



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 16 NOVEMBER 2015

CHECK AGAINST DELIVERY

GENERAL ASSEMBLY

ITEM 65: REPORT OF THE HUMAN RIGHTS COUNCIL

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER, PERMANENT REPRESENTATIVE

Mr. President

I thank the President of the Human Rights Council for presenting the Council's report. We consider it highly important to have a dynamic relationship between the Council and the General Assembly, as both organs are entrusted with the promotion and protection of human rights. Regular communication and coordination are thus essential. We appreciate the regular visits of President Ruecker to New York and hope that his example will be followed by others. The Council is looking back at a very busy and largely successful year. Increasing workload and overlap with work done in New York are challenges that require our attention. But I wish to focus on some of the most important achievements of the Council during the reporting period.

Mr. President

The Council's decision to support national accountability efforts in Sri Lanka for crimes committed during the civil war was an important signal for survivors in that country. It also illustrated the Council's role in promoting accountability for gross and systematic human rights violations, in particular when carried out as attacks on civilian populations. National judiciaries always have primary responsibility to investigate and prosecute. International criminal justice, in particular the International Criminal Court, only comes into play when domestic efforts fail, or are not even tried. The proposed hybrid mechanism

– under national leadership, but with an international component – requires a strong commitment by the Government of Sri Lanka to bring justice to the victims of the war, to strengthen its judiciary in a sustainable manner. It will be a lengthy and possibly difficult process that will need the Council's sustained attention. We thank High Commissioner Zeid Ra'ad al Hussein for his leadership in this process. Accountability for the worst crimes under international law is important, but we should never delude ourselves into believing that there can be true compensation for such crimes. Preventing them from occurring in the first place is our real duty and challenge. We therefore welcome the fact that 106 States have joined the Code of Conduct on Security Council action against genocide, crimes against humanity and war crimes. We look forward to having more States join this important political commitment. We will continue to make this a yardstick in our decision on who we would like to see serve on the Security Council, but also the Human Rights Council. Following its launch on 23 October, the Code of Conduct is now ready to be applied in practice, with Burundi being the first major challenge in this regard.

Mr. President,

In July, the Human Rights Council appointed the first ever Special Rapporteur on the right to privacy. Safeguarding privacy in the digital era is one of the big human rights challenges of our time. It is also an area where the Human Rights Council can have a real impact, in particular by helping to clarify where to draw the line for States' interference with this right. Clearly, the mere fact that the rapid development of information and communication technologies has made it easier than ever to collect personal data is not a sufficient reason to lower our standards of protection. Digital surveillance can play a useful role in law enforcement, but it must at all times respect proportionality and be subject to judicial review, including remedies for affected individuals. This should also be key message for the review of the implementation of the outcome of the World Summit on the Information Society – human rights must be protected both online and offline. The ICCPR requires that we extend such protection without discrimination based on nationality or citizenship - and also that States respect these rights no matter where they actively interfere with them: be it on their own territory, abroad, or in cyberspace.

Mr. President,

The Council has continued to make progress on the question of the death penalty. In particular, the resolution addressed the relationship between the death penalty and the absolute prohibition of torture and of inhuman, degrading or cruel treatment or punishment. On this question, the Secretary-General has recently clearly stated¹ that “In the light of the evolution of international human rights law and jurisprudence and State practice, the imposition of the death penalty is incompatible with [...] the prohibition of torture or other cruel, inhuman or degrading treatment or punishment.” This is the logical next step after the finding of the Special Rapporteur that there is no categorical evidence of any method of execution currently in use complying with this absolute prohibition in every case². The Human Rights Council and the General Assembly should be able to follow this logic and make similar statements in the future. There may be no full international consensus on the death penalty yet, but are strongly encouraged by the steady positive trend towards abolition worldwide.

Mr. President,

Last but not least I would like to raise the issue of resolution 24/24 on ending reprisals against individuals or groups cooperating with the United Nations. This resolution still awaits implementation, despite the fact that there are no longer any legal or practical obstacles in the way. Threats to human rights defenders worldwide is are increasing at an alarming pace. These courageous individuals provide a key contribution to one of the three pillars of the United Nations –the promotion of respect for human rights and fundamental freedoms. This organization therefore has a moral duty to help protect them. Resolution 24/24 must therefore be implemented without any further delay, and in a manner that finds wide political support.

I thank you.

¹ A/HRC/30/18 paragraph 55

² A/67/279 paragraph 41