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PERMANENT MISSION OF INDIA TO THE UN, GENEVA

**HUMAN RIGHTS COUNCIL
13TH SESSION (01-26 Mar 2010)**

**AGENDA ITEM 6: Consideration of UPR Report of Cyprus
(17th Mar 2010)**

Statement by India

Mr. President,

We warmly welcome the delegation of Cyprus led by Her Excellency Ms. Leda Koursoumba, Law Commissioner, and would like to make the following three observations with regard to the Universal Periodic Review (UPR) of Cyprus held on 30th November 2009:

- a) First, we are all aware that the State Under Review decided *not* to be present at the time of the adoption of the report of its UPR by the Working Group on 4 December 2009. Without any prejudice to this position taken by the State Under Review, or the reasons thereof, we believe that we failed in our collective responsibility to ensure that things did not come to such a pass. Further, the Council should have allowed more time for consultations before the adoption of the report by the Working Group. The Council, after all, had four additional clear working days available for this purpose;
- b) Second, it is our view that the adoption of the UPR report by the Working Group in the *absence* of the State Under Review has set a difficult precedent with wide-ranging implications. To the extent that paragraph 28 of the Institution-Building Package is explicit in stating that the “country under review *should* be fully involved in the outcome”, the obligations of the Report *on* the State Under Review, adopted by the Working Group in the *absence* of the State Under Review, are unclear. Nor is the validity of the adoption of the report under such circumstances clear to us. This general concern holds regardless of whether or not the absentee State Under Review *subsequently* decides to accept the UPR outcome;
- c) Finally, Mr. President, while we respect and value the principle of freedom of expression during the interactive dialogue under the UPR, it is equally important to emphasise that such freedom has to be exercised *specifically* and *only* within

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the ambit and purpose of the UPR, i.e. the human rights situation in the State Under Review. At the same time, it has to be in strict conformity with the principles laid down in paragraph 3 of the Institution-Building (IB) Package of the Council. Any derogation from this, in the interactive dialogue, could lead, in our view, to attendant unfortunate implications. In other words, we would advocate strict adherence to the letter and spirit of the IB package and co-operation from all concerned to ensure that such derogations do not occur in the future.

Thank you, Mr. President.
