

AS DELIVERED

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

**HUMAN RIGHTS COUNCIL
13TH SESSION (1-26 Mar 2010)**

**AGENDA ITEM 6: General Debate
(19th Mar 2010)**

Statement by India

Mr. President,

The Universal Periodic Review (UPR) has been acknowledged as one of the most important mechanisms of the Human Rights Council and as a significant achievement of the Council. We commend the effort that has been made by all the participating States to make it a success, as also the support that it has received from the OHCHR and the civil society. We would like to make a few observations on the UPR:

- a) First, the continuing problem relating to the determination of the speakers' list for the UPR needs to be resolved expeditiously. We appreciate the various proposals that have been put forward and would prefer that, in view of the constraints, the Council take a decision on these proposals rather than waiting for an *ideal* solution. Unless the overall duration of the UPR is expanded, it would be difficult to have a solution that would satisfy everybody. We understand that any adoption of a new procedure for speakers list for the next UPR session would have an element of inequity, in that a different procedure would have been followed for states that have *already* been reviewed. However, to the extent that a decision to adopt a new procedure would be a *collective* decision by the Council, this limitation can be overcome. Also, we are cognizant of the inherent limitation of some of the proposals that have an inbuilt element of chance. However, we would all be equally affected by it and have, as sovereign states, already accepted the element of chance in other modalities, as, for instance, in the drawing of the list of the troika members. On our part, we are willing to support the latest proposal that has been put forward and would also be willing to look at any other proposal that might be offered;
- b) Second, as stated explicitly in paragraph 2.1 of President's Statement 8/PRST/1, the interactive dialogue of the UPR exercise takes place solely in the UPR

Working Group. To this extent, we would hope that states refrain from making fresh recommendations or reinforcing existing recommendations at the time of adoption of the Working Group report in the plenary session;

- c) Third, with regard to the recommendations themselves, we would like to join other delegations which have expressed concerns earlier too on their proliferation, and the need for adopting more uniform terminology, both with regard to precision in the language of the recommendations, and the grounds cited by the State Under Review for not accepting some of them;
- d) Fourth, as we are now past the mid-point of the first cycle, it would be useful, particularly in the context of the review of the functioning of the Council, to focus on the second cycle of the UPR, and look at ways in which we look at the recommendations accepted and not implemented, whether we should continue to make fresh recommendations, or review the implementation of the accepted ones, or a combination of both. We need to consider the different aspects of these questions as we move towards the second cycle;
- e) Finally, Mr President, we would like to reiterate our request made earlier on the need to adhere to both the letter and spirit of the Institution-Building Package of the Council and co-operation from all concerned for a smooth conduct of the UPR process.

Thank you, Mr. President.
