

UN GENERAL ASSEMBLY – THIRD COMMITTEE

ITEM 69 (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. Chairperson

The agenda item we are about to discuss offers the possibility of a general outlook at our human rights work within the organization – the combined performance of the Office of the High Commissioner for Human Rights and the intergovernmental bodies, in particular the Human Rights Council. More than four years after its establishment, we are getting ready for an important stock-taking exercise that will result in a review of the Council in 2011. We must begin thinking about the modalities of such a review quite soon now – while more time will be required to do justice to some of the workings of the Council, in particular the Universal Periodic Review. In our work on the establishment of the Human Rights Council, we had set ourselves a number of overarching goals – the effective implementation of human rights standards and a improved culture of dialogue between States were chief among them. Against this background, the performance of the Council - while certainly also of the General Assembly – gives reason for concern.

Mr. Chairman

The gap between the impressive framework of internationally agreed human rights standards and their implementation remains the biggest problem and the biggest challenge in our work. We have been talking for many years now about focusing on the implementation of existing standards, instead of developing new ones. The reality of our work, however, does not reflect that promise. Of course, the Office of the High Commissioner has significantly developed its activities in the area of capacity-building and technical assistance, and its field presence has had a notable direct impact in selected parts of the world. But we can hardly speak of a quantum leap, and a quantum leap is what is really needed. And this is where we have to look at the performance of the intergovernmental bodies – and by implication of course at the review of the Human Rights Council

Mr. Chairperson

We all agreed at the World Conference on Human Rights in Vienna that the promotion and protection of human rights is the primary responsibility of States, while at the same time a legitimate concern of the international community as a whole. That statement must be our point of departure to work on implementation: Where States are willing, but not in a position to implement their human rights obligation, we have an obligation to assist them. Where States are unwilling to take their obligations seriously, we must act collectively to ensure the promotion and protection of basic human rights. The **universal periodic review mechanism** (UPR) – designed to be universal, transparent, objective and non-selective - is the most important new mechanism of the HRC -meant to monitor the human rights records of *all* UN member States, but also to help assess needs of capacity-building and technical assistance. We welcome the fact that States have generally taken this new mechanism very seriously and have often underlined that by sending high-level delegations and engaging openly in a constructive dialogue in the framework of the UPR. The first cycle of reviews only ends in 2011, and a final assessment is certainly impossible at this time. Nevertheless, we must wonder whether the UPR will be able to fulfill the high expectations and to meet the goals we had in mind when creating it. In order for it to play the desired role in the area of implementation, the system must certainly be better linked to other aspects of the work of the Council and in particular to the work of the treaty bodies. But the Council also has the competence to address situations of systematic violations of human rights which have little to do with the capacities of the State in question to promote and protect human rights. In this area, the Council continues to have a very poor and one-sided record, notwithstanding the ease with which special sessions can be convened. In this connection, we wish to recall the central role of the system of **special procedures** which allows both an in-depth consideration of specific topics and country situations and is thus an indispensable element of our human rights work. Their status and role was addressed in the framework of the institution-building package, and the need for their independence in discharging their mandate

played a central role in the relevant deliberations. In this respect, we simply want to recall what the Secretary-General stated in front of the International Court of Justice “In the absence of complete independence, human rights mandate-holders and special rapporteurs would hesitate to speak out against and report violations of international human rights standards.”

Mr. Chairperson,

Finally, we believe that addressing the relationship between the Third Committee and the Human Rights Council is a much-needed part of the review that we will undertake. We have never been able to find an agreement on a division of work that fully respects the terms of resolution 60/251, avoids duplication and enables us to effectively carry out our human rights work. Instead, the approach has been arbitrary and inconsistent and marred by sometimes absurd infighting over these procedural issues. If we are serious about the role of this still young human rights body, we must in particular respect its capacity to make autonomous decisions – also in the cases where we may disagree with them. It must give us pause for thought if the head of an investigation established by the Human Rights Council expresses the view that the follow-up to the report should have its primary place in the Security Council of the United Nations. This indeed is not what we had in mind when resolution 60/251 was adopted. But at the same time, we are afraid that the action taken by the Human Rights Council in the actual follow-up to the report proved the point of those who did not believe it should be considered there in the first place.

I thank you.