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**General Comments by Pakistan on behalf of the OIC Member States on the Compilation of Contribution in the context of the facilitation and coordinating processes on the review of the work and functioning of the Human Rights Council during the 2nd Inter-governmental Working Group on the review of the work and functioning of the Council
(Geneva, 7th February 2011)**

Thank Mr. President

I have the honour to make this statement on behalf of the Member States of the Organization of Islamic Conference. The OIC Member States fully subscribe to the statement made by Egypt on behalf of the NAM.

At the outset, the OIC Member States would like to express their sincere gratitude and appreciation to the President, five facilitators and Coordinator and their delegations for their tireless efforts in building convergences and narrowing down differences on a number of issues linked with the review of the Council.

Mr. President

Pursuant to OP16 of GA resolution 60/251, the Council was mandated to review the work and functioning of the Council. The OIC Member States since the beginning of the review process have underscored the need to undertake this exercise as a "fine-tuning" exercise and not an overhaul exercise. Simply following the principle - if it's not broken, don't fix it.

The OIC Member States also stressed on the need to ensure that the work of the Council is guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation. We also reaffirm the need to govern this review process by the rule of consensus.

Mr. President

The OIC Member States has taken note of the Compilation of Contributions presented by the facilitators on the last Thursday and would like to offer general comments on the Compilation of Contributions;

- 1) we believe that the Compilation of Contributions ~~is merely a compilation~~ *is merely a compilation. We call on you to take all comments today into account when developing the President's Paper.*
- 2) we emphasize our understanding that an "Appendix" to "Work Methods and Rules of Procedure" is not part of the Compilation and cannot be deliberated during this Working Group,
- 3) despite repeated calls by different quarters including the OIC to reflect only those proposals in the compilation on which consensus is likely, we note with concern that even those proposals were added which were categorically opposed by a number of regional and political groups,

note with concern that even those proposals were added which were categorically opposed by a number of regional and political groups,

- 4) we note with concern that contribution by the Coordinator is not incorporated in the Compilation,
- 5) we are committed in addressing the issue of the relationship between the Council and the OHCHR during this review-exercise,

- 6) we are of the view that Outcome Document of the review process in Geneva would be a negotiated document and would be formally forwarded to General Assembly by the Human Rights Council, similar to the HRC resolution 5/1,
- 7) Compilation has selectively reaffirmed the IB text as well as attempts were made to amend the IB text. It stands contrary to our basic understanding that the IB text will not be tampered with,
- 8) there is need to apply uniformed methodology across the clusters of the review in order to have a balanced Outcome Document,
- 9) UPR Plenary sessions will be convened only for the adoption of the UPR Working Group reports, while General Debate on Agenda Item 6 will be held in the regular sessions,
- 10) Paragraph 16 in the UPR cluster suggests that the modalities for establishing the list of speakers will be adopted by the 18th session of the Human Rights Council. Here a reference is made to "the maximum extent possible". It is difficult proposition to follow at the later stage so we suggest that the modalities must ensure the principles of universality, equal treatment and transparency,
- 11) there is a need for elaborating modalities for the early operationalization of the UPR Voluntary Trust Fund as well as the Voluntary Fund for Financial and Technical Assistance,
- 12) by institutionalizing the implementation plan for the outcome of reviews, we would be adding additional burden on States having limited resources and capacities,
- 13) the second cycle will focus on the follow-up of only those recommendations which were accepted by the State under Review during the first cycle,
- 14) the Special procedures are appointed by the Council to undertake specialized tasks that fall in their respective mandates. Accordingly, they report the Council on mandated tasks on an annual basis. We do not support their enhanced role as envisaged in paragraph 5 of the cluster pertaining to "Special Procedures",

- 15) text pertaining to cooperation with the Special Procedures in the "Special Procedures" cluster is one-sided and primarily calls States to take a number of actions,
- 16) we have repeatedly explained our stance that self-regulating mechanism violates the principles of independence and impartiality as far accountability of Special Procedure is concerned. Therefore, we insist on establishing an independent body such as the Legal Committee on Compliance with the Code of Conduct,
- 17) we do not support any extra-budgetary funding to support the work of special procedures. Instead, we insist on having exclusive reliance on UN regular budget funding. Any voluntary contributions should be made to OHCHR in the form of non-earmarked resources, subject to public disclosure,
- 18) we insist on placing all Special Procedures on equal footing. In this regard, the OHCHR should provide information on the financial resources used by mandate holders in the form of "expenditure report" annexed to their annual reports,
- 19) we don't see any role of the Consultative Group in selection of the members of the Advisory Committee. Since the Advisory Committee deals with a variety of subjects, the States can nominate suitable candidates. On the contrary, the Consultative Group has a limited facts available through standard bio-data.
- 20) as far the Complaint Procedure is concerned, we emphasize that non-duplication with other human rights mechanisms must be strictly upheld. Therefore, we do not support the text in paragraph 13 in the cluster of "compliant procedure",
- 21) Paragraph in the cluster of "Complaint Procedure" suggests that the Working Group on Situations will provide summary to the President of the Council on the activities undertaken by the Working Group. We are of the view that such report will not add any value in this process as well as stands contrary to the procedural role President is required to play in the Council's proceedings,
- 22) there are ample tools available at present to deal with all types of situations including emergency situations. Therefore, we oppose any additional mechanism to trigger discussion in the Council formally or informally,
- 23) we remain adamant about upholding the inter-governmental nature of the Council's work and functioning,
- 24) if any urgent situation of human rights emerges in the course of a regular session, it can be discussed by adjusting the Programme of Work. Such adjustment to the PoW can be made only on the basis of extensive consultations conducted by the President of the Council,

25) we decided that the work of the Council will be guided by the principles of, among others, constructive international dialogue and cooperation. Therefore we always insisted that country specific resolutions should not be tabled and adopted without the consent of the country concerned. At the same time, as NAM proposed, we supported the proposal that country mandates should be established by applying a two-thirds majority in the Council. We note with concern that the both proposals are not reflected in the Compilation,

26) we support establishment of an Office of the President. In this regard, we would like to underscore the need to finalize the modalities through an inter-governmental process,

27) we need further discussion on the participation of stakeholders through videoconferencing,

28) we also need further clarification on proposals to establish a couple of taskforces i.e. composition, mandate, outcome, etc.

In conclusion, Mr. President, the OIC Member States stand ready to remain engaged with all interested delegations on this review exercise. We also express our full confidence in your leadership of this review process as well as our commitment to support you to reach a consensus outcome.

We once again thank all Facilitators for their contribution to the review process.

I thank you.