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

**on the occasion of the
2nd Session of the Human Rights Council**



**28 September 2006
Geneva**

Excellencies,
Ladies and Gentlemen,

I am grateful for this additional opportunity to address you and present my own report, as well as those produced by my Office from 2005 to February 2006. I will refrain from discussing all our reports in detail: I will focus instead on those trends and issues, together with particular situations, that have engaged my Office more intensely.

Let me begin with an overview of my own report which chronicles and describes the steps taken by my Office to implement my May 2005 Plan of Action, as well as our Strategic Management Plan for 2006-2007.

The report focuses on those priority areas that have informed and will continue to guide our action and initiatives, namely bolstering the Office's thematic expertise as well as the efforts dedicated to further empowering rights-holders; strengthening country engagement; forging linkages between human rights and development; and fostering partnerships with civil society and within the United Nations system.

But first let me comment on a separate report, which is before you, on the "Composition of the Staff of the Office of the High Commissioner for Human Rights". It includes an Action Plan to improve the geographic and gender balance of OHCHR staff, which I have made a priority. As I have stated earlier it will take time to change the long-standing situation in which we find ourselves. Geographic disparities in staff representation have continued to grow even in the past year.

One of the difficulties that we face, which hampers our ability to influence the geographic diversity of staff, is built into the UN Secretariat staff selection system. The restrictions on recruitment of staff at the P-2 and P-3 levels are perhaps the most serious example of these constraints. As part of the United Nations Secretariat, OHCHR is subject to the General Assembly resolution regarding recruitment of entry-level staff through the National Competitive Examinations (NCE). Eligibility for the NCE is based on the geographic representation of the United Nations Secretariat as a whole, and does not take into consideration the specific needs of offices, such as OHCHR. This is particularly serious for OHCHR as the vast majority of successful NCE candidates are drawn from the single geographic region that already accounts for more than half of OHCHR staff. Given that some 56 percent of OHCHR's professional staff is at the P-3 and P-2 level, the impact of such a limited regional base of available candidates is particularly severe. We will be discussing this issue further with the Office of Human Resources Management in New York in order to seek appropriate solutions.

Despite these difficulties, I am determined to improve the situation and we are making a serious effort. We expanded the pool of qualified candidates from the widest possible range of countries and backgrounds, including through targeted advertising and widely distributed announcements. In addition, country-specific strategies are being developed for better collaboration in recruitment with Permanent Missions in Geneva,

UN and OHCHR field offices, and local partners. I am pleased to note that this strategy is already bearing fruit in expanding the pool of candidates.

I have also established a mechanism to review the recruitment process for every post under consideration, to ensure that an effort was made to identify and select qualified candidates from targeted countries and regions. Given that there remain a substantial number of posts to be filled in this biennium, I am confident that I will soon be in a position to announce significant results.

Mr. President,

I will now turn to some of the thematic reports that my Office has produced.

Combating discrimination remains one of our main objectives. In this regard, I would like to bring to your attention some relevant reports. The first relates to the Implementation of the Durban Declaration and Plan of Action against Racial Discrimination. I have submitted my report on the possibility of developing a racial equality index. Moreover, in my report on defamation of religion, I provide information on the follow-up actions undertaken by Member States, by the United Nations system, human rights mechanisms, and my Office in promoting religious tolerance and dialogue among civilizations.

Discrimination is among the many challenges that indigenous peoples face. The OHCHR report reflects the initiatives undertaken on the protection of indigenous peoples' rights. In 2005 and 2006, the OHCHR has participated and organized several seminars and workshops on this topic.

The fight against discrimination also requires a better understanding of cultural rights and cultural identities. The report before you describes the results of an informal consultation on cultural rights which we organized in October 2006 to foster such understanding. Together with representatives of 55 States and 16 NGOs we explored how to promote indigenous people's rights through existing or new legal frameworks, as well as the feasibility of creating a mandate of a new special procedure.

Distinguished Members of the Human Rights Council,

One of the main sources of disempowerment is the failure to give teeth to the right to development. My report on this topic includes the application—on a pilot-basis—of criteria for the periodic evaluation of global development partnerships—as identified in Millennium Development Goal 8—from the perspective of Right to Development, which was endorsed by the Council at its first session. The Secretariat is presently preparing for missions to relevant development partners, with a view to bolstering the methodology of the piloting of these criteria.

Another key challenge is to strengthen the recognition and protection of economic, social and cultural rights, which have historically received less attention than other aspects of the UN human rights programme. The report before you outlines

pertinent activities carried out by the human rights mechanisms and by the Office. We are committed to significantly step up our work in this area.

Crucial to any strategy for the empowerment of rights holders is the World Programme for Human Rights Education, which the General Assembly mandated to begin on 1 January 2005. Our report on this theme provides an account of activities undertaken in this framework until February 2006, including the first meeting of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System which agreed on a series of actions to promote human rights education in the short and medium term.

Ladies and Gentlemen,

Before you is also a report addressing an issue of pressing and current concern, namely the administration of justice through military tribunals which contains Draft Principles Governing the Administration of Justice Through Military Tribunals, as well as the report of the Special Rapporteur of the Sub-Commission on this subject.

This issue has become the focus of intense debate, particularly with regard to the protection of human rights and fundamental freedoms while countering terrorism. Our report on this topic reiterates that the actions of States to combat terrorism must comply fully with States' obligations under international law. We also issue a number of recommendations, including an appeal to States to take all measures to prevent, punish and eradicate torture and cruel, inhuman or degrading treatment or punishment. The entry into force of the Optional Protocol to the Convention against Torture is a significant development towards ensuring the protection of detainees around the world. To date, 26 States are party to the Protocol, and 34 countries have signed it.

Our report on impunity provides a survey of selected international commissions of inquiry and fact-finding missions in several countries that have continued to be affected by conflict and/or by massive human rights violations. OHCHR has provided comprehensive support to these international commissions of inquiry and fact-finding missions. It is my intention to continue to speak out for comprehensive and objective assessments of such massive human rights violations, as can be seen from the recommendations of my report on the events of Andijan, Uzbekistan, of May 2005.

Related to the fight against impunity are both the right to truth and transitional justice. Our study clarifies the concept of the right to the truth by providing a detailed and rigorous analysis of several elements of this right, such as its legal and historical bases, its material scope, content and nature.

On transitional justice, we explore activities undertaken by human rights components of the UN system, particularly those related to OHCHR field presences and human rights components of UN peacekeeping operations.

Excellencies,

As you know, a number of new field presences of OHCHR were opened last year, including—but not limited to—Uganda, Guatemala, Togo, and Nepal on which I reported last week. As part of the efforts to improve engagement with countries where

OHCHR does not have a direct presence, we have also strengthened our support at the regional level. I will now turn to some of the countries in which our field engagement has been substantial.

AFGHANISTAN

The deteriorating security situation in Afghanistan carries grave implications for human rights. In a series of killings of pro-government actors, last Monday armed opponents targeted and slain, for the first time, a female official, Safia Ama Jan, Director of the Women's Affairs Department of Kandahar province. Civilians have at times become indirect victims of attacks by insurgents as well as by Government and international military forces.

A lack of security also severely affects the work of institutions. The Afghanistan Independent Human Rights Commission continues to function effectively, in close cooperation with UNAMA, but for the first time since its establishment four years ago, the Commission has restricted its activities, particularly in the south and south-east, due to security concerns. The right to education has also been compromised due to a marked increase in the number of attacks on schools since late 2005.

Despite reform efforts, the justice system continues to suffer from severe and systemic problems. While the new composition of the Supreme Court reflects a fairly even ethnic balance, no female judges were nominated. The number of human rights violations constraining freedom of conscience and religion and freedom of expression are increasing.

CAMBODIA

In May 2006, I had the privilege of making a first visit to Cambodia, where my Office has been operational for more than a decade.

During that visit I focused on the importance of strengthening the independence and integrity of the judiciary to protect fundamental rights and freedoms and to overcome impunity. I also focused on the important work and contribution of civil society, emphasizing the need for it to be able to work freely and safely with the support of the Government.

The Extraordinary Chambers of the Courts of Cambodia, which have now begun their work to address the crimes perpetrated by the leadership of the Khmer Rouge, represent a hope for justice that is long overdue.

I will shortly begin to discuss with the Government the terms of the renewal of our memorandum of understanding.

COLOMBIA

I welcome the announcement made by the Government of Colombia that the mandate of my Office will be extended. My Office will maintain its monitoring mandate with a view to further contributing to the protection of human rights.

Significant advances and efforts from State representatives and civil society must be commended. Yet, Colombia still faces considerable challenges in terms of human rights protection and respect for humanitarian law. Among the vulnerable of persisting violent strife remain human rights defenders, social and political leaders, journalists, women, indigenous and afro-Colombian people, children and the many displaced persons.

There are also continuing challenges with regard to impunity and the need to prevent extrajudicial killings and enforced disappearances and bring the perpetrators to justice. In this regard, I encourage the Government to further strengthen its efforts with the continued assistance of my Office.

GUATEMALA

Together with the Government, the Presidential Commission on Human Rights, the Ombudsman, the Judiciary, Congress and civil society, my Office is addressing long standing human rights issues, including discrimination against indigenous peoples, poverty and public insecurity.

Important steps have been taken to improve the human rights situation, including positive measures to address impunity for crime. These are timely initiatives.

In standing for membership at the Human Rights Council, the Government made voluntary pledges to increase the effective promotion and protection of human rights in the country. These commitments constitute a solid basis for my Office to further define, in concert with the Government, its technical cooperation activities.

OCCUPIED PALESTINIAN TERRITORIES

I have repeatedly expressed my concerns at the deteriorating situation in the Occupied Palestinian Territories. As elsewhere, human rights advocacy cannot by itself offer adequate protection to vulnerable civilians or ensure respect for human rights. Only a political solution to this conflict will bring an end to the loss of life, immense suffering and hardship. But pending that, compliance by all duty bearers with their responsibilities under international humanitarian and human rights law is of the utmost importance. Soon, I will have an opportunity to conduct a first-hand assessment of the situation by visiting Israel and the OPT. We stand ready to contribute to any measure that could improve human rights conditions there.

UGANDA

Since my visit in January 2006, much progress has been achieved. As a result of improvements in the security situation in Northern Uganda, spontaneous population movements out of camps for the still close to 1,5 million internally displaced persons have resulted in increased freedom of movement and greater access to land. Commitments and efforts to protect civilians in Northern Uganda and in Karamoja must be operationalized without delay, and be accompanied by the reconstruction of civilian administration of justice institutions, especially in potential return areas. I welcome the Government's initiative to establish an independent commission of inquiry into alleged serious human rights violations in the context of forced disarmament in Karamoja which, I hope, will result in improved policies and protective action.

In the ongoing peace talks between the Government and the Lord's Resistance Army (LRA) in Juba, it is critical to include adequate provisions for sustainable justice and to end impunity for the most egregious perpetrators.

Finally, I am pleased that OHCHR Uganda, during its first year of operations, has established its Headquarters in Kampala, with six district offices in Northern and Northeastern Uganda.

Distinguished Members of the Human Rights Council,

I am delighted to have this increased interaction with the Council and that we will have an opportunity to meet again in late November.

Meanwhile, I will soon visit Haiti and, as I mentioned, Israel and the Occupied Palestinian Territories.

At this time, I wish you a very productive continuation of your second session.

Thank you