



Statement by His Excellency Archbishop Ivan Jurkovič Permanent Observer of the Holy See  
to the United Nations and Other International Organizations in Geneva  
at the informal consultations on the process of review of the State of UN Human Rights Treaty  
Body System

*Concluding observations and recommendations, including their follow up*  
*Geneva, 2 September 2020*

Excellencies,

The Delegation of the Holy See believes that the Concluding Observations of each human rights treaty body should reflect accurately the interactive dialogue with the State Parties “bearing in mind the specificity of the respective committees and of their mandates, as well as the views of State parties” in accordance with operative paragraph 6 of A/RES/68/268.

In drafting their Concluding Observations, the human rights treaty bodies should also respect fully the rules of interpretation of human rights treaties as codified in the 1969 Vienna Convention on the Law of Treaties, in particular arts. 31 and 32. Any attempt at changing the extent or content of a State Party’s obligations without its consent would deny the value of its ratification.

It merits repeating that treaty bodies are not judicial organs, their members are not judges and their procedures differ greatly from judicial proceedings. Moreover, in the past, some of the treaty bodies’ recommendations seem to have departed from the basic principles of public international law. It is indispensable to ensure the consistency of treaty bodies’ outcomes with general international law and, in particular, with treaty law.

My Delegation is concerned by the fact that General Comments are often described, if not also considered and even invoked, as giving an authoritative interpretation of the relevant treaties. It should be recalled, however, that human rights treaties set forth, in carefully negotiated language, the obligations that State Parties have voluntarily undertaken. Thus, it is not within the treaty bodies’ mandate to provide an authoritative or dynamic interpretation of their constitutive instruments nor to introduce concepts not found in those treaties. Human rights treaties must be interpreted strictly, pursuant to the rules of interpretation codified in the 1969 Vienna Convention on the Law of Treaties. Any interpretation that goes beyond the text of treaty is null and void and would be detrimental if not also counter-productive to the application of the treaty itself.

Thank you, Excellencies.