

Progress report of WG on the Universal Periodic Review  
(December 4, 2006)

Statement by India

Mr. President,

We thank the Ambassador of Morocco for his progress report and preliminary conclusions which correctly reflect the discussion held in the framework of the Working Group on the Universal Periodic Review. While we have been able to identify some areas of convergence, what is most striking is the variety of views that have been expressed on each of the six main elements identified by the facilitator. This has been an enriching experience for us and we look forward to continuing our discussion with a view to developing a UPR mechanism which will be supported by all. At this stage, my delegation would like to share some thoughts about the way we look at the ongoing process for developing the UPR mechanism.

Mr. President,

While developing the modalities of a mechanism, it is essential for us to be clear about the objective that we seek to achieve through that mechanism. As we read carefully through the preliminary conclusions, we notice two separate viewpoints with regard to the main objective of the UPR. The first viewpoint would like the UPR to be a mechanism for identification of cases of human rights violations by the States and suggesting appropriate remedial measures. This viewpoint focuses solely on the violators of human rights and appears to be based the presumption that States would, in general, not be inclined to take additional measures or develop cooperation with the international community for the promotion and protection of human rights, unless they risk a public censure.

The second viewpoint, and this is what we support, envisages the UPR to be a cooperative exercise and not a confrontational one. It is based on the presumption that majority of the States are committed to the promotion and protection of human rights of their peoples. However, often the States are unable to fulfil their human rights obligations and commitments due to the lack of capacity and would willingly take necessary remedial measures should they be provided with requisite technical assistance and with some positive persuasion by the peers.

Naturally, the next question that we may expect from the supporter of the first viewpoint is that what happens to the violators or States that do not cooperate. Well, the Council has other mechanisms to deal with such cases. We are in the process of developing a new complaint mechanism and there is an emerging consensus that the complaint mechanism should focus on addressing situations where there is a consistent pattern of gross and reliably attested violations. The Council also has the possibility of holding Special Sessions to address situations requiring its urgent attention and our experience in the first six months shows that the Council is not averse to using this mechanism frequently, if required.

Mr. President, as far as UPR is concerned, our focus should be on that large majority of States which are sincere in their efforts to constructively cooperate with the Council. We should use this mechanism to review human rights situations in countries in a positive manner with the objective of identifying areas for cooperation. It could also serve as a useful forum for exchanging best practices and identifying specific options for technical cooperation.

Finally, Mr. President, a few words on how such an approach would relate to the work of the treaty bodies, particularly with reference to the principle of complementarity. By focusing on identifying specific areas for cooperation and supporting their implementation by providing requisite resources, the UPR will go one step ahead of where treaty bodies stop. Secondly, we envisage the UPR to be a peer review mechanism which would be different from the review by treaty bodies comprising experts.

Thank you.