



*Permanent Mission of*  
**Malaysia**  
*to the United Nations*

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**Statement by H.E. Mr. Hamidon Ali**  
**Permanent Representative of Malaysia to the United Nations**  
**at the Informal Consultations of the Plenary**  
**(on the mandates, modalities and functions of the Human Rights Council)**  
***New York, Tuesday, 18 October 2005***

Mr. President,

1. I wish to take this opportunity to offer Malaysia's own perspectives and views to the debate on this very important issue of the mandates, modalities and functions of the proposed Human Rights Council.

2. At the outset, I would like to reaffirm that Malaysia attaches significant importance to the promotion and protection of human rights and are committed to fulfil its obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the United Nations Charter, other instruments relating to human rights and international law.

Mr. President,

3. The mandates, modalities and functions of the Human Rights Council should be governed by the purposes and principles of the UN Charter, the Universal Declaration on Human Rights, the Vienna Declaration and Programme of Action, other instruments relating to human rights, and international law.

4. Malaysia believes that the mandates, modalities and functions of the Human Rights Council should pay particular attention to the following key issues:

- The promotion and protection of human rights and fundamental freedoms must be addressed within the global context through a constructive, dialogue based approach, in a fair and equal manner, with objectivity, respect for national integrity and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency as the guiding principles. It is also necessary to take into account the political, historical, social, religious and cultural characteristics of each country.

- The Human Rights Council should be a subsidiary organ of the General Assembly and not a principal organ. It could operate like the CHR with sessional meetings and could convene intersessional meetings when and as necessary.
- The human rights agenda of the UN should be addressed in a fair and balanced manner, taking into account in particular the need to ensure equal attention and treatment of both civil and political rights as well as economic, social and cultural rights, including the right to development, which should remain a question of great importance not only to the developing countries. Similarly, adequate attention should also be given to poverty, under-development, marginalisation, instability and foreign occupation issues that engender social and economic exclusion and violation of human dignity and human rights. These issues cannot be divorced from any meaningful discussion relating to human rights.
- The Human Rights Council should be devoid of any exploitation of human rights issues for political purposes. In particular, the Council should move away from the “naming and shaming” of States. We do not need a Council that acts like a courthouse, putting countries on trial and imposing judgments. The Council should avoid applying double or multiple standards and selective targeting of individual countries for extraneous considerations. Such approaches, which are contrary to the principles and purposes of the UN Charter, have obstructed the Commission on Human Rights from fulfilling its role effectively and objectively, and must not be allowed to have a place in the Council.
- The Human Rights Council should adopt a more humanitarian, constructive and cooperative approach. To do this, it should place more emphasis on capacity-building, cooperation and providing technical assistance to Member States in fulfilling their obligations in the promotion and protection of human rights.

Mr. President,

5. We feel that the concept of peer review needs further clarification and elaboration to enable member states to have a clearer understanding of the role and function of such mechanism. As a preliminary view, we believe the peer review should be a mechanism for constructive engagement and dialogue, aimed at encouraging and providing incentives and assistance for further progress in implementation of obligations by the State under review. A “peer review” should not be used as an enforcement mechanism. Nor should it be applied on a selective basis.

6. Pending further clarification on the mechanism, Malaysia, at this point, is still not convinced that the “peer review” would be a viable mechanism. On the practical side, my delegation foresees that such a mechanism would face a daunting logistical challenge in making an objective evaluation of each Member State’s fulfilment of obligations in the human rights field. There are still many uncertainties surrounding the options and modalities, including with respect to how the peer review process will be carried out, the duration required for a review of a Member State, and what specific areas would be looked into.

7. Finally, Mr. President, I wish to reiterate Malaysia’s commitment to provide its fullest cooperation to you and the Co-Chairs in ensuring a successful outcome of our deliberations towards achieving agreement on all the aspects of the Human Rights Council. I am equally confident that you will take the comments and suggestions of my delegation into consideration.

Thank you.