



PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN
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Implementation of human rights instruments

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LIECHTENSTEIN

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Since our last debate under this item a year ago the treaty body system has been further enlarged through the creation of the Subcommittee on Prevention of Torture and the adoption of two new human rights treaties which provide for the future establishment of two additional treaty bodies. On the other hand, the Human Rights Council has adopted resolution 5/1 on institution-building, including the universal periodic review mechanism. While there is still quite some uncertainty regarding its concrete functioning, there is no doubt that the Universal Periodic Review will present both opportunities and challenges for the treaty bodies. One of the challenges will be the input of treaty bodies for the compilation of information which will form the basis of the review. Given the restricted amount of such information, treaty bodies will have to prioritize relevant recommendations so as to ensure that the main human rights concerns in the country under consideration are appropriately reflected. For such input, close cooperation between the treaty bodies will therefore be essential, in particular in cases where the country under consideration has ratified a high number of treaties and engaged in regular dialogues with the treaty bodies. For the same reason frequent coordination will also be important between treaty bodies and special procedures, not only in preparation of the review but also for its follow-up.

In addition, ways and means to manage conflicts and divergences that might arise with regard to the findings of the special procedures and the treaty bodies and the conclusions of the review should also be considered. It goes without saying that this can only be done on the basis of a clear distinction between the two systems and the reaffirmation of the independent and legal character of the treaty body review. In order to further strengthen this independence, an improved process of nomination and selection of treaty body members should be envisaged. Some guidance might be found in the system which the Human Rights Council has designed in view of the selection of independent mandate holders for its special mechanisms.

We commend the treaty bodies for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas for harmonization. And we welcome all efforts to explore such measures in cooperation with States Parties, such as the expert meeting organized in Berlin in May this year. We continue to believe that such issues could also be usefully discussed at meetings of States Parties. The treaty bodies have shown an open-mindedness towards improving their working methods which contrasts largely with the attitude of other UN bodies where there is a clear need for similar reform. We welcome in particular those measures which try to address the problem of non-reporting and the lack of effective follow-up to concluding observations and to views on individual complaints. There is room for further improvement, and we continue to support additional harmonization and coordination of the working methods of the treaty bodies that fully respect the relevant treaty provisions. Such practical measures that do not require any amendments to the relevant human rights treaties are far more important than ambitious, but at this point unrealistic attempts to radically reduce the number of treaty bodies. In this context, we welcome the proposal that the inter-committee meeting take place twice a year. This will become even more important following the establishment of two new treaty bodies and the expected increase of ratifications and reporting in the wake of the Universal Periodic Review of the Human Rights Council, as it can facilitate the establishment of a strong and cooperative partnership with the Human Rights Council.

Liechtenstein has been a long-standing supporter of treaty body reform and hosted two expert meetings on this issue in the last few years. We continue to believe that the treaty body system is one of the most important achievements of United Nations human rights work and that the UN membership must have a keen interest in ensuring that this system does not fall victim to the ever increasing number of treaty ratifications. It is useful to keep the discussion on treaty body reform as technical as it is. To that end, we must in particular find a clear delineation of the independent expert work of treaty bodies from the intergovernmental Universal Periodic Review. The decision at the World Summit 2005 to create the Human Rights Council was indeed meant to strengthen the UN human rights machinery. We will therefore have to avoid that its review mechanisms hamper the effectiveness of the treaty bodies.