

Statement by Mary Robinson

United Nations High Commissioner for Human Rights Chairman, Excellencies, Ladies and Gentlemen,

Each year in my opening address to members of the Commission, observers, international organisations and NGOs, I highlight a particular theme and I report to you on my principal activities. There is no question about the dominant theme this year: in the months ahead the overriding challenge for my Office and for the Commission on Human Rights must be the successful stewardship of the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

The World Conference against Racism

I have devoted my Report to the 57th session of the Commission to a number of aspects of racism and will return to these when I introduce my Report. For the moment I will confine myself to the following overall points.

The World Conference is of the highest significance for the Commission on Human Rights because the issues it will address are evils which we must combat with all our power; because racism and xenophobia – manifesting themselves through discrimination and all forms of intolerance – are the wellsprings of many of the world's conflicts; because they are a key element of the vicious cycle of poverty and social exclusion; and because these forces run directly contrary to the fundamental message of human rights which is that every member of the human family has equal and inalienable rights. Implementation of the principle of equality and promotion of tolerance and respect of difference are basic to the vision of the United Nations as set out in the Charter and as reaffirmed last September in the Millennium Declaration.

As we enter this crucial phase, I make one special appeal to all delegates: Don't forget the true objectives of the World Conference. I have just returned from South Africa, where I discussed the underlying issues with President Thabo Mbeki and other authorities in the host country. The preparatory process has brought home to me how timely and relevant the Durban Conference is. It takes place early in a new century, in this United Nations Year of Dialogue among Civilizations, and it addresses the core values of how we relate to each other as human beings, how – or rather whether – we truly respect the dignity and worth of each individual. I am convinced that we cannot really inspire with a forward looking programme of action

unless we also confront the deep hurts stemming from the past and take full stock of the problems of the present.

We are surrounded daily by examples of the evil effects of racism and xenophobia. During the past month alone, hundreds have been killed in Borneo, Burundi and countless other parts of the world on the grounds of their ethnicity. Ethnic conflict has surfaced in the Former Yugoslav Republic of Macedonia in a way which could threaten again the stability of that region. Refugees and asylum-seekers continue to arrive in wealthier countries to a cold and often hostile reception. And the insidious, subtle forms of discrimination continue to operate, closing off employment and promotion, barring people of particular races, religions or social backgrounds from housing and amenities that should be open to all.

Combating these abuses, working to end the wretched practice of trafficking in humans; focusing on the gender dimension of racism; respecting the rights of indigenous peoples and minorities in deed as well as word; extending human rights education to inform everyone, especially young people, about where intolerance leads – these are the issues that go to the heart of the World Conference. We can and must tackle them together.

Human Rights in the World: Taking Stock

This is the fourth time that I have addressed the opening session of a Commission on Human Rights. That makes it a particularly fitting occasion to reflect on what is being done to improve the state of human rights in the modern world and to identify the main challenges that lie ahead both for the Office of the High Commissioner and for the wider human rights community.

I came to the position of High Commissioner with a background in human rights and especially human rights law. The issues which the Commission deals with were not unfamiliar to me. Yet I was immediately struck by the sheer scale and distribution of human rights abuses globally. I was also struck by the complexity of the issues and by the full extent of the inter-relatedness between civil and political rights and economic, social and cultural rights. But what impressed me most was the great gulf which divides the high aspirations of the Universal Declaration, the Covenants and the other international human rights instruments, and the harsh reality which so many people face in their daily lives. Today, that first impression is still with me. I am convinced that turning principles into practice at grassroots level remains the greatest challenge for the human rights movement.

Another early impression was that OHCHR had a lot of ground to make up in establishing itself as an efficient working unit, capable of fulfilling the role foreseen for it at the Vienna Conference and in the subsequent General Assembly Resolution. I saw that the Office of High Commissioner for Human Rights was a young Office with limited resources and that, at the same time, the expectations of governments and the international human rights community were increasing.

Activities have been undertaken on a number of fronts to shape the human rights message and towards bridging the gap between principles and practice.

- The profile of human rights as an international issue has been raised. An indication of this is the high level of ministerial attendance at the Commission on Human Rights. The vision of universal human rights in a changing and diverse world has been advocated strongly, with all that that implies: prevention, addressing the impact of globalisation, human rights and development, combating extreme poverty. I have sought to bring the human rights message to as many countries and communities as possible over the past three and a half years.

- Universal ratification of the six core human rights treaties has been promoted actively and with a good measure of success. At the Millennium Summit a number of countries took the opportunity to sign or ratify one or more of the core human rights treaties or optional protocols.

- With the strong support and encouragement of the Secretary-General, the voice of human rights has been strengthened within the UN family. OHCHR is committed to being a reliable partner which takes the role of mainstreaming human rights throughout the organisation seriously. Our aim is to act as a catalyst to ensure that the human rights dimension is present and dealt with efficiently in all the UN's activities: in peace-making and peace-building, in humanitarian efforts and development programmes. We are cooperating closely in particular with UNDP and DPKO; we participate in the CCA and UNDAF processes and work closely with UN country teams; through our participation in all four of the Executive Committees that meet in New York, we are cooperating on specific subjects with a wide range of UN programmes and agencies.

OHCHR is working to streamline and improve its capacity to fulfil its mandate. A management of change process in my Office, aimed at facilitating greater commitment and clarity of purpose has been gathering momentum in order to better fulfil OHCHR's mandate, and also to sustain and achieve continuous

improvement in the future. I am well aware that we still have a long way to go. But it would be wrong to ignore what has been achieved:

- A high priority is being given to ensuring that the treaty monitoring bodies function effectively. I have launched a comprehensive programme to improve the servicing of the treaty monitoring system. The procedure for addressing individual complaints is also being overhauled. As more States ratify the treaties and protocols, we need additional support to ensure the quality of reporting and examination. I appeal for your assistance in our efforts to secure the necessary resources.

- The number of special mechanisms has now risen to 36. These mechanisms play a vital role in defending human rights, in fact the Special Rapporteurs and experts are the front line defenders of human rights and my Office is committed to doing everything possible to support them. I am encouraged by the recognition that our experts must meet the highest standards of professionalism and expertise. I hope that OHCHR's induction course for newly appointed experts will be of assistance. Funding of the mechanisms is a particular concern. I look to the Commission to work with my Office in seeking ways to ensure that the special mechanisms continue to play an effective role in the future.

- Our capacity to manage and service field activities is evolving. We are in the process of implementing recommendations to improve the activities of our major field presences as well as recommendations coming from the annual meeting of field presences. We are seeking improvements through strengthened management capacity within OHCHR HQ, through better cooperation with partners in the field, and through closer attention to training.

- OHCHR now has regional strategies in place which focus on strengthening institutional capacity, resolving problems of greatest concern within a given geographic area and facilitating exchanges of best practices among countries involved. This approach is based on intensive cooperation with partners, including regional organisations, United Nations partners and the regional economic commissions.

- The Office is rationalising the planning and implementation of its technical cooperation programme. We have continued to promote national human rights action plans as a strategy for the improvement of human rights observance, as recommended by the Vienna Declaration and Programme of Action. The joint

HURIST programme with UNDP plays an important role in this regard and now applies in more than 30 countries. OHCHR has responded to a growing number of requests for advice and technical assistance in the setting up and running of independent national human rights institutions. To date, over 50 countries have sought our advice in establishing such institutions.

- A relatively new development is substantive and secretariat support for inquiries into human rights violations and truth and reconciliation commissions, examples being our activities in relation to East Timor, Togo, the Occupied Palestinian Territories and Sierra Leone. There is a clear need to establish an effective capacity within OHCHR which could respond to urgent requests without having to draw on staff members mandated to other activities and the modalities in this regard are being examined.

Despite all our efforts, the staffing problems in OHCHR remain serious and structural in nature. The workload continues to increase incrementally without any corresponding increase in core budget resources. As a result, many staff work under unfair pressure aggravated by short term contracts with the lack of proper job security and career planning prospects. This troubles me very deeply.

- Raising substantial voluntary contributions has become essential to enable OHCHR to carry out its core functions. In 2000 we launched the first annual appeal for funding and raised \$44 million, roughly twice the amount we get from the regular UN budget. The annual appeal for 2001 has been launched. This funding has allowed the Office to meet the demands of its programmes and to strengthen its substantive administrative and financial capacity. For the first time this year, OHCHR will issue a comprehensive report on expenditure from voluntary funding during the year 2000. - The Administration Unit is in the course of being strengthened and personnel with wide experience in financial and budget management have been brought on board. A financial monitoring and tracking system for extra-budgetary contributions is being introduced. Personnel administration is also to be reinforced.

- OHCHR is now well established in its headquarters at Palais Wilson with improved conference and working facilities. It has become in a true sense the home of human rights.

Human Rights: The Challenges Ahead

All of these activities have, of course, one aim: to promote and protect human rights throughout the world. I believe that progress is being made towards this fundamental goal but, as I said earlier, there continues to be a serious gap between words and actions in the field of human rights. I would like to mention a number of areas where the challenges strike me as being particularly acute.

Human Rights in Development: One of the messages I have consistently stressed as High Commissioner is the fundamental importance of a holistic approach to human rights. Civil, cultural, economic, political and social rights are entitlements. I have sought to promote all of these rights with equal vigour. The realisation of the right to development is an integral part of my mandate. The more I have seen of actual country situations, the more convinced I have become that there is a direct connection between sustainable development and building democracy, respect for human rights and the rule of law. Encouragingly, more and more countries are making that connection themselves and are showing that they are ready to take ownership of this broad human rights agenda.

In integrating human rights and a gender perspective into the programmes of the UN as a whole, my office has been advocating the added value of the rights based approach centred on the framework of the core human rights treaties that states have ratified and on the obligations they have thereby assumed. Gathering in good practices from Member States themselves, and from partner agencies such as UNDP, UNICEF, WHO and UNIFEM, is the best way to counter scepticism and doubts about the rights based approach to development. A good instance of this is the Report of the World Commission on Dams which had been established by the World Bank. I see a need for more information and action in this area so that the inextricable links between human rights, democracy, good governance, poverty eradication and sustainable development can be better understood.

Prevention: Few policies have been the subject of so much consensus as the need to pay greater attention to prevention of human rights violations. But an adequate response – for example, in the form of allocation of the necessary resources to preventive measures – remains elusive. I regret that prevention has not yet really taken root in the thinking and, more importantly, the planning of governments and the international community. This is a very fitting subject for the Commission on Human Rights to focus on since it is so central to the whole human rights debate.

Accountability is crucial to prevention. How a government responds to allegations of gross violations is a benchmark of whether a serious commitment to human rights

exists. I welcome the fact that more countries are ratifying the Statute of the International Criminal Court. I welcome, too, the valuable work being done by the International Tribunals and especially the first convictions for rape and enslavement as crimes against humanity by the International Tribunal for the Former Yugoslavia. Wherever there are allegations of extrajudicial killings, torture and illegal detention – whether in East Timor, the Former Yugoslavia or central Africa – there should be a credible response. That was the position I took in regard to allegations of human rights abuses by security personnel in Chechnya in the Russian Federation. Recent further disturbing reports strengthen my view that the Russian authorities should respond adequately to these allegations.

Human Rights in Conflict Situations: If truth is the first casualty of war then observance of human rights norms is often the first casualty of conflicts. We see many examples of gross human rights violations in conflict situations, with women and children often the worst affected. Yet I sense a growing appreciation of the role that human rights play before, during and after conflicts. Conflict prevention is clearly the best strategy and the human rights mechanisms of the Commission have an important role to play in this respect. I would mention three examples which my Office has been closely involved with over the past year:

Middle East

– I visited a number of countries in the Middle East from 8 to 16 November with the focus on the situation in the Occupied Palestinian Territories. The Commission will have the opportunity to consider my Report in the coming days. It will also consider the report of the Commission of Inquiry appointed in the follow-up to the resolution adopted at the Special Session of the Commission on Human Rights last October and an updating of his report by the Special Rapporteur. I have been following events since my visit with growing concern. Regrettably, as we know all too well, efforts of the international community, including those of the Commission on Human Rights, have not brought an end to the hostilities and human rights violations.

Colombia

– The human rights situation in Colombia remains grave. I visited the country in December and called on the Government and other actors involved to respect the human rights of the civilian population, and to focus especially on human rights in the negotiation process with a view to bringing peace to the country. When I

introduce my Report, I will emphasise the important role the OHCHR Office in Colombia is playing in addressing violations of human rights and international humanitarian law. It must, however, be clear that neither our Office, nor the international community at large can replace determination on the part of all domestic actors to peacefully shape the life of the country. We will endeavour to support all efforts in this direction.

Sierra Leone

- Sierra Leone continues to face serious problems caused by the ongoing internal conflict. A United Nations high level assessment mission is visiting West Africa at the moment to seek ways and means of addressing the complex problems of the region. The Head of our Office in New York, Mr. Bacre Ndiaye, is participating in this mission. In the follow up to the Human Rights Manifesto, which I signed together with national and international partners in 1999, OHCHR is working closely with the Government, civil society and UNAMSIL, in particular with regard to the Truth and Reconciliation Commission and the National Human Rights Commission. I strongly believe that these two Commissions, which should be established in the coming months, have the potential to be important building blocks in reestablishing a culture of respect for human rights. That is the only path to follow if Sierra Leone is to overcome its tragic past.

In our efforts to prevent human rights violations and contribute to the peace-building efforts of the United Nations, the assessments and recommendations of the Brahimi Panel play a very important role. The Brahimi Report highlighted the essential importance of the United Nations system adhering to and promoting international human rights instruments and standards and international humanitarian law in all aspects of its peace and security activities. From addressing the structural sources of conflict to rebuilding civil society, from strengthening the rule of law to establishing political arrangements in which all groups are represented, United Nations peace operations must be guided by international human rights standards and benefit from human rights expertise. I urge the Commission to ensure full implementation of these recommendations.

Working with State Actors: Strengthening national capacity by responding to requests for technical assistance will continue to be a high priority for my Office. Over the past year progress has been made, for example through the signing of a Memorandum of Understanding on Technical Cooperation with the People's Republic of China and the holding of the first workshop under the MOU. Activities

under the MOU with Russia have also begun and MOUs have been signed with Mexico and Chile.

The message I would like to send to governments is: my Office stands ready to work constructively with you. At the same time, I want it to be clear that I do not see MOUs as ends in themselves and I am not interested in forms of cooperation – whether MOUs, National Action Plans or National Institutions – which lack substance or which fail to address human rights shortcomings in a serious way. Calling attention to shortcomings where they exist is an indispensable part of the High Commissioner's mandate.

Regional capacity building is a priority objective and there are positive results to report in this context. One which I would highlight is the establishment of a Sub-Regional Centre for Human Rights and Democracy in Central Africa, with funding voted by the General Assembly. The Deputy High Commissioner travelled to Yaounde last week to be present at the commencement of operations of the Centre. He chaired a Seminar on human rights education in central Africa attended by government officials, as well as representative of academic institutions and NGOs from members states of ECCAS.

The Role of Non-State Actors: The United Nations Millennium Declaration stressed the need to give greater opportunities to the private sector, non-governmental organizations and civil society, in general, to contribute to the realization of the Organization's goals and programmes. I pay tribute to the many non-governmental organisations which have continued to fight for human rights over the past year. Governments are the key players influencing the enjoyment of human rights or the opposite but the cause of human rights would not be served without the tireless and often highly courageous work of NGOs and individual human rights defenders. The first Report of the Special Representative of the Secretary-General on Human Rights Defenders will emphasize the personal risks many have to take and their vulnerability.

NGOs are increasingly influencing public debate on human rights and being called on to participate in new approaches to solving global problems. I witnessed for myself the vital contribution of NGOs on numerous occasions last year, for example, during my visits to Brazil, East Timor, Mexico and the Democratic Republic of the Congo. How can we tap in more to the immense resources of the NGO community and involve them more directly in the work of the UN? I would invite NGOs to contribute vigorously to the debate on the shaping of the broad agenda of human

rights, and to participate actively at the Durban Conference.

An important recent development has been the focus on corporate social responsibility. The Secretary-General's Global Compact initiative is one example of how the UN is reaching out to business, trade union and other civil society actors to address the responsibilities of non-state actors in a globalising world. Of course, such initiatives must be measured by how effectively they provoke positive change. I hope to see more willingness on the part of companies to accept the argument that they have a responsibility to respect human rights. This is an important first step. But clearly there is a need for concrete action. I am pleased that the Sub-Commission and an increasing number of Special Rapporteurs are focusing on this emerging issue. My Office is committed to supporting these efforts.

We must also find ways to counter the negative and destructive role which some non-State actors play: those who participate in or benefit from conflicts, the traffickers in people, in arms, and in drugs.

Chairman, Excellencies, Ladies and Gentlemen,

If evidence is needed of the centrality of human rights in the international field, one has to look no further than the calendar of UN events over the coming months. The Conference of Least Developed Countries in May, the HABITAT and UNAIDS Special Sessions in June, the Special Session on Children in September, the World Food Summit Review in November – all have a strong human rights dimension. And the important task has recently been assigned to OHCHR of preparing the establishment of a Permanent Forum for Indigenous Peoples.

Another indicator is the range of special events and discussions being considered during this session of the Commission on Human Rights: the Special Dialogue on tolerance and respect, events on children and the role of education; on human rights and disability and on migrant workers. All of these mean more work for the Office and tough challenges but we welcome these developments because they are such strong indicators of the enduring force of human rights.

This brings me to a point I wish to emphasise in rendering an account of the work of my Office and outlining the challenges ahead. I am deeply appreciative of the dedicated team of human rights officers which I have the privilege to lead, and of the commitment and expertise they bring to the many complex tasks we address. I am very proud of the wholehearted response of all my colleagues, in Geneva, New

York and the field, in embracing the management of change programme and in committing to improving every aspect of our work as a united team.

I would like to thank you, Chairman, and members of the Bureau for the commitment and dedication you have shown throughout the past year and for your strong personal support to me and to my colleagues. I look forward to working with the incoming Chairman and Bureau with renewed vigour and enthusiasm during this Commission and over the coming months as we address the challenges ahead.