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**Address by
Ms. Louise Arbour
UN High Commissioner for Human Rights**

**on the occasion of the
3rd Session of the Human Rights Council**



**29 November 2006
Geneva**

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

I am pleased to offer you today an overview of the missions that I have undertaken since the second session of the Human Rights Council, as well as updates and thoughts on countries and themes that continue to engage our attention and work.

You are aware of my missions to Haiti and to Israel and the Occupied Palestinian Territory. In the past two months, I also had the opportunity to go to Germany and to Canada where, despite the short time frame of my visits, I held very productive talks and raised issues of both local and multilateral concern, such as discrimination and the need to uphold human rights in the context of international migration and counterterrorism.

Let me now turn to my visit to Haiti. The general human rights situation is a matter of serious concern with regard to all rights. Though more is being said about civil and political rights, such as arbitrary detention and extrajudicial executions, the general population suffers from violations of their economic and social rights in an equally severe way. Most people live in extreme poverty. Basic rights, such as the right to adequate food, health and housing remain unfulfilled.

The situation of children in the country is particularly dire. Children are often targets of violence, and their access to adequate education and health care is severely lacking. Moreover, minors in conflict with the law are most harshly affected by the dysfunction and the many weaknesses of the judicial and detention systems. I stressed with the authorities the crucial importance of paying close attention to children's rights.

My short trip to the city of Gonaives in the North West, a region that has been continuously stricken by human and natural disasters, starkly illustrated the need for immediate action on the part of the Government. There, the problem of widespread prolonged pre-trial detention in inhuman conditions is even graver than in the rest of the country. The current efforts by the Government and by MINUSTAH to reform the justice and police sectors should give *priority consideration* to the issue of prolonged preventive detention.

In more general terms, immediate attention must be given to the law enforcement and justice sector without which much needed security cannot be achieved.

The Government expressed its commitment to solving pressing human rights problems and to put an end to abuses and violations originating from violence, impunity and the absence of rule of law. A lack of resources hampers the achievement of these goals and the support of the international community is, therefore, indispensable.

Ladies and Gentlemen,

During the period since you last met in regular session, I have also visited my field offices in the Occupied Palestinian Territory. In conjunction with this, I was happy to accept an invitation from the Government of Israel to visit that country.

In a four-day mission, I traveled to Gaza, including Beit Hanoun, and to Ramallah, Jerusalem, Tel Aviv and Sderot. I met with a wide range of Palestinian and Israeli officials, civil society actors and victims, as well as with the United Nations representatives operating in the region.

My visit occurred against a backdrop of increasing violence, tragically typified by the killing of at least 18 Palestinian civilians by Israeli artillery in Beit Hanoun earlier this month, as well as the regular firing of Qassam rockets into Israel, which, during my visit to Sderot, killed one civilian.

The human rights situation in the occupied Palestinian territory is grave and worsening, within a general climate of impunity. Throughout my visit, I promoted the need for accountability for violations of international human rights and humanitarian law.

In my meeting with President Abbas I stressed the responsibility of the Palestinian Authority to employ every means of law enforcement – and be seen to do so – to ensure that the firing of Qassam missiles, a breach of international humanitarian law, ceases and that those who launch them are held accountable. Every effort must be made to enable the Palestinian Authority to discharge that responsibility.

At the same time, I stressed that as long as the rockets continue to hit its territory, Israel has the right and indeed the duty to defend its population and to ensure the protection of its citizens and of all those who are within its jurisdiction, control or power. However, this must be done in accordance with international human rights and humanitarian law.

I urged the Israeli authorities to ensure transparent, credible and independent investigations to provide for accountability and effective redress in situations where lethal force has been employed, such as the Beit Hanoun killings. This would be central to break the culture of impunity and contribute to solidify the rule of law.

Today, through the barrier and the system of checkpoints, roadblocks and earth mounds, Palestinians find their right to freedom of movement seriously curtailed – within the West Bank in particular, but also between the West Bank and Gaza. Palestinian access to Jerusalem is also heavily restricted. Freedom of movement is not only a human right in its own terms, but obstructions to movement have had a severe impact on Palestinians' enjoyment of a wide range of other rights – such as the right to health, to education, to an adequate standard of living, to work and to family life.

Civilians are also gravely affected by the fiscal crisis caused by policies imposed by Israel and the international community on the Palestinian Authority. This has exacerbated the already pervasive conditions of deprivation that Palestinians endure, with *virtually every right* being affected, adding to the climate of fear and humiliation widely experienced by the Palestinian population.

Overall, I was struck throughout my visit by the sense of vulnerability and abandonment that was expressed to me by virtually all the civilians that I met, both in Israel and in the OPT.

In my comments to the press at the conclusion of my mission, I noted that I had unfortunately not had the time to focus on the full range of rights at issue in the region. I highlighted, in this regard, the question of all those imprisoned, captured or otherwise detained as a result of the crisis and called for their rights, including access to them, to be respected in full. I repeat that call here today.

Distinguished Members of the Council,

The ceasefire agreed upon last week is a first, indispensable step towards reducing harm to civilians. But addressing and resolving the human rights crisis in the region cannot be held hostage to either stop-gap measures that may be revoked, or to a resolution of the political crisis that may prove still some way off. The human rights of Israelis and Palestinians cannot be the subject of negotiation or compromise. Those in power must fulfill their obligations in accordance with international human rights and humanitarian law now so as to ensure that all throughout the region can enjoy their human rights. To do so is required by law and should be implemented by all those who profess to be sincerely committed to achieving a lasting peace.

Excellencies,

When I addressed you in September, I highlighted some of these chronic or acute situations that, in my view, required attention. In particular, I referred to the human rights conditions in Nepal, Sri Lanka, Iraq, and Darfur. Allow me to offer you some updates on these situations.

Regarding Nepal, the recent peace agreement reached by the parties is a crucial step towards setting the foundations for democratic transition in which the protection and promotion of the human rights of all Nepalis must be central. Moreover, the peace agreement directly confers to OHCHR the mandate to monitor its extensive human rights provisions, which will undoubtedly strengthen the impact of our activities. However, the parties must translate their commitments into meaningful actions to end on-going abuses. As the country moves into this critical transition phase, consolidating the rule of law through professional policing and a strong criminal justice system will be key measures to be taken. Ending impunity remains one of the biggest human rights challenges for Nepal to be addressed.

In Sri Lanka, my Office has actively provided advice to the Government on the terms of reference for the Commission of Inquiry into killings and disappearances and on the role of the International Independent Group of Eminent Persons that will observe its investigations. I am pleased to note the fruitful cooperation between the Government and my Office with regard to this initiative and welcome the incorporation of the majority of OHCHR's suggestions into the terms of reference. I hope the Commission of Inquiry will prove effective in bringing the perpetrators of serious human rights violations to justice. I would also like to reiterate my Office's readiness to assist the Government of Sri Lanka in addressing the protection of human rights and in particular the protection of civilians, who have continued to be the primary victims of recent violence.

In Iraq, despite the Government's efforts to address the deteriorating human rights situation, violence has reached unprecedented levels. In many parts of the country, scores of civilians are willfully killed and injured every day. Ever growing unemployment, poverty, discrimination and diminishing access to basic services severely affect economic and social rights. The inability of law enforcement agencies and the justice system to protect the Iraqi population has further reduced confidence that perpetrators will be held accountable. I urge Iraqi leaders from all sides, multi national forces in Iraq and the international community as a whole to increase efforts to reassert the authority of the State and ensure respect for the rule of law. Concerning the verdict in the first trial of Saddam Hussein and his co-defendants before the Iraqi High Tribunal, I reiterate my call on the Iraqi authorities to ensure that the right of appeal of those convicted is fully respected.

Regarding Darfur, the Government of the Sudan and militias aligned with them, and some still actively supported by them, continue to be responsible for the most serious violations of international human rights and humanitarian law. The crisis in Darfur has also spilled over into Chad and the Central African Republic. Attacks similar to those carried out by armed groups in Darfur have resulted in the death of scores of civilians, and massive displacement in eastern Chad.

Attacks on villages, killing of civilians, rape and the forced displacement of tens of thousands of civilians go on unabated, and have now reached in Darfur the horrific levels of early 2004. Violations of international humanitarian law and human rights law are also being committed by rebel groups. On 22 November the United Nations Humanitarian Coordinator, Jan Egeland, reported that 4 million people are now in need of emergency assistance. The number of internally displaced persons has risen to an unprecedented 2 million. The situation, he stressed, is worse than in 2004. The ongoing atrocities must stop. I urge all parties to the conflict to respect their obligations under international law with regard to the protection of civilians. The scale and nature of the attacks against civilians qualify as crimes under international law, thus invoking the individual criminal responsibility of their perpetrators, including command responsibility.

The latest report by OHCHR and UNMIS, released in October, documents more attacks by government-allied militia, this time around the Jebel Moon area of West Darfur. Over the past month, West Darfur, a Government-controlled area, has been the scene of consolidation and increased deployment of armed militias. There are growing reports of the distribution of weapons to militia in and around Geneina. The Government must provide convincing answers regarding its well documented links with the militia, as well as the possible criminal culpability of its officials in aiding or abetting acts committed by the militia on the Government's behalf.

On 23 November, the Chief Prosecutor of the International Criminal Court said that his office is near completion of investigations into crimes committed in Darfur. His office has documented thousands of alleged direct killings of civilians by parties to the conflict, including a significant number of large scale massacres. In addition to direct killings, there is a significant amount of information indicating that thousands of civilians have died since 2003 as a consequence of the harsh conditions and displacement that the conflict inflicted on them. The destruction of homes, food stocks, and the looting of property and livestock, as well as obstacles to the provision of life-saving humanitarian assistance, continue to deprive civilians of their means of survival.

The same atrocities which led the Security Council to refer the case to the ICC in January 2005 continue to be a daily occurrence in Darfur. I strongly urge the international community to express full support to the Court in its efforts to ensure that those responsible for war crimes and crimes against humanity will not escape accountability.

Distinguished Members of the Human Rights Council,

You will no doubt continue to progress on both the definition of this Council's own architecture and on the improvement of the human rights machinery as a whole. Together with the Treaty Body system and the Special Procedures, the UPR should provide an effective system of human rights protection with far reaching capacity for review and assistance. I urge you to continue to work constructively and creatively so as to adapt and fine tune responses to fast developing crises, as well as to drawn out, debilitating human rights conditions, and to local situations and global threats alike.

Concerning the Universal Periodic Review, let me reiterate that the success and effectiveness of the UPR will rest on the willingness of countries under review to be open to genuine scrutiny. Countries should be assessed on the basis of all their commitments and obligations. In light of the universal and inclusive character of the process, there is no reason to expect anything short of full cooperation and engagement by all.

In regard to Special Procedures, the Council is well aware of this system's remarkable contribution, as well as the many facets of its independent experts' input. We all can draw inspiration from the words of Minister Paulina Veloso of Chile who, in addressing the inaugural session of the Council, noted that the Special Procedures: "have

been decisive for our country's overcoming the dark period of its history." She added that the system continued to lend Chile its support after tyranny was overcome and helped "successive democratic governments in the gradual realization of their task of ensuring the effective enjoyment of human rights for all citizens."

I wish you fresh inspiration for a very productive session.

Thank you.