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**Statement of Ms. Navanethem Pillay
United Nations High Commissioner for Human Rights**

Geneva, 4 June 2009

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

I appreciate this opportunity to present some updates on human rights themes and on situations of particular concern. But first, I wish to congratulate those States that have been re-elected or were newly selected as Members of the Human Rights Council. I also wish to acknowledge the contribution made by States that have completed their membership tenure with this body.

This is a good moment to remind ourselves of the role that the General Assembly envisaged for the Council when it mandated this body to promote "...universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner." The Council was thus empowered to become the leading venue within the UN system to safeguard the fundamental human rights of men and women in all countries and to respond systematically and effectively to violations of these rights regardless of where they may occur.

The successful conclusion last April of the Durban Review Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance offered a crucial example of what can be achieved when States move as one on a common and urgent human rights challenge, such as condemning racism in all its manifestations.

Backed by Member States' determination to seek the necessary compromises, the Durban review conference provided a platform for a renewed beginning. The few States that chose to stay away should now evaluate this platform—as reflected in the conference's Outcome Document—on its own merit and substance. Many of these States participated in its drafting and were part of the emerging consensus up until the very eve of the conference. This is why I am hopeful that they will rejoin international efforts to combat racism and intolerance as laid out in this important document. Indeed, it is my understanding that some are already reconsidering their earlier stance. I encourage them to do so expeditiously.

Excellencies,

One of the themes that emerged as a priority in the Durban debate is the human rights of migrants. Allow me to underscore that respect for these rights is not only a State obligation. It is also critical to ensure that migration is a choice and an opportunity, as well as an empowering experience for all those involved, rather than a survival strategy. Moreover, respect for the human rights of migrants is to be addressed in the context of all current international challenges, including the economic and financial crises; climate change; human trafficking; and counter-terrorism. The human rights of migrants must be protected in countries of origin, transit and destination.

When looking at the underlying causes of migration in countries of origin, the so-called push-factors, my Office has highlighted the need to go beyond economics and its emphasis on *income* poverty. Rather, we must seek a deeper understanding of, and remedies for, *human* poverty by keeping in sharp focus how a lack of health care, scarcity of food, obstacles to education, and inequality of opportunities, including gender discrimination, affect migratory flows.

In host societies, migrants often have to confront multiple forms of discrimination in many aspects of their daily lives, including exclusion from decision-making and legal recourse. Laws and practices

that discriminate against non-nationals often either prevent migrants' access to basic services or allow it only at levels that do not meet international human rights standards.

Policies against irregular migration that focus on border control, return, and at times criminalisation, have not only been ineffective but in some cases have posed further threats to the rights of those involved. Government measures, such as the imposition of fines on private individuals renting their houses to irregular migrants; the imposition of a duty to report on health professionals; the criminalisation of the provision of aid and assistance to irregular migrants, can have unintended negative implications on migrants' labour rights, and their access to housing, health, education and food. The collective interception and return of migrants at sea without due procedure may seriously harm their rights and wellbeing.

Increased recourse to administrative detention of migrants is often undertaken without adequate guarantees, resulting in migrants being exposed to arbitrary and prolonged detention and to punitive regimes.

Fear of retribution or of forced repatriation deters migrants in irregular situations from seeking justice even in the face of vicious, pervasive, and sustained human rights violations.

When the human rights of migrants are ignored or curtailed, their capacity to contribute to the development of their countries of origin and of host societies is also undermined. Moreover, a lack of protection exposes them to exploitative employers and unscrupulous human traffickers.

In light of these considerations, I urge States to ratify the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and to uphold their obligations to protect and promote the full enjoyment of economic, social and cultural rights, as well as civil and political rights, of all individuals under their jurisdiction.

Promoting a human rights-based approach to migration will be one of the priorities of my Office in 2010-2011. I will continue to raise this matter in the course of my forthcoming official meetings and missions, particularly with my interlocutors in Europe, North America and in other host countries. I note that this issue has also often emerged during the Human Rights Council Universal Periodic Review process and look forward to an enhanced dialogue and cooperation with the Council on the theme of migration.

Let me conclude my remarks on this topic by noting that the current economic crisis has the potential of exacerbating or igniting discrimination and xenophobia, as well as severely curtailing the welfare of migrants and their families. The effects of recession on the economic, social and cultural rights of all people, particularly the most vulnerable, are of grave concern. We should spare no effort to alleviate such conditions.

Ladies and Gentlemen,

As this Council highlighted at its 9th session in September 2008, the condition of civilians in armed conflict continue to cause grave alarm. Their suffering has been a tragic feature of confrontations in many countries and regions of the world. A neglect of basic human rights, as well as discriminatory practices, are often to be found at the roots of such conflicts. I share the concerns expressed by the Council and its resolve to uphold the human rights of all persons in the context of armed conflict.

In that vein, allow me to briefly highlight some of the situations of violent strife and their consequences for civilians that continue to engage the international community.

Afghanistan

With respect to Afghanistan, there is concern over the continuing high rate of civilian casualties in the context of the deteriorating security situation. Anti-government elements remain responsible for the largest proportion of conflict-related civilian casualties—mostly from suicide attacks, improvised explosive devices and targeted killings, including those of high-profile women. Civilians continue to be killed by pro-Government forces as well, particularly in the context of air strikes, such as the incident in Farah Province (Eastern Afghanistan) on 4 May 2009. The Government of Afghanistan and all States involved in this conflict should take all measures to protect civilians, and to ensure the independent investigation of all civilian casualties, as well as justice and remedies for the victims.

Pakistan

Turning now to Pakistan, I wish to stress my concern for the situation in the northwestern part of the country where reportedly 2.5 million have fled their homes and are in need of protection. We stand ready to assist Pakistan to ensure that the human rights of the displaced population are respected. Civilians have also been targeted and have been killed or injured in insurgent attacks, including the recent spate of bombings in Pakistan's major cities. In other instances, civilians have been among the casualties of counter-insurgency operations, including by international forces operating from neighbouring Afghanistan.

Iraq

Allow me to highlight that the security situation in Iraq remains precarious, with civilians being exposed to daily risks such as suicide attacks, abductions and other criminal activities. According to the Iraqi Ministry of Health, more than 6,700 persons were killed, and in excess of 20,000 were injured, in violence across the country in 2008. While this is a marked decrease in terms of the violent deaths recorded in 2006 and 2007, insurgents' operations and criminal activities continue to claim large numbers of civilian victims, including many among professional groups, such as journalists, and religious and Government representatives. Operations against suspected terrorist and criminal groups by the multi-national force in Iraq (MNF-I) and by the Iraqi military and police also expose the civilian population to risk.

Occupied Palestinian Territory

Regarding the occupied Palestinian territory, there are credible indications that grave breaches of international humanitarian law and human rights violations may have been committed by all parties during the military operations in Gaza four months ago. These must be investigated by credible, independent and transparent accountability mechanisms, taking fully into account international standards on due process of law. All parties concerned, as well as the international community as a whole, should render full support and cooperation to all such accountability efforts, in particular to the ongoing work of the Independent Fact-Finding Mission mandated by this Council and headed by Justice Richard Goldstone. Freedom of movement is severely hampered. Heavy restrictions on the import of goods into Gaza, and an unjustifiable nearly total prohibition of exports are preventing economic recovery.

Colombia

In Latin America, I wish to reiterate that Colombia remains a situation of utmost concern. That country's 40-year-long armed conflict has resulted in enormous human, social, economic and political costs. Civilian lives, security and property continue to be targeted by all armed groups. Indigenous and Afro-Colombian are disproportionately affected. Sexual violence as a war tactic is directed

against women and girls. Most victims are women heads of larger households, in their 40s, with limited education and few opportunities to work. The conflict continues to displace people. Antipersonnel mines, which the Government banned, but which are planted by guerrilla groups, keep exacting their toll on civilians. I welcome the Government's invitation to a number of Special Procedures mandate holders, but also call upon it to act on their recommendations in an effective manner. The Government should take all the necessary steps to protect civilians, mitigate their suffering and address their need for justice.

Somalia

Turning now to Somalia, I am particularly concerned about the situation in Mogadishu and the south-central section of that country, and about the impact that the conflict has on the civilian population, including on aid workers, human rights defenders and journalists. During the past weeks, many civilians were killed, hundreds injured and thousands displaced by clashes between pro and anti-government forces in Mogadishu. Women are particularly at risk of violent attacks for which they have no effective recourse. The fighting must be stopped. Countering impunity of perpetrators for their past and current atrocities must be a priority in order to achieve justice and deter further violations.

Democratic Republic of Congo

I also remain deeply concerned about the tragic consequences on civilians of the ongoing fighting in the eastern part of the Democratic Republic of Congo. All parties involved in the fighting must spare non-combatants. The international community must also endeavour to further maximize its efforts to protect the civilian population that has already endured unbearable suffering. As is almost invariably the case in the DRC and elsewhere, impunity for human rights abuses does not serve to restrain perpetrators and it encourages others to join their ranks. This lack of justice perpetuates violence, including horrific levels of sexual attacks in the DRC. It must be addressed. Also in this case the Government's engagement with the Special Procedures system of mandate holders has to be commended. I am hopeful that this interaction will lead to strengthening human rights protection in the country.

Sudan

Ongoing attacks against civilians by all parties to the conflict in Darfur continue to undermine the right to life, physical integrity and security of civilians. I note with alarm the arbitrary arrests, detentions, ill-treatment and torture targeting human rights defenders, humanitarian workers, and UN national staff that have occurred since July 2008. I have conveyed to the Government of the Sudan my deep concern regarding recent executions which, according to independent observers, did not comply with international standards of fair trial. Last month, an anti-terrorism court in North Khartoum sentenced nine individuals to death. Four of the nine men, who are allegedly 17 years old, were reportedly denied independent medical examinations to prove their ages. The Government should consider, at a minimum, the suspension of executions. It should also ensure that investigation and prosecution of criminal acts in Sudan meet international human rights standards, as well norms of due process and fair trial.

Chad

The recent clashes between the Chadian armed groups and Governmental forces have further contributed to the deterioration of the human rights situation in eastern Chad, with reports indicating that dozens of civilians have been either killed or injured. This adds to the widespread violations and abuses by both State and non-State actors. Such violations include sexual and gender-based violence, arbitrary killings, attacks on humanitarian workers, arbitrary arrests and detention, and the recruitment and use of child soldiers. In addition, the violations and abuses committed during the attacks on

N'Djamena by Chadian armed groups in February 2008 remain unpunished, despite recommendations from the ensuing Commission of Inquiry. Ending impunity in Chad and reinforcing State authority and institutions in the eastern part of the country would pave the way to measures for the protection of civilians, in particular, women, children, IDPs and refugees.

Often in post-conflict situations, transition periods warrant close scrutiny and the international community's support. Allow me to offer two examples.

I welcome last week's Human Rights Council Special Session on the situation in **Sri Lanka**. Although the debate at the session was difficult, it was nonetheless important to hold such discussion, since access to independent human rights monitors and the media to the conflict zone and to the displacement camps has been denied or restricted. Unfettered humanitarian access to, as well as freedom of movement for, the large number of IDPs held in closed camps are of the utmost importance. A comprehensive process of accountability for human rights violations committed by all sides should be carried out. To that end, I have called for an independent international inquiry. On June 2, speaking before this Council, the Minister of Disaster Management and Human Rights of Sri Lanka stated that his Government is committed to a reconciliation scheme. This commitment is welcome. I believe that accountability is a prerequisite for the attainment of justice and reconciliation for all Sri Lankans and, thus, a foundation for lasting peace. I offer the assistance of OHCHR in this regard.

Such assistance has helped **Nepal** to go through its own difficult transition. Recent political developments in the country now create new challenges to the peace process that need to be addressed. My Office is keen to continue to play a helpful role by monitoring and reporting on human rights conditions, as well as in supporting the Government, national institutions, and civil society in their efforts to protect human rights.

Distinguished Members of the Human Rights Council,

In its resolutions on the situation of civilians in armed conflict, the UN Security Council has launched forceful appeals for the protection of human rights and international humanitarian law during hostilities, as well as for comprehensive measures to avert war and to ensure that viable institutions are put in place in transitional periods. In the name of fundamental human rights and international humanitarian law, all States must heed such calls.

Following up with its own resolution of September 2008, the Human Rights Council can draw attention to civilian suffering in a variety of ways, including through its regular and special sessions, as well as briefings or intersessional panels. Irrespective of the format chosen, the heart of the matter is creating and sustaining a pattern of vigilance throughout the year. Indeed, this Council is one of the primary venues for averting harm to civilians, protecting them in armed conflict and upholding human rights and the rule of law. This must be pursued comprehensively and in earnest.

I wish you a productive discussion.

Thank you.