

Opening Statement by UN High Commissioner for Human Rights Navi Pillay at the 23rd session of the Human Rights Council, Geneva, 27 May 2013

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Mr. President, Distinguished Members of the Human Rights Council, Excellencies and colleagues,

It is, as ever, an honour to open this session of the Human Rights Council. I come to this task today in the hope that we will be able to spark tangible action to stop the escalating bloodshed and suffering in Syria, which after 26 months has become an intolerable affront to the human conscience.

What began as non-violent protests has spiralled into a brutal and increasingly sectarian civil war, to some extent fuelled by external actors. Civilians bear the brunt of this crisis in which human rights violations have reached horrific dimensions. Confronted with the flagrant disregard of international law and human life on every side, I feel utter dismay.

In March this year, I dispatched a team to monitor the situation in Syria from neighbouring countries, where a tide of desperate families has sought refuge. The team has received information suggesting that the Syrian Government continues to use indiscriminate and disproportionate force in residential areas, and that the Syrian armed forces have directly targeted schools and hospitals.

I am extremely concerned at current reports suggesting that hundreds of civilians have been killed or injured, and thousands may remain trapped, by indiscriminate shelling and aerial attacks by Government forces in Al Qusayr. Safe passage must be given to any civilians wishing to leave.

Wanton human rights violations are also being committed by anti-Government groups. Accounts gathered by our monitoring team suggest that armed groups have apparently used civilians as human shields, and that abductions are increasing. The accounts include allegations that certain

opposition groups have forced young women and minor girls to marry combatants. And we continue to receive reports of anti-Government groups committing gruesome crimes such as torture and extrajudicial executions.

Whenever their governments cannot or will not protect them, frightened human beings are dependent on the international community for protection and assistance. We cannot — we must not — continue to ignore their plea.

Time and again, delegates from all the countries present here today have solemnly agreed that the world must not permit the most extreme kinds of human rights violations. We have agreed that we have a duty to protect our fellow human beings — even if they are born in other countries; and even when they are being crushed by governments that have a claim to sovereignty over their territory.

Twenty years ago, the 7000 delegates to the World Conference on Human Rights in Vienna gathered less than one day's drive away from the killing fields of the former Yugoslavia. The member States of the United Nations made powerful statements about the struggle against impunity.

Since then, much progress has been made in prosecuting people responsible for the commission of crimes against humanity, war crimes and genocide. And there has been much discussion of the international community's responsibility to protect civilian populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Yet today, appalling violations of the most basic human rights are occurring in Syria, and I fear that we in the international community are failing to meet our fundamental obligations to the victims.

A humanitarian, political and social disaster is already upon us, and what looms is truly a nightmare. Humanitarian workers struggle to devise increasingly complex ways to deliver a modicum of assistance. One out of three people in Syria today needs international aid. Yet the international community seems unable to make a strong commitment to resolving the crisis. I urge States to make every effort to forge an end to this humanitarian disaster, for it sometimes seems that we can do little more than cry out in the darkness and try to count the dead.

Once again I urge the Security Council to refer the Syrian crisis to the International Criminal Court. These war crimes and crimes against humanity cannot be allowed to go unpunished. We must make it clear to both the

Government and the armed opposition groups that there will be consequences for those responsible. And the world must take action to end this terrible conflict.

OTHER CRISES

Mr. President, I am alarmed by growing violence in several regions, including on the basis of ethnicity or religion.

I am particularly concerned about attacks on Muslim communities in Myanmar — in Rakhine State, in Meikhtila, as well as in other parts of the country. I urge the Government to act to stop this violence and investigate allegations of widespread and systematic human rights violations. Those responsible must be held accountable, including any military, police or border-security personnel who may have participated in such violence or failed to protect the people. I eagerly await the conclusion of negotiations for the establishment of an OHCHR Country Office in Myanmar, so that we can support the Government in its efforts to address these and other human rights challenges.

I am also deeply concerned at the upsurge of violence in Iraq over the past weeks. Almost 600 civilians were killed in April alone —the deadliest month in Iraq since 2008. I am particularly concerned about violence and military action in connection with the demonstrations in Hawija, on 23 April, which resulted in many casualties. It is essential that the Iraqi Security Forces exert restraint in maintaining law and order, and that demonstrators preserve the peaceful nature of their protests. I am also concerned at Iraq's many executions, which place it among the States with the worst record in this regard. The people of Iraq deserve to live in a State free of violence.

During this session, I will be presenting reports on the human rights situations in Mali and South Sudan. The crisis in the Central African Republic teeters on the verge of anarchy, and I will be sending a fact-finding team there next month. The people of the CAR have for two decades endured grave and almost unrelenting violations of their human rights, with the failure of a series of peace agreements and near-total breakdown of the rule of law. I urge the National Transitional Council to take all necessary measures to protect civilians, to end the cycle of violence, and to hold accountable those responsible for these serious violations of human rights.

The old order in the Middle East and North Africa is slowly vanishing, but the transition is still uncertain, and progressing in different ways, and at

different speeds, in Egypt, Libya and Yemen. Progress is perhaps most pronounced in Tunisia, where OHCHR has a now well-established office, and where a national dialogue is under way involving all key elements of society. It has been two years since public outrage toppled the former regimes, and efforts to establish effective, stable and independent political institutions continue to meet with a variety of obstacles, including worrying examples of intolerance and sporadic violence.

There has also been a persistent failure in some countries in transition – as well as in several other States in the region – to include a wide range of actors from civil society in a constructive and respectful dialogue; and women’s status and limits to their participation in society continue to be major concerns. The inalienable rights and dignity of women are equal to those of men, and wherever they live, women must be free to make their own choices and participate in political and public life.

I regret that serious violations of Palestinians’ rights continue. I remain deeply concerned by the widespread detention of Palestinians – nearly 5,000 of whom are currently detained by Israel, many without charges. I recently requested that Israel provide me with information on its investigations into allegations of mistreatment of Palestinian detainees. Furthermore, even during the nine weeks since the last session of this Council, Israel has continued to expand its settlements, in blatant violation of international law.

Mr. President, to move on to a theme that transcends borders and affects all regions, the objective of the global struggle against terrorism is the defence of the rule of law and a society characterized by values of freedom, equality, dignity and justice. Yet time and again, my Office has received allegations of very grave violations of human rights that have taken place in the context of counter-terrorist and counter-insurgency operations. Such practices are self-defeating. Measures that violate human rights do not uproot terrorism: they nurture it.

The United States’ failure to shut down the Guantanamo detention centre has been an example of the struggle against terrorism failing to uphold human rights, among them the right to a fair trial. Allegedly, more than half of the 166 detainees still being held in detention have been cleared for transfer to either home countries or third countries for resettlement, yet they remain in detention at Guantanamo Bay. Others reportedly have been designated for indefinite detention.

The continuing indefinite detention of many of these individuals amounts to arbitrary detention, in breach of international law, and the injustice embodied in this detention centre has become an ideal recruitment tool for terrorists. I have repeatedly urged the Government of the United States of America to close Guantanamo Bay in compliance with its obligations under international human rights law. I therefore acknowledge President Obama's statement last Thursday outlining practical steps towards closing the detention facility, such as the lifting of the moratorium on transferring relevant detainees to Yemen. I encourage the United States to ensure that all such measures are carried out in compliance with its obligations under international human rights law. In the meantime, so long as Guantanamo remains open, the authorities must make every effort to ensure full respect for the human rights of detainees, including those who choose to go on hunger strike.

I am dismayed by the continuing failure of many European States to undertake public and independent investigations of past involvement in the U.S. renditions programme, under which terrorist suspects were captured and delivered to interrogation centres without regard for due process. Some of them still languish in Guantanamo. Last September, the European Parliament denounced obstacles that have been encountered by a number of parliamentary and judicial inquiries into this topic. Credible and independent investigations are a vital first step towards accountability, and I call on States to make this a priority.

I also continue to be profoundly disturbed at the human rights implications of the use of armed drones in the context of counter-terrorism and military operations, with an increasing number of States seeking to acquire such weapons. The worrying lack of transparency regarding the use of drones has also contributed to a lack of clarity on the legal bases for drone strikes, as well as on safeguards to ensure compliance with the applicable international law. Moreover, the absence of transparency has created an accountability vacuum, in which victims have been unable to seek redress.

President Obama's statement suggests that in the future there will be a shift towards greater transparency by the United States, as well as stricter controls on the use of drones. Nevertheless, I urge all States to be completely transparent regarding criteria for deploying drone strikes, and to ensure that their use complies fully with relevant international law. Where violations do occur, States should conduct independent, impartial, prompt and effective investigations, and provide victims with an effective remedy.

I note that the UN Special Rapporteur on human rights and counter-terrorism will be reporting later this year on the civilian impact of the use of drones, while the Special Rapporteur on summary executions will be reporting tomorrow on the human rights implications of deployment of Lethal Autonomous Robots.

ECONOMIC/SOCIAL RIGHTS IN THE GLOBAL RECESSION

Mr. President, every three months, as I prepare to report to this body, I perceive the tremendous vulnerability of human beings. Even in wealthy countries that have championed the cause of human rights around the world, those rights may be eroded or denied when the winds of economic change blow colder.

The global financial crisis that began in 2008 is the worst the world has seen since the Great Depression of the 1930s, and it threatens a broad range of human rights across the globe. Access to decent and regular work; to social welfare and healthcare; and to affordable food, housing and water, as well as other basic human rights has sharply decreased. Since 2008, 114 million more people have been pushed below the poverty line, and 64 million jobs have been lost.

In other words, the impact of the crisis has not been borne by those who were primarily responsible for it but has been foisted upon those least able to absorb its costs: marginalized groups; the poor; temporary workers and all those who live paycheck-to-paycheck; persons with disabilities; older persons; the sick; migrants; and refugees. Thus inequalities have increased, undermining the fabric of society. Last year I reminded States that “Health care, education, housing and the fair administration of justice are not commodities for sale to the few, but rather rights to which all are entitled without discrimination.”

Financial pressures or recession do not eliminate these obligations under international human rights law. Economic policy must at all times be designed to advance the realization of economic and social rights; and in particular, States are legally obliged to ensure core minimum obligations regarding the progressively greater realization of basic rights to food, housing, health, education, decent work and an adequate standard of living. They must do so to the maximum extent of available resources: in other words, the realization of the economic and social rights of all must be a policy priority. If some children in Southern Europe are now attending

school with empty bellies because their parents and local authorities cannot afford to pay for school lunches, then the fabric of human rights has frayed even in those, once-privileged countries — and this, too, is a human rights protection concern.

Moreover, in some European countries, the ripple effects of the recession and budget cuts include increased vulnerability to extremist and xenophobic discourse, which aims to identify scapegoats for economic pain. Although these are societies that retain a healthy judiciary and stable democratic institutions, they are now stepping back into the ugly injustice of racism and discrimination on the grounds of faith, demonizing minorities and migrants. It is shocking to observe leading figures in governments, ruling coalitions and classic opposition parties integrating elements of this discourse into their policies.

OPTIONAL PROTOCOL ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Earlier this month, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entered into force. By enabling individuals to bring complaints to the Committee on Economic, Social and Cultural Rights, this instrument ensures the same protection for economic, social and cultural rights as for civil and political rights. It therefore remedies the false hierarchies among 'groups' of rights that arose during the Cold War and were largely resolved twenty years ago in Vienna.

The current economic context is an opportune moment for States to ratify the Optional Protocol. In doing so, they will create an impetus to strengthen national protection mechanisms for economic, social and cultural rights and encourage policies that promote greater equality, sustainability, and protection.

NGOs AND VIENNA

The Vienna Conference that we will commemorate next month was remarkable in many ways; one was the participation of civil society.

Bearing that in mind, it is particularly depressing to observe policy debates and legislative measures — in many countries, across all regions — which may severely undermine non-governmental organizations that are vital to the healthy functioning of democracy. I am disturbed at continuing reports of reprisals against human rights defenders.

Civil society is crucial to the framework of human rights that was reinforced in Vienna twenty years ago. It remains vital to advancing the human rights agenda, both at the national level and internationally, and I must speak out to

warn you of the real setbacks to human rights protection that will follow if civil society is threatened or restricted.

Thank you.