



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Check against Delivery

Statement by Mr. Walid Abu-Haya
Permanent Mission of Israel
To the United Nations, Geneva

Human Rights Council Review
Second Session of the Open-Ended Working Group
Universal Periodic Review

17 February 2011

Thank you.

Mr. President,

As it is the first time I take the floor after the distribution of the Negotiating Text, I would like to begin with a general comment before I offer my delegation's views on the Universal Periodic Review portion of the text.

We find it incumbent upon ourselves to reiterate our disappointment expressed on 7 February during the opening day of the second session of the Open-ended working group on the Human Rights Council review. We approached this exercise with an open mind in the hope that the Council would take a good look at itself, and in good faith, accept that it has failed to adhere to its mandate under resolution 60/251 which established this Council.

The Human Rights Council has a fundamental obligation to ensure its work and functioning falls in line with its mandate – an obligation it has not yet fulfilled. As the review process slowly comes to a close we can now see the Council has refused to fix what needs to be fixed. It has sidestepped its mandate in favor of the politicization of human rights which will, in the end, continue to discredit this Council; a result that is seemingly desirable to many delegations sitting here today.

We understand the Negotiating Text was formed on the basis of facilitators' contributions and we believe that as it now stands, the text falls short of the aim to strengthen the work and functioning of this Council. However, as we have continuously strived to set the work of the Council in line with its mandate we will continue to engage in the negotiations of the text.

Mr. President,

In the understanding that the language of the Negotiating Text will be further revised and clarified over the course of negotiations, I will use this time to touch upon the relevant paragraphs that have the highest of priority for my delegation.

B. Periodicity and order of the review

3) We believe that some language within the Negotiating Text predetermines the outcome of the negotiations. Therefore we reserve our position on paragraphs such as paragraph 3 of section B which are based upon the assumption that two sessions of the Council will be held per year. The periodicity and timing of the sessions remain to be negotiated.

4) The order of the review established for the first cycle of the review shall be maintained for the second and subsequent cycles. Paragraph 4: This provision entails revising Section C (8) of the IB package which reads "All member States of the Council shall be reviewed during the term of their membership." I would like to recall that under operative paragraph 8 of resolution 60/251 the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and contributions made thereto shall be taken into account before any such state is elected as a member of the Council. Therefore the human rights situation in a country should most fittingly be considered during its membership in the Council.

C. Process and modalities of review

7) The second and subsequent cycles of the review should focus, inter alia, on

- a) The follow-up and implementation of the outcome of the preceding cycle, including, as appropriate, the technical and financial assistance received
- b) The developments of the human rights situation in the State under review since its preceding review

We hold the position that the language in Section C paragraph 7, inclusive of both subsections a) and b), must be broadened to ensure the time scope under which the human rights situation in any State under Review (SuR) is to be considered may not be limited in any manner. During the UPR process States, and other stakeholders, must be able to comment upon human rights record of the SuR regardless of whether a state accepted, rejected or noted recommendations.

15) The modalities for establishing a list of speakers shall ensure the principles of universality, equal treatment and transparency. Such modalities are defined in Appendix I. With regard to paragraph 15, we strongly support the proposed modalities for the list of speakers in the second, and following, cycles of the UPR.

And lastly Mr. President, Israel would like to recall here that the first cycle saw a practice by some States to approach the UPR process with an aim to seek to hinder the process rather than improve the situation on the ground. These States, including Member States of the Council, politicized their responses to particular recommendations, and in some cases, summarily rejected recommendations under vague terms clearly misrepresenting international law and/or the recommendations submitted by states. Further these States made a mockery of the UPR process by proffering only non constructive praise of "friendly states" during their respective reviews in an attempt to shield the State under Review (SuR) from world criticism.

In this regard, Israel proposes to include a new paragraph before paragraph 17 of Section D, entitled "Outcome of the Review" which would read:

“A recommendation and the response of a State thereto must fall in line with the object and purpose of the UN Charter, the language of resolution 60/251 and the principles and objectives contained within the Annex to resolution 5/1.”

I thank you.