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**Human Rights Council 35th session**

**Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights**

6 June 2017

Distinguished President of the Council,

Excellencies, Colleagues, Friends,

Fifty years ago, this was the day I first heard the sound of war. I was three and a half years old and, while fragmentary, I still remember military men milling around our home in Amman, an armoured car stationed nearby and later, planes that flew overhead. It was a war that shaped my life, and forged my later desire to understand the depths of Palestinian suffering but not only that, Jewish suffering too – the latter spanning over two millennia, and which culminated in that colossal crime, the Holocaust.

I grew up not far from the massive Palestinian refugee camp in *al-Baqa’a.* I worked across the street from the *al-Wihdat* refugee camp. In the past thirty years, I have been to Auschwitz-Birkenau, visited Dachau, seen Buchenwald. I have studied in depth the trials at Nuremburg and elsewhere, the long and painful history of anti-Semitism in Europe, Russia and later, Arab countries – which remains still present in far too many places around the world.

Some will respond, mechanically almost, that the experiences of the two peoples are not equivalent, how could I mention them in one breath? Indeed, I agree – the Holocaust was so monstrous and so mathematically planned and executed it has no parallel, no modern equal.

Yet it is also undeniable that today, the Palestinian people mark a half-century of deep suffering under an occupation imposed by military force. An occupation which has denied the Palestinians many of their most fundamental freedoms, and has been often brutal in the way it has been realized; an occupation whose violations of international law have been systematic, and have been condemned time and again by virtually all States.

The Palestinians deserve freedom, as all peoples do. They deserve to bring up their children safe in their homes, on their land, exercising their rights in their state, free from this long and bitter occupation.

The Israelis also deserve freedom – a different sort of freedom, for they have long had their state, but they too have suffered grievously. The Israeli people have long endured unlawful attacks against their own civilian population – attacks which are often vicious, in clear violation of international humanitarian law, and also worthy of condemnation. Israelis too need to be free from this violence, from any existential threat posed to them.

The *sine qua non* for peace – the end of the occupation – must now be brought about, and soon. Maintain the occupation, and for both peoples there will only be a prolongation of immense pain, the endless flow of *‘azzas* and *shivas*, the weeping by loved ones for loved ones, the prayers, the curses, the hatreds and vengeance, the impossibility of a secure life for all. This can be ended.

Mr. President,

The brutality of Daesh and other terrorist groups seemingly knows no bounds. Yesterday, my staff reported to me that bodies of murdered Iraqi men, women and children still lay on the streets of the al-Shira neighbourhood of western Mosul, after some 163 people were murdered by Daesh to prevent them from fleeing. My staff have also received reports of missing people from this neighbourhood.

I again condemn in the strongest of terms the cowardly and sickening attacks perpetrated against innocent people by callous terrorists operating in many parts of the world. Terrorism worldwide must be eradicated by government action – but smart action. Counter-terrorism must be prosecuted intelligently: that is, while preserving the human rights of all. Please remember this: for every citizen wrongfully detained under a vague anti-terrorism law, and humiliated, abused, or tortured, it is not simply one individual who then nurses a grievance against the authorities, but most of their entire family too. Send one innocent person to prison, and you may deliver six or seven family members into the hands of those who oppose the government, with a few who may even go further than that. The cost of a wrongful detention dramatically outweighs whatever benefit it is perceived to accrue. To counter violent extremism, we must stand firm and insist on its opposite: peaceful inclusion.

Mr. President,

Two years ago, I touched on a subject which I wish to turn to once again this morning. I am told repeatedly we should not be "naming and shaming" states. But it is not the *naming* that shames. The shame comes from the actions themselves, the conduct or violations at issue. The denial of the right to life shames; killing or murder, sometimes on a massive scale, produces shame stunningly, in seemingly inexhaustible supply. The denial of the right to development produces shame. The denial of human dignity, shames. Torture shames. Arbitrary arrests shame. Rape shames. My Office and I hold up a mirror before those whose shame has already been self-inflicted.

But what if there is no reaction to the suffering of so many people? I am concerned about the brazen absence of shame being paraded by a growing number of politicians world-wide.

When thug-like leaders ride to power, democratically or otherwise, and openly defy, not only their own laws and constitutions, but also their obligations under international law, where is their shame? Do they not feel disgusted with themselves when they incite or condone acts of violence and bigotry? When they remark that every soldier should be limited to three rapes of village women each, have they no conscience? Promising bounties for killing people – people not convicted of crime, or charged with crime, but merely suspected, or imagined, criminals. Seeking to withdraw from laws to combat violence against women and domestic battery claiming they represent a so-called "gender ideology". Jailing principled judges and advocates, journalists, human rights defenders, university professors and teachers, and closing universities. Trading in malice, cruelty, insults and lies. What of their shame?

The universal rights to freedom, equality and dignity have been held to be true across cultures and civilisations because of their intrinsic value, and because they make it possible to keep the peace. They are not frivolous add-ons; they are absolutely critical. Trash these, openly and defiantly, and the boundaries separating us from horrific violence dissolve. Only catastrophes burst forth at that point. How can they be so foolish?

Mr President,

I will now devote the remainder of this speech to the issue of access, including non-cooperation and selective cooperation with human rights mechanisms and my Office. In September I will again address the frightful human rights violations in the world's most serious conflict situations as well as in other crises.

Among the most striking features of this Human Rights Council is the Universal Periodic Review, which last month opened its third cycle. Every State in the world has twice submitted its performance and intentions to the review's often detailed scrutiny – and each State has committed to improving its record on a wide range of key points. Has there been real improvement? As we enter the third round of scrutiny, is the UPR deepening in relevance, precision and impact? Is it merely an elaborate performance of mutual diplomatic courtesies, or is it leading to real and powerful changes to anchor peace and development and improve people's lives?

My Office is determined to do everything in its capacity to ensure full implementation of recommendations from all human rights mechanisms, including, in the third round of the UPR, through suggesting lines of action. We will also continue to engage with UN Country Teams and others to ensure recommendations feed into their work.

Mr President,

Last September I shared with you my alarm about the refusal, by several Member States, to grant access to my Office or the human rights mechanisms. I pledged then that at a coming session of the Council, I would expand this discussion.

In recent months, I have been greatly concerned by a number of disgraceful incidents of personal threats and insults directed against Special Procedures mandate-holders. Three have recently been subjected to smear and hate campaigns, some involving incitement to violence: the Special Rapporteur on Myanmar; the Special Rapporteur on Summary Executions, in the context of discussions on the Philippines; and the Special Rapporteur on Iran. This is absolutely unacceptable. As Special Procedures are appointed by this Council, I call on you to consider what actions you may want to take to prevent these sorts of hate campaigns.

In this context, I must again emphasise my very serious concerns about intimidation and reprisals brought on by State officials against people who engage with the UN on human rights. My own staff, the Special Procedures and Treaty Bodies rely on members of civil society and national human rights institutions, alongside many others, for insight and information. We count on their advice, their help – and even their pressure. *We* serve *them* – as do you, Excellencies. When Government or other officials intimidate, arrest or harm these individuals, they are attacking a fundamental element of the work of this Council and the UN, and it is our responsibility to do all we can to protect them. Noting that at the Council's next session we will present the Secretary-General's annual report on reprisals, I call on all of you to cooperate with ASG Andrew Gilmour, who is leading action across the UN system on this issue.

Members of this Council, and candidates for future membership, have a particular responsibility to cooperate with the Council's mechanisms. Resolution 60/251, which set up this Council in March 2006, calls them to "uphold the highest standards in the promotion and protection of human rights (and to) fully cooperate with the Council". Yet, for example, **Indonesia** has 21 pending requests for visits, and has received only two mandate-holders since 2008. **Egypt** has 11 pending requests for visits, with the most recent mission seven years ago. **Nepal**, a candidate for membership, has 16 pending requests for visits, with the most recent mission by a thematic mandate holder conducted in 2008. **Venezuela** has 10, with its most recent visit by a thematic Special Procedure mandate holder conducted in the last century. The **Philippines** has accepted three visits in the past five years but 23 other requests are pending. Despite issuing a standing invitation, Council member **Nigeria** has accumulated 15 requests for visits; one visit by Special Procedures was accepted last year, but the last previous visit was in 2007.

Most astonishingly, despite having been elected to this Council in 2015, **Burundi** continues to commit some of the most serious human rights violations dealt with by this Council, while the Government has suspended all forms of cooperation with my Office. In September the Council's independent mission was declared *persona non grata,* and the current Commission of Inquiry has not been able to enter the country.

Turning to States which are not members of this Council, **Bahrain**, **Laos**, **Tanzania** and **Turkmenistan** have permitted no visits at all by Special Procedures in the course of the past five years, and have accumulated more than five requests each. **Jamaica** also fits into this category, but has agreed to the visit of the Working Group of Experts of People of African Descent and I encourage the Government to establish specific dates for the visit. **Zimbabwe**, with 14 requests pending, has never accepted a single mission by a mandate-holder.

I strongly contest the self-serving argument presented by some, that this Council should avoid addressing country situations – a view which is usually voiced by leaders of states that feature few independent institutions, and which sharply curtail fundamental freedoms.

The Governments of **Belarus**, the **Democratic People's Republic of Korea**, **Eritrea**, **Israel** and **Iran** have also rejected resolutions creating country-specific mandate holders for them, and consequently do not allow visits by those mandate holders.

In the case of **Syria**, there has long been no access either for my Office or for the Syria Commission of Inquiry. This notwithstanding the continued horrific suffering of the Syrian people, particularly in besieged communities. I repeat my call for the release of all detainees wrongfully imprisoned in Syria. The UN is finalising the recruitment of the head of the International, Impartial and Independent Mechanism.

Last month the **Democratic People's Republic of Korea** did accept its first-ever Special Procedures visit, by the Special Rapporteur on the rights of persons with disabilities, an action I welcomed. Given the extreme severity of reported violations in the country, it should be clear this in no way diminishes the urgency of engagement with the country mandate holder and my Office, including its field-based structure in Seoul.

**Myanmar** has been providing access to the country mandate-holder, but specific locations requested are often off-limits, with conflicting explanations for these restrictions. I urge the Government to cooperate fully with the recently established independent Fact-Finding Mission on Myanmar, including full and unmonitored access to Rakhine State, where we believe the violations of human rights have been horrifying in the extreme.

In this survey of global cooperation and non-cooperation with Special Procedures, a particular mention should go to **Cuba**, which in April, after ten years of no visits by mandate-holders, accepted a mission by the Special Rapporteur on trafficking in persons. It appears unusual for such a very active member of the Human Rights Council to maintain such limited engagement with the Special Procedures.

**China** has invited four Special Procedures mandate holders to the country in the past seven years but, as with some other countries, these missions have faced challenges with regard to the necessary freedom of movement and access to independent civil society.

Finally, and in contrast, several States have devoted considerable efforts to cooperating with mandate holders, facilitating more than five country visits in the past five years: **Australia**, **Brazil**, **Chile**, **Georgia**, **Italy**, **Mexico**, **Tunisia** and the **United States**. However, not all these visits have been free of difficulty. In the **United States**, which has received six country visits from Special Procedures in the past five years and has agreed to a further two during 2017, it remains essential to enable access for the Special Rapporteur on torture to the Guantanamo Bay detention centre, in line with the terms of reference of Special Procedures visits. **Australia**, a candidate for membership of this Council, has not given access to all detention centres for migrants and despite multiple recommendations, the situation at centres in Nauru and Manus has not been adequately addressed.

Mr President,

Becoming party to an international human rights treaty is a commitment which the State makes, above all, to its own people. Reporting procedures aim to identify gaps in protection and measures taken to correct them. They are not optional. Yet reports by 74 States have been overdue for a decade or longer – and in a few minutes, when the full text of this speech is posted to the Office website, the list of those countries will be appended[[1]](#footnote-1). As many as 280 *initial* reports have never been submitted – meaning States, having ratified the related treaty or optional protocol, then seemingly turned their back on their obligations, reneging on their commitment.

Report HRI/MC/2017/2 last month, for consideration by the Chairs of the human rights treaty bodies, explores in often shocking detail this non-compliance by States parties. The treaties with the highest proportion of States parties not complying with reporting obligations were the **International Convention on the Elimination of All Forms of Racial Discrimination**; the **International Covenant on Economic, Social and Cultural Rights**; the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**; and the I**nternational Covenant on Civil and Political Rights**. These are fundamental instruments. Sixty-five States that have ratified the **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography** have failed to report to it. Almost 30% of States Parties have not submitted their initial report to the **Committee on the Rights of Persons with Disabilities**.

The UN has been webcasting all public reviews by the Treaty Body Committees since last year, inspiring considerable interest in the respective countries; in April, **Tunisia**'s third report to the Committee against Torture was livecast in a cinema, to an audience that included government officials, activists, media and victims. And rightly so: the aim and subject of human rights reporting is benefit to the people. It is not an end in itself, or a purely mechanical process to feed bureaucratic demands. Only 33 States are fully up to date with their Treaty Body reporting: **Australia, Azerbaijan, Belarus, Belgium, Bhutan, Canada, China, Cook Islands, Denmark, Ecuador, France, Holy See, Honduras, Italy, Kuwait, Kyrgyzstan, Lithuania, Marshall Islands, Mongolia, Montenegro, Niue, Oman, Poland, Republic of Moldova, Russian Federation, Rwanda, Singapore, Sweden, Turkmenistan, Ukraine, United States of America, Uruguay** and **Uzbekistan**. As I have said, reporting is essential – but taken alone, it does not necessarily translate directly into real progress.

Mr President,

I am happy to report a number of situations for which access by my staff has improved or seems likely to advance in the near future.

In **Uzbekistan**, when I visited Tashkent last month, officials at the highest levels agreed to cooperate with my Regional Office for Central Asia and pledged to invite Special Procedures mandate-holders to visit the country, beginning with the Special Rapporteur on Freedom of Religion or Belief. Uzbekistan still faces major human rights challenges but the leadership is, I believe, pointing the country in the right direction.

**Armenia** has also recently informed me of its intention to upgrade its engagement with the Office, and we will continue discussions with the Government in this direction.

During my mission to **Ethiopia** last month I signed a Memorandum of Interest with the Government, and held important discussions with the authorities, including on the need to increase democratic and civic space. Although access has not yet been not granted to my staff to assess the recent events in Oromia and Amhara regions, I am hopeful this will take place, and I have pledged to lead a follow-up mission to Ethiopia next year. The recent sentencing of opposition leaders, apparently for expressing dissenting views, is of considerable concern to me, as are the periodic shutdowns of social media.

The Government of **Mozambique** has accepted a technical mission by my staff, and has requested OHCHR provide assistance to train police, improve administration of justice and prison conditions, and assist with issues of transitional justice. I am hopeful this will ultimately lead to OHCHR and Special Procedures gaining greater access to verify allegations of summary executions, arbitrary killings and enforced disappearances.

The already dire situation in the Kasai provinces of the **Democratic Republic of the Congo** continues to deteriorate, spreading to other provinces and across the border with Angola. Given the difficulties in accessing the areas where violations and abuses are occurring, I will be dispatching a team to the region next week to meet with people fleeing attacks. Unless I receive appropriate responses from the Government regarding a joint investigation by 8 June, I will insist on the creation of an international investigative mechanism for the Kasais.

On **Western Sahara**, discussions are ongoing with the Government to resume technical missions. My Office is also reviewing options for access to **Crimea[[2]](#footnote-2)**.

I deeply regret the need to report that in a number of other areas there has been no change since my speech to the Council in September 2016 regarding this essential question of access. In the south-east region of **Turkey**, **our efforts to inquire into allegations of serious violations continue to be denied, while the volume of people awaiting trial across the country makes it difficult to imagine due process guarantees are being respected.**

**Despite repeated high-level requests to India and Pakistan, permission for my staff to have unconditional access** to both sides of the Line of Control in India-Administered Jammu and Kashmir and Pakistan-Administered Kashmir **has still not been granted, and we continue to receive reports of increasing violence, civilian casualties, curfews and website blackouts**.

In **Venezuela**, the growing human rights crisis – including killings of at least 60 people, according to the Attorney General, as well as widespread shortages and hunger – highlights the increasingly urgent need for an impartial analysis and rapid assistance. I urge the Government to accept my request for a mission to the country at working level.

**As this Council is aware, where the human rights situation appears critical, and where access is repeatedly denied to my Office, the only option open to us may be to conduct various forms of remote monitoring. So long as refusals to enable access persist, I will be compelled to consider reporting publicly and regularly on their findings.**

Mr President,

Last week, the **Central African Republic** authorities, OHCHR and MINUSCA launched the human rights Mapping Report. It is our sincere hope that this report will galvanise national and international efforts to fight impunity and send a strong signal that justice will be done to all those who are engaged in or backing the current wave of appalling violence threatening the country.

**Guatemala** recently extended the host agreement of my country office for three more years, a welcome development. However, I regret that the OHCHR country office in **Bolivia** will close at the end of the year, following the Government's decision. We will nonetheless continue to follow the human rights situation in Bolivia to the extent possible.

Mr President,

Every State has accepted that it "is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms" – to reprise the Vienna Declaration. Every State is party to at least one of the nine core human rights treaties. And it would be intolerable if delegations were to conclude that by maintaining minimal engagement with the human rights mechanisms they can evade or betray those commitments to their own peoples, and to the peoples of the world.

Leaders may wish to deny this reality, but whether we like it or not, humanity is connected. The torture of children in Daraa in March 2011, and violent attacks by the Syrian security forces on the subsequent protests by their parents, neighbours and supporters have led to a conflict whose slaughter, destruction and shockwaves continue to wreak havoc well beyond Syria's borders. We see again and again, more and more brutally, around us the results of discrimination, deprivation and injustice – in the escalation of crises and suffering, and the outbreak of war. Whether or not individual leaders consider this truth convenient, it is nonetheless a fact that denial of human rights in one county concerns every State in the Organisation.

To achieve progress in human rights takes a great deal more than the flourish of a signature at the bottom of a document. My Office, the Council's Special Procedures and the Treaty Bodies offer States the benefit of objective and expert scrutiny, extensive experience, and practical, targeted tools.

I believe we have a tremendous opportunity to build on the Secretary-General's commitment to prevention, and on the 2030 Agenda, which is powered by a drive to end discrimination on any grounds build around a core of commitment to rights – most particularly the right to development. We can use these entry points to develop new openings for human rights work that can impact the lives of vast numbers of people. But the principal responsibility for opening those doors still rests on Governments, Excellencies, and on this Council.

Thank you

1. Afghanistan 3, Antigua and Barbuda 3, Bahamas 1, Bahrain 3, Bangladesh 3, Barbados 1, Belize 3, Benin 1, Bolivia 2, Botswana 4, Brazil 1, Burundi 1, Cape Verde 7, CAR 2, Chad 2, Comoros 2, Congo 2, Côte d’Ivoire 4, Croatia 2, Cuba 1, Dominica 6, DPRK 1, DRC 1, Egypt 1, Equatorial Guinea 4, Eritrea 5, Gabon 2, Gambia 1, Ghana 2, Grenada 2, Guinea 3, Guinea-Bissau 1, Guyana 1, Haiti 1, Hungary 1, India 1, Jamaica 1, Jordan 1, Kenya 1, Kiribati 1, Latvia 1, Lebanon 1, Lesotho 6, Liberia 3, Libya 4, Malawi 3, Maldives 1, Mali 6, Micronesia 1, Mozambique 2, Namibia 2 , Niger 3, Nigeria 3, Panama 3, Papua New Guinea 1, Romania 2 , San Marino 2, San Marino 2, Sao Tome and Principe 1, Senegal 4, Seychelles 3, Sierra Leone 2, Solomon Islands 2, Somalia 4, St Kitts and Nevis 2, St Lucia 1, St Vincent and the Grenadines 4, Suriname 1, Swaziland 4, Syrian Arab Republic 2 , Tajikistan 2, Timor-Leste 3, Tonga 2, Trinidad and Tobago 2, Tunisia 1, Uganda 1, Viet Nam 1, Zimbabwe 3 [↑](#footnote-ref-1)
2. The Autonomous Republic of Crimea and the city of Sevastopol are part of the territory of Ukraine, as stated by GA resolution 68/262. [↑](#footnote-ref-2)