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65<sup>th</sup> Session**



**United Nations  
Human Rights**

**OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

**Statement by**

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Excellencies,  
Ladies and Gentlemen,

I am very pleased to present my report to the 65<sup>th</sup> session of the General Assembly. Since I took up my functions two years ago as High Commissioner, the world has undergone several crises: a financial crash and an economic recession, conflict, natural calamities, such as those that struck Haiti and Pakistan, and the continuing threat posed by climate change.

These crises have exposed the critical vulnerability of individuals and groups who were already the poorest, the most marginalized, and the least protected. Consequently, my first priority has been to approach every task with an eye to how my own Office and the wider UN system can best protect rights at risk.

I draw great encouragement from the progress and impact that we are making on the ground. But I believe we can make a real difference only if we focus on implementation—on ensuring that the legal frameworks we agree together are universally applied and that every support and assistance is made available in this context.

Let me express at the outset my appreciation to Member States for the support they showed for the establishment of the position of Assistant Secretary-General for Human Rights in New York. The approval of this post by the General Assembly at the end of last year signalled in the clearest possible terms the importance the membership places on putting human rights at the heart of UN decision-making at Headquarters, of ensuring that everything the UN does, whether in the fields of development, or peace and security is based on sound human rights principles. Having an Assistant Secretary-General in New York helps us to increase the imprint of human rights across the system.

Excellencies,

You will recall that in 2009, I set out six strategic priorities for the 2010-2011 biennium to help fight poverty, inequality, discrimination, violence, and impunity, and to help strengthen human rights mechanisms.

In my presentation today, I will highlight the ways in which I believe our work is having an impact in each of these six areas, as well as draw your attention to some persisting concerns and offer some general observations.

The fight against poverty and disempowerment was at the forefront of last month's Summit, which I attended, aimed at assessing progress on the realization of the Millennium Development Goals. My Office has consistently advocated that development cannot be a project imposed on people but must be a common journey led by the people themselves. Human rights principles such as equality, participation, accountability and the rule of law are instrumental to empower people to count and be counted and thus ensure that development takes firm root.

As our thematic study on maternal mortality demonstrates, achieving Goal 5, that is, improving maternal health, requires recognition of human rights, such as access to health care, education, and equal economic opportunities. The Summit debated this theme and, more broadly, its Outcome Document recognized that all member States are bound to respect human rights in their development and aid policies and assess the human rights impact of such strategies.

In so doing, the Outcome Document provided a framework for filling gaps that invariably open up when abuses of human rights take place, including economic, social and cultural rights violations.

In carrying out the Summit's will, it is of crucial importance to rely on, promote, and abide by human rights standards. Let me recall that in September 2009, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was opened for signature. OHCHR was directly involved in supporting the process of the adoption of the Optional Protocol, and will continue to work towards the ratification of this important instrument.

Moreover, I wish to emphasize that the promotion and realization of the right to development remains a key dimension of our work. I take this opportunity to remind you that next year will mark the 25<sup>th</sup> anniversary of the UN Declaration on the Right to Development which enshrined this right as an indispensable component of the human rights normative architecture. We should celebrate this event with a renewed commitment to the realization of this right. I am pleased to report that the Human Rights Council at its 15<sup>th</sup> session resolved to commemorate the anniversary.

Ladies and Gentlemen,

As I noted, discrimination remains an obstinate obstacle to the realization of human rights and the empowerment of the vulnerable. Much of our focus has, quite rightly, been on racial discrimination, particularly as a follow-up to last year's Durban Review Conference. Accordingly, my Office provided technical assistance to States for the development of national action plans to counter racial discrimination. OHCHR also supported the 2010 session of the Working Group of Experts on People of African Descent which examined structural discrimination in areas such as education, health and the administration of justice.

Discriminatory practices also penalize indigenous peoples, minorities, persons with disabilities and others groups and individuals who are marginalized and stigmatized.

One form of discrimination of particular concern is that against migrants. Intolerance towards migrants is not only linked to anxiety and competition over scarce jobs and fewer economic opportunities, but it also embodies ethnic, racial and religious prejudices. In many countries it is openly stoked in pursuit of supremacist political agendas.

Against this backdrop, OHCHR as chair of the Global Migration Group sought to give greater prominence to the human rights dimension of migration. I am pleased to report that on 30 September, all UN agencies and international entities in the GMG issued a Joint Statement on the human rights of irregular migrants. My Office also provided expert advice, released a study on "Protecting the Rights of the Child in the Context of Migration" and raised the profile of the conditions of migrants held in detention centres.

Women are often victims of multiple forms of discrimination in law and practice that expose them to violence and abuse. In this context, let me applaud the recent General Assembly Global Plan of Action to Combat Trafficking in Persons, as well as the establishment of UN Women. Equally welcome is the creation by the Human Rights Council of the Working Group on the issue of discrimination against women in law and practice. My Office is engaged actively in these endeavours.

When discrimination, xenophobia and intolerance are left to fester unchecked and unrestrained, they may burst into communal violence and even large-scale conflict.

As both my deputy and I noted before the Security Council, the protection of civilians affected by conflict is an essential element of any meaningful conception of peace and security. We must recognize that this imperative means, first and foremost, protecting the human rights of individuals according to international law. It also means mandating institutional arrangements on the ground that ensure coherence rather than fragmentation, with robust human rights components in UN peace missions. And it means mobilizing a higher level of political will to take timely and effective action to prevent any atrocities, protect the vulnerable, hold perpetrators to account, and ensure redress for victims.

This is precisely what our field presences and investigations seek to achieve by monitoring and reporting abuses, and by sounding an early warning when patterns of violations become likely precursors of large-scale violence. We also offer our expertise to help States build their institutional capacity to respond to human rights challenges.

With new offices opened over the past year, most recently in Guinea, OHCHR now comprises 56 field presences in all continents, providing support to Governments and civil society.

My Office assisted a number of ad hoc independent fact-finding bodies mandated by the Human Rights Council, such as the United Nations Fact Finding Mission on Gaza, as well as this mission's follow up Committee of independent experts, and the panel of experts on the Israeli action on the flotilla of ships carrying humanitarian assistance. In addition, we fielded rapid response missions and mobilized surge capacity in support of our field presences, including in the aftermath of the earthquake in Haiti and the recent crisis in Kyrgyzstan.

Our commitment to combating impunity was also reflected in a two-year effort to document evidence of major violations of human rights and humanitarian law, including gender violence, committed in the Democratic Republic of the Congo from 1993 to 2003, which produced a report we published earlier this month. The report seeks to honour the memory of victims of the conflict. I hope it will help the country along the difficult path of coming to terms with that period of intense human suffering. Its overarching objective is to enable 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, and to end impunity for past and present human rights violations. May I indicate that OHCHR plays a key role in addressing transitional justice systems.

With the support of UN partners, OHCHR has also recently deployed a high-level panel of experts, led by my Deputy, Kyung-wha Kang, who held a series of hearings in various parts of the Democratic Republic of Congo with survivors of sexual violence. This project's objectives fit squarely within the aims of UN Security Council resolution 1325 on women, peace and security as we commemorate its 10<sup>th</sup> anniversary this year. Our aim is to provide a much needed advocacy tool not only for developing a reparations mechanism for all victims of sexual violence, but also for addressing the many weaknesses in the judicial system that affect prosecution of this crime in the DRC, and possibly elsewhere.

I will now turn to our support of human rights mechanisms. The institution-building criteria envisaged by the General Assembly for the Human Rights Council include universality, impartiality, objectivity, non-selectiveness, transparency, accountability, and a commitment to implement and follow up on decisions.

Certainly the Council has achieved much. Last month, it held its 15th session. In the course of the year, it also held two special sessions on the occupied Palestinian territories and East Jerusalem, and Haiti, as well as an interactive dialogue on Somalia. For the first time, in June, an urgent debate was convened following "the grave attacks by Israeli forces against the humanitarian boat convoy". These sessions have provided an opportunity to increase interaction between my Office and the Council. I consider it essential to strengthen our mutual understanding and to optimize our complementary mandates.

The constructive spirit in which countries have continued to engage in the Council's Universal Period Review (UPR) process is also most encouraging. As of May, 127 countries have been reviewed. It is expected that the first cycle of the UPR will be completed by November 2011.

My Office has continued to provide support to the special procedures system, as their wealth of expertise and experience, independence and commitment are vital to address a variety of critical human rights violations on the ground. Thirteen new mandate-holders will join the special procedures system by the end of 2010. The increase in standing invitations by States, now reaching a total of 72, is a positive development towards fostering a constructive dialogue between States.

Council could encourage further engagement and cooperation, particularly with regard to follow-up of country visits and communications.

This issue will also deserve attention during the review of the Council.

Ultimately, we must ensure that States follow up on the complementary and mutually reinforcing recommendations of the UPR, those of the special procedures, and of the human rights treaty bodies to maximize impact. We need to prevent any fragmentation of protection and approach the challenge of States' uniform compliance in a manner that enhances synergy among the various human rights mechanisms.

Excellencies,

The Review of the Human Rights Council and its mechanisms began last month in Geneva. This presents an opportunity to reassert the purpose of this body, that is, to promote and protect all human rights everywhere. Crucially, we need to close the gap between rhetoric and good intent on the one hand, and measurable results on the other. To this end, the Council should have at its disposal flexible and effective options and tools to respond to both chronic human rights situations and emergencies.

The status of the Council and its relationship with the General Assembly, its parent body, will soon be reviewed in New York. Of particular interest for this discussion are the manner in which HRC decisions are considered and endorsed by the General Assembly and the allocation of financial resources to implement them.

Allow me to add that the review processes in Geneva and New York are closely related and should be coordinated and conducted in concert. They should also be inclusive and allow for greater participation and engagement of civil society representatives, national human rights institutions, and regional organizations.

I will conclude this update of human rights mechanisms by noting with appreciation that a reflection on how to strengthen and adequately support the treaty body system has been initiated with consultations in Dublin, Marrakesh and Poznan. Additional consultations are planned by various constituencies, including civil society.

What is already apparent is that the success of the treaty bodies has generated a workload now stretching the system beyond its capacity. Allocating sufficient resources is a precondition for the treaty bodies to keep fulfilling their functions. These functions are at the heart of the human rights protection system.

Ladies and Gentlemen,

Allow me to conclude with some additional observations regarding the role of human rights in the UN system.

To expand the scope and impact of our human rights work, the involvement of all parts of the UN system is essential. When we talk about human rights as the third pillar of the UN system, it should be more than a rhetorical flourish. Our challenge is to give it meaning in the daily work of our UN partners by ensuring that human rights principles inform the decisions and actions taken throughout the system, whether in the fields of development or peace and security. It is only by joining efforts and coordinating action that we can produce coherent results rather than the mere sum of fragmented initiatives.

This vision took practical form with the recent establishment by the UN Development Group of a new Human Rights Mechanism. This new initiative, which builds on the success of the Action 2 Global Programme that ran from 2004 to 2008, will serve as the principal vehicle for ensuring cross-system coordination and coherence on human rights matters. It will also help provide practical on-the-ground support for Resident Coordinators, UN country teams and regional UNDG teams.

OHCHR will lead efforts to implement the activities of the Human Rights Mechanism in partnership with UNDP. I appeal to Member States for their continued support in helping us to move forward. I am pleased to report that earlier this month the UNDG approved an initial workplan and has agreed to arrangements for receiving voluntary contributions to support planned activities.

We will use every opportunity to inject a human rights perspective into the policy discussions and operational planning that goes on here at Headquarters, including in the context of contingency planning for humanitarian emergencies. We will also continue to prepare and disseminate policy and operational guidelines and other practical materials on human rights issues for use by peace missions.

At the national level, our focus is on encouraging and supporting UN partners to pick up and help implement relevant recommendations of human rights mechanisms, including the UPR. This lends additional meaning to the rationale of "delivering as one." It will equip all of us to better meet the requirements of Member States and the needs and expectations of rights holders in the areas of good governance, rule of law, human rights and general welfare and human security.

Which brings me back to where I began my remarks: our impact on the ground. Human rights are too often discussed in abstract, technical or sometimes highly political terms. But if our work is to be worthwhile, it must touch the lives of real people. For all the changes of the past two years, indeed of the past 60 years, our collective challenge remains the same: to bring closer to the ground the vision of the Universal Declaration of Human Rights of a world where all human beings enjoy their lives in dignity.

Thank you.