

Check against delivery

Human Rights Committee  
127<sup>th</sup> Session  
14 October – 8 November 2019



Opening statement by  
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Representative of the Secretary General

Geneva, Palais Wilson  
Monday, 14 October 2019, 10.00 a.m.

Distinguished Members of the Committee,

Ladies and Gentlemen,

On behalf of the Secretary-General of the United Nations, I would like to welcome you to the one hundred and twenty-seventh session of the Human Rights Committee. I would like to begin by welcoming our new colleague, Dina Rossbacher, who joined us as the Chief of the Petitions Section at the beginning of October. Dina has extensive experience in OHCHR, most recently working in the Office of the Director for the Human Rights Council and Treaties Division and also with the Human Rights Council. I wish her all the best in her important role.

Allow me to begin with three updates from the September session of the Human Rights Council of interest to your work.

First, the High Commissioner, focusing her remarks at the Council's opening on climate change, referred to your landmark decision in *Portillo Caceres v. Paraguay* – a case in which several people became ill, and one died, due to uncontrolled and unlimited use of pesticides. She highlighted that this was the first time a treaty body had so clearly found that a State's failure to protect against environmental harm may violate its obligations regarding the rights to life, privacy, and family life. This important decision sets a precedent in establishing that States have obligations under international human rights law to conduct investigations into similar environmental harms; sanction those responsible; and provide reparations to victims.

The second issue I wish to refer to concerns the adoption of the resolution on the death penalty. Importantly, the resolution makes reference to the Committee's interpretations as articulated in your general comment on the right to life. It notes that the term "the most serious crimes" must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. It also notes that abolitionist States parties to the Covenant are barred from reintroducing it, and it calls on States parties that are not yet totally

abolitionist to eradicate the death penalty, de facto and de jure, in the foreseeable future.

Of particular interest, Singapore, on behalf of Botswana, Brunei and Egypt, tabled an amendment to add a new paragraph ‘affirming that the general comments adopted by the treaty bodies are not legally binding on States parties, and do not constitute binding interpretations of treaties’. The proposal was defeated, albeit narrowly, by 23 votes to 18 with five abstentions, avoiding such a clear questioning of the value of general comments.

Finally, it is also relevant to note that the Council reaffirmed the right of everyone to unhindered access to international bodies, including treaty bodies, and condemned acts of intimidation and reprisals, giving important political support to your work in responding to and preventing acts of reprisals in accordance with the San José Guidelines.

*Distinguished Members,*

I would now like to share some information with you related to the 2020 Review of the treaty body system. A key issue providing context to this review is the current funding crisis confronting the UN system. The threat to cancel the treaty body sessions for the latter part of 2019 has been overcome, thanks in large part to the coordinated response from treaty bodies, the High Commissioner and the Secretary-General.

However, the overall cash flow situation remains critical as does the significant shortfall in staffing of the Treaties Branch. The situation for 2020 and beyond – whether in relation to funding of sessions or staffing - is uncertain. In this regard, the Office is aware of the challenges facing this Committee, particularly in relation to petitions. This underscores the importance of seizing the opportunity of the 2020 Review to bring as much stability and resourcing to the treaty body system as possible.

In this spirit, the treaty body chairpersons’ common vision on the treaty body system as well as the non-Paper coordinated by Costa Rica have both referred to the need to address the resource gap as a

priority. The High Commissioner, in turn, has welcomed the vision of the Treaty Body Chairs, most recently before the Human Rights Council. In particular, she has highlighted the review as an opportunity to strengthen the impact of the Committees' deliberations on the ground, including through streamlining and harmonizing procedures. This should be encouraging for this Committee, which has already taken innovative steps by moving in 2020 to a predictable review cycle, with an eight-year calendar with the view to improving predictability in reporting and to ensure regular reporting by all States parties, in line with resolution 68/268.

*Distinguished Members,*

You have a very busy session ahead of you, you will be reviewing six State party reports, considering individual communications, including in dual chambers, adopting lists of issues and continuing with the first reading of the draft general comment 37 on article 21, the right of peaceful assembly. You will also hold several meetings with key stakeholders in the reporting procedure as well as side events related to your work.

I wish you a very productive session.

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