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**Address by
Ms. Louise Arbour
UN High Commissioner for Human Rights**

**on the occasion of the resumed
6th Session of the Human Rights Council**



Geneva, 11 December 2007

Mr. President,
Excellencies,
Ladies and Gentlemen,

As it has been the practice at the resumption of the Council's sessions, I welcome the opportunity to share with you some information about activities undertaken since last September. I will briefly describe my missions to Sri Lanka, Afghanistan, Ireland, and Brazil, as well as touch upon human rights situations and themes that have engaged OHCHR and should command the attention of the international community as a whole.

I was very pleased to visit Sri Lanka from 9-12 October at the invitation of President Rajapakse and am grateful for the broad access I was given to Government representatives, political parties and members of civil society, including in the troubled northern region of Jaffna. I regret not having the opportunity to meet with representatives of the Liberation Tigers of Tamil Eelam (LTTE), as I would have liked to convey to them directly my deep concern with their serious violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings.

During my visit, I paid special attention to the issue of abductions and disappearances, which have been reported in alarming numbers over the past two years. While the Government pointed to several initiatives it had taken to address these issues, there has yet to be an adequate investigation or credible public accounting for the vast majority of these cases. I am also concerned about safeguards for those detained under the emergency regulations, including during recent mass arrests in Colombo.

Regrettably, the various national institutions and mechanisms that could be expected to safeguard human rights have failed to deliver adequate protection. In particular, the Human Rights Commission of Sri Lanka, which had previously enjoyed a proud reputation internationally, has had its independence compromised by the irregular appointment of its Commissioners and the credibility of its work has suffered. Further, despite high expectations, the special Commission of Inquiry appointed by the President more than one year ago to investigate high profile killings and disappearances has yet to complete any of its cases. The Eminent Persons invited to observe the Commission have expressed concerns about its compliance with international standards.

In a highly polarized context, where human rights information is easily manipulated for propaganda gains, there is a critical need for an independent actor to gather information and publicly report on the human rights situation. For this reason, I have suggested that the Government would benefit from the support of a presence of OHCHR in the country, with a full mandate incorporating technical assistance and public reporting. Since my visit, my Office has engaged in discussions with the Sri Lankan authorities on possible models involving an OHCHR presence working alongside national structures. We have reached no agreement on a formula by which independent, public reporting by OHCHR could be ensured. OHCHR will continue to assist the authorities in strengthening the national human rights system, but this will fall short of meeting the critical protection gap.

Excellencies,

From 15 to 21 November, I undertook a mission to Afghanistan where I had the opportunity to visit Kabul, as well as to travel to Khost and Mazar-i-Sharif. More than two years after my first visit to the country, I was pleased to see the continued active role being played by the Afghan Independent Human Rights Commission and by civil society. I was also pleased that Parliament enacted a well received media law. At the same time, I was concerned to learn how little the women's rights agenda has progressed despite the guaranteed seats for women in Parliament. The transitional justice agenda also remains stalled, and there is a need to refocus attention on broader, victim-centered measures of truth telling, compensation and rehabilitation. Moreover, it is hard to see how efforts to rebuild the rule of law will succeed as long as impunity at the highest levels of the Government remains so sorely unaddressed.

The security situation in Afghanistan remains very grave, with severe consequences for human rights. Of particular concern is the high rate of civilian casualties resulting from deliberate attacks by anti-government forces. These attacks include the most serious of war crimes.

I have also discussed the issue of civilian casualties in actions undertaken by Government and international forces with President Karzai, International Security Assistance Force (ISAF) commanders and contributing NATO Member States. The latter assured me of steps they are taking to minimize civilian casualties, for example through better corroboration of intelligence and changed operating procedures on the ground, including during house searches. I also stressed the importance of preventing arbitrary detention, torture and ill treatment of detainees, including those transferred from ISAF's custody to the National Security Directorate and other Afghan authorities.

Expressing my dismay at the recent decision to reactivate the death penalty, I urged the Government to reconsider its position in line with the international trends that I will discuss in a moment.

Ladies and Gentlemen,

I welcome the release of detainees in Pakistan, including Special Rapporteur Asma Jahangir. Special Representative of the Secretary-General Hina Jilani also faced arrest, but has now returned freely to Pakistan. I also welcome the President's commitment to lifting the state of emergency and to holding elections early in the New Year. However, I am concerned that emergency rule and actions taken under it have inflicted severe, long-term injury to the judiciary and to civil society. All possible corrective measures should be put in place to restore confidence in a fully independent judicial system in Pakistan.

Mr. President,

Last month, I addressed a forum of human rights defenders in Ireland and took the opportunity of this visit to discuss international human rights issues, as well as domestic questions, such as migration and counter-terrorism, with the Minister of Foreign Affairs and other executive and legislative officials.

I have just returned from a visit to Brazil where I had an opportunity to discuss with President Lula da Silva, as well as with a wide range of national actors, issues of current concern, particularly in relation to pockets of intense violence in urban settings, police operations and methods of interrogation, as well as serious shortcomings in the conditions of detention across the country. I welcome the Government's efforts to implement the constitutionally protected rights of indigenous people, and the social programmes that Brazil put in place to reach millions of poor families.

In the course of my latter visits, I have also delivered two major lectures. At Trinity College in Dublin, I addressed the emerging doctrine of responsibility to protect, as endorsed by the World Summit in 2005. At the University of Rio de Janeiro, I discussed the linkage between poverty reduction strategies and human rights. Both these lectures have been posted on the OHCHR website.

Distinguished Members of the Human Rights Council,

Allow me now to draw your attention to the situations in Sudan and in Somalia, which remain of deep concern.

Grave violations of international human rights and humanitarian law continue to be committed in Sudan for the most part with total impunity. More needs to be done urgently by the Government and the international community to extend adequate protection to civilians. In this regard, I would like to commend the Special Rapporteur on the situation of human rights in Sudan for her work and also the support provided by the Expert Group on Darfur in developing an implementation plan for past recommendations to protect human rights. The rule of law needs to be strengthened, especially in Darfur where lawlessness of all sorts abounds with serious implications going beyond the border, as recently demonstrated by the deplorable Zoe's Ark case which is now being prosecuted in Chad. This investigation should continue to proceed in accordance with international norms of due process and those found responsible should be held accountable.

In Somalia, the situation of human rights, particularly in Mogadishu, continues to deteriorate. The past several months have been characterized by extreme violence and indiscriminate attacks on civilians, threats and assassinations of journalists and human rights defenders, closures of media organizations, increased sexual and gender-based violence, impunity, and the total absence of the rule of law. My Office continues to work with the United Nations and other partners on ensuring a strong human rights dimension in any future strategy for Somalia.

Ladies and Gentlemen,

Moving to a positive development, I am happy to report that OHCHR's Regional Office for West Africa will be opened soon, following the signing of the Accord de Siege between my Deputy and the Foreign Minister of the Republic of Senegal in Dakar on 3 December. This is the result of close cooperation and consultation between my Office and the Government of Senegal, for which I am deeply grateful. The Regional Office will work with all concerned to promote and protect human rights in the Member States of the Economic Community of West African States.

On an equally positive note, I welcome the broad cross-regional agreement on a General Assembly's initiative in support of a moratorium on the application of the death penalty. I particularly commend the important action taken recently by Rwanda and Gabon in abolishing the death penalty, thereby joining the vast majority of UN Member States that have already done so. Meanwhile, it is important to reiterate that where the death penalty still exists, its use should conform to restrictive international standards.

I further note and welcome another positive development, namely the adoption of the ASEAN Charter and that organization's commitment to develop an ASEAN human rights body.

As we speak, a momentous effort is taking place in Bali to address pressing issues related to climate change. We should not lose sight of the human rights dimension of environmental degradation, as factors such as poverty and unequal power relationships will exacerbate the disparate impact that climate change will have on the lives of individuals.

Distinguished Members of the Human Rights Council,

I was very pleased, as I am sure you were, with the endorsement by the General Assembly of the Human Rights Council institution-building package. The Universal Periodic Review process you are about to inaugurate represents potentially the first universal and comprehensive tool for overseeing the application of the principles of the Universal Declaration of Human Rights in a consistent, comprehensive and meaningful manner. My Office will continue to be available to assist the Council in this crucial task and has briefed all regional groups on how we are equipping ourselves to facilitate and help ensure its successful outcome. However, the role of OHCHR in servicing the Council in its UPR endeavour largely depends on the extent and clarity of the area of agreement among Member States, and on the financial support that will be extended from the regular budget in support of this demanding exercise.

Allow me to further note that a commitment from all States to cooperate with the Special Procedures system and to extend standing invitations to mandate holders is also vital to the realization of the objectives of the UDHR.

Mr. President,

In concluding, I would also like to mention the very useful informal discussion that you kindly convened and presided over on 28 November, regarding the relationship between the Council and my Office. I believe that the presentations by the Legal Counsel, the Controller, and the Executive Director of the Office of the Deputy Secretary-General, as well as my own contribution to the discussion, helped to clarify the institutional parameters of my Office and its links to the Council. The discussion proved to be a good start for a continued reflexion on the relationship between OHCHR and the Council. I am greatly encouraged by the constructive and supportive views expressed for the work of my Office. I stand ready to continue this dialogue, and appreciate your leadership in this regard.

I also wish to thank all Member States for their participation in the briefings held by the Deputy High Commissioner on the UPR and on the preparation of our Strategic Management Plan for 2008/2009. I hope to be able to launch this SMP in its final form in January, and will welcome then an opportunity to pursue further discussion of these, and related issues.

Thank you.