

**Statement by the Islamic Republic of Iran
Second session of the WG on the HRC Review
7 February 2011**

Mr. President

At the outset let me express our appreciation for your outstanding leadership during the ongoing Review process .We would like also to thank all distinguished facilitators and Coordinator for the hard work they have done through the past extensive negotiations and for the report presented to the Working Group.

We fully align ourselves with the positions expressed by Egypt and Pakistan on behalf of the NAM and the OIC.

Mr. President

We are now in a crucial stage in the Review process which is expected that through your astute stewardship as well as the collective wisdom of all member states, a consensual outcome could be achieved by the end of the work of this Working Group.

From the very beginning of the review process and in different stages of negotiations we reiterated that we are in a review and not an overhaul of the Council so as all efforts should be aimed at limited fine-tuning of the IB package, where needed, on the basis of consensus .

Mr. President

While taking into account the valuable work done by the facilitators to accumulate proposals which there are more convergence on them for the further discussions and consideration by the WG, in our opinion in the Compilation there are matters of concern needed to be tackled resolutely.

We are of the view that unfortunately single methodology has not been applied across all clusters of the review by the all facilitators. It is neither acceptable nor helpful having minimalist approach for some clusters that contained mostly proposals belonging to developing countries and at the same time incremental approach for other clusters contained the others proposals. For that reason, we believe that the Compilation of Contributions will not serve as a basic document for future negotiations

Mr. President

We would like to put forward following observations on different clusters:

On the UPR

This cluster has witnessed important efforts and presents opportunities for convergence. At the same time:

- The principles enshrined in IBT with regard to UPR should be strictly maintained. In particular the Mechanism should remain cooperative, not be overly burdensome to the concerned state or the agenda of the Council and be an intergovernmental and state-driven process. Therefore, proposals such as midterm report, implementation plan for recommendations and involvement of UN representation at the national or regional level in the follow up process, are against aforementioned principles.
- General debate on item 6 should be in the regular session of the Council and not in the UPR adoption plenary and in no circumstances the UPR adoption plenary sessions should be misused for holding so-called mini-sessions or opening country specific situations in other formats .

On the Special Procedures

In this cluster there are some important controversial issues presented as issues that there is a possibility for agreement on them while some important proposals from the developing countries has been put aside in the name of lack of convergence . We strongly request for the reconsideration of the NAM proposals for upcoming negotiations in this cluster including the idea of having a legal committee to monitor compliance of SPs with the Code of Conduct and their respective mandate. We believe that self-regulating mechanism violates the principles of independence and impartiality as far accountability of Special Procedure is concerned.

We would like also to raise our concern over selective approach taken in some introduced proposals in terms of IBP provisions that could lead to the weakening of the efficiency and credibility of the mechanism. Proposals like encouraging SPs to draw the Council's to situations and urgent preventive and proactive action and giving binding nature for the Special Procedure's recommendations are vivid examples of that kind.

We persist on having exclusive reliance on UN regular budget funding for SPs. Any voluntary contributions should be made to OHCHR in the form of non-earmarked resources, subject to public disclosure,

On the Complaints Procedure

We maintain that the confidentiality must remain the fundamental principle of the complaint procedure and its non-duplication with other human rights mechanisms must be strictly upheld. The intergovernmental filter provided by WG on Situations is of outmost importance and should be preserved. We emphasize the need for ensuring strict adherence to the admissibility criteria while rejecting proposals entailing any form of direct reporting to the Council by the WG on Communication .

On Agenda and Framework of a Program of work

We support the proposal made by the facilitator which provide a fine-tuned agenda and program of work. We maintain that more time allocation through de-clustering the ID with Special procedures and a more rational allocation of the time of the Council could help having a more efficient Council. Of course there are some possible grounds to make the proposal well-organized that could be a subject for more negotiations.

On the Methods of Work and Rules of Procedures

We consider that the Appendix presented by the facilitator is not part of the Compilation and cannot be deliberated during this Working Group.

We strongly believe that the Council has already efficient mechanisms available to deal with emergency situations, therefore introducing any additional mechanism to deal with emergency situations such as triggering or sort of automatic mechanisms and giving a role to the High Commissioner to draw the attention of the President of the HRC to emergency situations will not gain our support.

We decided that the work of the Council will be guided by the principles of, among others, constructive dialogue and cooperation. Therefore we always insisted that country specific resolutions should not be tabled and adopted without the consent of the country concerned. At the same time, as NAM proposed, we supported the proposal that country mandates should be established by applying a two-thirds majority in the Council. We note with concern that the both proposals are not reflected in the Compilation,

We are of the view that intergovernmental nature of the council's work should be upheld therefore the President and the bureau should maintain their organizational and procedural role. We also retain our position that the issue of the relationship between HRC and OHCHR is of furthest importance and should be remain in negotiation process.

Finally, we are of the view that Outcome Document of the review process in Geneva would be a negotiated document and would be formally forwarded to General Assembly by the Human Rights Council, similar to the HRC resolution 5/1,