Human Rights Council
22nd Session

Introduction of the
Annual Report 2012
by
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United Nations High Commissioner for Human Rights

Geneva, 28 February 2013
President,

Distinguished Members of the Human Rights Council,

Excellencies,

Ladies and Gentlemen,

2012 was a daunting year for human rights. The on-going crises in Syria, Mali and the Sahel region, Palestine and the Democratic Republic of the Congo have resulted in thousands of deaths, massive displacement and grave violations, marked by a climate of impunity.

The situations in Egypt, Libya, Tunisia and Yemen entered new, complex and delicate phases, reminding us that sudden major social and political transitions are never easy, and much work remains to ensure that democracy and human rights prevail.

At the same time, the economic crisis has been relentless. Stringent austerity measures have marked many countries, particularly in Europe. This in turn has led to a reduction in the enjoyment of economic, social and cultural rights.

And my Office has had to face significant budget cuts and programmatic reductions during 2012 and early 2013, which are likely to have a continued detrimental impact in the medium term.

In spite of the budget cuts, global crises and an ever-growing workload – particularly due to unfunded mandates from this Council – OHCHR staff have continued to perform fully.

My Annual Report covers activities that my Office has undertaken over the last year within the framework of thematic priorities I established. It offers practical examples of OHCHR’s role in addressing these crises and implementing our broader mandate.

In my presentation today, I will highlight some of the report’s key issues. The interactive dialogue that follows will allow us to engage on these and other issues covered by the report.

**Discrimination**

As part of our effort to tackle discrimination, including racial and religious discrimination in the form of hate speech, my Office organized a final expert meeting in Morocco in October, focusing on the prohibition of incitement to national, racial or religious hatred.

The last in a series of expert workshops in 2011-12, it produced the Rabat Plan of Action, which provides tools to respond to incitement to hatred, including a six-part threshold test to identify those expressions which should be criminally prohibited. I draw your attention to the report and its plan of action, which was launched here on 21 February, as a means to boost national efforts, as well as initiatives of the Council, in this field.

One of the main focus areas of OHCHR’s anti-discrimination work has been providing support for the development of National Action Plans against racism and racial discrimination as
well as on drafting comprehensive anti-discrimination legislation. In 2012, OHCHR provided
Benin, Bolivia, Burkina Faso, Costa Rica, Ecuador, Nigeria, Mauritania, and Moldova with
assistance in designing and implementing such laws and action plans.

In 2012, my Office used the 20th anniversary of the UN Declaration on Minority Rights
to stimulate action to address urgent concerns of national, ethnic, religious and linguistic
minorities, ranging from their inclusion in constitution-making to their participation in law
enforcement bodies.

Discriminatory practices also harm indigenous peoples, minorities, people of African
descent, persons with disabilities, and older people, amongst others. In this respect, I am pleased
to highlight our publication Born Free and Equal: Sexual Orientation and Gender Identity in
International Human Rights Law which helps States identify their obligations to combat this
particular form of discrimination. The publication attracted unprecedented interest in social
media.

The promotion of gender equality and women’s human rights are among my priorities.
As we continue to witness horrific acts of violence against women in every region of the world,
our work has focused on providing direct support to women and girls who have been victims of
human rights violations.

Earlier this year, I was inspired by the groundswell of popular opinion and action focusing
on violence against women in India after the appalling rape and murder of a young student in
Delhi. I commend the special committee appointed by the Government of India under the
leadership of Justice Verma for its ground-breaking report and hope its vision and
recommendations will be translated into real action on the ground and better protection of women
from rape and other forms of sexual assault.

While this case in India has gained particular attention, the reality is that sexual violence,
including equally terrible cases, is a common occurrence in many countries, as evidenced by
another atrocious case, involving rape, mutilation and murder, highlighted in South Africa shortly
afterwards. I hope the heightened awareness and popular revulsion raised by these cases will be
the start of a far more concerted effort to tackle sexual violence all over the world.

During 2012, we assisted law-makers in many countries to promote women’s human
rights. This Council welcomed our technical guidance on a human rights approach to maternal
mortality and morbidity last September, and I am pleased to report that we are now working with
partners to implement this guidance.

Migrants

Migrants, particularly migrants in an irregular situation, are vulnerable to discrimination
and other human rights violations. Throughout 2012, my Office focused on the thematic issue of
xenophobia and public perceptions of migrants, as well as the rights of migrants at international
borders.

We have, for example, provided technical assistance to the European Agency for the
Management of Operational Cooperation at the External Borders of Member States of the
European Union, developing human rights training materials for border guards.
Advocacy by OHCHR and civil society organizations led to a strong reference to the human rights of migrants, regardless of their status, within the Rio+20 Outcome Document, and I hope migration will feature prominently in the post-2015 development agenda.

I also look forward to the General Assembly’s High-level Dialogue on International Migration and Development, which has the potential to be a key milestone in placing the rights of migrants firmly on Member States’ agendas.

**Violence and impunity**

When human rights violations are left unchecked and without remedy, they can quickly lead to violence and large-scale conflict. During my recent briefing of the Security Council on the protection of civilians, I emphasized the intrinsic link between human rights, peace and security. I continue to stress the need to integrate human rights in United Nations peacekeeping operations and special political missions, and to improve our operational capacity to respond to crises.

Protecting the rights of civilians affected by conflict is crucial, and OHCHR continues to be a major actor in the implementation of Security Council mandates for the protection of civilians. In recent weeks, my Office and UNAMA published the latest annual report on civilian casualties in Afghanistan, which documents a small decrease in the overall number of civilians killed and injured, as well as improvements brought about by our monitoring and advocacy with Afghan and international military forces.

OHCHR is assisting the implementation of the human rights due diligence policy when providing support to non-United Nations security forces, including on possible United Nations support to military operations in Mali. It is heartening to see that our UN and external partners are increasingly viewing the policy as a means of strengthening operations, rather than as an obstacle.

Criminal and social violence, as well as organized crime, are increasingly affecting the rights of large sections of society. It is alarming that casualties due to violent crime now equal, or exceed, casualties in conflicts in some countries. And, in response to such violence, governments sometimes rely on measures that can also breach rights, such as excessive use of pre-trial detention and extrajudicial executions.

OHCHR has, therefore, been working with several countries, particularly in Latin America, to ensure that security policies are firmly rooted in human rights. We also worked with two sub-regional organisations, MERCOSUR in South America and SICA in Central America, on incorporating human rights in their security policies.

Combatting impunity is quintessential to sustainable peace. In November 2012, my Office published the landmark Nepal Conflict Report, and accompanying documentary archive, which should serve as a resource for justice and accountability measures. I remain concerned at increasing political interference in the criminal justice process. I am also concerned that the model for a truth and reconciliation commission currently proposed by the Government of Nepal, could enable amnesties for serious crimes.
This Council has increasingly sought to respond to the challenge of impunity through the use of commissions of inquiry and fact-finding missions. In 2012, my Office conducted a review of its work in supporting these missions. This review has highlighted the need for more consistent follow-up to the recommendations of these bodies, and for the provision of sufficient resources commensurate with mandates and operational environments.

**Poverty and disempowerment**

The impact of the financial crisis has been apparent in many countries in the world, including in the North, with the poorest and most marginalized members of society suffering disproportionately. The austerity measures introduced in many countries have had serious implications for the enjoyment of economic and social rights through the rolling back of social safety nets. Even in times of economic downturn, States still have legal obligations regarding economic, social and cultural rights.

The imminent entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is a major breakthrough. More than sixty years ago, the Universal Declaration of Human Rights promised respect of all human rights for all people. Yet for too long, economic, social and cultural rights were not given the same attention or status in law. The Optional Protocol addresses this gap. It will enable victims to seek justice at the international level and provide guidance to States and courts. I strongly encourage States to ratify the Optional Protocol.

Last year saw a significant increase in recognition at the political level of human rights, including the right to development, in the outcomes of Rio+20 as well as the General Assembly’s Quadrennial Comprehensive Policy Review of UN operational activities for development.

The UN system is increasingly committed to supporting States’ efforts to mainstream human rights in development, and several States have made generous contributions to the Multi-Donor Trust Fund under the UNDP Human Rights Mainstreaming Mechanism, which OHCHR chairs. This will support our efforts to provide additional human rights advisors to UN country teams to provide technical support at the field level. In this context, I am encouraged to note that this Council will tomorrow hold its second annual high-level panel on mainstreaming, focusing on the post-2015 development agenda and the role of education, with the participation of the Secretary-General and other dignitaries.

In late 2012, my Office released a Guide to human rights indicators. This publication is the result of a multidisciplinary work and contributions received from a wide range of national and international human rights actors. I am encouraged by the growing number of States and other stakeholders in both developed and developing countries that welcomed our guide as a useful tool for strengthening the national capacity for human rights implementation.

**Proximity to victims**

Many indicators of our success in implementing OHCHR’s priorities can be found in the field, where we are closest to rights-holders and Governments. At present, 58 human rights field
presences, located in all regions, are helping build national capacity to respond to human rights challenges, with some also monitoring and reporting on human rights violations, providing an important early warning mechanism.

A new country office is now working in Yemen, becoming the third additional office to be set up in the Middle East and North Africa region in the past two years.

The OHCHR Office in Nepal closed, as did the United Nations Mission in Timor-Leste, along with its human rights component. While I regret the closure of these two very effective presences, I believe they have left behind a solid legacy, which national actors, with the continued support of international partners, will be able to build on.

We deployed short-term missions in countries experiencing serious unrest. Despite particularly challenging circumstances, a handful of human rights officers, deployed within the United Nations Supervision Mission in the Syrian Arab Republic, played a key role in the prompt collection and analysis of information on issues such as protection of civilians, peaceful demonstrations and detention.

In Mali, we have deployed a team of human rights officers to assist the newly established United Nations Office in Mali, and are working on substantially reinforcing that team, pending ongoing discussions on the establishment of a peace-keeping mission. I have also deployed a separate fact-finding team, focusing on the human rights situation in the north of the country, in order to update the report that I will be presenting to this Council on 11 March.

An OHCHR team has also been deployed to support the United Nations’ humanitarian response in Rakhine State, Myanmar. I warmly welcome HE President Thein Sein’s invitation to OHCHR to open a country office in Myanmar and hope that we can make rapid progress in that regard.

I also welcome the Secretary-General’s release of the report of the Internal Review Panel on the United Nations Action in Sri Lanka during the last phase of the conflict. The report concluded that there was a systemic failure on the part of the United Nations. It is a powerful reminder that the United Nations, wherever we are, has a duty to live up to the principles and standards we promote.

Excellencies,

Allow me to turn to our support for human rights mechanisms

In June last year, I published my report Strengthening the United Nations human rights treaty body system. In the context of an ever-growing treaty body system that has not been matched with sufficient resources, I have set out a vision for an efficient, effective, timely and properly resourced treaty body system. Key among my recommendations is the establishment of a comprehensive reporting calendar, based on universal compliance by States of their reporting obligations.

In February 2012, the General Assembly established an open-ended inter-governmental process on treaty body strengthening. Consultations commenced in 2012 and are continuing in 2013. I encourage States to provide appropriate financial resources and to use this occasion to
implement innovative proposals to renew this key element of the human rights architecture, in
close cooperation with treaty body members and civil society.

During 2012, this Council continued to demonstrate resolve in shedding light on human
rights issues which would otherwise go largely unnoticed. And it has continued to prove that it
is able to respond effectively to human rights crises around the globe. One such example has
been the work of the Commission of Inquiry on the Syrian Arab Republic which has played an
invaluable role in unearthing numerous grave human rights violations in that country.

Another has been the work of the Council’s Complaint Procedure in relation to Eritrea.
The declassification of testimonies received by the procedure has provided invaluable
information to the new Special Rapporteur. I encourage the Council to react in the same way in
future cases.

The start of the second cycle of the Universal Periodic Review last year was a milestone.
This unique mechanism continues to demonstrate great potential to keep the spotlight on human
rights situations across the globe resulting in concrete actions and impact on the ground.

I commend the Council for its consensual approach to the unprecedented situation arising
from Israel’s request for a deferral, and encourage the Council to continue preserving the
universality of the mechanism and its spirit of dialogue.

The important work of special procedures has grown extensively. The analysis and
recommendations of special procedures, including in their reports on country visits, provide a
rich and thorough basis for engagement and dialogue. The many references in my report to their
work demonstrate how crucial these mechanisms are for advancing human rights.

The country visits of special procedures are critical. I urge all States to cooperate with
them fully, including by accepting their requests for visits and by issuing standing invitations. I
am concerned at a number of recent cases in which Special Rapporteurs have either not been
received by Government officials, or have been subject to public attacks and vilification, or both.

Distinguished Members of the Human Rights Council,

Let me conclude by stating that the imperative of putting people first is paramount. The
many challenges we face, ranging from armed conflict to economic crisis, require a solid
response from the international community. And human rights must be part of that response –
reflected in the decisions of intergovernmental bodies, and throughout the work of the
Organization. This is the core purpose of the United Nations. The on-going discussions on the
post-2015 development agenda provide an important forum in which to make progress. I
encourage this Council to play its role so that human rights, the United Nations’ “third pillar,” are
placed at the very heart of the Organization’s peace, security, development and humanitarian
agendas.

I thank you for your attention.