

# Ban Ki-moon outlines key challenges for the Human Rights Council

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The Secretary-General particularly welcomed the intergovernmental discussion, in March 2012, on discrimination and violence based on sexual orientation and gender identity. He urged the Council to deepen its engagement on this issue, with a call to give it sustained attention. In the general debate that followed, however, Norway was the only country that made strong reference to this issue.

The Secretary-General outlined five critical challenges that warrant the attention of the Council:

1. Mainstreaming human rights throughout the UN
2. The issue of reprisals against those who cooperate and work with the UN and its various institutions
3. Need to uphold the dignity of all human beings and end discrimination against those who define their sexual orientation and gender identity differently
4. The ongoing fight for women's rights
5. Member state support of the High Commissioner, including through ensuring the Office of the High Commissioner for Human Rights (OHCHR) has sufficient resources, while respecting her independence.

His speech concluded by calling on the Council to 'be in the forefront in upholding the indivisibility and equal treatment of all human rights'. High Commissioner Navanethem Pillay's opening statement also made special note of the indivisibility of human rights and the role her office has had in promoting these rights.

The High Commissioner addressed the issue of **reprisals** making particular reference to Bahrain where there have been severe prison sentences handed out to human rights defenders. She stressed that she was 'not satisfied that fair trial procedures were observed, especially the reliance on confessions extracted under torture'. She went on to note that this is part of a broader issue of reprisals as cases of threats and intimidation continue to be documented.

This point was reiterated by the President of the Council, Ms Laura Dupuy Lasserre, who stressed resolution 16/21, the outcome of the review of the work and functioning of the Council, which strongly rejects any act of reprisals against those that cooperate with the UN or the Council.

The United States (US) noted that combating reprisals must be a priority for the Council. Norway, the Czech Republic, and Chile also made reference to the importance of addressing reprisals, with Chile advocating a preventative approach to the issue. The panel discussion on reprisals against those cooperating with the UN human rights mechanisms will be held on 13 September, and is expected to result in concrete suggestions for different actors to prevent and address reprisals.

A key part of the general debate that followed was the **financial constraints** of OHCHR. Malaysia,

Bangladesh, and the Russian Federation spoke on the need to ensure transparency of funding of the Office. In particular these States called for a written report to be made of the informal briefing held in June where the High Commissioner updated States on her strategic plan for the next two years. This push has the potential to undermine the independence of the Office and could lead to States in the Human Rights Council attempting to oversee how the OHCHR's finances are used. In response, other States including Belgium and Norway emphasised the point made by the Secretary General on the need to find more sustainable ways of resourcing OHCHR while maintaining its independence.

Chile, in relation to resource constraints, expressed its concern over the proliferation of special procedures. It did, however, stress the importance of the role of the thematic and country mandates and went on to emphasise that budgetary issues should not remove the focus of the Council from human rights.

In reference to the issue of the budget constraints the High Commissioner noted in her opening statement that 'in the end, we must be realistic'.

The High Commissioner reiterated the Secretary-General's concern over the on-going conflict in **Syria** and called on the Syrian government to ensure full and unhindered access to the Commission of Inquiry, as well as calling for full support to the newly appointed Joint Special Representative Mr Lakhdar Brahimi.

The US later called for an extension of the mandate of the Independent Commission of Inquiry. The Commission of Inquiry is scheduled to complete its work with the report to the Council at this session, unless States decide to renew its mandate. The Special Rapporteur on Syria is scheduled to take up his post once the mandate of the Commission of Inquiry concludes.

Qatar was particularly vocal in their assessment of the situation in Syria and the 'barbaric nature of this regime'. It noted that international condemnation is not sufficient in the context of the ongoing conflict and that the Council must hear the legitimate calls for freedom and push for an immediate ceasefire.

The High Commissioner touched on the reforms taking place in **Myanmar** encouraging the release of more political prisoners and ongoing legislative reform. Notably, Malaysia, Libya, and Egypt expressed concern at the violence against Muslims in the Rakhine and Kachin states of Myanmar.

Norway commented on how to ensure OHCHR's impact at country level, noting that the demand for technical assistance was increasing, and noted a need to strengthen field presences to meet this demand.

On the **treaty body strengthening** process, the Russian Federation positioned itself as a leading actor, by welcoming the High Commissioner's report on the consultations facilitated by OHCHR, noting that 'it could be a major input to the process initiated by Russia in the General Assembly'.

For a copy of the High Commissioner's full opening statement follow the link [here](#). The 21<sup>st</sup> session will continue for the next three weeks before concluding on 28 September. For the full agenda follow the link [here](#).