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Human Rights Council 18th Session



Opening Statement by

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United Nations High Commissioner for Human Rights

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Mr. President,

Distinguished Members of the Human Rights Council,

Excellencies,

Ladies and Gentlemen,

We open this 18th session of the Human Rights Council against the background of towering human rights challenges, such as the food emergency in the Horn of Africa and fears of a new global recession which have prompted unrest and street protest in countries around the world.

FOOD CRISIS

The dire emergency in the Horn of Africa is both the product of devastating natural phenomena, and the failure of governments—individually and collectively—to meet their preventive and remedial human rights obligations. These include the responsibility of effective governance, and human rights-based international cooperation. Further, there is no doubt that the deliberate obstruction of human rights and humanitarian work has exacerbated already desperate conditions.

The spiralling effects of the crisis are now engulfing the Horn of Africa where as many as 750,000 lives may be at risk. A denial of the right to food undermines the right to health, thus ultimately putting at risk the most fundamental of all human rights, that is, the right to life.

While ensuring people in need are fed today, efforts should also be devoted to long-term sustainability. We need to confront crises involving acute shortages of the means of survival as human rights emergencies requiring a human rights response. Good governance, human rights and the rule of law, as well as international cooperation, must therefore be at the heart of any sustainable solution.

ECONOMIC WOES

Ladies and Gentlemen,

Let me briefly discuss the effects on human rights of some States' sovereign debt crises and the consequent sharp decline of the stock market which threaten to produce another global economic recession. As the debt crisis unfolds across Europe, America and elsewhere, we are witnessing a wave of drastic social cuts, and a worrying trend of legal reforms to contain budget deficits. Many of these legal and policy changes are being adopted mainly in response to market pressures and carry the risk of potential retrogressions in the levels of achievement of economic, social and cultural rights.

Yet, it is imperative that we examine and address the potential repercussions of economic upheavals on those people who are already living in precarious and marginalized situations, such as women and children, minorities, indigenous peoples and people with disabilities. We know that when the economic going gets rough, it is the poor who bear the brunt of crises. These are the groups and individuals who are entitled to protection and safety nets, not those private actors who, in the first instance, were instrumental in stoking financial and economic unrest.

I am also concerned about the situation of the young who regard the markets' convulsions and the faulty economic policies of their governments as a direct threat to their enjoyment of human rights, including the right to work. Young protestors have asserted that their lives and hopes must matter at least as much as the interests of those power centers that have effectively mortgaged the welfare of future generations.

All Member States must consider that austerity measures alone may not work to address economic woes. Human rights issues including education, employment, and in general the opportunity of a life in dignity, as well as transparency, accountability, and good governance must not be neglected.

REMEMBRANCE AND ACTION

Distinguished Members of the Human Rights Council,

Yesterday we commemorated the tragic events of September 11, 2001. We joined in remembrance of the victims of the attacks against the United States, as well as of all people across the world killed or injured by terrorists, who hold human rights in contempt.

Last month, terrorists struck again, targeting our UN colleagues and many innocent bystanders in Abuja. This latest attack was a tragic reminder that we must address and counter all manifestations of intolerance and violence.

In this context, let me note that the countermeasures adopted by States to combat terrorism have frequently been designed with insufficient regard to human rights. This has all too often led to an erosion of rights and fostered a culture of diffidence and discrimination which, in turn, perpetuates cycles of violence and retribution.

Sri Lanka is one such case. For three decades, not only has that country suffered the brutal effects of terrorist acts, but the response of successive governments over the years has undermined independent institutions, human rights and the rule of law. I note the President's decision to allow some emergency measures to lapse, but strongly urge the Government to follow up with a comprehensive review of all security-related legislation and detentions.

Similarly, in Afghanistan, Iraq, and Pakistan the killing of civilians by opponents, as well as by governmental and international forces engaged in counter-terrorism operations, continues to be a major concern. In these countries, as elsewhere, the protection of civilians must be a paramount priority.

Excellencies,

We must also be mindful that intolerance exists in all societies in forms less glaring and with an impact less visible than terrorism, but with consequences just as tragic. Everywhere, in countries rich and poor, in times of peace or times of strife, intolerance exacts a heavy toll in the daily lives of victims who all too often remain below the radar of public attention.

If left unaddressed, or addressed in ways contrary to human rights, intolerance spreads the seeds of distrust among diverse communities and may ultimately jeopardize their peaceful coexistence.

To counter the escalation of prejudice predicated on ethnic, national or religious divides, my Office is undertaking a number of activities, including a series of expert workshops that are designed to help ensure compliance of the prohibition of incitement to hatred in full respect of freedom of expression as protected by international human rights law. Three expert workshops have already been held in Vienna, Nairobi and Bangkok, with the final event taking place next month in Santiago de Chile. This initiative builds on the work of the human rights mechanisms and on the core human rights instruments.

Allow me to take this opportunity to remind you that on 22 September, world leaders will have a high-profile opportunity to galvanize the fight against intolerance as they meet to commemorate the 10th anniversary of the adoption of the Durban Declaration and Programme of Action (DDPA) to combat racism, racial discrimination, xenophobia and related intolerance. In many countries, the framework and process set forth by the DDPA have been instrumental in improving conditions for vulnerable groups. But implementation of commitments is still far from satisfactory. I call on governments to do more to meet their obligations.

This tenth anniversary coincides with the International Year for People of African Descent, which reminds us about the importance of the victims-oriented approach in the Durban Declaration and Programme of Action. In this regard, specific recommendations have been formulated to combat discrimination against people on the basis of various forms of descent and work, indigenous people, migrants, refugees, minorities, the Roma and other groups.

This year we also celebrate the 50th anniversary of the Convention on the Reduction of Statelessness and the 60th anniversary of the 1951 Convention relating to the Status of Refugees. Last December, we commemorated the 10th anniversary of the Migrant Workers Convention. These instruments provide protection to these particularly vulnerable groups. I call on States to ratify and effectively implement these international treaties.

Marginalization and exclusion, compounded by the activities of organised criminal organisations, foster an atmosphere of extreme insecurity and abuse, and make it increasingly difficult for States to protect their populations. In many countries, and especially in Latin America, criminal violence surpasses the violence caused by internal conflicts. This, in turn,

breeds further marginalisation and intolerance of those sectors of the population who are viewed as the causes of violence and insecurity but from whose ranks most of the victims come. This issue was a focus of my visit to Mexico in July.

CLAIMING RIGHTS AND ESTABLISHING ACCOUNTABILITY

The protest movements in the Middle East, North Africa and elsewhere showed unequivocally that economic, social and cultural rights, as well as the right to development matter to people as much as political and civil rights. I wish to draw your attention to a recent report by the International Labour Organisation. This report establishes a direct link between the popular uprisings in that region and exacerbated poverty, unemployment, inequality and exclusion, which themselves are the result of a long-term deficit of democratic governance, essential freedom and social dialogue.

I believe that the thematic panel to be held on 14th September to mark the 25th anniversary of the UN Declaration on the Right to Development will enlighten us all and enhance the understanding on how to best respond to this complex demand for rights and assist populations around the world.

In some countries in the Middle East and North Africa, protests have resulted in the dawn of new, democratic political orders, based on human rights and the rule of law. Yet, the road to democracy may not be as easy as we would all wish for.

I welcome the Republic of South Sudan as the newest member of the United Nations. With the assistance of the international community, South Sudan has an opportunity to build a democratic and prosperous country that is based on the rule of law, good governance and human rights. In this context, I urge the new nation to ratify the core international human rights treaties and create the normative framework that will protect human rights. I am deeply concerned about inter-communal violence in which reportedly scores of civilians died. Human rights defenders and even United Nations staff in South Sudan are also at risk. I denounced the arrest and beating by police of my representative in the country, and have called for an investigation into this deplorable treatment.

I also underscore my concern about the stand-off between the Sudan Armed Forces and the Sudan People's Liberation Army-North in the state of South Kordofan, and the flare up of violence which has now spread to the neighbouring border state of Blue Nile. I published a report which described a wide range violations of international criminal law and international humanitarian law which are alleged to have taken place since fighting broke out in South Kordofan in the beginning of June this year. I have strongly recommended the establishment of an International Commission of Inquiry into these incidents. I urge the Government of Sudan to pay heed to this recommendation and allow the deployment of human rights observers to monitor the situation on the ground.

In all regions and all countries, the daunting and long-term process of state-building requires concerted efforts to make transitions successful. To that effect, accountable, transparent institutions of governance that are respectful of people's rights must be established. Impunity must end, and accountability for past human rights violations must be ensured so that the abusive past does not undermine hard-won gains and future progress.

Accountability also requires bona fide efforts to establish the facts and a level playing field where different views and perspectives can be represented. In this context, I welcome the dialogue between the Government of Malawi and civil society organisations which the UN facilitated. This initiative comes in response to the July demonstrations against deteriorating economic conditions, fuel shortages and increasing political repression during which reportedly at least 19 people were killed. I also welcome the proposal to set up a national Commission of Inquiry into the killings and hope that these investigations will be transparent and impartial, with a view to hold perpetrators to account.

HUMAN RIGHTS LEADERSHIP, PREVENTION AND ADVOCACY

Distinguished Members of the Human Rights Council,

The Human Rights Council has led global calls for accountability for gross violations of human rights and serious violations of international humanitarian law through its creation and dispatch of international commissions of inquiry, including to the Libyan Arab Jamahiriya, the Syrian Arab Republic and Côte d'Ivoire.

I also wish to commend the advocacy of Special Procedures mandate holders in helping to foster and build this historic human rights momentum in many countries. Regrettably, some governments persist in refusing to grant access to these experts, or hamper their independent on-the-ground assessment of the human rights situation, or continue to victimise the human rights defenders who collaborate with them. The Secretary-General's report on "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights" to be presented before this session of the Human Rights Council illustrates that intimidation and reprisals are ongoing. I support his call to stop this unacceptable practice as a matter of priority and for the Council to get to the bottom of this matter.

The increased attention that the Security Council is paying to human rights is also to be noted. This is a recognition that human rights are at the heart of peace, development, and security and must be kept at the centre of the international community's agenda. I recently had the opportunity to brief its members about the situations in Libya, Syria and Sudan. I will refer to the situation in Libya in a moment. With regard to Syria, let me note that, according to reliable sources on the ground, the number of those killed since the onset of the unrest in mid-March 2011 in that country, has now reached at least 2,600.

While crucial, the recourse to UN mechanisms and forums to ascertain circumstances and responsibilities for human rights violations is no panacea. Prevention, I am sure we all agree, is a smarter course of action than pasting together hasty responses once a crisis erupts.

I underscore that both the immediate and long-term protection of civilians in situations of violence must be the focus of our collective efforts. Gaps between initiatives by the HRC and realities on the ground need to be kept in sharp focus and addressed.

Further, more attention needs to be paid to the situation of human rights in areas which, for various reasons, are controlled by de facto authorities. Protection gaps in such areas are often acute and access is often denied. OHCHR's work with de facto authorities on human rights issues does not amount to their legitimisation. Human rights are about the protection of the vulnerable, and promotion and protection of human rights for all people everywhere is the mandate of my Office and of this Council.

THE FRAGILITY OF TRANSITIONS

Leadership in human rights requires a particular and sustained focus on situations still undetermined where the old governing guard has been challenged but not yet ousted or replaced. In Yemen, protestors calling for greater freedoms, an end to corruption and respect for the rule of law are being caught in an increasingly violent struggle for power. Hundreds have been killed and thousands have been injured. Information collected by an OHCHR Assessment Mission indicated that those seeking to achieve or retain power have deliberately sought to punish and cause severe hardship to the civilian population, including by cutting off vital access to basic services such as electricity, fuel and water.

And in Libya, emerging reports of brutal violations, including mass summary executions and disappearances are extremely alarming. Also of great concern is the safety of migrants in Libya, in particular those from other African countries. We are advocating for the protection of civilians to be at the centre of any UN response in the immediate future.

In situations of transition or unrest, restraint must be observed. I call on all those in positions of authority to take steps to prevent the commission of crimes or acts of revenge, and for other concerned parties to strongly refrain from undertaking any acts of retribution. Justice cannot be meted out summarily. Rather, it must be delivered, whether through national judicial mechanisms or international mechanisms, in accordance with human rights principles and the rule of law.

In all transitioning countries the primary responsibility for taking steps that can ensure a successful outcome rests with the transitioning authorities. But the international community should stand ready to support them in these efforts. For its part, OHCHR has considerable

expertise to offer, including in the field of transitional justice. Presently, OHCHR is assisting Burundi, Côte d'Ivoire, Guinea and Togo in the operation or establishing of truth and reconciliation commissions. In our dialogue with concerned governments, we insist on the independence of justice from truth and reconciliation processes, on the importance of broad national consultations, and on the need to exclude amnesties for the authors of international crimes. We look forward to working closely with all stakeholders to make progress everywhere a solid reality.

Let me conclude by reporting the high level of responses by UN country teams to the recent survey on human rights mainstreaming that shows a strong demand for human rights and UN expertise both on the part of Governments and civil society across the world. On all human rights issues, I count on the support of Member States to ensure that my Office is properly resourced to meet this growing demand for human rights protection.

The results of human rights activism are manifest. Indeed, the constituencies for human rights are growing and expanding. Expectations that the UN will fully play its part are high. We must not disappoint them.