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Statement

by

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before

The 3rd Session of the Human Rights Council

on the

***“Progress Report of the Working Group to Develop the Modalities of
the Universal periodic Review”***

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In the Name of God the Compassionate the Merciful

Mr. President,

At the outset allow me to express my appreciation to the commendable work that has been done by Ambassador of Morocco Mr. Loulichki, facilitator of the Working Group on the UPR. The preliminary conclusions and the summary of the discussion provide us a clear framework of the new mechanism requirements and enlightening details of the different options and views as well.

Mr. President,

Our views on various elements of the UPR have already been defined under different titles of the recent session of the Working Group. However, we wish to present our interim views on the preliminary conclusion of the Facilitator. We believe some elements in this text require further negotiations.

Terms of Reference

The GA resolution 60/251 acknowledges that the UPR mechanism should review the fulfillment of each state of its human rights obligations and commitments. In this regard, we believe that the UPR should be applicable to the actions of States both within and outside of their national borders. We have our doubts about the inclusion of international customary law, ~~international~~ ~~international~~, as there are different interpretations of what these are as the basis of review.

Objectives and Guiding Principles

The main objective of the UPR should be the elimination of the political selectivity that undermined the credibility of the former CHR. It is not to assume the function of a tribunal. Rather it is meant to be a cooperative mechanism based on interactive dialogue with full involvement of the country concerned. Balance treatment of both set of human rights including right to development; different level of development as well as national, cultural and religious specificities and full involvement of country under review, in our view, are critical principles and objectives in developing of the new mechanism.

Periodicity

In order to avoid selectivity and politicization, the clear criteria need to be adjusted for order of review. The members of the Council should go under review during their term of membership. The period between review cycles should be reasonable so as to take into account the capacity of States to prepare for review. We do not support the proposal for sub – committees or chambers conducting review.

The process and modalities

The UPR should be conducted by the plenary of the Council so as to ensure ~~minimum~~ transparency. The States should be informed of the review reasonably in advance in order to enable adequate preparation at the national level. The states should be the primary source of information for review.

Conducting of the review

The review dialogue should be conducted in public and open to the participation of all stakeholders in an open and transparent manner. However, member states and observers would be responsible for the conducting the review. Observer States should be able to participate in interactive dialogue.

In order to create an effective but labour – intensive and less costly, the review should be based on the results of a comprehensive, standardized, simple and objective questioners could be prepared by the Council. The core review should be either responses to questionnaire or report prepared by the State concerned. The reports of treaty bodies as well as information from thematic special procedures could be used as additional information.

Outcome and Follow up

The efficiency of the UPR will depend on concrete outcome and follow – up. The Human rights Council will make recommendations on country under review to be adopted by consensus. The outcome of the UPR should have the same format for all reviewed States. The outcome could also reflect the areas of agreement for capacity – building and technical assistance or voluntary measures to implement the recommendations. Space for genuine interactive dialogue with state concerned at the final stages of the process is needed. The States views and responses should be reflected in the outcome. The country under review would have to be fully involved in the preparation and adoption of the outcome. We see some merit in consolidating all UPR reports into a global report.

~~A country representative or a task force which comprised of the Human Rights Council member might be appointed for each and every country. Members of the task force should be elected based on equitable geographical distribution.~~

Finally, we believe the Council should avoid the experiences which undermined the CHR such as establishment of sanctions or other similar measures which would ultimately lead to confrontation, double standard and politicization, thus being contrary to the cooperative nature of the UPR.

Thank You