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**Address by
Ms. Navanetham Pillay
UN High Commissioner for Human Rights**

**on the occasion of the opening of the
9th Session of the Human Rights Council**



**8 September 2008
Geneva**

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

I wish to thank the President of the Human Rights Council for his very kind words and to congratulate him for his able leadership of this premier intergovernmental human rights body. It is a pleasure and a great honour for me to address the Council today. I stand before you mindful of, and humbled by, the magnitude of the tasks ahead, as well as eager in my new capacity, as I have been throughout my career, to contribute to promoting and protecting human rights, equality, and justice for all.

Together and in a shared spirit of service, we will surely learn to maximize our combined efforts and put them to optimal use. Presently, I am acutely aware that there is only one opportunity to make a first impression and that first impressions linger in memory long after the habit of acquaintance has set in. Thus, I would like to immediately convey my pledge to an open-minded, frank, and reciprocally reinforcing interaction with the Human Rights Council.

As a jurist and as a human rights defender, I have learned that the pursuit of human rights is a Janus-like endeavour which combines the measured and deliberate pace of the law with the urgency and passion of advocacy. I have learned that we cannot always stay the hand of tyrants, or of those consumed by hatred and prejudice. And I know that we cannot

stem all ills and abuses. We do, however, have an obligation to alleviate them and prevent others from occurring, as well as hold perpetrators to account. Allow me to offer some preliminary thoughts of what, I believe, needs to be done to meet such obligations.

Ladies and Gentlemen,

The current year marks a series of important anniversaries which represent rallying points for the human rights community, as well as opportunities to galvanize others into action. In particular, I refer to the 60th anniversaries of the Universal Declaration of Human Rights and of the Genocide Convention; and the twin 10th anniversaries of the Declaration on human rights defenders and of the Guiding Principles on Internal Displacement, as well as the 15th anniversary of the Vienna Conference. I will briefly expand on some salient implications of these events.

The 60th anniversary of the Universal Declaration of Human Rights, which falls on December 10th, and the year-long campaign launched last December by the Secretary-General have already offered, and will continue to present, various occasions to reflect on the progress made over the past six decades.

At the same time, we must focus on the challenges that remain in bringing to reality the comprehensive vision of human rights set forth in the Universal Declaration. This vision is a beacon of hope for the future—it contemplates a world with the full realization of civil, political, economic, social and cultural rights without distinction. This is a world in which every

man, woman and child lives in dignity, free from hunger and protected from violence and discrimination, with the benefits of housing, health care, education and opportunity. This vision in my view represents the global culture of human rights we strive for, and it should be a unifying rather than a divisive force, within and among all cultures.

In the course of my career, I have seen the growth, and contributed to the development of an expanding framework of international law that, together with national and regional legal instruments, represents an effort to implement the principles of the Universal Declaration. This body of law and the mechanisms that it fostered, such as treaty bodies and Special Procedures, have created a system for the promotion and protection of human rights worldwide. The challenge is how to make this system work better to overcome the persisting abuses, the omissions and the neglect that still stand in the way of the full implementation of human rights.

Foremost of importance in this effort, I believe, is impartiality in the operation of this system and adherence to the single and consistent standard represented by the Universal Declaration that is applied equally to all without political consideration. That may sound like a fantasy, but I think it is critical to overcoming the divisions that plague us in our efforts to promote human rights, particularly in the context of an intergovernmental organization. I start from the premise that the credibility of human rights work depends on its commitment to truth, with no tolerance for double standards or selective application.

The history of the two Covenants, adopted to provide a more detailed legal framework for implementation of the rights enshrined in the Universal Declaration, clearly equate the importance of civil and political rights on the one hand and economic, social and cultural rights on the other. The two sets of rights are interdependent, and in my view, equally important. I will work for common recognition of this interdependence. My priority will not be the ranking of various human rights but rather their implementation on the ground in a way that affects and improves the lives of the men, women and children who are all entitled, regardless of their culture or nationality, to the realization of each and every right set forth in the Universal Declaration.

In today's world, globalization has sometimes run circles around national sovereignty. Moreover, the food crisis, as well as other emergencies including natural calamities, demonstrate not only the precariousness of national boundaries and the need for international solidarity, but also—and crucially—how abuses of one set of rights reverberate on other rights. Clearly, our challenge is to facilitate a common human rights agenda. The United Nations in general and the High Commissioner for Human Rights in particular, are in a unique position to assist governments in their efforts to protect and promote all human rights. I believe that the expansion of field operations that my predecessor, Louise Arbour, so capably undertook is an important step in this direction. This is where we can more easily strive for practical cooperation with governments to ensure that they have effective systems in place to promote human rights obligations holistically and to provide protection and recourse for victims when violations take place.

The human rights treaty bodies and the Special Procedures mechanisms that have been developed by the United Nations play an equally important role in our efforts to create a global culture of human rights. States parties to these treaties should respect their obligations under the treaties and engage with the treaty bodies in a constructive fashion to make the process more meaningful. I would like to use the influence of my Office to promote implementation of human rights treaties, as well as to encourage universal ratification of these treaties and productive interaction between States and special mechanisms.

Excellencies,

The United Nations has recognized that development, security, peace and justice cannot be fully realized without human rights. Our welfare rests on each and all of these pillars. Each and all of these pillars are undermined when discrimination and inequality—both in blatant and in subtle ways—are allowed to fester and to poison harmonious coexistence.

I talk with the insight of my personal experience in apartheid South Africa, and of human rights abuses that I have confronted firsthand. Racial discrimination and gender discrimination, particularly when they are institutionalized or systematic and incorporate an element of State involvement, are entirely incompatible with the Universal Declaration of Human Rights and the United Nations Charter.

I grew up as a second-class citizen with no legal recourse. In my lifetime, however, I had the privilege to witness a complete transformation.

Today, South Africa has one of the strongest constitutions in the world. While it struggles as many countries do to turn legal rights into reality, watching the course of change over the span of a single decade and through a relatively peaceful evolution leads me to believe that solutions are possible.

In this context, allow me to welcome the progress achieved thus far in the lead up to the anti-racism review conference scheduled for April 2009, and in particular the productive discussions of the two regional meetings in Brasilia and Abuja. Let me also take preliminary stock of the concerns that have been voiced regarding this process as a whole.

My starting point in addressing these concerns is to promote participation. I accept that there will be diverging points of view among States and undertake to do everything I can to ensure that these differences are addressed in a constructive manner. I do not believe that “all or nothing” is the right approach to affirm one’s principles or to win an argument. Nelson Mandela has taught me that, far from being appeasement, coming to terms with other people’s experiences and points of view may serve the interest of justice better than strategies that leave no room for negotiation.

The process will certainly benefit from active participation by all. Without that participation, the anti-racism debate and agenda will be impoverished. Let’s not forget that diversity of opinions is often an inherent and welcome characteristic of relationships among peers. We should be prepared to accommodate such diversity in the spirit of collegiality and respect. Should differences be allowed to become pretexts for inaction, the

hopes and aspirations of the many victims of intolerance would be dashed perhaps irreparably.

For these reasons, I urge those governments that have expressed an intention not to participate in the conference to reconsider their position. I will do all in my power to bring everyone to the table and build on the progress made so far thanks to you and to the expert work of treaty bodies, Special Procedures and the follow up mechanisms to the Durban 2001 Conference. I hope that all States take the opportunity provided by the review conference to give new momentum to the struggle against discrimination, xenophobia, intolerance and racism, and to bring into focus the need to implement the Durban Declaration and Programme of Action at the national level. Allow me to underscore that such implementation is still sorely lacking in too many countries in all regions of the world.

As we focus on intolerance and inequality, we must highlight that gender discrimination remains of pressing concern. Such discrimination makes the Universal Declaration's promise an empty pledge for millions of women and girls. No effort should be spared to persuade countries to repeal laws and practices that continue to reduce women and girls to second-class citizens despite international standards and despite the specific commitments that have been made to throw out these laws and customs.

I say this not only as a matter of right and principle, but also as a matter of practical value. The critical role of women in development, and the role of women in peace and security have been recognized time and again, most recently in the passage of Security Council Resolution 1820,

which builds on Security Council Resolution 1325 and which specifically and historically recognizes the link between sexual violence and peace and security. A root cause of violence against women is discrimination against women, and I believe that gender equality will contribute to development and security, as well as human rights.

Mr. President,

Genocide is the ultimate form of discrimination. We must all do everything in our power to prevent it. What I learned as a judge on the Rwanda Tribunal about the way in which a society can be shattered, and the way in which one human being can abuse another, will haunt me forever.

We have to break the cycles of violence, the mobilization of fear, and the political exploitation of difference—ethnic, racial and religious difference. The Universal Declaration, as well as the Convention on the Prevention and Punishment of the Crime of Genocide, grew out of the Holocaust, but we have yet to learn the lesson of the Holocaust, as genocide continues. International criminal justice is a relatively new phenomenon that has changed the dynamics of global politics. It has given us a tool of accountability that we did not have before, and we have to be creative and thoughtful about how we can use that tool to prevent war rather than prosecute war crimes after the fact.

We must help States address the root causes that make genocidal atrocities even possible. As requested by the Human Rights Council last March, my Office is currently planning a seminar on the prevention of

genocide. This event will not only enable us to commemorate the 60th anniversary of the genocide convention, which falls on 9 December 2008, but it will also offer an important opportunity to explore strategies that can be adopted to prevent this most heinous of crimes. I have served as a judge in the prosecution of genocide for many years and contributed to bringing a former prime minister to justice and to holding accountable those who controlled the media for whipping up a frenzy of hatred that exploded into genocide. I now welcome the opportunity to be able to step back and focus on prevention.

Indeed, I am particularly pleased that OHCHR will organize a seminar to further explore the implications of Articles 19 and 20 of the International Covenant on Civil and Political Rights. We will focus on the balance between freedom of expression and the need to enhance protection against incitement to hatred, discrimination, hostility or violence. We hope that this discussion will also provide guidance to States where, increasingly, multi-cultural and multi-ethnic communities coexist.

Distinguished Members of the Human Rights Council,

A moment ago, I spoke about the imperative for all States to wholeheartedly participate in, give effect to, and take full ownership of human rights processes and agendas. In a similar vein, I wish to emphasize the need to involve, support and, when necessary, stimulate robust contributions from civil society and National Human Rights Institutions in such processes. Indeed, human rights defenders represent a veritable pillar for the scrutiny and accountability that sustain the edifice of human rights

work. There is no doubt that civil society's activism, expertise, profile and influence have grown exponentially since I was a young anti-apartheid lawyer.

Yet, rights to freedom of expression, association and assembly, which are indispensable to the functioning of civil society, have come under sustained attack in all regions of the world. Although the flaring up of repression of protest in some countries routinely captures international attention and concern, elsewhere in less visible, but pervasive ways, States have recently enacted or tightened legislation aimed at curtailing or severely restricting the ability of organized civil society to gather and advocate views deemed detrimental to State interests. By the same token, in too many countries the press continues to be muzzled.

Against this background, it is quite clear that civil society should be constantly vigilant and jealously defend its prerogatives and rights. In doing so, it should take advantage of the human rights mechanisms which can assist individuals and organizations in this vital task. Undoubtedly, the 10th anniversary of the Declaration on Human Rights Defenders should offer an opportunity to compare notes and fine tune strategies that can assist and strengthen civil society in its human rights work.

Excellencies,

Conflict and other man-made calamities, as well as natural catastrophes, continue to engender mass people movement often within some of the very same countries that can least afford such upheavals. An

opportunity for additional reflection on how to better retool our responses to this unremitting challenge presents itself with the celebrations of the 10th anniversary of the Guiding Principles on Internal Displacement. The 2005 World Summit, the largest gathering of heads of State and government in history, recognized that they provide an "important international framework for the protection of internally displaced persons." Laudably, the principles have been integrated in numerous national and regional legislations and policies. Translated in more than 50 languages, they guide the action of national authorities, international organizations and NGOs working with IDPs. We must ensure that these principles are implemented uniformly and consistently at all times.

Mr. President,

Many in this room are just back from Vienna where they took stock of 15 years of work that followed the World Conference on human rights. I am sure that important elements of that discussion will be reflected in the work ahead. Let me just recall here that the Vienna process led to the creation of the Office of the High Commissioner for Human Rights.

Sustained by the United Nations principles of impartiality, independence and integrity, I am determined to follow in the footsteps of my predecessors who envisaged and shaped their office as a springboard for the betterment and welfare of all and a place where all are given a fair audience.

These are a few of my preliminary thoughts, as yet uninformed by those in the system who have been dealing with these matters in much more

detail. As the new High Commissioner for Human Rights, and as an individual who has in her life faced mighty challenges, I will spare no effort in the pursuit and advocacy of human rights. I know that in this extremely demanding task, I will be able to count on the assistance of many excellent colleagues and partners, as well as on the wisdom of the President of the Human Rights Council and of the Council's members.

Thank you.