

Check against delivery

## **Human Rights Council**

**19<sup>th</sup> Session**



**United Nations**

**High Commissioner for Human Rights**

Introduction of her Annual Report 2011  
to the Human Rights Council

2 March 2012

Geneva, Switzerland

Madam President,

Excellencies,

Ladies and Gentleman,

2011 was a year critical for human rights. It was a year of substantial challenges to human rights linked to the global economic, climate, energy and food crises, famine in the Horn of Africa, armed conflict, racism and xenophobia, and lingering poverty. It was also a year when we witnessed the mobilization of civil society contesting repressive power structures and failed forms of governance, particularly in the Middle East and North Africa. In some countries, legitimate demands for freedom, equality and justice were met with extreme violence and repression. The escalation of violence in Syria is of utmost concern. The international community has an urgent responsibility to act to bring an end to the heavy loss of life in Syria. In other countries, new avenues to advance human rights opened. With these opportunities came challenges as we are seeing in Egypt, Libya, Tunisia, Bahrain and Yemen.

Today I will highlight some of the key issues in my annual report.

### ***Human Rights Mechanisms***

In this period of significant upheaval and uncertainty, the human rights mechanisms supported by my Office are more relevant than ever. They have drawn attention to emerging issues of concern and urgent situations. I commend the leadership of the Human Rights Council which promptly responded to the situations in Libya and the Syrian Arab Republic, notably by establishing commissions of inquiry for the two countries. The Council is also on its way to completing the first UPR Cycle with a 100% participation rate. My Office stands ready to provide support to countries in the implementation of UPR recommendations upon request.

Supporting the work of treaty bodies and the special procedures of the Human Rights Council is a priority for my Office. Over the past year, we have seen the creation of two new thematic mandates, three new country mandates, the expansion of the mandate of the Special Rapporteur on toxic waste, and the creation of a working group on human rights and transnational corporations and other business enterprises.

Regarding treaty bodies, the newly established Committee on Enforced Disappearances held its first session, and the Committee on the Rights of Persons with Disabilities considered its first State party report. The treaty body system will continue to grow with more ratifications, reporting and the development of new international instruments. This represents a significant accomplishment for human rights. However, my Office's ability to support the treaty bodies has become unsustainable and the human rights protection offered by the treaty bodies will be weakened unless changes occur.

In 2009, I launched a multi-stakeholder process of reflection aiming to assist States, treaty body experts and other stakeholders to reflect on ways to strengthen the treaty body system, following a bottom-up, inclusive and transparent approach. This process will culminate in a report that I will launch in June. The recommendations in that report will respect the existing legal parameters and treaty bodies' independent powers to decide on their own working methods and rules of procedures. The Geneva consultations which took place in February, and in which 108 States participated, generated a lively discussion among States. It is hoped that the consultations to be held with States in New York on 2 and 3 April 2012 will build on the Geneva consultations and make tangible progress. My report will be informed by these consultations and in turn, I hope that my report will feed into the future intergovernmental process to strengthen the treaty bodies which was just established by the General Assembly.

### ***Discrimination and Marginalized Groups***

I am deeply concerned about the rise in xenophobic and discriminatory practices around the world. To combat them, important initiatives have been undertaken. I count on your support to ensure the political declaration adopted during the commemoration of the 10th anniversary of the adoption of the Durban Declaration at the 66th session of the General Assembly will help renew efforts to combat racial discrimination and xenophobia.

In 2011 the International Year for People of African Descent, was commemorated and my Office looks forward to leadership of the Human Rights Council during the Decade for People of African Descent.

My Office supported a range of initiatives to combat discrimination. As one example we supported the development of legislation to criminalise caste-based discrimination and strengthen the National Dalit Commission, in Nepal. As another example, my Office together with other UN entities, facilitated a civil society group of Roma activists aiming to influence policies on issues related to the right to health for women and children.

My Office also helped strengthen the implementation of relevant human rights frameworks. One such activity is the series of expert workshops we organized on freedom of expression and the prohibition of incitement to national, racial or religious hatred. The final expert meeting will be held in Morocco later this year to take stock of the discussions thus far, after which we will produce a comprehensive report.

We have also continued to highlight the prevalence of violence and discrimination directed at individuals on the basis of their sexual orientation and gender identity. At the request of this Council, in December my Office issued a study on this issue, to be taken up at a panel discussion on March 7.

I have observed that indigenous peoples continue to lose their traditional lands. Religious minorities are increasingly targeted in sectarian violence. My Office is supporting indigenous peoples and minorities rights issues. With other UN entities, we launched the United Nations Indigenous Peoples Partnership in early 2011 to advance the right of indigenous peoples to participate in decision-making processes. 2012 is the 20<sup>th</sup> anniversary of the adoption of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic

Minorities, and my Office will be actively promoting awareness and the implementation of the Declaration.

Last year, considerable advances were made in the promotion and protection of rights of persons with disabilities. We issued our first field reports on disability - in Timor-Leste and Sierra Leone. My Office, with other UN entities, also established the UN Partnership to Promote the Rights of Persons with Disabilities, now supported by a Multi-Donor Trust Fund.

I am concerned by the growing challenges facing the realisation of human rights of older persons around the world. Among other initiatives, my Office supported the open-ended working group on the human rights of older persons established by the General Assembly.

### ***Economic, Social and Cultural Rights, Inequalities and Poverty***

Madam President,

A human rights-based approach to development is fundamental to address current economic, social and political challenges, and also to define and implement more coherent and effective policy responses. My Office continues to provide support to countries willing to develop and implement operational tools to prioritize rights in national development frameworks and budget processes.

We also stepped up engagement with United Nations, national and civil society partners in order to strengthen accountability for realizing the Millennium Development Goals and advocate that all human rights including the right to development are central to the post-2015 development agenda.

In the wake of global setbacks in the enjoyment of economic, social and cultural rights, my Office has strengthened our efforts to protect and monitor these rights. We have supported the inclusion of relevant constitutional amendments in a number of countries, and advocated for the integration of the protection and promotion of the right to food in global responses to the food crisis in the Secretary-General's High-level Task Force on the Global Food Security Crisis. My Office also continued to promote ratification of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, and I hope that this important instrument will enter into force in 2012.

In 2011 we commemorated the 25<sup>th</sup> anniversary of the Declaration on the Right to Development. I now look to the Council to take an active role in promoting the mainstreaming of human rights, including the right to development. The World Conference on Sustainable Development (Rio+20) offers an excellent opportunity to emphasize the importance of mainstreaming human rights.

As we prepare for Rio+20, I urge Member States to strive for coherence between efforts to advance the green economy, on the one hand, and human rights on the other; to recognize that policies and measures adopted to advance sustainable development must be firmly grounded in, and respectful of human rights, including the right to development.

## ***Migration***

Opposing the criminalization of irregular migration, as well as drawing attention to the vulnerability and human rights violations experienced by migrants in the context of the Arab Spring, was a strong focus of our work last year.

In addition, following the conclusions of a global round table on alternatives to immigration detention, organised by my Office in partnership with UN High Commissioner for Refugees, I call on Member States to explore effective alternatives to immigration detention, particularly for children and other vulnerable groups of migrants.

In this context, I very much welcome last week's judgement of the European Court of Human Rights which ruled that it is a violation of International Human Rights Law for a State to collectively expel migrants who are intercepted on the high seas. OHCHR submitted a legal brief arguing this position.

## ***Violence, Insecurity and Impunity***

In 2011 my Office supported the transitions to democracy in the Middle East and North Africa, including by providing expertise on transitional justice and rule of law issues. In Tunisia, for instance, the newly established OHCHR Office is supporting the transitional justice process as well as the reform of the security and justice sectors.

The need to guarantee accountability for past violations of human rights and international humanitarian law is a key component of state-building. In this regard, my Office advised on a draft law establishing a Truth and Reconciliation Commission in Burundi. In the Democratic Republic of the Congo, we supported projects aimed at combating impunity. In Haiti, we conducted investigations into alleged summary executions and torture. The adoption in Colombia of the Victims' Rights and Land Restitution Law represents a major advancement in addressing the right to reparation for victims of armed conflict. Still, the Law does not adequately ensure effective protection of all victims.

I welcome the publication by the Government of Sri Lanka last December of its Lessons Learned and Reconciliation Commission. While the report falls short of the comprehensive accountability process recommended by the Secretary-General's Panel of Experts, it does make important recommendations. I encourage the Government to engage with the Special Procedures and with my Office on follow up to the report. I also hope the Council will discuss these important reports.

States have an obligation to protect their citizens from threats to their security in a manner that respects human rights. My Office has assisted States develop and implement security policies, including counter-terrorism measures in accordance with international human rights law. We have seen the lifting of long-standing emergency measures in Sri Lanka, Malaysia and Fiji, although some provisions restricting fundamental rights remained or have been reintroduced. Over the past year, I have also expressed concerns about the rights of detainees held at Guantanamo Bay, and my deep disappointment at the failure to close this detention facility.

Madam President,

The exercise of freedoms of expression, assembly and association, so critical in transition processes, have increasingly been met by violent crackdowns on peaceful protests, obstruction in formation of associations, interference and monitoring of associations' activities, and arrest, detention and trial of civil society actors. The right of individuals or groups to defend human rights is an essential component of democracy, yet is under threat in some countries. To help address this threat in one country I personally contributed to the launch of a successful national campaign in Mexico called "I declare myself a human rights defender" to raise awareness of the risks human rights defenders face and the importance of their work.

I am alarmed at the surge in executions that is reported to have taken place in Iran during the last year and a recent spike in the number of executions in Iraq – particularly since fair trial standards have usually not been guaranteed. There have been some encouraging developments, for example, Mongolia has signed the Second Optional Protocol to the ICCPR, and Japan has not conducted any executions for more than one year. Furthermore, in November 2011, in China, my Office conducted the first ever United Nations' sponsored seminar on the issue of the death penalty with the Government.

My Office continues to contribute to the implementation of Security Council mandates for the protection of civilians. In my addresses to the Security Council in 2011, I emphasized the importance of human rights protection, ensuring accountability and providing adequately-resourced and staffed human rights components. My Office helped implement the Security Council Resolution on Women, Peace and Security to enhance the protection of victims of sexual violence in conflict situations and accountability for such violations.

In Sudan, Areas of South Kordofan, Blue Nile and also Darfur continue to see heavy fighting and related human rights violations, while South Sudan is struggling to contain deadly inter-communal violence in Jonglei, Warrap and Unity states.

These developments underscore the need to resolve the causes of violence and the urgency of addressing widespread impunity. It is critical that independent investigations be conducted into the recent violence. My Office is ready to assist in that regard.

My Office has forged partnerships to effectively carry out our work in conflict situations and we, DPKO, DPA and DFS signed a new Policy on Human Rights in Peace Operations and Political Missions. This document captures existing policies and practices on human rights integration in peacekeeping contexts and provides a solid operational framework for implementation.

We have worked with the Secretary-General and UN partners to advance the new Human Rights Due Diligence Policy on UN support to non-UN security forces. Grounded in human rights standards, this policy guides UN support to security forces that are professional, human rights compliant and accountable.

Madam President,

As a consequence of the Government of Nepal's decision not to extend the mandate of OHCHR in Nepal, the Office will wind up its activities by the end of March. Although the office will no longer be present in the country, we remain available to support human rights in Nepal.

I welcome the recent extensions of the mandates for my Office in Cambodia and Guatemala for a further two and three years, respectively.

The Government of Yemen recently invited me to establish an office in the country and an OHCHR team was in Sana'a last week to discuss this matter as well as transitional justice issues.

I was pleased to make an official visit to the Maldives in November, where I had the opportunity to discuss the challenges of democratic transition, in particular the strengthening of an independent judiciary. I am saddened, therefore, by the developments of the past month which saw a breakdown in the institutions of the state and the resort to violence and excessive force. I join the Secretary-General in appealing for calm and national reconciliation, and I welcome the new President's commitment to uphold human rights and to ensure an independent investigation into the recent events.

In November, I also had my first meetings with the new ASEAN regional human rights mechanisms in Indonesia. They are now elaborating an ASEAN human rights declaration which, I hope, will reinforce international standards.

An OHCHR mission visited Iran in December 2011 to discuss my proposed visit as well as human rights concerns. My Office and the Iranian authorities agreed that my visit will require further preparation, and I hope that this dialogue will develop in the months ahead.

Madam President,

Let me conclude by noting that my Office strives for efficient use of existing resources in the exercise of my mandate. However, the continued increase in the tasks requested of my Office has tested the limits of our ability to absorb mandates without commensurate resources. I appeal for a commitment to ensuring that adequate resources are attached to each of our vital mandates.

Thank you.