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Human Rights Council 27th Session



Opening Statement by

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Mr. President,

Distinguished Members of the Human Rights Council,

Excellencies,

Ladies and Gentlemen,

Twenty years ago, I was exposed to a cruel, pointless, war. I was serving with the UN Protection Force in the former Yugoslavia, and learnt then a number of simple lessons. Violence at the extreme is so callous, so sickening and beyond the absurd, the human mind can barely edit into comprehensible thoughts what it sees. No war is worse than another in this regard; all wars, big and small, reveal factories spewing the same wickedness. And yet, astonishingly, the authors of the crimes themselves, and their supporting communities, will always believe their actions were somehow necessary, even if they knew they were also wrong. Indeed, every individual, political party, association, ethnic, sectarian, or national group, or government discriminating and inflicting violence on others, believes that when doing so they are excused, or absolved, by circumstance or history.

Our tragedy, our curse, as human beings, is therefore hauntingly simple: every evil can be rationalised to the point where some logic – resting on a narrow argument usually devoid of context and filled with fear – is expanded deliberately in the mind of the killer, the torturer, the bigot and chauvinist, and becomes for them the entire truth. It is a perverted truth, of course; so twisted, that up has become down, and the liars believe fanatically in the lie they have created.

Another lesson for me, twenty years ago, was equally clear: there is no justification ever, for the degrading, the debasing or the exploitation of other human beings – on whatever basis: nationality, race, ethnicity, religion, gender, sexual orientation, disability, age or caste.

Yet today, the international news -- however it is streamed to us -- is still filled with the sobbing of victims, of the oppressed, of the poor alongside the remains and the ashes of the killed. This remains a most pathetic stain on humanity's record of achievement.

We must therefore persevere together until we bend the course of humanity's future into a destination more hopeful and enlightened, in which human decency is the only currency of human interaction, and is valued above and beyond material wealth or cleverness alone. After all, the world is not in need of an even greater number of highly intelligent people, nor politically powerful or extremely rich people; many of them are consequential, yes, but they alone will not save us. To rescue this blue, marble-looking sphere, our planet, we need – and here we must agree with His Holiness Pope Francis -- we need more compassionate, profoundly considerate and wise people piloting our collective fate, and they

must be courageous too.

Today I am deeply honoured to be with you, the distinguished members of the UN Human Rights Council. I look forward to working again with those friends I have known for many years, and to meeting you all in person over the succeeding weeks. I similarly hope we will collaborate and do good work together over the next few years.

In this vein, I am privileged to follow the course set firmly by my predecessors, almost all of whom I have known personally – some very closely – and all of whom I have held in the highest esteem. They were all human rights defenders of the first rank, exceptional and courageous, and motivated by the unequalled courage of those who risk their future and their families to confront injustice when they see it.

Here I would like to make a simple point: courage is the first human virtue, revered the world over, the very virtue we value the most as human beings. The courageous individual is not he or she who wields great political power or points a gun at those who do not – that is not courage. The courageous individual is he or she who has nothing to wield but common sense, reason and the law, and is prepared to forfeit future, family, friends and even life in defence of others, or to end injustice. In its most magnificent form, the courageous individual undertakes this exertion, without ever threatening or taking the life of someone else, and certainly not someone defenceless.

As the Viennese thinker Stefan Zweig wrote, after having lived through one world war and fled another, "Our greatest debt of gratitude is to those who in these inhuman times confirm the human in us." Human rights defenders are such courageous people, and we must do everything we can to protect them, and celebrate them. The UN is often slow to recognise this. Captain Mbaye Diagne of Senegal was probably the most courageous man who ever served with the UN, but until recently was never recognized by the UN headquarters for his sacrifice. He saved possibly a thousand people in Rwanda in the spring of 1994, and lost his life doing so, and never hurt anyone.

By contrast, the Takfiris who recently murdered James Foley and hundreds of other defenceless victims in Iraq and Syria – do they believe they are acting courageously? Barbarically slaughtering captives? What virtue are they demonstrating exactly? They reveal only what a Takfiri state would look like, should this movement actually try to govern in the future. It would be a harsh, mean-spirited, house of blood, where no shade would be offered, nor shelter given, to any non-Takfiri in their midst. In the Takfiri world, unless your view is identical to theirs – and theirs is extremely narrow and unyielding - you forfeit your right to life. In the Takfiri mind, as we have seen in Nigeria, Afghanistan, Pakistan, Yemen, Kenya, Somalia, Mali, Libya, Syria and Iraq, and throughout the world where they have attacked innocent people, including on 9/11, there is no love of neighbour -- only annihilation to those Muslims, Christians, Jews and others (altogether the rest of humanity) who believe differently to them.

Mr. President,

It humbles me to know I am to follow the course that Navi Pillay and her predecessors have mapped out for the Office, working together with the previous Human Rights Commission and now the Council. I first met Navi Pillay many years ago while we were both engaged with the International Criminal Court, and her personal dedication to the Court, together with that of the Secretary-General, will be reflected and extended further by the Office over the next four years, while I am High Commissioner.

Navi Pillay was one of the greatest senior officials the UN has ever had, and one of the most able, formidable High Commissioners for Human Rights. That she could annoy many Governments – and she did – was clear; but she believed deeply and movingly in the centrality of victims, and of those who are discriminated against. They needed her vocal chords, her lungs and her pen, and she made everyone listen. I pledge to continue along the same path: to be as firm, yet always fair; critical of states when necessary, and full of praise when they deserve it.

But I do also believe that we must all be humble, and that while we continue to shorten our patience with those who discriminate against and abuse others, we should also lengthen our memories. The UN itself is not beyond reproach, and I know this first hand. Context and history are also important, and in this vein I welcome the panel discussion on historical memory being organized by the Cuban delegation during this session.

It is important – very important – that we continue to strengthen the human rights pillar of the UN system, and to that end, the Secretary General's *Rights Up Front* initiative deserves our firmest support, especially if we are to integrate our efforts in the field well with other parts of the UN family, for the sake of ending permanently the bitterest of human suffering.

Before I begin with my update, I wish to emphasise one other point. A ministerial-level meeting will be held in New York on 25 September, on the need for a code of conduct to be adopted by the permanent members of the UN Security Council regarding use of veto, in situations where atrocities are ongoing and where those facts are well founded. This is not a call to have the UN Charter rewritten, but a call for the permanent members to exercise a moratorium in very specific circumstances involving atrocity crimes. I applaud the Government of France for taking the lead over this, and thank it for inviting me to participate on the 25th. When the veto is exercised for the sole purpose of blocking action by the Security Council, with no alternative course of action offered, and when people are suffering so grievously – that is also a form of cruelty.

The mandate of my Office encompasses all human rights, for all people. Its priorities

span discrimination; the rule of law and ending impunity; poverty; violence; continuing efforts to improve international human rights mechanisms; and widening the democratic space. In recent months, OHCHR's concerns have been numerous. They have included severe acts of discrimination in many regions; widespread violations of economic and social rights due to failures of governance and other concerns; apparent violations of human rights in the context of counter-terrorism; sexual violence; attacks motivated by stereotypes and hatred of many kinds; over-incarceration; the death penalty, and many other issues.

But my first address to this Council takes place at a time when conflicts in the Middle East and North Africa regions, in particular, are escalating dramatically. In *Syria*, more than 190,000 identified persons were killed between March 2011 and April this year, according to an analysis released by OHCHR last month. According to UNHCR, more than 3 million Syrians have fled their country and 6.5 million more are internally displaced: in other words, almost half the people in Syria have fled their homes. Those wounded, orphaned, missing, detained, "disappeared", displaced, malnourished, deprived of healthcare and denied other critical services add to the incalculable human cost of this conflict.

The latest report by the Independent International Commission of Inquiry on the Syrian Arab Republic brings fresh evidence that this ancient civilisation has devolved into a slaughterhouse, where children are tortured in front of their parents or executed in public, amid wanton killing and destruction. That report will be fully explored in the course of an interactive dialogue during this session. -

Spreading outwards from its initial anchorage in the chaos of the Syrian conflict, the Takfiri or so-called ISIL group that currently in effect controls large swathes of northern *Iraq* has demonstrated absolute and deliberate disregard for human rights. The scale of its use of brute violence against ethnic and religious groups is unprecedented in recent times, as the Special Session of this Council made clear last week.

I solemnly remind this Council that widespread or systematic attacks on segments of the civilian population because of their ethnic background or religious beliefs constitute a crime against humanity, for which those responsible must be held accountable. I would also like to stress that international law requires that both the State and armed groups take all measures to minimise the impact of violence on civilians, respect the principles of distinction and proportionality when carrying out military operations, and ensure that civilians can leave areas affected by violence in safety and dignity.

From a human rights perspective, it is clear that the immediate and urgent priority of the international community should be to halt the increasingly conjoined conflicts in Iraq and Syria. In particular, dedicated efforts are urgently needed to protect religious and ethnic groups, children – who are at risk of forcible recruitment and sexual violence – and women, who have been the targets of severe restrictions.

The second step, as my predecessor consistently stressed, must be to ensure accountability for gross violations of human rights and other international crimes. Impunity can only lead to further conflict and abuses, as revenge festers and the wrong lessons are learned. Accountability, and public acknowledgment of the wrongs that victims have suffered, is important to ensuring that crimes will not be repeated, and the only way to begin to repair a sense of common community in these devastated societies. Iraq, with its new prime minister, should consider accession to the Rome Statute of the International Criminal Court.

The third task – and despite the international community's failure to ensure the first two, I do not believe it is too early to envisage this – must be to take a step back and look at how and why these crises erupted. Underlying patterns of violations and discrimination, including corrupt and discriminatory political systems that disenfranchised large parts of the population, created an inflammable backdrop. Leaders who oppressed or violently attacked independent actors of civil society; institutions that failed to include broadly inclusive participatory processes; a comprehensive failure to promote and protect economic and social rights, as well as civil and political rights – such factors, alongside years of conflict, discouraged the development of tolerant and moderate civil society movements, while the only dissident groups that did flourish underground were extremist ones.

Another example of the need to end persistent discrimination and impunity is the *Israel-Palestine conflict*, with the recurring violence and destruction evident in the repetition of crises in Gaza. The most recent outbreak of armed conflict has had a particularly devastating toll in death, suffering and destruction, compounding what was an already precarious situation due to the blockade imposed by Israel in 2007. As of last week, preliminary estimates are that 2,131 Palestinians had been killed during the latest crisis in Gaza, including 1,473 civilians, 501 of them children. 71 Israelis had also been killed, including 4 civilians.

Current and future generations of Palestinians in Gaza and the West Bank, including East Jerusalem, have a right to live normal lives in dignity: without conflict, without a blockade, indeed without the wide range of daily human rights infringements that are generated by military occupation, illegal settlements, excessive use of force, home demolitions, and the Wall that continues to be constructed across the Occupied Palestinian Territory. The seven-year blockade must end, and there must be effective accountability for transgressions committed by all parties. On this point, I note that Israelis have a right to live free and secure from indiscriminate rocket fire.

I trust that this Council's Commission of Inquiry on the Occupied Palestinian Territory will be able to acquit its task of creating clarity about facts with full engagement from both sides. It is also imperative that all parties to the conflict in Gaza fully comply with their obligations under international humanitarian law.

Since this Council last convened, the situation in *Libya* has deteriorated very rapidly, and represents a growing threat to regional security. Multiple armed groups are indiscriminately shelling heavily populated areas through the use of heavy artillery and even aircraft, leading to the death and injury of civilians, including children. Living conditions for civilians in Tripoli and Benghazi have steadily deteriorated, with food, fuel and electricity in diminishing supply. Health facilities have been severely affected by the violence, and common criminality is on the rise. I urge the parties involved in these hostilities to cease all violations of international law and end the fighting.

We remain concerned about the situation in *Ukraine*. OHCHR's latest monthly report gives a full picture of current human rights challenges, especially in the east, where at least 3000 people have been killed since mid- April this year. The Council will specifically deal with this situation later in the session, and an official OHCHR report will be presented at that time. I must, however, reiterate that every effort must be made by both the Ukrainian government and the armed groups – as well as by neighbouring States, including the Russian Federation – to protect civilians in this deplorable conflict, and to ensure compliance with international humanitarian law.

In the *Central African Republic*, a near-total absence of State control over most parts of the country continues to facilitate impunity for violations. Ex-Séléka and anti-Balaka forces continue their attacks, with the civilian population the main victims. The international Commission of Inquiry on CAR has already concluded that there are reasonable grounds to believe that all sides of the conflict have perpetrated serious violations of international humanitarian and human rights law since January 2013. In its second phase, the Commission will carry out investigations beyond Bangui. 68 OHCHR staff members will participate in the Human Rights Component of the UN peacekeeping mission, a further indication of how the *Rights Up Front* agenda is taking shape.

In *South Sudan*, despite a recent lull in fighting, we have continued to observe serious human rights violations by both parties to the conflict. There will be detailed discussion of this situation during a panel discussion on 24 September. Regarding the *Democratic Republic of Congo*, I was appalled to learn recently that more than one in three men surveyed in the North Kivu province admitted that he had committed sexual assault. I have been tremendously inspired by the work of Dr. Denis Mukwege, who has noted how “the bodies of women became the battlefield of conflict” in the DRC. This underscores the need for the Government to implement recommendations regarding women's human rights and preventing sexual violence. A report on the DRC will also be presented at this session of the Council.

May I say also that I have been deeply impressed by the work of this Council's Commission of Inquiry on human rights in the *Democratic People's Republic of Korea*. I hope the General Assembly and Security Council will give this report their fullest attention, and take steps to ensure accountability for those who have perpetrated crimes against humanity.

Moreover, I attach great importance to the investigation on *Sri Lanka* mandated by this Council, on which OHCHR will report later in the session. I encourage the Sri Lankan authorities to cooperate with this process in the interests of justice and reconciliation. I am alarmed at threats currently being levelled against the human rights community in Sri Lanka, as well as prospective victims and witnesses. I also deplore recent incitement and violence against the country's Muslim and Christian minorities.

Excellencies,

In the resonant words of the Preamble to the Universal Declaration of Human Rights, “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Societies that uphold human rights are more resilient, more sustainable and thus more secure. In raising an independent voice that can advocate for the voiceless, in identifying violations and gaps in States' protection, and assisting with technical capacity building, OHCHR is, in a very real sense, working to benefit all Member States.

I am determined to further strengthen that highly constructive *engagement with Member States* on both bilateral and multilateral human rights issues, and I encourage Member States to propose new methods of engagement, including transparent and cross-regional gatherings in informal settings. In strengthening their national human rights capacities and infrastructures, I will count on our close cooperation and partnership with UN Country Teams worldwide, as well as regional human rights mechanisms, bilateral donors and other stakeholders active at country level, particularly national human rights institutions.

OHCHR's mandate is to ensure that universal human rights norms are upheld, making no distinction between countries, and dealing impartially and forcefully with all civil, political, economic, social and cultural rights. Those universal norms are further clarified thanks to the persistent work of the independent, expert-led human rights mechanisms. As the custodians of human rights norms, the *Treaty Bodies* are uniquely qualified to grapple with challenging issues; the *Special Rapporteurs* are the eyes and ears of this Council. Both are practical sources of expert guidance for national policies, laws and practice, while the *Universal Periodic Review* is an unprecedented tool to maintain a constant review of human rights developments in all member States.

Like my predecessors, I will give utmost importance to the findings of all these human rights mechanisms. I will seek to ensure that greater priority is given to implementation of recommendations made by the UPR, the Treaty Bodies and Special Procedures, for real impact on human rights on the ground. I will also be focusing on working with my United Nations counterparts for greater integration of these recommendations into their country programmes. Regarding resolution 68/268 on Treaty Body strengthening, the past six months have seen significant follow-up to this landmark document, and I will pay careful attention to its implementation by States and by the Treaty Bodies themselves.

But the work done by OHCHR, by the Special Procedures, by Treaty Bodies, this Council itself, and indeed, by Member States, could never be achieved without the greater efforts of *civil society actors*. We need their continuing support and contributions to realise progress. I encourage the Council to strengthen its constructive engagement with civil society actors, and to ensure that their voices can be raised safely and without reprisals.

Freedoms of expression, association and peaceful assembly are rights that enable people to share ideas, form new thinking, and join together with others to claim their rights. It is through the exercise of these public freedoms that we make informed, considered and intelligent decisions about our development. To restrict them undermines progress. We must acknowledge the value of civic contribution, build the capacity of marginalised voices, ensure a place at the table for civil society actors, and safeguard their activities – including the activities of those who cooperate with this Council, its Special Procedures and Commissions of Inquiry. I take this opportunity to echo the Secretary-General's condemnation of acts of reprisal against individuals by reason of their engagement with the United Nations.

Excellencies,

In a year from now, the *Sustainable Development Goals* will replace the Millennium Development Goals. The SDGs will be negotiated over the coming twelve months, and have the potential to transform the very notion of development.

The MDGs popularized the powerful message that development is more than free markets and economic growth. It is about how healthy people are, what kind of education they enjoy, whether they have access to food and live in a healthy environment. However, the MDGs were blind to inequity and incomplete: it has become clear that the new goals must integrate the human rights agenda, including the right to development across the board.

The enduring effects of the global economic crisis have challenged the realization of economic and social rights. They have exacerbated inequalities and deprived many of jobs, adequate health care, education, social protection programmes, housing, clean water and food. The impact of the crisis and austerity measures has been particularly acute for the most vulnerable and marginalized in society.

The SDGs need to aim not only for freedom from want – including the rights to health, education, decent work, food, water and sanitation – but equally, freedom from fear; and here I would highlight rights relating to access to justice, personal security and an equal voice and right to participate in public affairs. Perhaps no recent phenomenon could illustrate the indivisibility and interrelatedness of human rights better than the *Ebola* outbreak that is currently affecting several West African countries. The lack of adequate infrastructure for a life of dignity – including hospitals and sanitation – and conditions leading to distrust and civil disengagement with authorities, have compounded the effects of this terrible epidemic,

placing human lives in grave danger as well as undermining peace and security, and development.

Discrimination and inequalities of all kinds prevent people from achieving their full potential, and the SDGs must aim to overcome them. We also need a renewed global partnership to create an enabling environment for the right to development – not only through international aid and technology transfer, but also by reducing existing inequities in global governance, and by aligning trade, finance and investment policy explicitly and systematically with human rights standards and principles.

Finally, the goals will only make a difference to people if progress can be effectively monitored – and if decision-makers can be held to account for shortcomings. An important effort needs to be made to construct an accountability framework for the SDGs, with indicators that can measure the actions and omissions of private business and public authorities, and flag where implementation is faltering. Clearly, this accountability framework should aim at maximum involvement by civil society and the general public.

OHCHR has been particularly concerned by the human rights situation of *migrants* around the world. From the Mediterranean to the Indian Ocean and the deserts of the United States of America, we continue to see countless avoidable deaths of migrants in the course of their journeys; brutal forms of human trafficking; ill-treatment at borders; and prolonged detention in deplorable conditions. Many migrants, including documented migrants, also suffer forced labour or dangerous, exploitative or degrading working conditions, and these violations against migrants are frequently characterised by the victim's inability to gain redress from State officials.

Along the borders of Europe, including most recently in the Spanish autonomous city of *Melilla*, reports allege forced returns, pushbacks and ill treatment of migrants by security forces. *Italian coastguards* have assisted more than 100,000 migrants arriving by sea this year, but despite that good work, almost 1900 people have died crossing the Mediterranean, and more must be done by *the EU and its member states* to deal with this tragic situation.

In *Gulf Cooperation Council countries*, attempts to develop better governance regarding labour migration from Asia have stalled, and exploitative control over migrant workers by their employers remains the dominant model. Conditions for migrant workers in the fishing industry in *Thailand* were recently made notorious by media reports, but that industry is not unique. I am also concerned by the shooting of Bangladeshi strawberry pickers in *Greece* after they had asked for months of back pay.

I must emphasise that the detention of asylum seekers and migrants should only be applied as a last resort, in exceptional circumstances, for the shortest possible duration and according to procedural safeguards. *Australia's* policy of off-shore processing for asylum seekers arriving by sea, and its interception and turning back of vessels, is leading to a chain

of human rights violations, including arbitrary detention and possible torture following return to home countries. It could also lead to the resettlement of migrants in countries that are not adequately equipped. In *Cyprus*, migrants, including children, are routinely detained for periods that exceed 18 months, in prison-like conditions.

I am also concerned by reports of detention in the *United States of America* of some of the more than 50,000 unaccompanied children who have arrived there since October 2013. They have been fleeing violence and deprivation in countries such as El Salvador, Guatemala and Honduras; some are as young as five years old. While the underlying causes of their flight involve poverty and inequality, the proximate trigger is their urgent fear of gang violence targeted specifically against children, as potential members of such gangs.

These root causes in the countries of origin and destination must be tackled in a concerted manner, at the regional level. Furthermore, the abuses suffered by these children in transit – including killings, kidnappings, disappearance, extortion, sexual violence and detention – are shocking and must be addressed. The impunity enjoyed, at every step of the journey, by those who profit from smuggling these children is unacceptable.

The treatment of non-nationals must observe the minimum standards set by international law. Human rights are not reserved for citizens only, or for people with visas. They are the inalienable rights of every individual, regardless of his or her location and migration status. A tendency to promote law enforcement and security paradigms at the expense of human rights frameworks dehumanises irregular migrants, enabling a climate of violence against them and further depriving them of the full protection of the law.

Mr. President,

The extraordinary range and significance of the topics that I have just outlined underscore the breadth of OHCHR's mandate and the importance of the work done by its staff – often in very difficult circumstances, particularly in a number of our field offices. In the years to come I look forward to enriching the deeply valuable relationship between OHCHR and this Council. My Office will be open to dialogue with all stakeholders; and within the limits of our resources, we will extend every possible assistance to States, to heighten their protection and promotion of human rights.

Thank you.