

ITEM 68 B:
**HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE
EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

STATEMENT

BY

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TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. Chairman,

More than five years ago, the General Assembly established the Human Rights Council (HRC) to address and overcome the structural and political shortcomings of the Commission of Human Rights. We also decided that, five years into its establishment, there was a need to review the status of the Council as well as its work and functioning. We believe that this review should serve as an opportunity to fine-tune and optimize current processes and mechanisms, enable us to make further changes that may be necessary in the future and building upon the positives in the work of the Council on which everybody seems to agree. With regard to the Council's status we share the view of most delegations that elevating the Council to a principal body of the UN is not, at this time, the best way forward – if for no other reason than simply due to the fact that this would involve a set of amendments of the UN Charter. At the same time, there is room and indeed need for substantial improvement in the efficiency and coherence of the relationship of the Council with the General Assembly, in particular with its Third and Fifth Committees. Well-known inconsistencies in dealing with the report of the Council and the provision of adequate and timely funding for the Council's decisions should therefore be part of the review. On these issues close coordination between the Geneva and the New York chapter of the review will be necessary. An inclusive and transparent working relationship between the two chapters is already operational. With regard to the work and functioning of the Council we hope that the Geneva Working Group on the review of the work and functioning of the Council that is currently meeting for the first time will lead to a fruitful and constructive dialogue. A successful review process would significantly strengthen the governance of the UN in this field and thus make a substantial contribution to an overall goal of this GA session.

Mr. Chair,

One of the unkept promises going back to the days of the establishment of the Council is the need to focus on implementation. Year after year, the debate under this agenda item reveals the glaring gap between international human rights standards and their

implementation. In this Committee, in the HRC and elsewhere we undertake extensive efforts to work on resolutions and legal frameworks to address human rights violations, but we do not invest the same effort in applying what we agree on. The HRC and its monitoring mechanisms, including the special procedure system and the Universal Periodic Review (UPR) are essential for our work on implementation – as is the work of the treaty bodies.

The Geneva Working Group on the HRC Review is currently discussing the modalities of the second round of the UPR. The success of the UPR system will crucially depend on the manner in which recommendations are implemented by States under review and the way in which States discuss and follow-up on such implementation. The universality of the UPR and the level-playing field it creates must continue to be applied and reinforced, in particular in States' response to recommendations resulting from the UPR. States under Review rejecting recommendations should explain the underlying reasons and rejections in general should not preclude proper follow-up on the issue at hand. We favor the submission of an interim report, possibly oral, on current progress in the implementation of the recommendations.

Mr. Chair,

We regret that the work of the Special Procedure mechanisms is often subject to criticism and controversy. The independence of the Special Procedure Mechanisms cannot be put into question due to simple disagreement with their findings. Full independence in their work and priority setting is indispensable to ensure the high-quality work, which make the special procedures such an important feature of the UN human rights machinery. At the same time, we must continue to ensure that the best professionals can and will be chosen as mandate holders. Predictable and adequate funding is an important element in this respect.

Mr. Chairman,

States Parties to international human rights treaties have a legal obligation to cooperate with the treaty bodies, in particular by providing periodic reports on the implementation of treaty provisions. In practice, however, States Parties display a serious lack of discipline in carrying out their reporting obligations. At present, over 1000 reports are overdue. Furthermore, some reports fall short of the reporting guidelines, thus rendering the dialogue between treaty bodies and the States Parties less meaningful. Again, we are convinced that States Parties have a genuine self-interest in cooperating effectively with treaty bodies and that the treaty body work can contribute to concrete national policy improvements. At the same time, the work of almost all treaty bodies suffers from a massive backlog in the consideration of reports, and improvement in their working methods are needed. Some positive measures have been introduced, such as the practice of focused follow-up reports and the consideration of reports in parallel chambers both of which are cost-efficient and contribute to the quality of the dialogue at the same time.

I thank you.