

## **Informal Conversation with Human Rights Council President and Members**

4 February 2019

I am very pleased to be here today. I am sure the tremendous support for 70<sup>th</sup> anniversary of the UDHR signals a new beginning for human rights.

Today, I want to discuss some of my recent missions and how they are shaping my approach to my mandate. I will also speak of some upcoming visits. Finally, I would like to flag a number of human rights situations for your consideration.

### **Marrakesh mission / Global Compact on Migration**

- I would like to express my appreciation and support for the Member States that have endorsed the Global Compact for Migration, which lays out ways to address the challenges of contemporary migration with respect for the dignity and rights of all involved.
- I am deeply concerned that 1 in every 18 migrants who attempts to cross the Mediterranean dies in this attempt to find safety and dignity. We are concerned about the fate of migrants who have repeatedly been stranded at sea in the Mediterranean, including after rescue by humanitarian NGOs, because of refusals by some governments to allow these ships to land.
- But I am encouraged by recent announcements from the EU expressing interest in increasing regular migration pathways, as an integral element of sound migration governance. My Office looks forward to the increase of such pathways in practice. All such channels should be rights-based in scope and practice, available at all skill levels and accessible to all without discrimination. Any cooperation agreements with countries of origin must be devised and implemented in compliance with international human rights law.
- My Office is currently mapping existing national practices for admission and stay, which are based on human rights protection grounds. We hope this tool will assist Member States to enhance protection pathways for migrants in vulnerable situations.

- Migration around the world is being driven by poverty, violence and insecurity. The caravans from Central America are a clear case in point. These women, children and men are not criminals or terrorists. In fact in the past three months, over half of the arrests by the US Border Patrol have been of parents with their children. These caravans have also demonstrated that policies dominated by a security approach increase the risks of human rights abuses against migrants, and place them in vulnerable situations.
- Responses should be humanitarian, with adequate conditions of reception and detention for migrants and asylum-seekers. I have to note deaths in custody of two Guatemalan children in December. Detention should be the exception, not the norm. The right to seek asylum should not be restricted. We would like to encourage States to rethink the notion that installing physical barriers is an effective way of controlling migration.
- We are alarmed by the campaigns of misinformation aimed at discrediting the Compact. The message of the Global Compact is that drivers of migration must be tackled at a regional level, and involve shared responsibility with countries of origin. The comprehensive development plan, for example, that is being developed by Mexico, Guatemala, Honduras and El Salvador, with the cooperation of ECLAC is a welcome response to this challenge.

## **South Africa**

- My recent mission to South Africa was an inspiring culmination of our year-long campaign for the 70<sup>th</sup> anniversary of the UDHR.
- I appreciated the President's commitment to champion human rights nationally and internationally.
- I trust we can expedite the signing of a Host Country Agreement for OHCHR's Regional Office in South Africa to pave the way for strengthened engagement, increased cooperation and funding opportunities for OHCHR in Southern Africa.

## **Sahel**

- We are also having an important initiative in the Sahel. My Assistant Secretary-General visited the Sahel last month, in the context of our work on a Compliance Framework for the G5 Force Conjointe combatting extremist groups.
- This is an innovative initiative with important potential for ensuring that counter-terrorism operations are effective and principled. Thus, avoiding the human rights violations, which have, in many other regions, created new grounds for grievance among an abused population leading to further radicalisation.
- We are encouraged by the willingness of Sahel countries to adhere to international human rights and humanitarian law standards as an effective means to conduct their ongoing fight against terrorism.
- While in Niger, he visited a reception centre for African migrants who had been released from Libyan detention centers, thanks in large part to UNHCR. Every person in the centre (except the smallest children) had been raped and several were tortured for the purpose of extortion. I welcome the advice and assistance of Council Member States regarding steps that can immediately be taken to end this terrible situation.

### **African Union**

- I am travelling to Addis Ababa at the end of this week to attend the AU Summit. We welcome the reforms being undertaken by the African Union, which should increase its capacity to improve the enjoyment of human rights across Africa.
- I am signing a memorandum of understanding with the African Court of Human and Peoples' Rights, which can lead to stronger cooperation and support by my Office for this key institution. I hope to have the opportunity to host the next UN-AU High-Level Dialogue on Human Rights later this year.

### **Climate change**

- Excellencies, I also attended the COP24 discussions in Katowice, Poland at the end of last year.

- The human rights impact of climate change is already profound, and could soon become overwhelming. This impact is particularly acute for the most vulnerable members of society.
- The Council has already emphasised the need for all actors to engage in addressing these challenges, and I intend my Office to engage more substantively in protecting the right to a healthy environment, including in the context of the Sustainable Development Goals.
- My conviction that we need to establish stronger partnerships with civil society movements, as well as with business, was reinforced during my meetings and trips, including the visit to Davos last month. There I had the chance to talk to with CEOs about issues such as gender equality, climate change, the human rights of LGBTI persons and the challenges presented by advance of technology.
- Even in as prosperous a region as the European Union, people are voicing their resentment at their marginalisation and the failure of globalised economies to protect their future and needs. We have seen this trend, for example, in the UK, in Italy and now, in France, with the “Gilets Jaunes” movement.
- This should remind us of the underlying purpose of the 2030 Agenda, with its promise that the Sustainable Development Goals are a universal aspiration, grounded in human rights, applicable to all Members, and that their ultimate aim is to ensure that no-one is left behind.
- Finally, I want to mention prevention of conflict and human rights violations. Both the Council and my Office are increasingly focused on early warning that leads to early action and prevention. In that context, a number of human rights situations are generating concern. I welcome your thoughts, as well as potential action by the Council on several of these situations as follows:

## **Nicaragua**

- In December, my Regional Representative for Central America met with the Minister of Foreign Affairs to discuss possible avenues of cooperation

with my Office and access to the country. We have not received a response.

- But right now there is no international human rights body remaining in the country, following the Government's suspension of the presence in Nicaragua of the Special Monitoring Mechanism for Nicaragua (MESENI); de facto expulsion of the Inter-American Commission on Human Rights; and termination of the mission of the Inter-Disciplinary Group of Experts (GIEI).
- Increasing restrictions on the civic space, including cancellation of the legal registration of nine NGOs. Also allegations of intensified attacks on freedom of the press, with raids on media organs and arrests of journalists, including on charges of terrorism-related crimes. As of last week, 69 journalists have reportedly fled the country.
- We continue our remote monitoring and monthly public reports on the situation and we are cooperating closely with the Inter American Commission for Human Rights.
- We urge the HRC to consider all tools available to prevent further deterioration.

## **Venezuela**

- Oral update on the human rights situation in Venezuela to this Council on March 20<sup>th</sup> – as it was decided at the September meeting, with a written report in June.
- The crisis in Venezuela has taken on regional and even global dimensions. The departure of at least 3.3 million people (as of the end of 2018) is unprecedented. We welcome the commitments adopted by the governments of the region under the Quito Declaration and Plan of action to address this crisis. We encourage all hosting countries to continue facilitating access to the territory and combating xenophobia and discrimination against Venezuelan migrants and asylum seekers.
- Just last weekend, big demonstrations were convened in [many] States, all of them peaceful demonstrations from the opposition and pro-Government. There have been no new deaths reported.

## **Guatemala**

- There have been also concerns on allegations of increasing risks faced by judges, prosecutors and human rights defenders after the unilateral refusal to enable CICIG to pursue its mandate.
- There have been tensions between the Executive and the judiciary. And of course this is a situation where there will be an election this year, so it could further deteriorate so we wanted to give close attention to these early warning signs and try to contribute to the prevention of further tensions.

## **Sri Lanka**

- Despite some positive developments -- such as the operationalization of the Office of Missing Persons -- progress towards the transitional justice commitments made by the Government of Sri Lanka in 2015 has been inconsistent and subject to considerable delay. There has been progress, as I said, with the Office of Missing Persons, there is also the establishment of the National Commission for Human Rights. But still there is lack of sufficient progress, particularly towards truth seeking and accountability for past human rights violations and implementation of critical confidence-building measures, create, if it continues in this way, significant obstacles to reconciliation.
- Importance of the transitional justice process in Sri Lanka being kept on Council's agenda. We have explained to the Government that we are ready to continue assisting the Government of Sri Lanka to advance this process in close coordination with other parts of the UN.

## **Yemen**

- Despite positive signals from the Special Envoy's mediation efforts, my Office continues to receive reports of serious violations of international humanitarian and human rights law, committed by all parties to the conflict, in Hudaydah governorate and elsewhere across Yemen.

- As of 24 January 2019, my Office has documented 6,975 civilians killed and 11,056 civilian injured since March 2015 across Yemen. These are verified numbers and the real figures may well be much higher.
- The risk of famine is high with millions of civilians unable to access basic humanitarian assistance (according to OCHA).
- The breakdown of law and order, and the limitations of the justice system, have resulted in widespread impunity for human rights violations. I would like to reiterate the need to investigate and prosecute alleged violations of international humanitarian law and human rights law by all sides.
- I also encourage the Yemeni Government to cooperate with the Council's Group of Eminent Experts on Yemen and to enable their unrestricted access to the country.

## **Sudan**

- We have serious concerns regarding reports of excessive use of force by security forces over the past two months, including the use of live ammunition, which has resulted in numerous deaths; and reports of hundreds of allegedly arbitrary arrests of members of the political opposition, protestors and others. And also allegations that some detainees have been tortured.
- In the past week, the authorities announced the release of 186 detainees, but the number of those who remain in detention may be far larger, although we don't know the exact number.
- Following a technical mission by my Office to Sudan in December, in line with the Council's resolution 39/22 of September 2018, I have written to the Government of Sudan to propose opening a Country Office.
- The Council may wish to discuss the recent developments, including the Government's response to protests.

## **Myanmar**

- Clashes between the Army and ethnic armed groups continue to be reported in the States of Rakhine, Katchin and Shan, resulting in the displacement of thousands of civilians.
- The Government of Myanmar continues to violate its people's rights to freedom of expression and opinion, including through restrictions, harassment, intimidation, arbitrary arrest and detention of human rights activists and media professionals. I am seriously concerned about an order issued by the Office of the Commander-in-Chief of the Tatmadaw on 27 December that requires media personnel to broadcast news reports related to military activity only after they have been confirmed by the military, or risk legal action.
- My Office is working with stakeholders to ensure that the Independent Mechanism for Myanmar mandated by the Council becomes operational as soon as possible.

## **Tanzania**

- Legislation passed by the Tanzania's Parliament last month sets up significant obstacles to the registration of political parties, and restricts them from carrying out basic activities like holding rallies and taking public stands on issues. This will clearly hamper prospects for free and fair elections in 2020.
- Over the past three years, the Government has also introduced legislative curbs on freedom of the media, digital communications, and the publication of statistics that are not government-approved. Multiple newspapers and radios which expressed criticism of the authorities have been subjected to temporary closures on purported national security grounds.
- Attacks on several prominent civil society members and opposition figures, including killings, should be credibly investigated.
- Also deeply worrying are the Government's restrictions on women's access to health – limiting their freedom to choose when to be pregnant – and on pregnant girls' access to education.



- Reports also indicate an increasing failure to protect lesbian, gay, bisexual and transgender people from violent attacks, threats, arbitrary arrests, discrimination and other human rights violations. HIV prevention activities have been prohibited, and same-sex relations are deemed criminal offenses.
- This climate denies Tanzanians their rights and may seriously deepen grievances and tensions, particularly as elections approach. There is still time for the Government to reinstate fundamental freedoms, to enable the broadest possible democratic and civic space. I ask Council Members to engage Tanzania bilaterally on its rights situation, and urge the country to accept visits of the Special Rapporteurs to advise on measures to protect public freedoms and other human rights concerns.

There are many other countries with human rights situations of concern. Some will be in my annual report and some in my speech to the Council. But I wanted to mention some of these situations to you today and also have this possibility of an interactive dialogue.

ENDS