

Check against delivery

Human Rights Council 30th Session



Opening Statement by

Zeid Ra'ad Al Hussein

United Nations High Commissioner for Human Rights

Geneva, 14 September 2015

Mr President,
Excellencies,

It was the way he lay: asleep, terminal, so profoundly sad – as if by lying in supplication before the waves that killed him he was asking for a replay, with a different outcome this time; and his socks and little shoes told us he was ready to try life again. But his cheek on the soft sand whispered otherwise, it made us choke. Shamed and disgraced, the world wept before the body of this little boy.

These speeches, these sessions, these protests by so many of us here for a world more humane and more dignifying of the rights of all humans, all humans – what good are they, when this happens? Not just once, not just to this tiny boy, Aylan Al Kurdi, but to so many across the world: the horror they experience, relayed daily to us through the news media shreds our hopes for some mercy, some relief.

Mr President,

After a year as UN High Commissioner for Human Rights I, together with many of my colleagues at the office, feel exhausted and angry.

Exhausted, because the system is barely able to cope given the resources available to it, while human misery accelerates. From poverty of annihilating proportions in the many conflict-ridden areas where peace remains elusive, to the denial of the civil and political rights of peoples trapped between the pincers of ruthless extremists and governments fighting them; hatred; bigotry; racism – it all seems too overwhelming.

And angry, because it seems that little that we say will change this. To take one utterly shameful example, despite the horrific human rights violations in *Syria* that have been investigated, enumerated, discussed, we must continue to deplore the international community's failure to act. Unless we change dramatically in how we think and behave as international actors – Member States, inter-governmental organizations and non-governmental organizations alike – all of us, in the human rights community, will be inconsequential in the face of such mounting violations.

And yet the selflessness of the finest UN staff members – like those from OHCHR whom I met in Bangui last week, working in the most difficult, dangerous, environments to record and report on human rights violations; and the stunning courage of human rights defenders throughout the world; the loneliness and pain of refugees and other rights-holding migrants: the hundreds of millions who suffer from hunger, discrimination, torture – they prevent us from conceding defeat.

We are mindful, also, that some countries in the Middle East – *Jordan, Lebanon, Turkey* – and in Europe – *Germany* and *Sweden* – show commendable humanity and leadership when it comes to hosting refugees and migrants needing protection. And there are millions of ordinary people who in opening their individual homes to refugees and other migrants have also demonstrated remarkable generosity, and a kindness that should be repeated elsewhere. The outpouring of human conscience that surged up following the publication of the photograph of Aylan, gave

evidence for a counter-narrative to the mean-spiritedness of some decision-makers who have been whipping up the baser instincts of their populations.

And so I implore decision-makers in Africa, the Americas, Asia and the Pacific – as well as Europe – to take swift action to establish effective and principled migration governance. States have a sovereign right to secure their borders, and to determine conditions of entry and stay in their territories. But they also have an obligation to respect international human rights law, refugee law and humanitarian law.

I welcome the President of the EU Commission's proposal last week to relocate a further 120,000 people in member states, and his statement that this is "a matter of humanity and dignity". In *Austria, Belgium, Finland, Germany, Sweden* and even – despite the long-standing xenophobia of tabloids and some politicians – the *United Kingdom*, ordinary people have volunteered, not only assistance, but also political support for the rights of migrants and refugees. I urge European States to build on this surge of human feeling by putting in place an architecture of migration governance that is far more comprehensive, thoughtful, principled and effective. We need expanded channels of regular migration and resettlement – two measures which would prevent deaths and cut smuggling. Detention, particularly of children, and all forms of ill-treatment should cease, at borders and elsewhere.

I concur that there is no one swift solution to the terror, the trauma, the deprivation and neglect that drive so many millions of people to leave all that they have, and all they have ever known. To restore human rights in their homelands will take long and focused work. And yes, it is true the people most responsible for their migration are those leaders who have failed to uphold human rights, and robbed their people of hope.

But what we need from you, the distinguished members of the Human Rights Council, is a pledge to connect what you say here to material action on all fronts. The recommendations of the UPR and other human rights mechanisms must be implemented; the standing invitations to Special Procedures broadened; reports to mechanisms and treaty bodies must be accurate and timely; double standards must be banished, and hypocrisy, recognized.

We need your support to assist *your* countries, as well as others. We need you to accept scrutiny or criticism, and not to withdraw your voluntary contributions because we speak out. Ultimately it is you who exercise sovereign authority and bear that responsibility toward your own people. It is you who should be answerable to them – to respect and not fear them; to serve and not enslave them; to dignify, and not discredit them. My Office will be there to help where and when we can, upon request, and to comment when we receive information that raises concern. But in this, we are not infringing on the sovereign rights of any country.

Sovereignty cannot be damaged by carefully evaluated commentary. The search for truth can do many things, but it does not weaken, violate or assault. But sovereignty is indeed threatened when tyranny in one country flings millions of people into flight and turmoil, and fuels the savagery of extremists who respect no laws or borders. Sovereignty is jeopardised when epidemics, unleashed by abject

living conditions and failures to ensure health-care, endanger lives everywhere. When leaders responsible for crimes against humanity go unpunished and a culture of impunity feeds future cycles of violent instability across whole regions. When massive floods and endless droughts, kicked up by climate change, modify every parameter of people's livelihoods regardless of State frontiers. When criminal networks, including human traffickers, are able to operate across countries freely. When corruption and cronyism eat away at the rule of law, the sense of community, the possibility of sustainable development and the legitimacy of government authority. These are factors which truly do endanger the sovereignty of States.

Upholding human rights is intrinsic to the obligations of sovereignty, and constitutes the fundamental basis for a healthy State. The voice of human rights is raised in support of your governance – to assist in building societies that are resilient, peaceful and prosperous.

Instability is expensive. Conflict is expensive. Offering a space for the voices of civil society to air grievances, and work towards solutions is free.

When ordinary people can share ideas to overcome common problems, the result is better, more healthy, more secure and more sustainable States. It is not treachery to identify gaps, and spotlight ugly truths that hold a country back from being more just and more inclusive. When States limit public freedoms and the independent voices of civic activity, they deny themselves the benefits of public engagement, and undermine national security, national prosperity and our collective progress. *Civil society* – enabled by the freedoms of expression, association and peaceful assembly – is a valuable partner, not a threat.

Yet for several years, I and my predecessor have enumerated at this Council States that have taken extremely serious steps to restrict or persecute the voices of civil society. While I will continue to list them, I am devastated to have to report that there are now too many countries on that list for me to name them here today. This is a grim indictment of our record in protecting that foundation of good governance, the State's service to its people, and it bodes ill for the future of your societies.

Overly restrictive legislation is enacted to limit the exercise of public freedoms and work by civil society organisations. In many situations, the voices of minority communities are suppressed and their activists and advocates are crushed. Women human rights defenders are targeted for specific attacks, often grounded in harmful and out-dated stereotypes of women's so-called "place". Measures are taken to sharply restrict the democratic space online, including blocking of websites and mass surveillance. Several States seem almost to be engaged in a war on information, in which legitimate critics and journalists are targeted for violence, arbitrary arrest and detention, and even murder – particularly those who investigate human rights violations, corruption and malfeasance by officials.

I am, for example, concerned about the detention and interrogation in recent months of more than 100 lawyers in *China*, in connection with their professional activities, and by the adoption of new laws with far-reaching implications for NGOs. I am also dismayed by the stigmatisation of foreign-funded NGOs in the *Russian Federation*, where the 2012 law has resulted in marginalising and discrediting

organisations that contribute to the public good. I hope that the newly established expert group, consisting of Government officials, parliamentarians and civil society representatives will come up with solutions to this issue. Similar restrictive laws have been adopted in Central Asia, contravening the people's right to participate in, and criticise, decisions.

Some Member States have sought to prevent civil society actors from working with UN human rights mechanisms, including this Council. Session after session, they attempt to bar from accreditation – based on spurious allegations of terrorist or criminal activity – groups that strive to expose problems and propose remedies. Reprisals have targeted some activists who have participated in Council-related activities, undermining the legitimacy and credibility of the international human rights institutions.

I call for your contributions to my forthcoming report to the Council on good examples in the civil society space. The construction of rule of law institutions that promote governance that is participatory, accountable and transparent. Regulatory frameworks which protect and support the right of grassroots organisations to raise their voices. Positive political and public environments which recognize the value of civic contribution, the free flow of information, and space at the decision-making table. These are the tools that build public confidence and stability in the long term.

The United Nations' *2030 Agenda for Sustainable Development* constitutes universal recognition that the challenges faced by any one of us may swiftly become crises faced by all. It grasps that these challenges cannot effectively be met by tinkering around the edges of economic, social and political governance, but require a fundamental shift in the dominant development model in all countries. The new Agenda offers real hope for stability, prosperity and conflict prevention. It points to development that is sustainable, equitable for all, environmentally sound, and grounded in human rights. Its promises must be implemented. I have high hopes for the Summit which will convene in New York in a few days, and I note that we may wish to consider how this Council, notably through the UPR, can best contribute to the implementation of this transformative agenda.

In December, the international community will gather for the *United Nations Conference on Climate Change*, an issue so vast and threatening to peace, prosperity, social justice and indeed life itself that it demands we seek solutions together, or face irreparable damage to humanity. Climate change is a threat multiplier, a force that intensifies the likelihood of poverty and deprivation of all kinds; conflict; and the precarious migration of people.

Mr President,

In the *Central African Republic*, which I visited two weeks ago, the most severe human rights violations have declined significantly since last year. But in several areas armed groups have set themselves up as de facto local authorities, and they continue to operate with almost total impunity. While a few alleged perpetrators have been charged with crimes, for the most part these have been minor figures. The most notorious leaders, with much blood on their hands, remain at liberty. The Government and the UN must do more to support the fight against impunity and to

protect people from ongoing threats. It is critical to redress the national justice system and to swiftly set up the Special Criminal Court. Impunity is not the price of political stability; it is a strong driver of conflict.

I am also profoundly concerned about the impunity enjoyed by perpetrators of serious human rights violations in *Sudan*, particularly in Darfur, the Blue Nile and South Kordofan. I urge the international community's support and assistance to the International Criminal Court. The people of Sudan deserve justice and redress no less than those of other countries.

There has also been near-absolute impunity for violations committed in *South Sudan*. UNMISS has reported further shocking atrocities in the course of an upsurge in fighting that began in April. I welcome the recent peace agreement and trust that there will be rigorous implementation of its provisions on transitional justice and accountability – including the proposed hybrid court to try serious crimes including genocide, war crimes and crimes against humanity.

I remain deeply troubled by allegations of human rights violations in *Somalia*, by all parties. Violations of freedom of expression, forced evictions of displaced people in Mogadishu, and numerous reported cases of sexual violence also remain major concerns. It is vital to strengthen rule of law institutions to fight against impunity for human rights violations. I urge the Federal Government of Somalia to put human rights at the centre of the political and stabilization agenda, as a pre-condition for real peace.

In *Mali*, I regret to note that the people's hope for peace following signature of the Peace and Reconciliation Accord has been tarnished by violation of the ceasefire, and related human rights violations. Further efforts are needed to compel all parties to comply with the Accord, and to ensure protection of the human rights of all Malians.

I continue to be concerned about the situation in *Eritrea*, where the Commission of Inquiry's findings suggest that crimes against humanity may have been committed. My Office undertook an assessment mission to Eritrea earlier this year, and we hope that a second mission before the end of the year can find areas where we can cooperate with the authorities to strengthen national protection systems and implement the recommendations of the human rights mechanisms.

As this Council is aware, there have been some 100 deaths and over 600 arrests in the current crisis in *Burundi*, with over 180,000 people fleeing to neighbouring countries. The democratic space in Burundi has been largely erased, and the consequences for the nation and the Great Lakes region could be disastrous.

I welcome the important agreement between *Iran* and its international partners on nuclear issues, which promises to engage Iran more closely with the international community and alleviate some of the consequences of sanctions. I urge Iran to make commensurate progress in human rights. Accelerated use of the death penalty, concerns about the right to a fair trial, and the continued detention of journalists, bloggers and human rights defenders remain a major cause for concern.

In *Myanmar*, the promise of democratic transition in November's general

election is being undermined by the detention and convictions of student activists, farmers, unionists and human rights defenders – people who are using their newfound rights to freedom of expression and peaceful assembly to protest against injustice and participate in the political sphere. I also strongly deplore the disenfranchisement of the majority of Rohingya due to a number of administrative and legal decisions in 2014 and 2015. Dozens of current Members of Parliament from the Muslim community and other minority groups – including prominent Rohingya MPs – have been refused permission to run as candidates because it is claimed that they or their parents are not citizens.

In the *Maldives*, the rule of law continues to be manipulated for political ends. I was initially encouraged by the Government's decision, in July, to move former President Nasheed to house arrest, for health reasons and to appeal his conviction after a flawed trial. But the decision to return him to prison last month, and pursuit of a further criminal investigation against his family, are serious setbacks. Given the deeply tainted nature of this case, I urge the Government to release him, and to review several hundred pending criminal cases against opposition supporters in relation to protests in recent months.

In *Malaysia*, the Government has increasingly sought to restrict public debate and protest around issues of governance and corruption. This effort has included amendments to the 1948 Sedition Act, to further broaden the activities categorized as offenses and introduce harsher penalties, and the arrest of individuals for tweeting criticism of corruption by officials or the policies of the Government or malfeasance by officials. It is unfortunate that such a confident and dynamic country should feel the need to intimidate critical voices.

The *Australian* government has recently decided to resettle more refugees from Syria. Yet the Government continues to restrict independent monitoring of detention centres for asylum seekers arriving by boat. Their access to medical care, independent legal counselling and journalists has also been curtailed. One consequence is that the public is misinformed about the situation in immigration centres.

I have also been concerned with the recent violence in the Terai region of *Nepal*, which has led to the death and injury of protestors and security personnel, as well as reported attacks against human rights defenders and journalists. I urge all political leaders to work together to address differences over the proposed constitution peacefully, and to ensure that the security forces uphold human rights at all times.

I am disturbed by the recent collective deportation of more than one thousand Colombians from *Venezuela*. My Office has been informed that this involved human rights violations, including lack of due process, destruction of property and separation of children from their families. The deportees may include large numbers of people in need of international protection. This deportation has generated such fear that thousands more have spontaneously fled. I urge the authorities to take immediate measures to guarantee family reunification and to prevent further abuse of Colombians.

My Office also continues to follow up the *Dominican Republic's* deportations of people of Haitian descent. I continue to urge the authorities to ensure that those with a valid claim to remain are allowed to do so, and that any deportation is carried out in line with international human rights standards.

Immigration has also been the object of shameless political grand-standing in the *United States*. I also remain very concerned about persistent discrimination against African-Americans. Repeated acts of violence have highlighted racial biases in law enforcement, criminal justice and other areas. I encourage the US, and indeed all States, to take advantage of the programme of activities of the *International Decade for People of African Descent* to strengthen efforts to combat racial discrimination in the justice system, housing, employment, education, health and political participation.

The UN Human Rights Monitoring Mission in *Ukraine* reported last week that almost 8,000 people have been killed since the start of the conflict in April last year. I am alarmed by the shelling of residential areas on both sides of the contact line, with only partial withdrawal of heavy weapons from the area as foreseen in the Minsk Agreements. Civilians living near the contact line endure extreme hardship, including limited access to food and water. At the same time, I welcome the recent adoption of a national human rights strategy, and the on-going development of a national human rights action plan by Ukraine. ASG Simonovic will be further updating this Council on 29 September, under item 10.

In the *Republic of Moldova*, I urge immediate responses, grounded in human rights, to address people's grievances regarding grave mismanagement of public funds, lack of transparency, and failures of information, participation and accountability. If not addressed properly, these concerns could lead to greater polarization of society, the deterioration of human rights, and dangerous political and economic instability.

I remain concerned about the continued social exclusion and forced evictions of Roma in several countries, including *Bulgaria* and *France*.

In *Guatemala*, massive demonstrations protesting corruption by officials recently resulted in the resignation and subsequent arrests of the Vice-President and the President. Elections which took place a week ago were largely peaceful, with a high turnout of voters and strong demands for an urgent and comprehensive reform of the State. My Office stands ready to assist reforms, which I hope will be carried out in the very near future.

Anti-corruption protests have been taking place in *Honduras* since May. I welcome the President's call for "unconditional dialogue" with protesters and plans to crack down on graft in politics and in the judiciary.

In *Ecuador*, recent demonstrations have sparked excessive use of force by police and possibly arbitrary detentions. I remind the Government that the people have a right to the freedoms of peaceful assembly and of expression.

One year ago, 43 students disappeared in *Mexico*, and were likely murdered by criminal gangs connected to corrupt officials. I welcome the Mexican Government's decision to seek the assistance of the Inter-American Commission, through its Interdisciplinary Group of Experts. Their report has provided authorities with important recommendations that I trust will be comprehensively followed-up, in order to refocus the investigation, scrutinise the responsibility of authorities at all levels, and establish the truth.

Long-standing disputes over indigenous land continue to cause suffering and loss of life in *Brazil*. I note in particular the killing of a leader of the Guarani-Kaiowa people last month, and I urge the authorities to not only investigate this death, but also to take far-reaching action to halt further evictions and properly demarcate all land.

The situation in *Iraq* remains of serious concern. Although government and associated military forces have reclaimed some territory from ISIL, the group still retains control of a large area. More than three million Iraqis have been displaced from their homes since June 2014, with heavy loss of civilian life. Large numbers of women and children remain enslaved by ISIL, which also continues to violently abuse minorities and critics in areas under its control, and to perpetrate terrorist attacks in other areas of the country. In areas reclaimed from ISIL, civilians are subject to armed militias, which perpetrate killings, kidnappings and destruction of property. You will be further updated on Iraq later in this session.

The situation on the ground in *Yemen* continues to be a cause for serious concern. My Office has found that over 2,000 civilians have been killed and more than 4,000 wounded. The humanitarian crisis continues to deepen, with estimates that as many as 21 million Yemenis – 80% of the population – are in need of humanitarian assistance. Credible allegations of human rights violations by all parties to the conflict should be thoroughly examined by an independent and comprehensive body. In this regard I welcome the announcement by the Yemeni authorities to set up an investigative body to examine all these allegations, and I strongly urge revival of the talks between the exiled government and the Houthis.

All of us are aware of the deepening nightmare that is *Syria*. Violating the prohibition of use of chemical weapons; the prohibition of torture; every norm intended to protect civilians; and, more broadly, every principle of human rights, such relentless, long-lasting and vicious violence bites deeply into the sense of community that underpins peace and well-being in our world. The international community – and specifically the Security Council – has great power and influence over this terrible conflict, and it must now urgently find the consensus to act. I also urge in the strongest possible terms an immediate end to the devastating obstruction of humanitarian aid to the people of Syria and of *Yemen*. There should be far greater concern for the protection of civilians, as laid down by international humanitarian law.

In *Libya*, we continue to see indiscriminate attacks on civilians and civilian objects through the use of imprecise weaponry in densely-populated areas; destruction of homes; summary executions and arbitrary detention; and torture and other ill-treatment, in some cases leading to death. Impunity is near-absolute, and migrants, refugees, women human rights defenders, the internally displaced and religious

minorities are intensely vulnerable to violations. The Assistant Secretary General will further update you on our concerns in the course of this session.

I am profoundly dismayed by the persistence of serious human rights concerns in *Israel and the Occupied Palestinian Territory*. A permanent and just resolution must be found to this long-standing conflict and occupation, in line with international norms. I note the spike in killings of Palestinians in incidents involving Israeli security forces in the West Bank over the past two months, which raise concern of excessive use of force, and the murderous arson of a Palestinian home in the West Bank village of Duma – sadly not the only act of violence against Palestinian homes in recent months. I am also concerned by an increasingly restrictive atmosphere in Israel, including for those who are critical of Israeli occupation policies and practices, and by legislation that enables financial penalisation of those who advocate for boycotts of Israeli settlements.

My Office has recently conducted missions to *Morocco*, to *Western Sahara*, and to the Saharan refugee camps near Tindouf, in Algeria, to gather greater understanding of the human rights situation and challenges in that region, and explore ways for cooperation to ensure effective human rights protection for all. Respect for the rights of the Saharan population remains essential to achieving resolution of this long-standing dispute.

Mr President,

Six years ago, we were confronted with serious violations and loss of civilian life in the last months of *Sri Lanka*'s long civil war. This Council has been deeply engaged with the need for accountability, as a necessary step towards reconciliation in that country. On Wednesday I will release the report of the comprehensive investigation that OHCHR was mandated to conduct in March 2014, including my recommendations. Its findings are of the most serious nature. I welcome the vision shown by President Sirisena since his election in January 2015, and the commitments made by the new Government under his leadership. But this Council owes it to Sri Lankans – and to its own credibility – to ensure an accountability process that produces results, decisively moves beyond the failures of the past, and brings the deep institutional changes needed to guarantee non-recurrence.

In the course of my mission to the *Central African Republic* earlier this month, new allegations came to light regarding the sexual exploitation of a minor by a member of the Sangaris force. Although this was not a UN peacekeeping operation, I strongly believe that the time has come for Member States to take decisive action regarding investigation and courts-martial of peacekeepers involved in such abuses – in line with the recommendations that I made ten years ago, as adviser to the Secretary-General on this topic, and recommendations made by the High Level Panel on Peace Operations.

In June I travelled to Seoul to open OHCHR's new office. As mandated by this Council, it will be a hub for monitoring, reporting and engagement on human rights in the *Democratic People's Republic of Korea*. I look forward to updating Council members later in the session. Allow me to note also that at the request of this Council, I intend to send a mission to *South Sudan* in October.

Later in this session, we will update you on human rights developments in the *Democratic Republic of the Congo, Libya and Ukraine*, and on violations and atrocities committed by *Boko Haram*. My office will present reports on human rights in *Yemen*, technical assistance to *Iraq*, and the work of the Office in *Cambodia*.

Additionally, the *Working Group on Arbitrary Detention* will be presenting the ‘UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of their Liberty by Arrest or Detention to Bring Proceedings before Court.’ This new protection tool, which was developed at the request of this Council through extensive global consultation, compiles and complements the existing norms of international law, standards and jurisprudence. I congratulate the Working Group on this essential contribution to the protection of any person against arbitrary detention, including secret detention, prolonged incommunicado detention, enforced disappearances, and torture.

Far too few of us are aware of the specific human rights violations faced by millions of *intersex* people. Because their bodies don’t comply with typical definitions of male or female, intersex children and adults are frequently subjected to forced sterilization and other unnecessary and irreversible surgery, and suffer discrimination in schools, workplaces and other settings. We plan an expert meeting to identify steps that States and others can take to end these abuses.

Excellencies,

On 13 July I gave Member States a comprehensive briefing on the OHCHR *Change Initiative*. I emphasized that our planned regional hubs will position the Office to work more closely with Member States, ensuring real universality and facilitating greater support for this Council’s recommendations. The hubs will better balance our work geographically, and they will require no rise in our regular budget resources. In fact, decentralising resources will result in savings that will be reinvested, to strengthen the support we are able to provide.

It is in this context that I appeal to Member States to endorse OHCHR’s regular budget proposal for 2016-2017, amounting to \$198.7 million. I believe that this budget request should be considered minimal, in regard to the breadth and depth of the work we do, and it reflects a very significant effort to make the Office more efficient and more cost-effective. We count on your Governments to assist, and in the coming weeks I will follow up with many of you in this regard.

Mr President,

A cadence of anniversaries, beginning a year ago with the end of World War 1 and tolling through the past months, with the liberation of Auschwitz and the horrors of Hiroshima and Nagasaki, calls us to revisit the lessons that led to the founding of our institution. Those lessons cannot die with the generation that lived through those wars. They teach us, not only pity and horror for such atrocious suffering and broken lives; not only admiration for extraordinary individual courage and resilience; but wisdom, the difficult lessons of statesmanship.

In recent months, I have also given deep thought to the acts of genocide in Rwanda and Srebrenica. I have been privileged to share a conversation with three elderly South Korean victims of wartime sexual slavery who deserve the dignity of real acknowledgment of what they were forced to endure. And like so many, I have been moved to profound sorrow by the plight of the little boy on the beach, who represents in his life and death the injustices suffered by so many others.

Our lives are connected to one another. Actions and decisions in one country affect many other States; they shake the lives of many people, no less important and no less human than you and I. When the fundamental principles of human rights are not protected, the centre of our institution no longer holds. It is they that promote development that is sustainable; peace that is secure; and lives of dignity.

Thank you.