



**MISSION PERMANENTE DE LA SUISSE
AUPRÈS DES NATIONS UNIES**

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**61^{ème} session de l'Assemblée générale
3ème Commission**

Point 67b de l'ordre du jour

Questions relatives aux droits de l'homme

**Déclaration
de
Natalie Kohli
Deuxième Secrétaire**

Check against delivery

**61st session of the General Assembly
Third Committee**

Item 67b

Questions relating to human rights

**Statement
by
Natalie Kohli
Second Secretary**

New York, le 18 octobre 2006

Mr President,

Since the first session of the United Nations Human Rights Council in June of this year, the question of respect for human rights has been constantly discussed on the multilateral scene. Two ordinary sessions and two extraordinary sessions of the Council have taken place in the space of a few months. We are now in the midst of work for the General Assembly Third Committee, and on 27 November the second ordinary session of the Council will resume.

This ongoing work is an additional burden for the delegations, the capitals, but also and above all for the NGOs and civil society. However, it also demonstrates that there is now a greater focus on human rights. Switzerland remains convinced that dealing with human rights on an almost permanent basis gives greater flexibility to the system as a whole. In this way we can ensure a gradual approach and regular follow-up of the subjects discussed, in particular urgent issues and serious violations of human rights.

The question of the relation between the 3rd Committee of the General Assembly and the Human Rights Council, in particular the distribution of labour between these two organs, remains unresolved. As the Council is going through a phase of institutional consolidation, we believe that it is still too early to give a definite answer. An appropriate balance between the two organs need to be found in order to avoid duplications and to make the system as effective and as credible as possible in its mission of promoting and protecting human rights throughout the world. Moreover, the double presentation of the reports of the special procedures before the Council and before the 3rd Committee with a space of some weeks between them is a duplication of effort. In the future we should consider other solutions.

GA Resolution 60/251 establishes the following points of contact between the Council and the General Assembly:

- The recommendations by the Council on the development of international law ;
- The annual report that the Council submits to the General Assembly.

Furthermore, Res. 60/251 foresees that the Council makes recommendations with regard to the promotion and protection of human rights.

Given that we are now in a transitional phase, we believe that the compromise proposal presented by the delegation of the Philippines, which envisages a mixed allocation between the Plenary and the Third Committee, correctly and sensitively reflects the interactions

between the Council and the General Assembly. However, it should be borne in mind and stressed that the Council has the autonomy to adopt certain decisions and recommendations and to take initiatives for which the approval of the General Assembly is not required.

Mr President,

A question which concerns us in New York and in Geneva is that of how to deal with country situations. We must address country situations. Not to do so would be incomprehensible and dangerous. However, in the framework of our reform efforts, we would like to change the manner in which the country situations are treated. Preference should be given to a cooperative approach, with a view to strengthening the national protection systems. Resolution 60/251 de l'AG provides us with an extensive list of instruments that the Council can use to respond in a gradual manner to specific situations. The universal periodic review is one such instrument but not the only one. The country situations that are dealt with outside the framework of this review should involve several stages of discussions, with different results for each stage.

The first discussions could lead to initial recommendations, while a second phase of more substantive discussions could (if necessary) lead to the drafting for example of specific recommendations on technical cooperation. The Council should have recourse to the review and the adoption of condemnatory resolutions only as a last resort and in situations where the government concerned does not display any wish to cooperate. An additional instrument that is available to us in urgent situations is that of special sessions. Even in the framework of such special sessions, it is imperative that dialogue and the principle of good faith should be maintained. Special sessions should examine the totality of violations committed, without selectivity, in a manner that is balanced and based on the law. A rights-based approach should at all times guide our efforts to promote and to protect human rights.

We are aware that further reflection is required in order to establish a system and a practice that suits us all. This reflection should be carried out in a constructive spirit and with a desire to achieve real change. It is precisely this spirit which inspired the drafting and the adoption of GA resolution 60/251.

Thank you for your attention.

