

a national process  
PM 08/09/06

## Sri Lanka Statement on the Open-ended discussions with regard to the Universal Periodic Review Mechanism

Mr. President,

My delegation has come to these discussions with an open mind and we welcome all the non-papers<sup>presentations</sup> and constructive suggestions made by delegations which reflect already an evolving consensus on many of the elements of the new UPR mechanism.

With regard to the design of the UPR mechanism, my delegation will be guided by two main considerations. Firstly, we are of the view that in order for a new orientation to the Human Rights Council, avoiding the politicization of the past, there is a need to bring a development dimension into the working methods of the new Council, reflective of the reality that Member States are at different levels of development. Preambular paragraph 6 of the founding resolution of the Council reminds us that development, peace and security and human rights are interlinked and mutually reinforcing. Preambular paragraph 3 and operative paragraph 4 of this resolution reiterate the principle of universality of all human rights, civil, political, economic, social and cultural rights including the right to development.

Our second consideration, Mr. President, is the need to reduce the current reporting burden which is indeed one of the main areas for attention of the High Level Panel on System Wide Coherence within the UN which is currently meeting. If we can record meaningful progress on reducing the reporting burden, this will also assist our advocacy efforts to promote adherence to the increasing number of major human rights instruments.

Let me now say a few words on the evolving consensus to which I had referred at the outset: we agree that the UPR by its very name indicates a process which should be member driven. We agree that this should be 'a light' mechanism. We can join any eventual consensus on whether the UPR should take place in an open-ended working group of the Council which would enable non-members to participate and greater interactivity or its plenary, taking into consideration that this process would have to take up a minimum of 30 countries during one year, and typically a three hour review would take at least three weeks of the 10 weeks schedule of Council meetings and periodicity would be from 5-6 years. In keeping with other established peer review processes, we believe that the main report should be presented by the Government concerned and questions could be proposed by all Member States. ~~NGOs and~~ Civil society could ~~of course~~ forward their views and inputs to the questionnaire which OHCHR would compile and provide to the country concerned at least a few days in advance of the review. A more simplified format for this questionnaire could be devised for the smaller states and LDC's as delegations have been requesting.

In order to reduce the reporting burden, we would suggest that the core report for which the harmonized guidelines have now been approved (intended to be the single basic document to be submitted to the treaty bodies) could also be used as supplementary country information for the periodic review process. This would avoid OHCHR having to prepare new country dossiers or even a global report as has been suggested by some delegations specifically for the ~~peer~~ periodic review. We have consistently maintained that human rights is already mainstreamed throughout the UN system; thus country reviews and indexes already maintained by UN and International Organizations such as UNDP, UNICEF, ILO, WHO and so on could provide useful indicators of a country's human rights performance. Many of these organizations have had a field presence in the developing countries since many years and have unique broad experience and knowledge of local conditions.

We support the proposal made by the Indian delegation that on conclusion of the review, the country concerned could of its own accord make known its capacity building requirements and offer pledges and commitments which could be the subject of the next ~~peer~~ review, presumably, in five ~~years~~<sup>six</sup> time. This would be a good way to build capacity in the developing countries and strengthen national protection systems.

We agree with those delegations that spoke of the need for the review to be conducted in a constructive, cooperative spirit. We need to build confidence that fairness prevails in our new process in order to promote universal compliance. A system of friendly mentoring could be developed to build capacity, upon the request of member states, of which the aim should be to ~~contribute to~~ build national capacity and national ownership.

As one of the founding members of the Council, Sri Lanka looks forward to being among the first to be reviewed once the methods of work of the UPR are finalised.

We trust that Switzerland as the host state and other member states in a position to do so will set up a fund to assist capital based experts of the smaller states to travel to Geneva when their turn comes up for review and that OHCHR will be ready upon request to offer an orientation programme in Geneva for states in need of assistance to prepare for this new review process.