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Human Rights Council 15th Session



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Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Opening Statement by

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

Introduction

We begin this 15th session of the Human Rights Council against the backdrop of immense human suffering caused by natural disasters, such as the floods in Pakistan, violence and conflict in many parts of the world, including Iraq, Afghanistan and Somalia, and indiscriminate attacks against individuals, mainly women and children.

These are powerful reminders of the pressing need for protection both in emergencies and chronic human rights situations.

In this update I will draw your attention to some situations covered in OHCHR reports before this session of the Council. I will then turn to the issue of human rights defenders and curtailment of their advocacy during elections, as well as to developments of concern in specific countries and recent missions I have undertaken. Aspects of the work of the Council, special procedures and treaty bodies, as well as some announcements, will wrap up my address.

Reports to the Human Rights Council

OHCHR regularly provides a variety of reports to the Council, usually at its request. Later during this session, we will introduce—as is customary—all reports, including those on witness protection, discrimination against women, children and migration, and indigenous peoples. Regrettably, however, the content and findings of our reports are not always discussed or followed up. Yet each of their subjects warrants, and in fact requires, sustained attention.

Let me now address the need for protection of human rights defenders and the issue of human rights in electoral environments.

Human Rights Defenders

Special procedures mandate holders, press reports and advocates consistently point out that human rights defenders, journalists, and civil society activists in all regions of the world face threats to their lives and security because of their work.

Peaceful dissidents, human rights advocates, lawyers, and press representatives have been targeted and violently attacked in countries, including Iran, Iraq, and Somalia. Difficult conditions—including threats and assaults—that put in jeopardy human rights workers, journalists, trade unionists and community organizers are often compounded by competition over natural resources, as is the case in Angola, the Democratic Republic of Congo, and Zimbabwe.

The curtailment of civil society's scope of action and social activism with ad hoc laws or other restrictive measures in countries such as Bahrain, Belarus, China, Egypt, Libya, Panama, Syria, and Tunisia is disturbing. In Israel draft laws have given civil society cause for concern. Peaceful activists have been injured and arrested for protesting the construction of the wall in occupied Palestinian territory. In the Gaza Strip, the de facto authorities shut down civil society organizations.

In Azerbaijan and the Russian Federation, little progress has been achieved to bring to justice the perpetrators of murders and attacks against defenders which occurred during the past few years. Similarly, in Guatemala, Mexico, and Serbia state institutions have seemingly been unable to respond to attacks against defenders and activists.

I urge the Human Rights Council and the international community to support squarely and vocally human rights defenders. In this context, I would also like to bring to the attention of the Council the vital need to ensure the safety and protection of defenders and other witnesses who cooperate with UN-mandated fact-finding and investigative initiatives. Such protection must span the whole cycle of these missions' activities and beyond.

Let us always be particularly mindful that pressure on human rights defenders, the media and civil society organizations, often increases in the course of electoral processes. We have seen this happening during the June-July election cycles in Burundi, as well as in the run-up to the August presidential polls in Rwanda. And in Sudan the general climate of repression and intimidation of the April presidential elections and their aftermath now casts a grim shadow over the conduct of next year's referendum on self-determination for Southern Sudan.

It is axiomatic that for elections to be free and fair there must be an environment conducive to open debate and full participation by all stakeholders. Protection for those vulnerable to exclusion, intimidation and attacks must be ensured. In this perspective, the international community must exercise utmost vigilance regarding forthcoming elections, including those scheduled for November in Myanmar.

In the context of civil strife, whether related to electoral processes or otherwise, let me underscore that individuals suspected of committing crimes are entitled to fair trials and reasonable penalties.

Specific Human Rights Situations

Distinguished Members of the Human Rights Council,

Moving now to situations of concern in specific countries, I note the new policies of France towards the Roma, including the dismantling of their settlements and expulsion to their country of origin which are currently under scrutiny by the European Commission and the European Parliament. Such measures can only exacerbate the stigmatization of Roma and the extreme poverty and exclusion in which they live. The often stereotyping and discriminatory rhetoric by officials and the media when referring to the Roma in Europe is also an issue of grave concern. I urge European States, including France, to adopt policies enabling Roma people to promote social cohesion and to overcome their marginalization.

Conditions of migrants from Mexico or transiting through Mexico warrant utmost vigilance. In northern Mexico, 72 migrants, including 14 women, reportedly from Central and South America, were killed, apparently by criminal gangs. I recognize that the Government of Mexico has made strong efforts to curb the growing climate of violence and encourage it to conduct a thorough, transparent and independent investigation into these killings.

The obligations of States to protect people from terrorism and to fight this scourge are beyond question. However, anti-terrorism measures must never imperil human rights and due

process. In this context, I am troubled by reports concerning a program by the United States of targeted killings of suspected terrorists in circumstances that challenge international norms set to protect the right to life and the rule of law. I am aware that a federal lawsuit has been filed in a U.S. district court in Washington, DC, challenging the U.S. government's authority to target and kill U.S. citizens outside of war zones when they are suspected of involvement in terrorism.

Highlights of OHCHR Activities and Missions

Allow me to conclude this update with information about some OHCHR activities, including my missions.

The overall human rights situation in Kyrgyzstan has remained an OHCHR priority. In response to the June violence and its aftermath, I dispatched a mission to monitor and address human rights concerns in that country. The mission is receiving reports of arbitrary detentions, ill-treatment, pressure, harassment and discrimination. Respect of all human rights must be ensured, particularly in light of the forthcoming parliamentary elections set for October. I also reiterate my call for accountability as a basis for reconciliation.

On 1 October 2010, I will release the report of the mapping exercise that documents serious violations of human rights and international humanitarian law committed in the Democratic Republic of Congo from 1993 to 2003. The overarching objective of the DRC Mapping Exercise is to formulate a series of options enabling the Government of the DRC to identify appropriate transitional justice mechanisms to deal with the legacy of these violations, in terms of truth, justice, reparation and reform. I commend the Government of the DRC for the cooperation provided with the mapping exercise and reiterate our full support for its efforts to combat impunity.

Last June, I visited Uganda and Kenya. In Uganda, I held a series of meetings with Government officials, civil society and other actors to discuss a range of issues. I urged them to address and help to mitigate violent strife and abject poverty in the Karamoja region in the northeast of the country. I also participated in the Review Conference of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) held in Kampala. In Kenya, I highlighted the need for remedies for individuals and entire communities who suffered violence and dislocation during the post electoral violence of 2008. The new Constitution adopted by Kenya last month provides a shared platform for good governance and national reconciliation.

Excellencies,

Council Review

The review offers the opportunity to find ways to hone and better fulfill the high mandate bestowed upon this body. Indeed, the HRC should find ways to enhance its ability to deal with chronic and emergency human rights situations and increase the impact of its work on the ground. This would enhance the credibility of the Council and would better meet the expectations of the wider human rights community. I will continue to alert the Council on such situations, in line with my mandate, whenever necessary.

Flexible working methods would enable the Council to better focus on a broad range of human rights violations. It is, therefore, commendable that in June the Council introduced the 'urgent debate' feature in its tool box of responses. I hope that the stand-alone interactive dialogue

on Somalia scheduled for this session will refocus our collective attention on practical and effective ways to address the plight of Somalis.

Ultimately, international public opinion will judge the Council on the measurable positive change that this body fosters where it truly matters to rights holders.

From this perspective, the success of the Council's Universal Periodic Review in highlighting situations of concern and in harnessing the cooperation of a variety of stakeholders should not be a ground for complacency. The UPR procedures need to be streamlined and its effectiveness measured by actual protection of human rights at the national level. I also urge the Council to configure the modalities of the second UPR cycle as soon as possible, keeping the focus on implementation and follow up action on the ground.

With regard to Special Procedures, the review provides an opportunity to take full stock of the great benefits of the contributions these independent and unpaid experts make through their reporting, fact-finding and cooperation with States. Let me stress again that a concrete way to demonstrate the recognition of the Special Procedures' value and enhance trust in their actions is for States to issue and honor standing invitations. I underscore the importance of the mandate holders' independence and expertise which are directed at assisting States to meet the full range of their human rights obligations.

Finally, both on the topic of the HRC review and the work of the Council in general, I cannot overemphasize the need to find better ways to expand and make optimal use of the contributions of civil society, and of national human rights institutions and regional human rights mechanisms. Moreover, I encourage the Council to reflect on how far it has mainstreamed gender into its work as required in its institution-building package.

Turning to the issue of treaty bodies, let me reiterate my appeal to all concerned to initiate a process of reflection on how to strengthen the treaty body system. To this end, I note with appreciation that two consultations have taken place in Dublin and Marrakesh and that an additional one will be held in Poznan later this month. These meetings offer opportunities for creative reflection on possible ways to bolster the treaty bodies.

Mr. President,

I take this opportunity to announce forthcoming workshops on the prohibition of incitement to national, racial or religious hatred that will be held throughout 2011 at UN centers at various locations, beginning in Vienna. I look forward to such comprehensive discussions. I have invited all stakeholders to send their contributions. Such input is a key factor for the success of this exercise.

I also wish to draw your attention to the need for the Council to act on the right to development in a collegial and constructive manner. I propose that the Council invite the heads of the UN system agencies to a special segment of its session next year to commemorate the 25th anniversary of the Declaration on the Right to Development. This anniversary is a good opportunity to reflect on progress achieved so far and to further the objectives of the declaration.

Further, I wish to point out that I have now assumed the chair of the Global Migration Group which is composed of leading agencies in this field and will be participating in the Fourth Global Forum on Migration and Development which will take place in November in Mexico.

Finally, I am very pleased to inform you that Ivan Simonovic of Croatia has now assumed office as Assistant Secretary-General. His expertise will help to bolster OHCHR's effectiveness at UN headquarters in New York.

We have a busy and challenging human rights calendar ahead of us. I wish you a productive 15th session and assure you I stand ready to assist you in any way that you may require.

Thank you.