

*Check against delivery*

**31th session of the Human Rights Council**  
**Introduction to country reports of the Secretary-General**  
**and the High Commissioner under items 2 and 10**



**Addresses by Ms. Kate Gilmore**

**United Nations Deputy High Commissioner for Human Rights**

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Salle XX, Palais des Nations

## **Part 1: Item 2**

Mr. President, Members of the Human Rights Council,  
Excellences, Ladies and gentlemen,

This afternoon you have before you five reports of the Secretary-General and of the High Commissioner, submitted under item 2, concerning the following countries: Guatemala, Honduras, Colombia, Cyprus and Iran.

Let me start with our latest report on **Guatemala** (A/HRC/31/3/Add.1). Last year was marked by an unprecedented political and institutional crisis. Massive social protests, triggered by revelations about corruption at the highest level of the Government, led to the resignation of the President. It is hoped that the new Government will tackle with rigour the serious issues which continue to plague the country, starting with impunity.

There has been progress in this area, and I wish to commend the work of the Attorney General and the International Commission against Impunity in Guatemala in their relentless fight against **impunity and corruption**. Their commitment has led to significant results, and OHCHR will continue to support such critical efforts. Over the past year, the justice system made major headways into the investigation of serious human rights violations committed during the internal armed conflict. This led to the arrest of 18 former military officials on charges of enforced disappearance and crimes against humanity. For the first time in Guatemala, charges have also been brought in a case of sexual violence against women during the armed conflict. I am nevertheless concerned

about the delays in the trial against former Head of State, Efraín Ríos Montt, for genocide and other crimes committed against indigenous people in the Ixil region.

Our office has been promoting the implementation of legislative and constitutional reforms to guarantee an **independent, impartial and transparent justice system**. This month, an important public dialogue on the reform of the justice sector will gather the President of the Supreme Court of Justice, the Attorney General and the Ombudsman, with OHCHR support.

As in previous years, the report before you highlights outstanding issues. We remain concerned about persisting **attacks against journalists and human rights defenders**, including indigenous and peasant activists. In an ironic twist, impunity all too often prevails for such attacks, while people opposing mining and hydroelectric projects affecting their lands and lives have been subjected to criminal charges.

But as the report shows, progress is possible and we are looking forward to the continued close cooperation between the Government of Guatemala and our office.

I now have the pleasure to introduce our report on **Colombia** (A/HRC/31/3/Add.2). Colombia is on the brink of extraordinary change and exciting opportunities, and we applaud the efforts and advances of the Government and the FARC-EP in finding a political solution to the armed conflict. Confidence-building measures by the Government and FARC-EP are already demonstrating the dividends that peace can bring.

Analyzing the **peace process and the preliminary accord** through a human rights lens, the report focuses on the potential that peace offers for addressing both conflict-related and structural human rights challenges. The prevailing culture of denial can be overcome, building on the ceremonies held during 2015 in which the Government and FARC-EP apologized for past gross human rights violations. The FARC-EP must commit to respecting human rights as they enter civilian life.

We commend the negotiating parties for their emphasis on **victims** in the peace process. Their rights must indeed guide the implementation of the peace accord, as well as efforts to overcome the **profound gaps** between rural and urban areas, between men and women, and between ethnic groups. The agreements on transitional justice will require herculean efforts to meet the needs and expectations in this regard.

The report also examines the **risks** that could undermine peace efforts, notably violence, illegal economies and corruption.

It is now important that the international community and the United Nations draw lessons from other experiences to effectively support **peacebuilding** in Colombia, including prioritizing respect for human rights as a means to achieving sustainable peace. We remain firmly committed to support all efforts to build an equitable and sustainable peace in Colombia.

Let me now move to **Honduras**. On 4 May 2015, we signed an agreement with the Government for the establishment of a Country Office. In accordance with the mandate of OHCHR, the agreement provides that the office “shall monitor and report on the human rights situation with the aim of advising the Honduran

authorities on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in Honduras”.

In mid-September 2015, an OHCHR **team** was deployed to Tegucigalpa, focusing on the logistical preparations for the opening of the office. In November 2015, the team provided support to the missions of the Special Rapporteur on the Rights of Indigenous Peoples and of the Special Rapporteur on Internally Displaced Persons.

The OHCHR office in Honduras will be composed of 15 staff members (international and national). Recruitment is ongoing and should be completed soon. We are looking forward to the official opening of the Country Office, once the Head of Office is appointed – and our first report on the situation of human rights in Honduras will be submitted to your 34<sup>th</sup> session.

I now have the pleasure to introduce our report on **Cyprus** (A/HRC/31/21), which describes some positive developments in 2015.

In particular, there has been progress in the search for and identification of the remains of individuals who had been **missing** since the 1963-64 and 1974 events. Furthermore, the number of Greek Cypriots and Turkish Cypriots **crossing the Green Line** between the northern and southern parts of the island has significantly increased. Also, bi-communal committees on gender equality and on education were recently established.

Cooperation among the religious leaders has led to consistent progress in the realization of **freedom of religion or belief** on the whole island, including the recent establishment of the Cyprus Inter-religious Platform for Human Rights. During the reporting period, the Special Rapporteur on freedom of religion or

belief met twice with Cypriot religious leaders at interreligious roundtables in the United Nations buffer zone in Nicosia.

Yet the division of the island continues to hinder the enjoyment of human rights and fundamental freedoms. The report details **persisting human rights concerns** related to the question of missing persons, discrimination, freedom of movement, property rights, freedom of religion, freedom of opinion and expression, and the right to education. The continued danger posed by minefields to the right to life is one example of the human rights implications of the protracted conflict, even decades after its eruption.

In its resolution 2263 (2016), the Security Council welcomed progress in the negotiations and the commitment expressed by the Greek Cypriot and Turkish Cypriot leaders to work tirelessly to reach a comprehensive settlement as soon as possible. It is hoped that these efforts will open avenues to improve the human rights situation on the whole island.

The last report before you today under this item is our report on **Iran** (A/HRC/31/26). It describes the trends in the human rights situation in the Islamic Republic of Iran, particularly with regard to the death penalty; restrictions to freedoms of expression, association and assembly; the continued arrests and persecution of media professionals, human rights defenders and lawyers; women's rights; and the rights of minorities.

As in previous reports, the Secretary-General is particularly concerned about the staggering rate of executions, including of juvenile offenders, political prisoners and foreign nationals, and reiterates his call for a moratorium on the use of the **death penalty**. He also deplores the application of **corporal punishments**, including flogging, amputations and forced blinding.

Limitations on **freedoms of expression and peaceful assembly** also remain of major concern. In particular, the report notes the persistent trend of harassment, arrests and detention of journalists, lawyers and human rights defenders – as well as reprisals against individuals for establishing contacts with UN human rights mechanisms. While the Secretary-General welcomes the release of several Iranian-Americans following an exchange of prisoners with the United States of America, he calls on the authorities to facilitate the release of all those arbitrarily detained.

Various forms of **discrimination** affecting ethnic and religious minorities persist, and women and girls continue to face discrimination, notably in the areas of marriage, employment and political participation.

Finally, while the Secretary-General welcomes both the **engagement** of Iran with the treaty bodies as well as the increasing dialogue with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, he regrets the Government's continued refusal to admit the Special Rapporteur to the country.

This concludes my introduction of country reports under item 2. Thank you for your attention.

### **Part 2: Item 10**

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

This afternoon you have before you **three reports** of the High Commissioner, submitted under item 10, concerning Afghanistan, Libya, Guinea, as well as an **oral update** on Yemen.

Let me start with the oral update on the human rights situation in **Yemen** that you requested in resolution 30/18. Further to that resolution, we deployed a support team to reinforce our office in Yemen.

Since the escalation of the conflict in March 2015, OHCHR has recorded a total of 3,221 people killed and 5,780 injured at the hands of all parties to the conflict. During the reporting period, from 1 October 2015 until 20 March 2016, the conflict intensified, with **growing numbers of casualties**.

In this period, OHCHR recorded 588 civilians killed and 813 civilians injured as a direct result of the conflict. But the actual number of casualties is likely to be **much higher**. Indeed, the severe limitations on access imposed by the conflict and insecurity, combined with the strict standard of proof applied by OHCHR in qualifying allegations, imply that countless unconfirmed allegations of casualties are not included in these numbers.

The majority of casualties during the reporting period were recorded in **Taiz**, followed by **Sana'a** and **Hodeida**. Over the past months, the aerial campaign by the Coalition Forces in Sana'a has intensified, as has the siege on Taiz by the Popular Committees affiliated with the Houthis and forces loyal to Ali Abdallah Saleh.

The governorate of **Aden** has also seen an increasing number of attacks, allegedly frequently perpetrated by Al-Qaeda, IS and similar groups. The most recent incident in Aden occurred on 3 February when a suicide bomber attacked



the home of the security chief of Lahjeh province, killing himself and wounding seven people. On 28 January, a suicide bomber targeted the presidential palace in Aden, killing himself and eight people, and injuring 18 individuals.

We are appalled by the relentless and heavy **shelling from the ground and the air into areas with a high concentration of civilians**, and by the continued destruction of civilian infrastructure, including hospitals and schools, by all parties to the conflict.

As the HC has noted previously, in the worst single incident of this, on 18 March, 106 civilians were killed, including 25 children, and at least 40 injured, by an airstrike on the **Al Khamees** market in northern Hajja Governorate. This is the highest death toll resulting from a single airstrike since 41 people were killed in another market in **Sa'ada** five months ago.

Between 1 October 2015 and 29 February 2016, approximately 55 per cent of the total number of civilian casualties recorded by OHCHR was caused by Coalition airstrikes. Information alleging use of **cluster bombs** by Coalition Forces in the Hajjah Governorate is particularly alarming. During a visit to the village of Al Odair, in early December, our team found remnants of 29 cluster sub munitions. We have also documented the use of cluster sub-munitions and consequent injuries to civilians in other districts, including Hairan and Bakel al Meer.

During the reporting period, OHCHR observed a disturbing pattern of **attacks against medical facilities**. On 26 October, a hospital run by *Médecins sans Frontières* (MSF) in Haydan district, in the governorate of Saada, was hit by two Coalition airstrikes, injuring a medical staff member injured and substantially damaging the hospital. MSF stated that their logo was clearly

marked on the roof of the hospital and that its GPS coordinates had been shared with the parties to the conflict.

On 17 February, indiscriminate shelling by members of the Popular Committees affiliated with the Houthis killed three girls and injured their mother in the **Al Modafar** district of Taiz governorate.

The ongoing conflict has substantially **damaged cultural heritage sites** in various locations. Historic sites, including monuments, buildings and museums, have suffered partial or total devastation, in many cases beyond repair. Three World Heritage sites have been partially destroyed: the Old Walled City of Shibam, the Old City of Sana'a and the Historic Town of Zabid.

The conflict is aggravating the **tragic humanitarian situation** in Yemen. The needs remain far beyond the response capacity. OCHA reported last month that 2.7 million people have fled their homes and at least 7.6 million are severely food insecure. Chronic drug shortages, unpaid salaries and conflict-related destruction means that 14 million Yemenis lack sufficient access to health care. Since March last year, nearly 600 health facilities have closed, including 220 which had offered treatment for acute malnutrition.

The situation in **Taiz** remains of particular concern. Months of fighting and a humanitarian blockade imposed by the Popular Committees affiliated with the Houthis have reduced the conditions of life to complete misery. Civilians blocked in Taiz and its surroundings have been deprived of access to clean water, sanitation and basic health services for weeks.

**Children** continue to bear the brunt of the conflict. Yemen has one of the highest rates of child malnutrition in the world, and one child out of five is

“severely food insecure.” At least 1.8 million children have been forced out of school due to the conflict, adding to the 1.6 million who were already out of school before the crisis erupted. Over 170 schools have been destroyed, and more than 600 damaged, while at least 238 have been transformed into reception centres for the displaced. Reports that child soldiers are frequently used by the Houthis and other armed groups are particularly alarming. UNICEF has estimated that approximately one-third of the fighters in Yemen are children.

Almost one year has passed since Operation Decisive Storm was launched. The appalling level of human suffering, combined with a mounting sense of hopelessness, is exacerbating internal divisions and sectarian animosity. Status quo is clearly not sustainable. **The resilience of people in Yemen has been stretched beyond human limits.** We therefore call on all parties to the conflict to fulfil their obligations under international humanitarian law, immediately facilitate the much-needed delivery of humanitarian assistance, and cooperate fully with the mediation efforts led by the UN Special Envoy for Yemen to expedite a negotiated and sustainable resolution to the conflict.

For peace to be sustainable, violations cannot be met with impunity. As requested by this Council, we have established an official line of communication with the **Yemeni National Commission to Investigate Alleged Violations of Human Rights**, and have defined a timetable for our collaboration during the coming months. This will comprise an evaluation of the needs of the commission; the provision of legal and methodological tools; the delivery of training and other capacity-building activities; and an assessment of the Commission’s modus operandi, adherence to international legal standards, access to witnesses and sites of incidents.

We commend the National Commission for its constructive engagement with OHCHR, and for the steps taken so far in preparation for their investigation, including the appointment of 30 field monitors and an executive director, and the initial training of staff. At the same time, we have not received any reports relating to concrete steps taken by the Commission towards documenting and investigating alleged violations. We therefore strongly urge the Commission to **speed up its investigations** and to enhance its outreach efforts to cooperate with all parties and victims, as per its mandate.

During the reporting period, OHCHR also continued to cooperate with representatives of the Government in exile. Despite campaigns discrediting the work of our Yemen office, severely undermining the **security of our staff**, colleagues did their job. We urge the Government of Yemen to urgently take all necessary measures to protect OHCHR staff in Yemen and to refrain from making inflammatory statements that could compromise their safety.

As the High Commissioner warned the Security Council last December, this conflict may perpetuate and spill over into the wider region if nothing is done to stop it. I echo his call on Member States to **intensify diplomatic activity to bring about a durable ceasefire** and help create a framework for negotiating a comprehensive and sustainable peace agreement. The current climate of lawlessness is enabling radical groups - such as the so-called Islamic State - to consolidate their presence in the country and enhance their capacity to launch attacks both inside and outside of Yemen.

Moving now to the report on **Afghanistan** (A/HRC/31/46). It presents the human rights situation in Afghanistan between 1 January and 30 November 2015, and provides an overview of the work of the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA).

This report too raises key human rights issues related to the protection of civilians in armed conflict: Between 1 January and 30 November 2015, we recorded the **highest number of civilian casualties since 2009**: 3,234 civilians killed and 6,935 injured. Children continued to suffer the direct and indirect consequences of conflict-related violence. On average, more than 58 children were killed and injured per week across the country in 2015, and approximately 25 per cent of civilian casualties were children. We also documented 62 attacks against or impacting hospitals and health personnel. The most significant such incident was the airstrike on the MSF hospital in Kunduz city, on 3 October.

The report further describes persisting torture and ill-treatment in places of detention and the continued absence of accountability for perpetrators of human rights violations and abuses. The enduring prevalence of **violence against women** also remains of utmost concern. All relevant authorities must now take the necessary actions to both prevent and respond to violence against women, whether perpetrated by private or public actors.

At the same time, the report **welcomes important steps** taken by the Government of Afghanistan to uphold its commitments under international human rights law, including the adoption of national plans of action in the areas of women's rights, and peace and security. Another positive development included President Ghani's commitment to signing the optional protocol to the Convention against Torture, and the Ministry of Justice is currently working on the elaboration of a new anti-torture law.

The next report before you presents the results of our investigation on **Libya** (A/HRC/31/47).

It was prepared on the basis of an investigation conducted by a **team** which, due to the security situation in Libya, was based in Tunisia. The report is accompanied by a conference room paper which sets out detailed findings of the investigation.

The team faced significant obstacles in gathering information, notably the fact that victims and witnesses were exposed to a most hostile environment. This notwithstanding, we gathered and analysed a substantial body of information and concluded that there are reasonable grounds to believe that, throughout 2014 and 2015, **widespread violations of international human rights and humanitarian law** and abuses of human rights were committed by all parties to the ongoing conflict. Many such violations and abuses may amount to war crimes and other crimes under international law.

The report also describes technical assistance provided through the **human rights division of the United Nations Support Mission in Libya**.

**Impunity** prevails. In many parts of the country, the justice system has collapsed amidst continuing attacks against justice actors. None of the parties to the conflict appear to have been exercising their responsibilities to address violations or abuses. Human rights defenders have been subjected to attacks, including in particular high-profile women activists. Many victims and witnesses interviewed by OHCHR deplored that there was no consequence for violations and abuses suffered.

It is now vital that the Government of National Accord, the international community and this Council act to address this pervading impunity. The Government now needs to restore and **strengthen the justice sector** and ensure the safety of its personnel. We also recommend considering the establishment,

within Libyan courts, of a specialized structure dedicated to crimes under international law, with the assistance of foreign experts. Such measures could be discussed during a high-level meeting on initiatives to increase accountability.

In addition, we recommend that **full cooperation** be extended to the International Criminal Court, and that the international community provide the Office of the Prosecutor with the necessary resources for it to be able to investigate and prosecute international crimes that have been taking place in Libya since 2014.

The challenges faced by Libyans and the Government of National Accord are colossal. We stand ready to continue supporting the promotion and protection of human rights in Libya, and the re-establishment of the rule of law. We would also recommend that this Council may consider the establishment of an **Independent Expert** to report to it on progress in the human rights situation in Libya, including towards accountability.

Finally, I note that members of the Constitution Drafting Assembly of Libya are currently meeting in Oman to discuss the **draft constitution**. I wish to commend the efforts of the members of the Assembly in difficult circumstances and further urge that they renew their efforts to prepare a draft Constitution that safeguards dignity, non-discrimination, equality and human rights for all in Libya.

Last but not least, let me introduce our report on **Guinea** (A/HRC/31/48 (28/33)).

During the **pre-electoral period**, there were reports on episodes of violence between security forces and demonstrators, and between supporters of the presidential camp and the opposition.

Despite an important normative framework on **women's rights**, sexual violence, early marriage, domestic violence and female genital mutilation remain prevalent throughout the country. Conditions of detention are also of concern, notably cases of torture and prolonged pre-trial detention.

At the same time, we are glad to report that there has been some **progress in the reform of the justice and security sectors**. The report also notes advances regarding accountability for the 28 September 2009 events, with the indictments of Moussa Dadis Camara, head of the military junta at the time, and General Mamadouba Toto Camara, vice-president of that junta. Yet, impunity for cases involving security forces prevails.

Our **office in Guinea continues to assist Guinean partners** in meeting these and other challenges. It has provided sustained assistance to the Interim Commission of Reflection on National Reconciliation, notably to support the national consultation process. It has also sought to support the establishment of institutions foreseen by the Constitution: the Constitutional Court, the Independent National Human Rights Institution, and the High Authority on Communication. We welcome the operationalization of these three institutions whose role is fundamental in strengthening the rule of law:

Ladies and Gentlemen,

This concludes my introduction of country reports and updates under item 10.

Thank you for your attention.