

ICJ statement on Preamble- Third draft

The International Commission of Jurists welcomes the Third Revised draft of a LBI. It calls all states and stakeholders to focus now on the negotiation of the text in front of us. This is not the time to look at alternative models, but at alternative language to each specific provisions.

The ICJ has provided the Chairmanship and its Secretariat with a copy of its commentaries to the Third revised draft with suggestions of alternative language. We will be referring to that document in our interventions.

The preamble of a legally binding instrument is important to offer guidance and context for the correct interpretation and application of the treaty provisions. It is therefore crucial that it contains the necessary elements in a proper language. The changes contained in the preamble are generally positive and strengthen the text, but references to international instruments should be limited to those of highest importance and relevance such as international treaties and declarations.

There should be a proper reference to all the principal core human rights treaties, including their substantive protocols, and relevant labour rights ILO Conventions in the preamble.

And conventions should be separate from declarations and other recommendatory instruments.

A reference to the "UN Basic Principles and Guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law, adopted by consensus at the UN General Assembly which is influential in the draft treaty's articles 4, 5 and 7, in PP3

In PP4, there should be recognition of the "status of the child as a subject of rights with evolving capacities" after reference to men and women. This should not be controversial, given that almost all States are party to the UN Convention on the Rights of the Child

Thank you!