

Human Rights Council 20th Session



Opening Statement by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

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Madame President,
Distinguished Members of the Human Rights Council,
Excellencies,
Colleagues and Friends,

Once again we are meeting against a backdrop of crises around the globe. Economic strife continues to devastate lives and livelihoods across the world; political upheaval persists in countries large and small, prompting action by civil society; and humanitarian disasters present obstacles to peoples' exercise of their human rights in far too many places. This Council has deliberated and acted on some of these crises and I am confident will do so during this session. This backdrop also continues to define my Office's work, and reminds us of the duty we owe towards those suffering across the world.

Let me begin by expressing my sincere gratitude to the General Assembly for appointing me for a second term and, of course, for the Secretary-General for his proposal. I am honoured by this decision and the support which you have shown me over the past four years. I will continue to work under a sense of obligation to the cause of human rights; to all the world's peoples, whom you represent; and human rights victims everywhere.

The situation in Syria continues to deteriorate, and the suffering of civilians has increased significantly. The escalating violence has limited the ability of the UN Supervision Mission in Syria to carry out its mandate and as a result UNSMIS had to suspend its operation on 15 June. This suspension comes while innocent civilians are being killed every day, but the situation is posing also significant risk to UN observers who are now locked down and not patrolling. This follows daily attacks on their convoys seeking to access towns and villages in Syria, including the town of al Haffa on 12 June, to document grave human rights violations. All violations of the human rights of the Syrian people at the hands of all parties to the conflict must end. The Government of Syria should immediately cease the use of heavy armaments and shelling of populated areas, as such actions amount to crimes against humanity and possible war crimes. I also urge the international community to overcome divisions and work to end the violence and human rights violations to which the people of Syria have been subjected. We must also make our utmost possible efforts to ensure accountability for all perpetrators, including those who have attacked UN observers in Syria.

Ladies and Gentlemen,

Two days from now, thousands of participants from Governments, civil society and the private sector will gather in Rio de Janeiro at the UN Conference on Sustainable Development. I will also attend this landmark event, as requested by this Council at your last session, in order to promote a human rights perspective during its deliberations. I sent a letter to all Permanent Missions on 30 March 2012, appealing to Member States to integrate key human rights considerations into the Rio +20 Outcome Document.

At Rio, Member States should commit to ensuring full coherence between efforts to advance the green economy, and their solemn human rights obligations. They should recognize that all policies and measures adopted to advance sustainable development must be firmly grounded in, and respectful of, all internationally agreed human rights and fundamental freedoms, including the right to development. Particular care must be taken to prevent and remedy any negative impact the outcome might have on the human rights of vulnerable and marginalized groups, including indigenous peoples, minorities, migrants, persons living in poverty, older persons, persons with disabilities, and children.

Bearing in mind the immense tasks confronting the Rio Conference, it is important to recall the cross-cutting nature of human rights. Whether we are talking about peace and security, development, humanitarian action, the struggle against terrorism, climate change, or the environment, these challenges cannot be addressed in isolation from human rights. Through chairing and coordinating the work of the UN Development Group's Human Rights Mainstreaming Mechanism, OHCHR has continued to play a leading role in strengthening system-wide efforts to integrate human rights in UN operational activities for development. In that sense, human rights should be a milestone in the quadrennial comprehensive policy review and guide our common efforts to shape the post 2015 development agenda. And through our engagement with the Inter-Agency Standing Committee, we strive equally to integrate human rights in humanitarian action.

Let me now address my thematic priorities. My Office continues to emphasize the human rights dimension of migration, which is increasing at a time of worldwide financial and economic crises. In preparation for the High Level Dialogue on International Migration and Development of the General Assembly in 2013, OHCHR organized a panel discussion on the issue of migration, racism and discrimination in New York. As an active member of the Global Migration Group, the Office has mainstreamed a human rights approach to migration through the activities of the GMG for the forthcoming Global Forum on Migration and Development in Mauritius, to be held in November later this year.

The persistence of poverty and wide disparities across regions and within countries continue to present a formidable human rights challenge that has sparked the events of the Arab Spring and civil society mobilizations across the world. Against this backdrop, the imperative to respect, protect and fulfil economic, social and cultural rights acquires even greater urgency, in order to respond to genuine demands of people across the globe. I have thus reminded governments and international institutions that health care, education, housing, and access to justice, are not commodities for sale to the few. Rather, they are rights, guaranteed by international law, to everyone, everywhere, without discrimination. Our vision of a post 2015 world should be based on a balanced development framework that reflects at its core the full range of international human rights standards as well as principles of equality, participation, accountability, non-discrimination, empowerment and the rule of law.

In the areas of accountability and the rule of law, and in particular in the area of transitional justice, I am pleased to report that the Togolese Truth, Justice and Reconciliation Commission, to which my Office provided support, presented its final report in April 2012. OHCHR, together with the Human Rights Section of the UN Office in Côte d'Ivoire, is providing support to the Dialogue, Truth and Reconciliation Commission of Côte d'Ivoire. We are continuing our engagement with the Government of Burundi over the establishment of a truth and reconciliation commission, and supporting transitional justice efforts in Tunisia, Libya and Yemen. My Office in Colombia has continued to assist in the implementation of the landmark Law on Victims and Restitution of Land. On 3 July, in New York, my Office will convene a global panel on the death penalty bearing in mind that approximately one-quarter of UN Member States are still imposing the death penalty.

In line with the General Assembly's Global Counter-Terrorism Strategy and Human Rights Council resolution 19/19, OHCHR is developing a project on human rights training for law enforcement officials involved in counter-terrorism activities. We also continue to develop good practice guidelines on fair trial and due process rights in the context of counterterrorism efforts.

Contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance underscore the importance of the work that my Office is undertaking to counter discrimination. I note with satisfaction the growing number of Member States requesting OHCHR's advice and technical assistance in the development of their national action plans against racism. We

are currently providing such assistance to Benin, Burkina Faso, Bolivia, Costa Rica, Guinea, Nigeria, and Uruguay and are getting engaged with additional countries on such co-operation.

In 2012, we are marking the 20th anniversary of the UN Declaration on Minorities. Advancing minority rights and combatting discrimination must engage the entire UN system, and the Secretary-General has tasked my Office to convene a new UN Network on Racial Discrimination and Protection of Minorities, which met for the first time in May. We are also stepping up our work on the rights of indigenous peoples; the implementation of the first country projects supported by the UN Indigenous Peoples Partnership Initiative, co-chaired by OHCHR and managed with agency partners and indigenous experts is underway.

OHCHR is working with countries towards the adoption of legislation which enshrine women's human rights, and the implementation of strategies for their realization. During this Council session, the annual day of discussion on women's human rights will focus on reparations for violence against women, and women human rights defenders. My Office has continued to promote gender-sensitive, culturally appropriate, reparations for women victims of violence, including conflict-related sexual violence. In the Democratic Republic of the Congo, my Office is about to conduct four pilot initiatives to provide assistance to victims of sexual violence.

Late last year, OHCHR produced an analytical report, with a first-ever easy to read version, and organized a panel on the right of persons with disabilities to political participation, underscoring the scope of the prohibition of discrimination on the basis of disability in the enjoyment of political rights, including the right to vote. OHCHR played a significant role in giving more visibility to the human rights of older persons, through its co-chairing role in the Secretariat of the Open-Ended Working Group on the Human Rights of Older Persons, and through devoting its annual ECOSOC report to this issue.

As Security Council mandates have placed increasing focus on issues of human rights, OHCHR has worked together with the Department of Peacekeeping Operation, the Department of Political Affairs and the Department of Field Support to strengthen human rights in relations to the UN peace and security agenda. The joint policy on the integration of human rights in peace operations and special political missions, which came into effect in September 2011, has proved to be an essential tool to strengthen the ability of missions to deliver on human rights mandates and respond to human rights violations and crises. OHCHR has recently provided human rights induction to the 300 UNSMIS Military Observers deployed to Syria to enhance their capacity, inter alia, to support monitoring of the human rights aspects of the Special Envoy's six-point action plan.

Excellencies,

Since the military coup in Mali, the security and human rights situation have significantly deteriorated in the whole Sahel region. Human rights abuses and the disruption of basic services in the North of Mali have led to massive displacement towards the south and neighbouring countries, exacerbating the severe humanitarian crisis in Mali, Burkina Faso, Chad, Mauritania and Niger. The insecurity and difficulties in accessing affected populations severely hamper efforts to address the humanitarian and human rights situation. In April, the Deputy High Commissioner visited Chad and Niger, where human rights challenges related to the food crisis and the security threats figured prominently.

The human rights situation in Eritrea is a matter of deep concern. Credible sources indicate that violations of human rights include arbitrary detention, torture, summary executions, forced labour, forced conscriptions, and restrictions to freedoms of movement, expression, assembly and religion. There are an estimated 5,000 to 10,000 political prisoners. In January, I wrote to the Government seeking to explore avenues to assist it in addressing their human rights challenges and to

that end offered to send a mission. After a meeting with a Government delegation in March, and further to their request, my Office provided a list of potential areas of cooperation that the proposed mission could discuss with the Government, and asked for the mission to be facilitated before June. To date, the Government has not replied to this proposal. I call on the Eritrean authorities to cooperate fully with international and regional human rights mechanisms, and renew my call for full cooperation with OHCHR.

On 11 May, in Mogadishu, OHCHR and the United Nations Political Office for Somalia signed a Memorandum of Understanding with the Transitional Federal Government on technical cooperation, in line with Council resolution 17/25 of 2011, which requested OHCHR to enhance its technical assistance to Somalia in follow-up to the UPR. I take note of the Istanbul Declaration of 1 June, which acknowledges the importance of human rights protection in the Somalia context.

The situation in the DPRK remains of serious concern particularly the issue of political prison camps, public executions and the persisting food shortage. I call on the DPRK authorities to allow access to independent experts and organizations to the country. I also urge neighbouring countries to respect the principle of *non-refoulement* as there are reports of DPRK citizens forced to return to their country after seeking international protection.

In compliance with the expressions of the Government of Nepal, OHCHR has closed its office in the country. I am concerned about the political crisis which Nepal is experiencing and about the potential resurgence of violence in this context. I urge the political parties and stakeholders to preserve what they have built since the end of the conflict in 2006, and move forward the Constitution-making process.

The dramatic increase in violence against journalists in several countries in Latin America over the past months, is disturbing, with some Governments facing difficulties in providing them protection. In Mexico, for instance, six journalists have been killed within a 30-day period between April and May. Similar concerns may be expressed regarding such acts being committed in Honduras.

There appears to be a disturbing recurrence of incidents of racism, racial discrimination and xenophobia in a number of European countries, not least in the context of football competitions.

I am concerned about laws and bills restricting freedom of expression and assembly for LGBT persons and groups, for example in Ukraine, Moldova, and the Russian Federation, as well as repeated high-level expressions of homophobia exacerbating the situation.

I am also troubled by the recent major legislative changes in Hungary as they apply, inter alia, to the independence of the judiciary and the freedom of the media.

Moves to restrict freedom of assembly in many parts of the world continue to alarm me. In the context of student protests, I am disappointed by the new legislation passed in Quebec that restricts their rights to freedom of association and of peaceful assembly.

And during this serious economic and financial crisis, we must all be highly sensitive to the possible negative repercussions on the human rights of individuals. Austerity policies have led to drastic budget cuts, which have particularly and disproportionately affected the most vulnerable, such as persons with disabilities. Governments must ensure the protection of the most vulnerable as a high priority when seeking responses to this economic and financial crisis.

I will now provide some highlights from missions which the Deputy High Commissioner, Assistant Secretary-General Simonovic and I conducted since the last session of the Council.

In March, barely two months after the inauguration of the Government of Otto Perez Molina, I visited Guatemala. The country has made significant strides in the fight against impunity. I wish to commend the courage of the Attorney-General in the prosecution of sensitive cases, including of past human rights violations and organized crime. Significant efforts are still required to address persisting human rights issues, particularly inequalities and widespread violence and insecurity.

In April, I conducted a mission to Barbados, noting the investments made towards the achievement of economic, social and cultural rights, and the Government's commitment to abolishing the death penalty. I invited the authorities to continue addressing outstanding challenges, particularly regarding discrimination, domestic violence and human trafficking.

The many challenges faced by the newest Member State, South Sudan, are significant. Governance is weak and impunity prevails, particularly among the security forces. Robust institutions are required to overcome these critical gaps. Persistent inter-communal violence has had a devastating impact particularly as the capacity of the State to overcome this phenomenon remains limited. I was encouraged by the Government's commitment to address human rights issues. I wish to commend the work of the UN Mission in South Sudan, whose role is critical to support the Government and the people of South Sudan.

My visit to Zimbabwe, in May, was the first by a High Commissioner for Human Rights. I met with President Mugabe, Prime Minister Tsvangirai, various Ministers, and with civil society organizations. Despite the existence of an Inclusive Government, polarization is acute and directly impedes the advancement of human rights. In this regard, I was particularly concerned about the potential for the recurrence of violence in the upcoming elections, and urged the President and other political leaders in Zimbabwe to continue to publicly renounce violence. I called for the finalization of the key reforms agreed in the Global Political Agreement, including the constitutional review process, to ensure peaceful, free and fair elections. I urged the government to repeal several laws that are adverse to human rights and have reportedly been abused to persecute human rights defenders and journalists, and curtail the freedom of the press. Although the economy of Zimbabwe seems to be recovering, there remains serious concerns about food security, access to quality health care and education as well as other economic and social rights, in particular for women. The Government has indicated an interest in increased capacity-building efforts and my office stands ready to continue providing such support.

I have just returned from a visit to Pakistan and was impressed by the energy and capacity available to bolster democracy and development. I commended a number of important steps that have been taken to address critical human rights issues, particularly regarding women and girls. However, various forms of entrenched inequality remain a major impediment to such progress, particularly the abduction, killing and intimidation of journalists, human rights defenders and lawyers. While acknowledging the enormous challenges which Pakistan is facing, including constant attacks by armed extremists and criminal organizations, I remain concerned by allegations of grave violations in the context of counter-terrorist and counter-insurgency operations. During my visit, I also expressed serious concern over the continuing use of armed drones for targeted attacks, in particular because it is unclear that all persons targeted are combatants or directly participating in hostilities. The Secretary-General has expressed concern about the lack of transparency on the circumstances in which drones are used, noting that these attacks raise questions about compliance with distinction and proportionality. I remind States of their international obligation to take all necessary precautions to ensure that attacks comply with international law. I urge them to conduct investigations that are transparent, credible and independent, and provide victims with effective remedies.

In April, the Deputy High Commissioner visited Tunisia for the launching of a national consultation on transitional justice. On that occasion, she welcomed the Government's willingness to enact reforms aimed at strengthening democracy, rule of law and respect of human rights. She also

visited Lebanon in May 2012, to attend a regional conference on freedoms of expression, association and assembly. She used this opportunity to meet with Lebanese counterparts, including the President.

The Deputy High Commissioner also conducted missions to Chad and Niger in April, and was encouraged by the commitment of the respective governments to the protection of human rights, and by their openness to cooperate with OHCHR. Among other issues, she urged the authorities to swiftly adopt new laws for the protection of women and children from harmful cultural and religious practices.

Last month, Assistant Secretary-General for Human Rights Ivan Simonovic conducted a visit to Burundi and the DRC. His visit to the DRC coincided with the resurgence of violence in North Kivu. Let me reiterate our appeal for the Government to prioritize security sector reform, to effectively establish State authority and increase State capacity to protect civilians. While in the DRC, my ASG visited the border with Angola where he met with Congolese migrants expelled from Angola, who reported on sexual violence, humiliating treatment, prolonged imprisonment and robbery.

Colleagues and Friends,

The recently concluded session of the Universal Periodic Review Working Group – the first session of the UPR’s second cycle – attracted a high-level of participation from delegations and constructive discussions and recommendations to the States under review. Some 2,000 recommendations were made to 14 States; an average of 150 each. While we are off to a good start in this second phase, we must be mindful of potential setbacks. For instance, a number of recommendations made during this past session were the same or similar to those made during the previous review. We heard of specific actions taken by States to implement recommendations of their first reviews, demonstrating the value of this mechanism, but more emphasis should be placed on States to commit to implement their human rights obligations to make this process truly successful. The bar has been set very high by the 100 per cent participation during the first cycle. I am confident that States will continue to rise to the challenge of reaching the ultimate goal of this unique process – to improve the human rights situation in every country with significant consequences for people around the globe.

As you will recall, I launched a process in 2009 to strengthen the UN human rights treaty body system in light of its rapid growth and the fact that it doubled in size in less than ten years. The ultimate aim of the strengthening process is to reinforce the protection of rights holders at country level through a better resourced, more aligned, efficient and coherent system. My report on treaty body strengthening will be made available on 22 June on the OHCHR Website, and I will launch it on 16 or 17 July before the General Assembly. The report contains proposals made by different stakeholders: treaty bodies, State parties, national human rights institutions, civil society and UN entities.

The continued expansion of the Special Procedures system through the creation of new mandates bears testimony to the prominence and relevance of their work, and recognition of their key position in the human rights machinery. The current number of Special Procedures mandates is now 46 in total, including 10 mandates dedicated to specific country situations. Last week I met with Special Procedures mandate holders during their annual meeting. I stressed that their cooperation with States is vital for the effective discharge of their functions. I would also like to remind States that they

should fulfil their commitments to issue invitations, facilitate country visits, respond promptly to communications, and respect the independence and mandate of the rapporteurs. In this regard I am pleased to note that the number of States having issued a standing invitation for visits has now increased to 90 in total. During 2011, an impressive 82 visits were carried out by Special Procedures.

As you are aware, reprisals regrettably continue to take place against persons who have collaborated with the UN and human rights mechanism. This issue drew particular attention during your recent sessions. I want to seize this opportunity to reaffirm my strong condemnation of such acts. Guaranteeing the safety and security of those who cooperate with human rights mechanisms is imperative. My Office will do its utmost to ensure that States respect their obligation to protect and that there is accountability for any suspected acts of intimidation or reprisals.

It is encouraging to see the ever-increasing prominence of human rights in public discourse, which is reflected in the energy and enthusiasm of the debates in this Council. My Office is ready, as ever, to meet the challenges you identify and to implement the mandates you establish. But as you have heard me say repeatedly over the last year or more - I also need your commitment, both to ensure non-selectivity in your support for our work and to ensure that I have the resources that will enable my Office to do this important work.

I am gratified to note that the arrangements endorsed by the General Assembly for financing of unforeseen and extraordinary human rights mandates have worked in practice. Since the last session, the ACABQ approved the resources required to finance the extension of the mandate of the Commission of Inquiry for Syria, which have allowed the Commissioners to continue their investigations - including the special inquiry that was mandated in the Special Session of 1 June.

These arrangements are certainly essential for the exceptional urgent mandates, but we must bear in mind that every new mandate established by the Council requires resources, to be implemented. I am conscious of the need for clearly defined priorities in planning the work of my Office; similarly I need your support in considering the priorities for intervention by this Council. Everyone must be focused on how we can make the greatest impact through the most efficient use of the limited resources available to us. The establishment of new activities without additional resources can no longer be seen as a sustainable practice by this Council. I ask that you bear this in mind as you proceed with your deliberations.

I wish you all success for this session.

Thank you.
