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**Human Rights Council 22<sup>nd</sup> Session**



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**Human Rights**

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

**Opening Statement by**

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**United Nations High Commissioner for Human Rights**

**Geneva, 25 February, 2013**

Mr. President,  
Distinguished Members of the Human Rights Council,  
Excellencies,  
Colleagues and friends,

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Allow me first of all to congratulate His Excellency, Remigiusz Henczel, who is presiding over his first meeting of the Council as President, at the start of what is an historically significant year for the Office of High Commissioner for Human Rights, for the Human Rights Council, and indeed for the global human rights movement as a whole.

Twenty years ago, in June 1993, more than 7,000 participants gathered in Vienna for the World Conference on Human Rights. I was among them, and remember vividly how most of us at the time worried about the likelihood of real progress in the protection of human rights. Many believed there was a risk that the fundamental rights laid down in 1948 in the Universal Declaration of Human Rights, might be rolled back.

The Berlin Wall had fallen in November 1989 and, despite the outbreak of new conflicts in the Balkans and elsewhere, the end of the Cold War gave a new impetus to the concepts of freedom, democracy and human rights that carried us through the Vienna Conference. The assembled delegates overcame major differences on contentious issues such as universality, sovereignty, impunity, and how to give a voice to victims. The result was a powerful and very positive outcome document: the Vienna Declaration and Programme of Action (VDPA).

The VDPA is the most significant overarching human rights document produced in the last quarter of a century. It crystalized the underlying principles that human rights are universal, indivisible, interdependent and interrelated, and took the key notion of universality a step further by committing States to the promotion and protection of all human rights for all people "regardless of their political, economic, and cultural systems."

In a sense, by cutting through the artificial hierarchy under which social, economic and cultural rights were viewed by some as being less important than civil and political rights, the Conference succeeded in breaching a second wall that had divided States over the previous decades. That process is continuing, with the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entering into force on 5 May. This will finally bring it in line with the International Covenant on Civil and Political Rights which has had a similar Optional Protocol, allowing for individual complaints, in place for the past 37 years.

The Vienna Conference led to historic advances in a number of other areas. During the course of this anniversary year, we will have several opportunities to take stock of these, including at the High Level Panel on the Vienna Declaration later today; when the anniversary celebrations will be officially launched.

I will mention just a few of the principal achievements of the Vienna Declaration and Programme of Action: its role in advancing women's rights, its impact on the fight against impunity, and its swiftly realized recommendation to create the organization of which I am currently the proud steward: the Office of the High Commissioner for Human Rights.

At Vienna, the NGO slogan "Women's Rights are Human Rights" spoke loudly, and the Vienna Declaration and Programme of Action reclaimed the vision of human rights for women. It called for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the integration of women's rights into all UN activities and called for the adoption of the Declaration on the Elimination of Violence against Women and endorsed the creation of a Special Rapporteur on Violence against Women.

The Vienna document condemned the gross and systematic violations of human rights that were continuing in many parts of the world. It highlighted violations such as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, and arbitrary detentions; it drew attention to all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, and xenophobia. It

highlighted poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, and lack of the rule of law.

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It viewed with concern the issue of impunity of perpetrators of human rights violations, and supported the efforts made by the UN human rights machinery to examine all aspects of the issue. Perhaps most significantly, just one month after the establishment of the first ad hoc international crimes tribunal since Nuremberg, the Declaration nudged the International Law Commission to continue its work on a permanent international criminal court.

The Conference did not stop there. It recognized that achieving these goals required stronger, more streamlined leadership in the UN system itself. To this end, it called for the establishment of a High Commissioner for Human Rights, with a mandate to protect and promote human rights, and the post was created by the General Assembly later that same year.

That was twenty years ago.

Much progress has occurred during those two decades. But we must recognize that the glass is half full, and the promise of respecting all human rights for all people is still a dream for too many.

Major advances in women's rights have occurred in many countries, and international legislation has continued to develop, for example in the area of conflict-related sexual violence. The Convention on the Elimination of All Forms of Discrimination against Women now has 187 State parties, making it the second most ratified human rights treaty after the Convention on the Rights of the Child. Its Optional Protocol has 104 States parties drawn from all regions of the world and the decisions it has generated have brought individual relief to many women and brought about profound policy and legislative change in many countries.

Yet women are still subject to discrimination and violence, to a shocking degree.

There have been tremendous advances in tackling impunity for international crimes over the past 20 years, in particular through the ad hoc tribunals such as those for Former Yugoslavia, Rwanda, Sierra Leone and Cambodia, and the establishment of the International Criminal Court, the world's first permanent tribunal with powers to prosecute suspected perpetrators of international crimes.

Yet here too, we still have a long way to go. The ICC can only become involved if the State concerned is among the 122 State Parties to the Rome Statute, or if a situation is referred to it by the Security Council. Two important situations – Darfur in 2008, and Libya in 2011 have been referred, but the Security Council has so far failed with regard to Syria, despite the repeated reports of widespread or systematic crimes and violations by my Office, the International Commission of Inquiry on Syria, civil society organizations and Special Procedures

Again, despite the truly inspiring advances in combating impunity and ensuring accountability both at the international and national levels, including through transitional justice processes, there are still far too many people with command responsibility who escape justice for serious crimes and gross human rights violations. Hundreds of thousands of people have died in two genocides in Rwanda and Bosnia and Herzegovina; the Palestinian territories are still occupied; massive violations have occurred in Iraq and Sri Lanka; and war crimes continue to be committed in numerous internal conflicts including those continuing in Afghanistan, the Democratic Republic of the Congo, Mali, Sudan and Syria. We must continue to nurture and strengthen the system designed to deal with such crimes and violations, and those who commit them. It is also critical that we in the international community do our utmost to prevent such situations from developing or deteriorating.

One of the most tangible outcomes of the VDPA is the world-wide recognition of national human rights institutions as key independent and authoritative protectors and promoters of human rights at the national, regional and global levels. Their number has

rocketed from fewer than 10 at the beginning of the 1990s to 101 internationally accredited institutions today (including 71 with 'A' status).

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At the Vienna Conference, I was representing a women's rights civil society organization, and it is a matter of pride to me that NGOs played such a critical role at the World Conference, especially in pushing for the establishment of a High Commissioner's Office with a strong and unequivocal mandate.

Since then, civil society itself has evolved and expanded, with many more active national human rights organizations around today than there were 20 years ago. These national human rights defenders are the heroes of our time. It is, therefore, a matter of great concern that so many State authorities continue to ignore or repress civil society organizations, human rights defenders and the media. These organizations, and individuals inject the life blood into human rights: they are the promoters of change, the people who ring the alarm about abuse, poor legislation or creeping authoritarianism.

Nonetheless I continue to hear of brave human rights defenders, journalists or bloggers who have been threatened, harassed, arrested or killed because of their work on behalf of the human rights of others. Such intimidation has sometimes even occurred during the proceedings of this Council. We must never tolerate such pressure, or reprisals against those who rightly seek to engage the international human rights system.

Excellencies,

Colleagues and friends,

The UN Human Rights system has also grown stronger since the Vienna Conference.

This Council began its work in 2006, replacing the Commission on Human Rights, which although controversial had laid the bedrock of our human rights system. The Council has gained credibility for its different modus operandi and in particular for its successful management of the first round of the Universal Periodic Review, which examined every UN

Member State's human rights record without exception. I urge all States to maintain this impressive record during the all-important second cycle. The Council has also been increasingly receptive to human rights situations, holding a succession of important Special Sessions and establishing Commissions of Inquiry and Fact-finding Missions.

In June 1993, there were just 26 Special Procedures with thematic or country-based mandates. Today there are 48 separate mandates with 72 experts appointed by the Council. The combination of independence, expertise and UN-bestowed authority is potent. It is critical that all Member States cooperate fully with the Special Procedures, including by accepting visits.

The human rights treaty bodies have also grown in number and weight. Two major new international treaties – on Persons with Disabilities and Disappearance – and nine important substantive and procedural Optional Protocols have been adopted since Vienna. In 1993, the seven treaties and protocols had received 742 ratifications by States. That number has grown to 2010 State parties to 18 treaties and protocols. I urge States to accept more of these crucial treaties during this anniversary year. It would be a welcome development if every single State has become a party to the CRC and CEDAW by the end of 2013.

The Office of the High Commissioner, one of the most tangible legacies of Vienna, has grown from a small entity of just over 100 staff and a presence in two countries outside Geneva, to more than 1,000 staff and 58 field presences worldwide. Yet we continue to receive many requests for assistance that we are unable to satisfy. We could – and I am convinced that we should – continue to grow and mature in order to carry out fully our mandate to promote and protect the human rights of everyone everywhere.

For that to happen, we need your further support, and in particular we need a higher, more realistic and more sustainable level of funding. I am convinced that, collectively, we are failing to devote nearly enough human and financial resources to come even close to fulfilling the aspirations of the Universal Declaration, the Vienna outcome and each and every session of this Council. In other words, while we fully recognize the crucial importance of human

rights to the development of a global civilization that now comprises more than seven billion people, we are failing to match our stated aims and established obligations with the necessary concrete commitment.

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I urge you to advance the implementation of the many remarkable international laws and standards that have been developed since the Universal Declaration laid down the basic framework in 1948, and the subsequent vigorous boost provided by the Vienna Declaration and Programme of Action.

The 20<sup>th</sup> anniversary of the Vienna Conference and its Declaration coincides with another round of unforeseen global upheavals that provide both enormous challenges and significant opportunities. I am of course referring not just to the tumultuous events that have occurred in the Middle East and North Africa over the past two years, and to the situation in the Sahel region but also to the massive global financial and economic crises and threats to the environment, that have made the increased focus on economic, social and cultural rights especially relevant.

Today more than ever, we must learn from the past, as well as take pride in our very real achievements over the past 20 years.

In 1993, the world community recommitted itself to fight for human rights for all. Vienna marked a new chapter in a human rights revolution that had begun almost half a century earlier with the adoption of the Universal Declaration. Hundreds of millions more people today are able to exercise their human rights without interference thanks to the actions taken on the basis of the commitments enshrined in the Vienna Declaration. Our task, as the heirs of Vienna, is to extend these benefits to every last person on earth -- especially the most marginalized and those most at risk of violence, exploitation and discrimination. For while the past twenty years have seen extraordinary progress, we should never forget that there have been those who have been left behind -- migrants, older people, religious and ethnic minorities, people persecuted because of their sexual orientation and gender identity, to name



just a few. Our work here will not be done until the promise of the Vienna Declaration is made real for everyone – no exceptions, no excuses.

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I wish you a productive 22nd session and assure you of my, and my hard-working and dedicated staff's, readiness to assist you in any way we can.

Thank you.