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Human Rights Council 26th Session



Opening Statement by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

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

I have the honour to address the 26th session of the Human Rights Council – my last as High Commissioner for Human Rights. When I first addressed you, in September 2008, I pledged to embark on an open-minded, frank, and reciprocally reinforcing interaction, based on the premise that the credibility of human rights work depends on impartiality and commitment to truth, with no tolerance for double standards.

I have engaged with this Council over six of its eight years of existence, and that premise has stood the test of time. Human rights bodies are inevitably confronted with issues on which stakeholders have divergent views. It is through independence, impartiality, probity and truth-telling that they gain stature and influence. Only then can they achieve real impact on States' protection of human rights — and therefore, achieve the ability to improve people's lives.

Achievements since HRC 25

The creation of this Council in 2006 brought strength and flexibility to the international human rights system. The ***Universal Periodic Review*** has been admirably universal, impartial and non-selective, and has had remarkable success in encouraging States to recognize and resolve gaps in human rights protection, with new emphasis on dialogue with civil society. The Special Procedures system remains nimble and deploys great expertise. The ***treaty body strengthening process*** that I initiated in 2009, and which was mandated by the General Assembly in April, will open a new horizon for technical cooperation in relation to States' treaty obligations, funded from the regular budget. Cost-

saving measures will help to finance the process of harmonising and strengthening the Treaty Bodies, by reinvesting a total of 20 million dollars.

Recommendations from the UPR, Special Procedures and Treaty Bodies can best be implemented in an integrated manner. By thematically clustering recommendations in a comprehensive national implementation plan, States can better identify capacity gaps and ensure a more sustainable and effective programme of technical cooperation, including through use of the Voluntary Fund for Technical Cooperation and the UPR Trust Fund.

The *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure* entered into force in April. Children may now submit complaints to the Committee on the Rights of the Child. This too is an important milestone.

The Deputy High Commissioner, Assistant Secretary General and I have undertaken missions to Cambodia, Central African Republic, Georgia, Guatemala, Moldova, Morocco, Nigeria, South Sudan and Ukraine. I thank these Governments for accommodating our visits.

In recent months the *Security Council* has paid increasing attention to human rights. On 7 April, the Council requested me to report on the human rights situation in the Central African Republic, Syrian Arab Republic, Libya, Mali and South Sudan. A few days later I was asked to visit South Sudan, and briefed the Security Council on 2 May. The Council also requested briefings on Ukraine and South Sudan by Assistant Secretary-General Simonovic, in April and May. In addition, the Commission of Inquiry on the Democratic People's Republic of Korea was invited to brief Council members under the Arria formula.

These increasing requests from the Security Council for information and advice on human rights issues are most welcome. They demonstrate heightened recognition that human

rights are fundamental to peace, security and development, and testify to the stature that OHCHR has developed.

Regrettably, the international community remains unable to consistently react strongly and quickly to crises, including situations of grave human rights violations with high potential for regional overspill.

My mission to *South Sudan* in April, together with the Secretary-General's Special Adviser on the Prevention of Genocide, took place one week after the violence and mass slaughter reached new heights of horror. I was shocked by the targeted ethnic attacks and by the evident risk of widespread famine, to which the leaders on both sides of the conflict seemed almost indifferent.

In the *Central African Republic*, where I travelled in March, inter-communal tensions and violence remain alarmingly widespread. Human rights violations persist, and anti-Balaka and ex-Seleka forces menace the safety of individuals throughout the country. Despite efforts by international peacekeeping forces, these threats have driven many people into hiding. At the end of April, 1,300 Muslims from the PK12 camp in Bangui, under threat from the anti-Balaka, were relocated to other regions. The recent clashes at the parish Notre-Dame de Fatima – during which 18 people were reported killed – and subsequent demonstrations highlight the constant danger of inter-confessional conflict. There have been some initiatives to defuse tensions between communities, including the establishment of a platform for dialogue among Catholic, Protestant and Muslim religious leaders. It is crucial to strengthen such endeavours to prevent a deepening divide.

The relentless violence in the *Syrian Arab Republic* is a tragedy for the Syrian people and a tragic failure for the cause of human rights. To take one example, Aleppo has been

bombed to rubble, with widespread loss of life and extensive damage to fundamental infrastructures such as water supply networks. The people of Aleppo live in conditions that should outrage the conscience of humanity. I deplore the fact that repeated calls to end the violence, and seek a just and peaceful solution, have been ignored by the Syrian Government and by some opposition groups ; and also that external powers continue to fuel this violence through the supply of arms, military and other material assistance, as well as inflows of foreign fighters. It is shocking beyond words that war crimes and crimes against humanity have become commonplace and occur with complete impunity. I am disappointed that the Security Council, with 13 votes in favour and 2 opposed, has been unable to reach agreement on action to ensure accountability for such crimes.

I remain deeply troubled by deaths and injuries resulting from excessive use of force by *Israeli security forces*. I reiterate my call for the Israeli authorities to respect international norms regarding due process, and to either release or formally charge Palestinians in administrative detention – a number of whom have been on hunger strike for several weeks. I am also concerned by continued demolitions and evictions of Palestinians, particularly with respect to recent developments in the so-called E-1 area, in the periphery of East Jerusalem. I note also that *Palestine* has deposited instruments of accession to several international treaties – commendably, with not a single reservation.

I am also disturbed by the military coup in *Thailand*, including suspension of constitutional guarantees of human rights and detention of former government members and political activists. I urge the military authorities to respect democratic values and the country's human rights obligations.

I have engaged the Government of *Venezuela* concerning the recent deaths of 42 individuals since February, emphasizing the importance of dialogue and engagement. I repeat my calls for access to the Special Procedures mandate holders, and offer my Office's support and assistance.

During my mandate there has been regular progress in the struggle against the *death penalty*. Most recently, Equatorial Guinea, Pakistan, the United Arab Emirates and the States of Washington, Maryland and Connecticut in the United States have decided to either establish a moratorium or to suspend executions. In April this year, El Salvador, Gabon and Poland acceded to the Second Optional Protocol to ICCPR.

Twice this year in the *United States* we have been reminded of the horrific procedures for putting to death human beings. The botched executions that took place in Ohio, in January, and in Oklahoma, in April, re-emphasize that a State that prides itself on its justice system should put an end to this barbaric form of punishment. I welcome the Obama Administration's decision to conduct a policy review on the application of the death penalty in the United States. I hope this will lead to a moratorium, with a view to abolition.

I also deplore the fact that since January this year, *Iran* has already executed more than two hundred individuals, most for drug crimes that do not meet the threshold of "most serious crimes" under international human rights law.

Moreover, I remain concerned about the situation in *Egypt*, including the imposition of death sentences following mass trials that were rife with procedural irregularities, as well as the arrests of thousands of individuals and the plight of a number of journalists.

The horror of the death penalty was further highlighted in *Sudan* last month by the sentence of a woman to be flogged and hanged on the specious grounds of apostasy and adultery – neither of which should be considered crimes.

During my mission to *Nigeria* in March, the Government committed to observing a moratorium on the death penalty at the federal level, and that it will encourage state Governments to do likewise. Also of great concern in Nigeria, the nightmarish *abduction of hundreds of schoolgirls* by Boko Haram, in April, again highlights the brutal violence inflicted by this group, and should be a reminder of the need for Nigeria to take all possible measures to protect its citizens, in line with international standards.

The murder two weeks ago of a 23 year-old pregnant woman by family members in front of the Lahore High Court in *Pakistan* – and in the presence of police – is yet another shocking case of violence against women. I condemn in the strongest possible terms the dishonourable practice of punishing women and girls for exercising their fundamental right to make personal decisions regarding marriage, employment, finances and all other issues. I call on all countries in which these barbaric events take place to ensure that perpetrators are punished and that action is taken to prevent such crimes.

My Office has constantly sought to address *discrimination*. One of the first challenges that I faced as High Commissioner was the organisation of the *Durban Review Conference*, which resulted in a landmark plan of action that sets a principled international agenda for the global movement against racism and discrimination. It also inspired a series of expert workshops on the prohibition of incitement to hatred that was organised by my Office, resulting in the *Rabat Plan of Action*.

Yet even within States with long-established democratic processes, the fight against discrimination can be undermined by extremist political rhetoric. I am disturbed by the recent increase across the political spectrum in several States in *Western Europe* of a *discourse rooted in anti-immigrant and racist sentiment and religious intolerance*.

The new European Parliament will include a German party leader who has said, "Europe is the continent of white people and it should remain that way." A French party leader who has compared peaceful Muslim street prayers to the military occupation of her country by the Nazis. An Italian member who has been found guilty of arson for setting fire to the pallets of migrants sleeping under a bridge.

There is a road to perpetration of human rights violations. And hate speech – particularly by political leaders – is on that road. Violent attacks based on religion or ethnicity – such as the anti-Semitic murder of four people last month at the Jewish Museum in Brussels – are not unconnected to this climate of extremism. Expressions of racial, religious or xenophobic division that overtly call for, or suggest, targeted actions against minority groups should be anathema in every Member State of the United Nations. I trust that effective and principled human rights education campaigns will be instituted to counteract these alarming trends.

Discriminatory rhetoric has also targeted people because of their *sexual orientation and gender identity*. I welcome the African Commission on Human and Peoples Rights' call last month for States to take steps to protect persons from human rights violations on the basis of sexual orientation and gender identity.

Mr President,

The Secretary-General's *Rights Up Front* Plan of Action is the culmination of our efforts to mainstream human rights within the United Nations, including its political, humanitarian, economic, peacekeeping and development-related work. At the recent meeting of the Secretary-General's Chief Executive Board in Rome, UN Principals agreed that human rights are at the core of our collective efforts in transitioning to a new development agenda. OHCHR will continue to work to ensure that all of the future *Sustainable Development Goals* will be firmly anchored in universal human rights and values. We must also ensure that the new goals rest on a strong accountability framework, and that a global partnership effectively addresses power imbalances in global governance systems.

Another central aspect of the Rights up Front Action Plan is better preparedness by the United Nations system, to ensure *quick, appropriate and concerted reaction to early warning* of human rights crises.

In *Ukraine*, the UN response to the crisis stepped up as the situation deteriorated in February 2014. My Office swiftly deployed a human rights monitoring mission that has so far issued two reports, with concrete recommendations including guarantees for the implementation of minority rights. I hope that the new Government will address the human rights challenges in Ukraine, and I encourage it to devise a comprehensive human rights reform plan that includes accountability for violations.

I note also that last month marked the fifth anniversary of the end of the war in *Sri Lanka*, where the scars created by terrorism and conflict have yet to heal. My Office has now put in place a staff team that will be supported by several experts and Special Procedures mandate holders, to conduct the comprehensive investigation mandated by this Council in

order to advance accountability, and thus reconciliation. I encourage the Government to take this opportunity to cooperate with a credible truth-seeking process.

OHCHR has also been active in follow-up to the Council's resolution on the *Democratic People's Republic of Korea*. I am encouraged by support from many Security Council members for formal consideration of the Commission of Inquiry's report and its referral to the International Criminal Court. The Republic of Korea has accepted to host a field-based structure to build on the Commission's work, and I hope the modalities for this can be agreed swiftly.

Excellencies,

Around the world, OHCHR's formidable mandate is implemented by its exceptionally dedicated *staff*, in often difficult conditions. I would like to bear tribute to their passion and drive. But their work could never be achieved without the vigorous activism of civil society. Rights-holders must be accepted as true partners in our work. This implies, for example, effective participation of indigenous peoples in the process leading to the World Conference on Indigenous Peoples to be held in September.

Regrettably, *civil society activists and human rights defenders* remain under threat in many societies. My Office will continue to contribute to legislation and policies that protect public freedoms for human rights defenders, independent journalists, whistle-blowers and individuals who seek to exercise their right to peaceful protest.

Future challenges

Mr President,

Despite early warning, we have seen many failures by the international community to *prevent conflicts and massive human rights violations*. Many countries continue to experience difficulties in transitioning to democratic governance under the rule of law. We must continue working to strengthen the rule of law at national and international levels, fight impunity, and boost the international community's ability to respond decisively to warning signs.

Within and among States, acute income inequalities are evidence of failures of *social and economic governance*. There is a fundamental need for more consistent application of human rights in the economic sphere. The heavy toll of the recent mine explosion in *Turkey* was a reminder that profits must not come at the expense of human safety; the Guiding Principles on Business and Human Rights provide a robust set of standards in this regard. Similarly, *austerity budgets and policies* must not damage the progressive realisation of human rights, and they should be constantly audited to evaluate any disproportionate impact on vulnerable groups.

All people deserve accountable and democratic governance under the rule of law. In developed and developing countries alike, *corruption* undermines social justice and the right to participate in, contribute to, and enjoy economic, social, cultural and political development. Political leaders must be accountable, and respond without discrimination to popular aspirations, addressing the needs and rights of the poor and marginalized in order to fully realise the right to development. I hope that States can bridge their political divide on the *right to development*, and I look forward to actionable recommendations from the Council.

The threat of terrorism is a clear challenge. In coming years we must also struggle against abusive *counter-terrorism* and *counter-insurgency* tactics that violate the rights to life, freedom from forced disappearance, arbitrary detention, and torture. The point of counter-terror measures is to protect the rule of law and human rights — not to undermine them.

It will also be necessary to step up our work to maintain the right to privacy, in the face of governmental and corporate attempts to create a *surveillance society* via new technologies. And there can be little doubt that the *global climate crisis* is also a human rights crisis – most urgently for people in coastal communities and small island States, but also for all of humanity, as it increasingly threatens health, food, water, housing, and other essential and universal human rights.

Conclusion

Mr. President,

My Office's stature as an authoritative voice on human rights is attributable to its integrity and its insistence on freedom from political influence. We must safeguard these from *financial and political constraints*. We must also protect established norms from the risk of erosion, such as the recent pushback relating to women's rights at the Commission on the Status of Women and in the context of the International Conference on Population and Development review.

Every country has a vital interest in defending a principled structure for a common set of global values. Human rights violations are among the root causes of every type of

instability and conflict, which means that every State has an interest in detecting gaps in its human rights protection. That is precisely the role of human rights mechanisms and institutions, including OHCHR: to detect gaps and assist with solutions.

Yet the very careful reporting and analysis that is done by my Office, and our calls for investigations into allegations of abuse, have frequently been greeted with stone-walling and denial.

Is this because we have criticised Governments? Surely that is the nature of human rights advocacy – to speak truth to power; to confront privilege and entrenched hierarchy with an unshakeable belief in human dignity, equality and freedom.

Is it because we address issues that some States prefer not to discuss? For one State, that might mean brutal anti-terror tactics. For another, inhumane treatment of minorities, or migrants. Or austerity policies that disproportionately weigh on the vulnerable. Or corruption, which misappropriates public goods. Certain States may feel that lesbians, gays, bisexual, transgender and intersex people – or women; or persons with albinism; or people of certain castes, religion, race – somehow have less right than others to live a life of dignity.

Effective human rights advocacy must necessarily open a Pandora's box of hidden abuses. It does so to let in light and air, so that work may begin to ensure better governance and justice.

All human rights violations are illegitimate, whether directed against dissenters and critics; migrants; minorities; indigenous peoples; or people of specific gender, religion, class, caste or race.

Dalit or Brahmin, Peul or Pole, gay or heterosexual, tycoon or pauper, woman, child or man – regardless of our ethnicity; our age; our form of disability; our beliefs; or our

economic might, all human beings are equal in dignity. And all, without discrimination, are entitled to the same rights. I urge this Council to continue to maintain the universality, indivisibility and interdependence of all human rights, including the right to development.

Twenty years ago, Member States created this Office because they saw the need for an advocate to promote and protect human rights. They sought assistance to strengthen their accountability to their own people, in order that the world could become progressively safer and more stable – free from want and free from fear.

Excellencies, OHCHR stands at your side, not in your way. It is a friend that is unafraid to speak the truth. This Office does not only seek to help States identify gaps in their human rights protection. It also assists States to repair them, and to pursue policies that promote equality, dignity, development and the resolution of conflict, thus helping to realise the full sense of its double mandate – to promote and to protect the rights of all.

Today this work is widely acknowledged as valid. I trust that OHCHR will be able to continue in the characteristic spirit of independence, impartiality and non-selectivity that marks every level of its work.

My experience during the past six years has been enlightening and profound. I thank you for the work we have done together. I trust that I have proven to be a channel for effective change, and a strong advocate: one who speaks out without fear or favour.

It has been an honour to serve.