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Statement by H.E. Ambassador Joachim Ruecker

President of the Human Rights Council

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Thank you, Mr. President.

Mr. President,

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

It is an honor to come to you today to present the annual report of the Human Rights Council to the General Assembly.

Let me, at the outset, congratulate the newly elected Members of the Council for the term 2016-2018 and wish them a successful term.

The GA decided in its resolution 60/251, that membership in the Human Rights Council is open to all State Members of the UN. Furthermore, the GA decided that States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto. In this context, the Geneva community and I took note of the voluntary pledges made by some States. We also took note of the event on 15 July 2015 organized by Amnesty International and the International Service for Human Rights, with the co-sponsorship of the Permanent Missions of Botswana, Brazil and the Netherlands, which some candidates participated in. The GA also decided that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, and fully cooperate with the Council. With regard to the latter, namely cooperation with

the Council, I call upon all States, and in particular all member States of the Human Rights Council that have not yet done so, to issue standing invitations to the Council mechanisms.

Mr. President,

The year 2015 marks the ninth year since the establishment of the Human Rights Council. As it enters into its tenth year, the Council's record testifies to high responsiveness in dealing with human rights issues all over of the world. The Human Rights Council has continued to be actively engaged in cases of urgent and chronic violations of human rights. In 2015, in addition to its regular sessions, one special session was held, along with an enhanced interactive dialogue on migration during the June session, and a new procedure for informal briefings with the High Commissioner for Human Rights was added to the Council's toolbox.

A total of 137 resolutions, decisions and President's statements were adopted this year, 84 of them without a vote. As President of the Human Rights Council, I believe that we should strive for as much consensus as possible and as much voting as necessary.

Many of the resolutions, including on country issues, were cross-regional initiatives, affirming the resolve of the Council to take action on important human rights issues by overcoming different political positions. One such example is the resolution on promoting reconciliation, accountability and human rights in Sri Lanka, which was adopted in September by consensus and co-sponsored by Sri Lanka. Another example is the resolution on the rights of the child, which is negotiated in Geneva during the March session.

Mr. President,

Let me briefly summarize some of the Council's country-specific decisions that were taken in the course of the year.

Syria has continued to be high on the agenda of the Council throughout the year and the mandate of the Commission of Inquiry has been extended once again. The Commission of Inquiry which presented its 10th report in September this year documents once again gross human rights violations, which are massive in extent and scope.

The Council has also heard reports from the Commission of Inquiry on Eritrea and from the Special Rapporteur on the Democratic People's Republic of Korea. The COI on Eritrea was set up to investigate systematic, widespread and grave violations of human rights with a view to ensuring full accountability, including where these violations may amount to crimes against humanity.

In April the Council held a special session in light of the terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram and it requested the Office of the High Commissioner for Human Rights to collect information from affected States and in close co-operation and consultation with them, in order to prepare a report on violations and abuses of human rights and atrocities committed by the terrorist group (Boko Haram) in the States affected by such acts, with a view to accountability. The Council also reaffirmed that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognized that effective counter-terrorism measures and the protection of human rights can only be complementary and are mutually reinforcing.

The Independent Commission of Inquiry on the 2014 Gaza conflict presented its report in June and pointed to the possible commission of war crimes by both

Israel and Palestinian armed groups and outlined a number of steps for the international community to take.

In March, the High Commissioner was requested to urgently dispatch a mission to investigate violations and abuses of international human rights law committed in Libya since 2014. He was also requested to strengthen the OHCHR presence in Palestine. Another mission was mandated, to monitor and report on the situation of human rights in South Sudan with a view to ensuring accountability and ensuring complementarity with the African Union Commission of Inquiry.

The Council also extended existing country-specific special procedures mandates – Special Rapporteurs and Independent Experts - on Belarus, Cambodia, the Central African Republic, Côte d'Ivoire, the Democratic People's Republic of Korea, Eritrea, the Islamic Republic of Iran, Mali, Myanmar, Somalia and the Sudan.

Mr. President,

During its past three regular sessions, among other debates, the Council has held a total of 17 panel discussions with panellists from a variety of stakeholders, on themes **such as** the question of the death penalty, climate change, rights of persons with disabilities, the state of racial discrimination worldwide, rights of the child, equal enjoyment of the right to education by every girl, effects of terrorism on the enjoyment of human rights, rights of women, unilateral coercive measures, good governance in public service, and the impact of the world drug problem on the enjoyment of human rights. The Council also held a panel on the situation of human rights in the Democratic People's Republic of Korea. This year's high-level panel on human rights mainstreaming focused on enhancement of international co-operation in the field of human rights.

In 2016, at its tenth anniversary, the mainstreaming panel with heads and senior officials of UN agencies will focus on the “SGDs and HR, with an emphasis on the Right to Development”.

The Council also established two new special procedures mandates – on the enjoyment of human rights by persons with albinism and on the right to privacy. All in all, there are now 56 mandates in total for both, country and thematic mandates. Kofi Annan named them once the “crown jewels” of the Human Rights system. Indeed, Special Procedures are our, the International Community’s eyes and ears, as they monitor, report, and advise on human rights issues throughout the world. As of 11 November 2015, 114 Member States and 1 non-Member Observer State have extended a standing invitation to thematic special procedures. In line with resolution 60/251, I call upon all States that have not yet done so to issue standing invitations to the Special Procedure mandate-holders and to fully cooperate with the Council’s mechanisms, including by implementing their recommendations, in an effort to strengthen human rights worldwide.

Mr. President,

The Council has also made progress on enhancing its functionality, *inter alia* by adopting a Presidential Statement at the June session. The many discussions leading to this Presidential Statement touched upon many more aspects and showed the necessity not only to implement the Statement as a step forward but also to continue discussing these matters. In this context, I also see the need for better cooperation and coordination between Geneva and New York with a view to minimize unnecessary duplication, to be more resource-efficient and to ultimately jointly strengthen the UN human rights system.

Mr. President,

I am also pleased to inform you that we have continued to make the work of the Council accessible to persons with disabilities pursuant to the legal obligations arising from the Convention on the Rights of Persons with Disabilities and in line with the mandate given to the Council's Task Force on this issue.

At every session of the Council, one panel was made accessible, in addition to the annual panel on the rights of persons with disabilities. At the most recent session of the Council in September, the panel discussion on a human rights-based approach to good governance in the public service was made accessible through the provision of international sign-language interpretation, captioning and webcast of these services. We remain committed at the Council through the Task Force that continues to report to us on progress including best practices.

Mr. President,

Allow me now to turn to the – from my perspective highly valuable and unique - Universal Periodic Review of the Human Rights Council. We are now getting closer to the end of the second cycle of this peer review mechanism and the beginning of the third one. The UPR continues to get positive feedback from all actors involved. I would like to take this opportunity to highlight a number of positive trends I had the privilege to witness in the course of this year. Of course, there are also challenges ahead of us that would require our attention and concerted action.

The principle of universality of the process continues to be preserved. All States scheduled for review came; and most of them with delegations at ministerial level. This demonstrates the commitment of all States to the Universal Periodic Review and is of utmost importance. Nevertheless, challenges remain, in

particular related to the participation and involvement of States which do not have a representation in Geneva or only a very small one. We are aware of this challenge and the OHCHR put in place a variety of programmes and activities to address the needs of those States and to ensure their participation in the UPR.

Another important principle is the one of periodicity which offers the opportunity to measure progress. The focus must lie on implementation of recommendations. And therefore ideally, national reports and presentations at the Working Group refer to the implementation of recommendations from the previous review cycle. This rightly reflects the cyclical nature of the reviews and the process between the presentations at the Working Group in Geneva. Going forward, there is no doubt that this focus on follow-up and implementation, reporting on the impact and the change on the ground, will need to be much more highlighted. This will also help to safeguard the credibility of this mechanism.

In this regard, increasingly more States are, on a voluntary basis, either submitting mid-term reports which take stock of progress made or using the framework provided by the Human Rights Council to share progress made and challenges faced in the implementation of recommendations. States are also increasingly strengthening their national processes and systems to enable a more systematic engagement with and follow-up on the recommendations from the human rights mechanisms, including the Universal Periodic Review. This approach is also highly encouraging and should be further pursued.

I am pleased to note that in comparison to the first cycle, bilateral matters tend to be less present in the reviews. I welcome the self-restraint exerted by

concerned States thus contributing to preserving the constructive, consensual and non-politicised nature of the Universal Periodic Review.

Mr. President,

I would like to turn to an issue of concern which transcends the review and concerns the work of the Council in general, which is the protection of the role of civil society in our work. Active participation and contribution of civil society organizations and national human rights institutions is central to the work of the Human Rights Council and its mechanisms, and it makes it a unique forum among other United Nations intergovernmental organs. Civil society – human rights defenders, NGOs and NHRIs - not only contribute to our discussions, but they make us more effective and provide us with a mirror of realities on the ground. Civil society is not a nice to have; it is at the core of our work, at the core of human rights. It is therefore essential that representatives of civil society operate in a free, open and safe environment that protects and promotes their own human rights.

In the course of the year, I have been apprised and seized of alleged and verified cases of intimidations, threats and reprisals against individuals from civil society organizations, national human rights institutions and even Special Procedure mandate holders. Many of these cases are also documented in the report of the Secretary-General on cooperation with the United Nations, which is presented annually to the Council.

I have repeatedly appealed to the Council to ensure the safe participation and involvement of civil society in our work and, where required, I have followed up directly with concerned States. I, once again, would like to reiterate that

without the contribution of civil society, the work of the Council, the Universal Periodic Review and other mechanisms would be much less effective. This participation should be preserved and individuals protected from any type of intimidation.

In this context, I would also like to stress the need for implementation of Human Rights Council resolution 24/24. The Council decided in 2013 to establish a Focal Point on Reprisals and Intimidation in the context of cooperation with the United Nations which at the time was second-guessed by the General Assembly. As President of the Council, I am pleased to note that the item is now closed and that, subsequently, States from all regions expressed their support for prompt implementation of 24/24.

This brings me to a point which I wish to underline. While the Council is *de jure* a subsidiary body of the General Assembly, we trust that our decisions are respected and, in the form of our annual report, acknowledged *in toto*.

Mr. President,

Let me briefly turn to another subject matter - the much welcome and increased participation of Least Developed Countries (LDCs) and Small Islands Developing States (SIDS) in the work of the Human Rights Council. In this regard, the SIDs/LDCs fund has been crucial. We all recognize that this Fund is a great asset not only for beneficiary countries but also for the work of the Council.

Mr. President,

As in the past, the Human Rights Council made a series of recommendations to the General Assembly which I will present in a more detailed way in my presentation to the Third Committee this afternoon. For instance, the resolution adopted on the human rights situation in Syria at our 30th session recommends that the GA submits the reports of the Commission of Inquiry on Syria to the Security Council for appropriate action.

Furthermore, the Council requested the General Assembly to consider holding a high-level segment on the right to development during the general debate at its 71st session.

The Council also requested the General Assembly, in view of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, to dedicate a theme on its full and effective implementation, inter alia including the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, at the high-level segment of the 71st session.

Furthermore, the Secretary-General was requested, through the General Assembly, to review and to rescind the mandate of the independent eminent experts for the successful implementation of the Durban Declaration and Programme of Action and, in lieu of this mandate, to establish a forum on people of African descent.

This year the Council also mandated a panel discussion on the progress and challenges in addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030. The report of the discussion will be brought to the attention of the General Assembly ahead of the high-level meeting on HIV/AIDS in 2016.

Finally, the Council recommended that the General Assembly designate 9 December as the International Day of Commemoration and Dignity of the Victims of Genocide.

Mr. President,

As our 5th Committee colleagues are discussing today the budget on human rights, I would like to touch upon the significant challenges facing the Human Rights Council in terms of resources. As I said earlier, the Council continues to adopt a high number of resolutions/decisions carrying significant resource implications. Resources are also of great importance for the OHCHR's work on capacity-building and technical cooperation.

Unfortunately, the regular budget has not kept pace with that growth. For example, the High Commissioner and his office often have to rely on voluntary contributions to implement mandated activities. However, a strong and independent High Commissioner and office is and will continue to be in our common interest.

Therefore, I would like to seek co-operation and support from all Member States to address this issue, through the Fifth Committee, by positively considering options on how to address the funding gap, including with regard to new mandates arising from resolutions and decisions of the Council.

Mr President,

I have held the Presidency since January 2015 and will end my term at the end of this year. On 7 December, it is foreseen that the Council will hold its

Organizational Meeting to appoint the new Bureau for the 10th cycle. The Presidency from January 2016 onwards will be coming from the Asian Group.

Throughout its existence in the past nine years, the Council proved to be able to devise new formats and modalities in addressing human rights issues of concern. This was also the case this year. During the June session, the Council held an enhanced interactive dialogue on the human rights of migrants and a dialogue on the current status of negotiations of the post-2015 development agenda as it relates to human rights. Informal conversations on topical issues were organised outside sessions with the incoming Chair of the Third Committee, with the Deputy Secretary General and with the High Commissioner. These formats, along with the regular updates, at the beginning of each Council session, by the High Commissioner on developments in the world and the numerous reports presented by his office, have very fruitfully contributed to the deliberations of the Council this year.

In conclusion, I wish to assure you of my commitment to see a successful transition of the Presidency. I trust that the General Assembly continues to provide its full support to the Council. On behalf of my successor, I would like to welcome you all to the thirty-first session of the Council in March 2015.

At the end, I would like to echo the words of former Secretary-General Kofi Annan: “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”. We should – in the 70th year of the United Nations – wholeheartedly endorse the triad of the United Nations, in all of our work, and work towards the strengthening of the human rights system.

I thank you for your attention.