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Human Rights Council 21st Session



Opening Statement by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

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Madame President,
Secretary-General,
Distinguished Members of the Human Rights Council,
Excellencies,

Since I last addressed the Council, I officially began my second term as High Commissioner. I am truly honoured to have been given this opportunity and for your support. I am proud to look back on the achievements of my Office over these past four years. At headquarters and in the field, my staff has courageously responded to numerous human rights challenges and has increasingly worked in partnership with member States, national human rights institutions and civil society organizations in order to strengthen national human rights protection systems and advocate for the rights of the most vulnerable and discriminated in society. Human rights are increasingly relevant to peace and security, development and humanitarian efforts and they provide the solid foundations which allow these efforts to be successful and sustainable. To that end we have enhanced the work with our colleagues within the UN system.

We have successfully delivered on new and urgent tasks and supported actions taken by this Council, the special procedures and the human rights treaty bodies. My Office has made great strides in underlining the indivisibility of human rights, quickly grasped at new avenues to support States in implementing their human rights obligations on the ground in particular following the changes in the Arab world, been a staunch advocate for the promotion and protection of the rights of migrants, and successfully undertaken the treaty body strengthening process. My Office has delivered crucial support to the Universal Periodic Review, the most global process ever, which is now well into its second cycle.

However, numerous human rights challenges continue to persist and preoccupy us: poverty, impunity, armed conflicts, refugee flows, discrimination, religious intolerance, arbitrary executions, and the impact of the pervasive economic and financial crisis. Regrettably, lives and livelihoods continue to hang in the balance. My Office remains vigilant in supporting States in addressing these scourges, doing what it can within limited means to improve conditions that result in far too many human rights victims.

I am gravely concerned by the on-going conflict in **Syria**, which continues to have devastating consequences on civilians. The use of heavy weapons by the Government and the shelling of populated areas have resulted in high numbers of civilian casualties, mass displacement of civilians inside and outside the country and a devastating humanitarian crisis. I am concerned that they may amount to war crimes and crimes against humanity. I am equally concerned about violations by anti-government forces, including murder, extrajudicial execution and torture as well as the recently increased use of improvised explosive devices. Last month, the Security Council concluded that the conditions to extend the mandate of the UN Observer Mission have not been fulfilled resulting in the ending of operations on 19 August. I am deeply shocked by the reports of the massacre in Daraya and I urge an immediate and thorough investigation into this incident and I call on the Government to ensure full and unhindered access to the Independent Commission of Inquiry, and full support to the newly appointed Joint Special Representative Mr. Lakhdar Brahimi. I reiterate the call I made at the last session of the Council for 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 and to ensure accountability for all perpetrators, including those who have attacked UN observers and UN staff in Syria.

Distinguished participants,

Other country situations also deserve the attention of the Council and my Office. I refer to the harsh prison sentences handed down on 4 September by the Court of Appeals in **Bahrain** against 20 prominent human rights activists and opposition figures, seven of whom face life imprisonment. I am not satisfied that fair trial procedures were observed, especially the reliance on confessions extracted under torture.

Last month, indigenous communities in Cauca, **Colombia**, urged security forces and guerrilla groups to stop the conflict that has been affecting them for 42 years, and leave their territories. OHCHR has been supporting negotiations between the Government and the communities and will continue to do so. In connection with this, I also welcome the talks that have begun between the Government and the FARC aimed at bringing peace in Colombia.

I have condemned the ethnically motivated attacks on internally displaced persons in **Côte d'Ivoire** on 20 July and wish to reiterate that no national reconciliation can be achieved without impartial justice and full accountability. OHCHR will continue to provide assistance and advisory services to the Dialogue, Truth and Reconciliation Commission of Côte d'Ivoire with a view to facilitating the organization of national consultations and strengthening its compliance with international human rights standards and good practices.

The situation in the eastern part of the **Democratic Republic of the Congo** has further deteriorated, with a surge of attacks on civilians by armed groups committing serious human rights violations, including massacres. This situation of growing security vacuum has been exacerbated by army desertions in April 2012, and the subsequent formation of the M23 rebel group. My Office continues to monitor the situation closely.

I am also worried by the recent forced closure of Roma camps in **France**, which have affected hundreds of people, making them even more vulnerable and exposed to a whole range of human rights concerns. I acknowledge a number of steps that have been taken by the Government, but further efforts must be made to address this situation within the context of the national strategy for Roma integration and fully in line with international human rights norms.

Equally troubling are violent xenophobic attacks against migrants, refugees and asylum seekers in recent months, for example in **Greece**. I am also concerned about reports that the police appeared to have been unable to respond effectively to protect victims of xenophobic crimes. I acknowledge the difficult economic situation faced by many countries, but emphasize that migrants regardless of their status are entitled to the protection of their human rights.

In **Kenya**, the recent inter-communal violence in the Tana River district, during which dozens were killed, including a large number of children and women, is a grim reminder of the 2007-08 events. I call on the Government to create an independent and impartial investigation and to increase vigilance across the country in view of the March 2013 elections.

With regard to the **Maldives**, I take note of the report of the Commission of National Inquiry appointed by President Waheed looking into the events that led to a transfer of power in February this year. I hope the Government will show renewed commitment to tackling the institutional weaknesses and violations identified. OHCHR will shortly re-deploy a Human Rights Advisor to the country.

Following on my update of June, I remain concerned at the grave situation in **Mali** and its impact in the region. The human rights challenges in the country are significant while insecurity

and difficulties in accessing vulnerable populations severely hamper efforts to address their needs. I will present an oral statement on the situation in the country later this session. I encourage the Council to address this dire situation. Plans have been made for an OHCHR team led by the Assistant Secretary-General to visit the country.

I welcome the concrete steps taken by **Mauritania** in defining a roadmap to implement a National anti-slavery Strategy in line with recommendations of my Office's and the Special Rapporteur and encourage Mauritania to continue its efforts in eradicating all forms of discrimination.

With regard to **Mexico**, the participation of armed forces in the fight against organised crime is an exceptional measure which has to take place under civilian control, and any ensuing human rights violations need to be tried in civilian courts, as required by international law. In that sense, the Supreme Court of Justice of Mexico took a historic decision by limiting the scope of military jurisdiction, and establishing civilian jurisdiction for human rights violations committed by military personnel.

The reforms in **Myanmar** continue to be encouraging, including the further easing of media restrictions, the release of more political prisoners, and on-going legislative reform. I am pleased that OHCHR's engagement in Myanmar has strengthened with recent missions to the country, and I am convinced that my Office could be of great assistance in Myanmar's transition. Nevertheless, I am disturbed by the violence in Rakhine State which has brought widespread suffering to all communities, with at least 88 people killed and nearly 70,000 displaced, as well as on-going violations in Kachin state.

I am concerned by the ordinance proposed in **Nepal** which would grant the future transitional justice mechanism with broad powers to grant amnesties, including for those who might have committed gross human rights violations, in breach of international law and Nepal's international human rights obligations. The rights of victims to justice, to truth, to a remedy and reparations must be respected.

I continue to follow with concern the use of blasphemy laws against members of religious minorities in **Pakistan**. I reiterate that the proper and full implementation of the prohibition of incitement to hatred as per human rights treaties would be a better alternative to blasphemy laws.

The human rights situation in the **occupied Palestinian territory** continues to merit close attention. I remain concerned about the conditions of over four thousand Palestinians detained by Israel. Israel's practice of administratively detaining Palestinians is especially troubling. I join the Secretary-General in calling on Israel to charge, bring to trial or release such detainees without delay. Israel's continuous expansion of its settlements as well as violence by Israeli settlers against Palestinians is also a matter of concern. On the Palestinian side, I again condemn the firing of indiscriminate rockets from Gaza and urge an end to arbitrary detention by Palestinian security forces and of ill-treatment in detention centres in Gaza and the West Bank.

I am also saddened by the violence which led to the death of 44 persons and injuries to many at the Lonmin platinum mine in Marikana in **South Africa**. I welcome the establishment by the Government of South Africa of a Commission to enquire into the causes and circumstances of this event. The events at the Marikana mine further underscore that the fulfilment of economic and social rights, enshrined in the South African Constitution, should remain priorities of the Government to ensure that all people benefit from the country's economic growth and to address growing social and economic disparities.

We must be alert to the impact on civilians of the conflict between the Sudanese Armed Forces and the “Sudan People's Liberation Army–North” in Southern Kordofan and Blue Nile States, where indiscriminate aerial bombings and scorched earth policies have caused death and massive displacement. I call on both parties to bring an immediate end to the violence and solve their differences through dialogue. I welcome the invitation the **Sudan** has extended to me and look forward to visiting the country this year.

OHCHR in **Tunisia** is supporting the transitional justice process and my Deputy opened a conference on this subject in Tunis in May. She also facilitated the NGO consultations on the Constitution in Mahdia in July. I note the recent call by the Working Group on discrimination against women in law and in practice for Tunisia to take all necessary steps to safeguard the country's achievements on equality, non-discrimination and women's human rights. I urge the Government to seize this opportunity to further advance women's human rights in Tunisia. I remain concerned about developments regarding the human rights situation in Tunisia, particularly a series of events affecting freedom of expression and freedom of the media.

Distinguished participants,

The global trend and position on the **death penalty** has evolved. An increasingly large number of member States from all regions have acknowledged that the death penalty undermines human dignity, and that its abolition, or at least a moratorium on its use, contributes to the enjoyment of human rights. Currently around 150 of the 193 Member States of the United Nations have abolished the death penalty or introduced a moratorium, either in law or in practice. However, some States continue to use it. Frequently, international standards guaranteeing the protection of the rights of those facing the death penalty are not fully respected. In July in New York, my Office organized a global panel discussion focussing on the death penalty and its impact on human rights.

I deplore the fact that there has been an increase of executions in a few countries. In late August, nine prisoners were executed in **the Gambia** soon after a public announcement by President Jammeh that all people on death row would be put to death by mid-September. This is a disturbing setback as the Gambia had maintained a moratorium on the death penalty since 1985, which it reaffirmed in 2010 in the context of its Universal Periodic Review.

In **South Sudan**, two prisoners were recently executed, in spite of the President's assurances during my visit that the country would consider a moratorium on the death penalty. I am also concerned about the fact that in many instances prisoners are sentenced to death without a fair trial.

In **Iran**, despite steps to end punishment by stoning and restrict death sentences imposed on children, there has been an increase in executions in drug-related cases, including in public, and the use of the death penalty for political opponents. In August, 26 people were reportedly executed in **Iraq**, bringing to close to 100 the number of people executed since the beginning of 2012; a sharp increase from previous years. Given the lack of transparency in court proceedings, and the very wide range of offences for which the death penalty can be imposed in Iraq, this is truly a shocking figure. I urge all States, who have not yet done so, to introduce an official moratorium on the use of the death penalty abolition. I am distressed by recent executions carried out in **Belarus, China, Japan, Saudi Arabia** and the **United States**, as well as by the de facto authorities in the Gaza strip.

In many European States, governments have embarked on austerity programmes to stabilize their economies. In this context, mounting social tensions in countries especially affected by the **economic crisis** show the dangers which can be associated with curtailing economic, social and cultural rights. It is thus critical that cuts in public spending do not negatively impact the enjoyment of human rights, and the needs of the poorest and most vulnerable.

In July, I visited **Kyrgyzstan** and **Kazakhstan**, where I emphasized that justice, accountability and human rights are vital components of long-term stability, peace and economic prosperity. I also urged the authorities to take all appropriate measures to ensure equality and non-discrimination of minorities in all spheres of public and political life.

Distinguished participants,

At your request I participated in the **Rio+20 Conference** to encourage the integration of human rights considerations and a vision of sustainable development and the parameters for a green economy. I wrote to all Members States to this effect. Special procedures similarly contributed to the Conference highlighting crucial human rights issues. It is pleasing that the final outcome document contains a number of explicit human rights provisions and a clear requirement that green economy policies be consistent with international law and respect all human rights. Delegations from across traditional regional divides contributed to this outcome. This Council should be proud of its own contribution.

The 2015 target for the implementation of the **Millennium Development Goals** is nearly upon us. Good progress has been reported; however the report card is - and is likely to remain - mixed. Human rights gaps were clear from the beginning, and progress - where it has occurred - has often been accompanied by widening disparities, resulting from discrimination and lack of accountability. OHCHR has been an active participant in the Secretary-General's Task Team on the Post-2015 Development Agenda seeking to ensure that human rights are at the core of the United Nations proposed vision and recommendations to member States on the post-2015 agenda. We will be ratcheting up these efforts in the months ahead.

OHCHR supported the work of the Open Ended Working Group on the human rights of **older persons** held in New York in late August. I chose the issue of the human rights of older persons as the subject for my 2012 report to the Economic and Social Council.

The first year of implementation of the **Human Rights Due Diligence Policy** – led by OHCHR and DPKO - was extremely encouraging. The policy furthers the United Nations' commitment to ensure that its support to non-United Nations security forces is based on respect for human rights and international humanitarian law. It has been welcomed by several member States as a tool which places greater emphasis on human rights in security sector reform processes.

On 24 September, I will participate in the high-level meeting on the **rule of law** during the high-level segment of the General Assembly's sixty-seventh session. I recently wrote to all member States highlighting core components of the rule of law related to legality, equality, accountability and participation that they may wish to consider in drafting the Declaration. I appeal to all member States to commit to: becoming party to human rights treaties and reviewing and removing reservations; repealing discriminatory laws; ensuring accountability for international crimes and other gross violations of human rights by not granting or endorsing amnesties for such crimes and violations, and; supporting the establishment of transitional justice mechanisms through adequate legislation compliant with international standards.

Most of the work of OHCHR field presences – increasingly in close cooperation with regional organizations, bilateral donors and UNCTs – aims at strengthening rule of law institutions, in line with the priority action identified by the international human rights system and national human rights action plans that reflect Governments' political will to follow up on the recommendations received by Treaty Bodies, Special Procedures Mandate Holders and the UPR. An open letter on the high-level meeting calling on all stakeholders, in particular member States, to

seize the opportunity at the event to underscore the inherent link between the rule of law and human rights was submitted by special procedures. I fully subscribe to this call.

I call on you to support efforts to addressing discrimination and advancing **gender equality**. I am encouraged by the Council's support for efforts to advance gender equality and the elimination of discrimination against women. OHCHR has recently joined with UN Women and UNDP to implement a programme on women's access to justice designed to foster gender-sensitive service delivery, unbiased judicial decision-making, constitutional and legal reform, engaging informal justice systems, and boosting women's capacity to claim their rights.

I am disturbed that we continue to witness the targeting of **religious minorities**. We need to condemn such acts and root out discriminatory laws and practices. We must not be selective; the rights of all religious minorities, in all regions merit our close attention. My Office is stepping up its engagement on minority rights issues using the 20th anniversary of the UN Minority Declaration to encourage the whole UN system and all member States to do the same.

During this session you will discuss the draft Programme of Action for the **Decade for People of African Descent** prepared by the Working Group of Experts on People of African Descent. This draft recommends measures to be taken at the national, regional and international levels. Women and girls of African descent should be given special attention to address the compounded discrimination they face based on racial or ethnic origin, socioeconomic status and gender. The Decade has been invaluable in raising awareness about the violations faced by people of African descent, giving much needed visibility to a group that has been almost invisible for too long. I urge all of you to engage positively in this process.

Moving to the activities of the **Human Rights Treaty Bodies**, I am pleased to note the recent discussion on racist hate speech organized by the Committee on the Elimination of Racial Discrimination on 28 August. The discussion, well attended by States and civil society, yielded a rich exchange of views on an issue that has been of great importance to me as High Commissioner. The discussion demonstrates the important role of treaty bodies to contribute to debates on key globally-relevant issues. In this context, I am happy to announce the final wrap-up seminar on incitement to hatred that my Office is organizing in Rabat from 4 to 5 October.

The treaty body strengthening process has reached an important stage. My report contains a wide range of proposals all based on input from member States, treaty body experts, NHRIs and NGOs, which makes this report a model of transparent and inclusive collaboration among all stakeholders. In addition I spared no effort in collating all facts and figures on the system so that States and treaty bodies can make informed decisions. One of the main proposals is a Comprehensive Reporting Calendar which seeks to achieve compliance, predictability, better planning and pacing of efforts at the national level, rationalization and simplification of reporting requirements and resourcing. I am pleased that the report has been well received by all stakeholders. Since then, the inter-governmental process focusing on strengthening treaty bodies has commenced in New York: I participated in the first session in this process and this has led me to several conclusions. Most importantly, Member States do recognize the importance of the treaty body system and are more aware than ever of the challenges it faces. They also understand the risks to the whole human rights system if the status quo of under-resourcing remains. I commend the excellent work achieved so far by the co-facilitators appointed by the President of the General Assembly, the Ambassadors from Iceland and Indonesia. I also acknowledge the important input and support of Geneva delegations to the process in New York.

Ladies and gentlemen,

Following the creation of new country mandates on the situation of human rights in **Belarus** and **Eritrea**, the **special procedures** system of the Council has expanded to 48 mandates, of which 36 are thematic and 12 country-based. Thirteen mandate holders will report at this session; several will participate in panels and take part in side-events organised by States and NGOs. I encourage all of you to continue to rely on the expertise of special procedures in your deliberations. Special procedures mandate holders stand ready to provide technical assistance or orientation on human rights issues related to their mandates at the request of governments. I am pleased that the Council at its last session recognized that the special procedures and the activities they are mandated to undertake require dedicated resources through the regular budget. I encourage this positive trend.

Special procedures have continued to draw attention to situations and regions which may otherwise not receive due attention. They have also played a ‘good offices’ role and brought about dialogue in places where previously this has been absent. For example, the issue of child mortality in **Kiribati** was highlighted by the Special Rapporteur on the right to water and sanitation during her country visit in July.

I regret that I again must raise concerns over **reprisals** against persons who have cooperated with the United Nations in the field of human rights as cases of threats and intimidation continue to be documented. One of the panels during this session will seek to provide a multi-stakeholder perspective on the issue of reprisals and intimidation, illustrating how various bodies and mechanisms have witnessed and responded to such acts. Unless halted and sanctioned, reprisals undermine the ability of civil society and other actors to engage with the UN to promote human rights. I commend the leadership of the President of the Council in this context. I am also pleased to see that human rights mechanisms have been active in this area. I reiterate my call to all States to assume their responsibility to provide protection for those who advocate for human rights. Their voices are fundamental in a democratic society. If we fail to protect them, we are all less secure. I am also distressed by the example of allegations of harassment and intimidation against individuals cited in the report of the Secretary-General on this issue.

Distinguished participants,

There is clearly no shortage of human rights challenges which my Office is working on with partners and stakeholders to. I wish I could say the same in respect of resources to undertake this work. As you will recall from the technical briefing on 19 July, the **financial status** of the Office is a critical concern, both in respect of mandated activities that should be fully supported by the United Nations regular budget, as well as on the extra-budgetary side. The regular budget does not provide adequate resources to support the international human rights mechanisms, nor the many new mandates reached by this Council every year. Accordingly my Office has been obliged to dedicate ever more extra-budgetary funds to enable those mandates to function. And at the same time, the demands from Governments and other stakeholders to contribute more meaningfully around the world have created more opportunities for my Office to make a real difference for individuals on the ground – all of which also require increased levels of resources. We are, as you have heard, stretched to breaking point.

In addition to other measures, I have asked my senior managers to reflect on the priorities of the Office as we head into 2013, as we will further reduce our extra-budgetary cost plans more in line with the projected income. We held an initial retreat at the end of last month to consider where we should focus our efforts, and where we have the greatest potential impact. My intent is to increase even further the efficiency and effectiveness of the work of the Office and its various components as well as enhance cooperation with partners at the international, regional, and national

levels. We must also focus the Office's current activities and direct our attention – and that of our donors – to the areas where we feel the Office can contribute and achieve the most.

In the end, we must be realistic. When it comes to the regular budget, greater caution is needed when asking the Office to absorb new activities for which we have not been given resources. The support of all member States is crucial in the General Assembly as it considers the allocation of funds for human rights.

Let me end by stressing how much we have all been inspired by the achievements of athletes competing at the Olympic and Paralympic Games in London. They evoke profound human rights messages. The participation, for instance, of women runners from Afghanistan and Somalia remind us of what can be achieved when we break through barriers of gender inequality, discrimination and violence. We have also seen what can be achieved when athletes with disabilities are able to overcome exclusion and prejudice to fulfil their dreams and potential. Their achievement resonates with the leadership role of this Council for the promotion of human rights for all.

I thank you for your attention and continued support.