

**Address by Ms. Louise Arbour
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for Human Rights**



**On the Occasion of the 2nd session of the
Human Rights Council**

Geneva, 18 September 2006

Excellencies, Ladies and Gentlemen

I will have an opportunity later in this session, to report on the implementation of the tasks arising from your previous sessions, including the Commission of Inquiry to Lebanon, and to update the Council on its progress. Next week, I will also introduce the range of reports that were left unaddressed during the transition from the United Nations Commission for Human Rights to the Human Rights Council. These reports—both thematic and country-specific—will provide substantive continuity, along with the reports of the Special Procedures, and in parallel to the on-going work stemming from the reform agenda.

But first, we should pause to celebrate a crucial accomplishment for human rights: the forthcoming adoption of the draft Convention on the Rights of Persons with Disabilities. This will represent the proper framework to address the often

neglected rights of an estimated ten percent of the world's population. As a human rights community, we have every reason to rejoice in the explicit connection that this new instrument makes between needs and rights. A new milestone in our pursuit of substantive equality has been achieved. I hope you will join the President of the Council and me at a lunchtime briefing we are co-hosting next week on this topic.

As this Council correctly identified, migration is another pressing issue of international concern on which progress is urgently needed. Last week in New York, I participated in the General Assembly High Level Dialogue on International Migration and Development. While the debate continues to be centred either on the perceived challenges posed by migration, or on its contribution to development and poverty alleviation, the inextricable connection of migration with human rights has yet to permeate discussions and policy. The vulnerability of migrants to abuse should warrant a better understanding of their rights, as well as more—not less—protection. Yet, the

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which offers the most comprehensive framework for policy and action, suffers from a very low level of ratification.

Member States of the Human Rights Council that have not already done so should ratify the *Convention*, and encourage other Governments to follow their example.

Excellencies, Ladies and Gentlemen,

Violence, deprivation, and human rights abuses trigger migratory flows to the real or imagined lands of plenty. But such factors play an even greater role in the forced flight of people within countries devastated by conflict, or in their desperate exodus to neighbouring States that are likely unable to provide them with minimal security, let alone with adequate shelter and other means of survival. And this often occurs

because the international community's action is either unforthcoming or hamstrung.

The deteriorating situation in Darfur stands out as a tragic reminder of such protection failures. Since early 2004 and in the face of mounting abuses, numerous Governments, regional organizations, as well as the Security Council, have urged the belligerents in Darfur to respect human rights, uphold international humanitarian law, and protect civilians, particularly women. Finally, in May 2006, the belligerents entered into a peace agreement. Yet, the situation has steadily deteriorated.

Civilians have been displaced on some occasions for a second or third time. Humanitarian access is more restricted than ever, as emphasized by Under Secretary-General Egeland. Despite the peace agreement, violations of human rights are perpetrated on a large scale by government forces and their associated militia, as well as by rebel groups. Combatants

routinely make a mockery of the principles of international humanitarian law: not only are armed groups failing to discriminate between civilians and combatants, they specifically target civilians who are from tribes and groups perceived as hostile. Despite repeated assurances by the Government of Sudan, the level of sexual violence in Darfur continues to rise. No progress is made in holding anyone accountable for these and other crimes.

The Secretary-General has reminded the Government of Sudan that it can not escape accountability for atrocities perpetrated against the people of Darfur, the very people that the Government of Sudan has the primary responsibility to protect.

The Government refuses the international assistance that the Security Council deems essential for the effective protection of the population in Darfur. In the face of a near collapse of the prevention and protection initiatives put forward by the

international community, we must stress, in the last instance, the need for unflinching accountability.

The Security Council's referral of the situation of Darfur to the International Criminal Court (ICC) more than a year and a half ago, was a significant step towards ending the impunity that the perpetrators of international crimes in Darfur have enjoyed so far. In light of the continued and clear failure or unwillingness by the Government of Sudan to hold them to account, the ICC must be enabled to exercise the full force of its mandate. To this end, it is imperative that the UN Member States give their unequivocal support to the work of the Court, and remind the Government of Sudan that its cooperation with the ICC is not optional, but rather an obligation stemming from a UN Security Council decision under Chapter VII. Such cooperation must include unfettered access for exhaustive investigations to be carried out in Darfur. The Government of Sudan must also ensure that testimony can be heard and

collected freely and, crucially, that witnesses are enabled to come forward without fear of retribution.

It may also become necessary to complement the work of the Commission of Inquiry, created by the Security Council in 2004, which in early 2005 established that officials of the Government of Sudan and associated militia were responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. All efforts must be deployed to support the work of the ICC and to lay the foundations for the exercise of universal jurisdiction by Member States in the face of crimes of this magnitude.

Ladies and Gentlemen,

Violent ethnic strife is not unique to Sudan. In varying degrees of intensity and confrontation, it affects many other countries looming large over progress towards peace and security and undermining fundamental human rights. Iraq is a case in point.

There, the new Government has expressed a willingness to address pressing human rights concerns and to strengthen the rule of law in the country. This commitment has been reinforced when Prime Minister al-Maliki presented his National Reconciliation Plan to the Council of Representatives in June. The plan outlines important elements to address human rights abuses of the past and should contribute to the establishment of a lasting peace in Iraq.

Despite these positive developments, the human rights situation remains most alarming. My colleagues in Iraq continue to report on the breakdown in law and order as well as on daily attacks, extra-judicial killings, kidnappings, arbitrary detentions, disappearances, and torture. Cases of violence are often inadequately investigated and remain unpunished. Existing mechanisms for preventing and redressing violations are still insufficient due to the abysmal security situation and a lack of adequate resources.

It is of paramount importance that the Government of Iraq, political parties, religious and tribal leaders and civil society work together in order to bridge the sectarian and ethnic divide in the country. Increased efforts need to be undertaken to address, as a priority, the security of all civilians.

Mr. President,

Also in Sri Lanka conflict has flared up again. In the past six months, the country has descended further into violence with the death toll climbing to include an increasing number of civilians. As the Special Rapporteur on extrajudicial, summary and arbitrary killings will report to this session, scores of extrajudicial and political killings, allegedly committed by Government security forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed elements, continued. At present, several cases of killings and disappearances are reported each day in the Jaffna area. Since April 2006, some 240,000 people have been newly displaced from their homes, in addition to the hundreds of thousands who were forced to

flee during earlier stages of the conflict as well as by the tsunami. Restrictions on humanitarian access have been imposed by both sides, worsening the vulnerability of these populations. The LTTE's persisting record of forced military recruitment, including children, is a major concern.

While LTTE abuses continue on a large scale, human rights violations by State security forces, and the failure of the Government to provide the protection of the rule of law to all its citizens also generate serious concerns. The Government's public commitment to investigate these crimes, including the killings of 17 humanitarian workers of *Action Contre la Faim*, is welcome. In too many cases, however, investigations have failed to produce results and victims have been denied justice and redress.

There is an urgent need for the international community to monitor the unfolding human rights situation as these are not merely ceasefire violations but grave breaches of international human rights and humanitarian law.

On a cautiously more optimistic note, significant positive developments have occurred in Nepal with the reinstatement of the House of Representatives, the naming of a Prime Minister and the installation of a new Government. The declaration of a mutual ceasefire by the parties to the conflict, and the start of a peace process bring hope to all people in Nepal that a decade of conflict may be ending. As a result of these political and security developments, the human rights situation improved significantly.

However, progress in Nepal is fragile. It is essential that all stakeholders remain committed to the peace process and that they respect human rights.

Ladies and Gentlemen,

In all instances of raging or unresolved conflict, as well as fragile transitions to peace, it is readily apparent that an array of factors and abuses undermines hopes to attain security, stability

and development. Expectations surrounding this Council's willingness to comprehensively address these challenges need to be met through its commitment and cooperative efforts, as well as the support of all UN Member States.

Let me now turn briefly to the reform agenda. A considerable amount of effort has already been devoted to draw the contours of the Universal Periodic Review. Several options are now before you. Their overall aim is to flesh out the inherent characteristics of the UPR, namely the universality of its coverage and the equal treatment of all member States of the United Nations. Undoubtedly, you will find a working consensus on this issue. But ultimately, it will be the willingness of countries under review to be open to genuine scrutiny that will shape the UPR and its effectiveness.

To achieve the universality of coverage the UPR requires, the Human Rights Council can immediately tap into resources that both the Treaty Bodies and the Special Procedures offer,

and that are readily available. The heart of the matter is how to create synergy rather than overlap between these mechanisms and the UPR.

A good starting point to appraise how resources can be pulled together and results maximized will be your examination of the reports by the Special Procedures mandate holders on which you will embark shortly. The vast spectrum of country-specific and thematic coverage, as well as the wealth of recommendations these reports provide, will highlight in concrete terms the need for the Council’s urgent response not only in the form of remedy but also, and more innovatively, in the shape of preventive action.

Indeed, expanding the scope of the Council’s work to include “prior protection” should complement the “crisis responsiveness” posture that this body has taken. The Human Rights Council should be equipped to seize itself of perilous situations, as well as long-neglected conditions, and to intervene

to defuse them before they tilt for the worst, escalate into full scale brutality or produce irreparable damage.

There is no doubt that factors fuelling disempowerment and vulnerability demand this body's preventive vigilance and remedial initiative. Let me reiterate that poverty, discrimination, impunity, and lack of accountability fall into this category. And so do torture, the curtailment of freedom of expression, incitement to hatred, terrorism, as well as weak, corrupt, and unresponsive institutions of governance.

Mr. President,

The Council should face this reality with determination and fairness.

I have no doubt that it will. I wish you a very productive session.

Thank you.