modality of the UPR**, since we continue to maintain that the UPR should be conducted at HRC plenary meeting, namely option 1 of your proposal with a 5-year periodicity, and not at working group, we do not agree to prior review by regional group or a group of friends of the country under review.

4. Mr. Facilitator, speaking as a developing country located more than 13-hours flying time from Geneva and given the high cost of Geneva itself, HRC should not expect developing countries' delegates from the respective capitals to

have to attend a number of meetings in connection with the UPR process, first at prior review, then at working group and finally at the plenary. Speaking for Malaysia, we can afford neither the manpower nor financial resources if the UPR is to be conducted in this manner. Aside from the issue of transparency, if one of the objectives and also of the outcome is for all of us to learn about the challenges confronting countries in promoting human rights and to learn from the best practices of others, conducting UPR at working group level will defeat this very purpose as it would be too costly for our delegates from capitals to attend working group meetings held throughout the year.

5. We also do not agree on the possible involvement of experts or country rapporteurs from relevant regional group in the review. We wish to underline once again that the UPR is an inter-governmental process.

6. Third on **follow-up to the Review,** we do not agree that there should be any provision on measures to be taken in case of compliance by a state with UPR. Having such a provision is already prejudging the positions of countries and assuming a confrontational attitude. Resolution 60/251 is clear - it provides that UPR shall be a cooperative mechanism based on interactive dialogue with full involvement of state concerned and with consideration given to its capacity building needs.

Thank you.