Raoul Wallenberg Institute

“Human Rights: from Rhetoric to Reality”

Lecture by
Ms Navi Pillay
United Nations High Commissioner for Human Rights

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Professor Eriksson,

Mrs. Lagergren,

Mr Annan,

Dear Colleagues,

I am delighted and honoured to address you today on the topic of “Human Rights: from Rhetoric to Reality.” This commemoration of the centenary of Raoul Wallenberg’s birth is an excellent forum for such discussion. The human rights movement stands on the shoulders of giants such as Raoul Wallenberg who had the vision and courage to make human rights a reality in the face of crimes that offend the conscience of humanity. Students of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the University of Lund have been inspired by his example and many of these have gone on to play prominent roles in human rights community worldwide and also in the Office of the High Commissioner for Human Rights (OHCHR). These colleagues continue to follow the example of Raoul Wallenberg in their daily work to promote and protect human rights.

The concrete and measurable improvement of human rights enjoyment for women, men and children is one of the main goals of the United Nations system and, the daily task of my Office.

My mandate stems from the conviction of the international community that human rights norms provide universal principles that speak to all humanity and hold all to the same standard. I strive to ensure that these norms inform discussions in politically charged environments and instil both balance and substance into political discourse in an objective manner which provides no room for double standards, partisanship and selectivity.

I am well aware that the credibility of my Office, and the United Nations as a whole, depends on being close to people, and supporting them when they are threatened or exposed to violations and assisting them when they seek redress. These tasks require that we be independent in judgment, responsive at the international level and—crucially—be prepared to provide service on the ground.

Here I am proud to say that I can always count on the commitment and passion of the 1,108 colleagues in my Office who confront the challenge of assisting States to translate human rights principles into reality in the lives of all. To this end, we have established 12 regional offices or centres and 13 country or stand-alone offices. Fifteen human rights components now exist within UN peace missions and 18 human rights advisers are deployed within UN Country Teams in the field. In all, OHCHR has presences in 58 countries.

You have asked me today to reflect on the challenge of translating human rights from rhetoric to reality.

Let me begin by noting that rhetoric itself has a role in highlighting ideals, standards and values. Rhetoric and advocacy can change hearts and minds. We have seen that it has turned people against slavery, persuaded patriarchal systems that women be entitled to participate in political and public life and stimulated debates that have often led to international human rights treaties and mechanisms.

Through our advocacy, we strive to reach beyond the usual human rights constituency – many of whom are in this room, to those who are not necessarily well-versed in the details of human rights campaigns. For example, our 7 days & 7 ways to Fight Racism social media campaign peaked on the International Day on the Elimination of Racial Discrimination on March 21. On that day alone, the hashtag #FightRacism we coined for the campaign reached over 3 million individual Twitter users, and the anti-racism messages using this term were probably viewed more than 7.5 million
times. Thousands heeded our call to take a stand against racism by sharing the UN Convention to end racism with others.

We are in an age of an increasingly informed, interconnected, and mobilized civil society. But still, except in the case of specialized individuals and organizations or those directly affected, there is inadequate familiarity with human rights standards and mechanisms mandated to exercise vigilance over their implementation and facilitate access to these for those seeking to claim their rights. These are the Human Rights Council, the 47 Member intergovernmental body with primary responsibility within the UN for human rights, its Special Procedures comprising some 60 independent experts, and the human rights treaty bodies. I also refer to national human rights institutions, and ombuds offices, now present in over 100 states, that are independent national bodies, charged with encouraging implementation of human rights on the ground. OHCHR services these institutions.

Together with these mechanisms, we strive to move from rhetoric to practice, and my Office works to strengthen implementation of human rights norms and accountability where there are failures. The mandate of our field presences consists predominantly of monitoring and reporting so as to draw attention to human rights violations, and providing technical cooperation to support preventive and remedial action – to move from rhetoric to real change. Our public reports form the basis of our cooperation with, and technical assistance to, Governments and others.

OHCHR also intervenes as amicus curiae or friend of the court in cases with human rights dimensions in national and international courts through amicus briefs. For instance, the European Court of Human Rights was required to decide whether a country was in compliance with international law when it “pushed back” undocumented migrants, refugees and asylum-seekers seeking to cross the Mediterranean to Europe by intercepting their boats on the high seas and returning them to the North African countries where they embarked. In our amicus brief, we argued that these actions constituted collective expulsion and that the principle of good faith demands that a State should not be allowed to circumvent the obligation not to expel non-nationals collectively simply by advancing its interception operations to the high seas. The court accepted this reasoning in their February 2012 decision. It is my hope that this landmark judgment will prompt a review of “push back” policies which target migrants at sea.

My Office also supports transitional justice initiatives following armed conflicts which have proven effective in preventing the recurrence of violence and other human rights abuses. Our work in this area emphasizes a four pillar approach to the rights of victims of past human rights violations: the right to justice, truth, reparations and guarantees of non-recurrence. To ensure acceptance from all levels of society, we insist on national consultation processes on all transitional justice options. Last year, I sent teams to Bahrain, Egypt, Tunisia and Yemen, to assess the human rights priorities in these countries during their historical transitions.

Fact-finding missions and Commissions of Inquiry which are dispatched to identify violations and recommend ways to stop them are also valuable tools. In the last year, OHCHR supported and supports Commissions of Inquiry created by the Human Rights Council on Côte d’Ivoire, Libya, Syria and the Occupied Palestinian Territories. We also supported the advisory panels set up by the UN Secretary-General on Guinea and Sri Lanka. In addition, we established our own investigative mission with respect to Syria.

Such investigations provide an impartial record of the facts on the ground and help identify alleged perpetrators and protect victims, deter violations, and contribute to establishing a chain of accountability and the means to deliver justice and redress to the victims. Their ultimate goal is to prevent abuses or, at a minimum, mitigate, stop violations if they occur, and challenge impunity.

The report and recommendations of an investigation can have far-reaching consequences. For example, based on the recommendations of the Commission of Inquiry on Darfur, the Security
Council issued a referral to the International Criminal Court. Findings and recommendations have contributed to transitional justice mechanisms and often help to set the record straight in a way that allows societal wounds to heal.

Dear Friends

This leads me to the issue of my Office’s engagement with other UN bodies and processes to bolster implementation of human rights everywhere.

First, for its part, the Human Rights Council has increasingly responded to new issues, including transnational corporations and human rights and environment. In June last year, the Human Rights Council adopted the first UN resolution to address human rights violations based on sexual orientation and gender identity. That resolution requested me to provide the Council with the first report to a United Nations body on violence and discrimination directed at LGBT people. The report was considered by the Council last month.

Second, I am proud that my Office has supported the Council’s Universal Periodic Review mechanism whereby the human rights record of all 193 Member States of the United Nations is reviewed periodically by their peers in the Council. In March, the first cycle of the UPR was completed and thousands of recommendations issued. On the ground, preparation for the review and its outcome has led both to legislative and policy change as well as enhanced collaboration with other human rights mechanisms, including special procedures, human rights treaty bodies and national human rights institutions. During the next cycle, countries will report on follow-up and recommendations should be streamlined and made more concrete so that their implementation will be easier to monitor and evaluate. My Office is supporting UPR follow-up at country level, developing strategic partnerships with the UN system, and seeking to place human rights advisers in UN country teams and regional organizations.

Third, on peace and security, the Arab Spring and other recent events have once again demonstrated how pent-up grievances over the persistent denial of human rights fuel instability and violence. Conflict and war, in turn, fuel new and often more severe human rights violations. Addressing the range of human rights – including economic and social rights within the context of our work to prevent conflict and maintain international peace and security is therefore essential if we are to break the cycle in which violations and violence feed on each other.

Here, we are seeing progress. In 2011, I was invited to debates, informal consultations and other meetings of the Security Council eleven times. This is a true advance as from the beginning of the mandate of High Commissioner in 1993; such briefings took place only eight times. Today, we can say that we have reached a point where the Council systematically includes human rights issues, notably monitoring and reporting functions, as core elements of all mandates of multi-dimensional peace missions.

The Council has also recognized the gender dimensions of peace and security through a series of resolutions beginning in 2000 with resolution 1325 on women peace and security. In 2009, the Council adopted resolution 1888 which called for the appointment of a Special Representative of the Secretary-General on sexual violence in armed conflict to provide leadership and coordinate UN efforts in this context. This role has been undertaken by Margot Wallstrom, who is with us today. Her energy and commitment have ensured that this disturbing issue remains high on the international agenda.

Through my briefings and reports, crucial human rights material is placed on the record, made public, and used to inform the decision-making of the Security-Council. We jointly draw lessons where we need to learn: importantly building on the experience in the Democratic Republic of Congo and the Council’s landmark conditionality policy in Resolution 1925, last year the Secretary-General approved a ground-breaking UN system-wide Human Rights Due Diligence Policy, which requires all
UN actors providing support to non-UN security forces to conduct a human rights risk assessment before support is given to such forces.

Fourth, on development, my office played a pivotal role in ensuring that human rights was incorporated into the outcome of the Millennium Development Goals Review Summit which took place in September 2010. You will recall that the original Declaration made no mention of human rights. More recently, during the lead up to the United Nations Conference on Sustainable Development – Rio+20 -, which will convene in June this year, I have urged all United Nations Member States to ensure that human rights are thoroughly integrated into the discussions and in any final outcome of the conference. For Rio+20 to be successful, its outcome must include explicit human rights safeguards. Incoherence among international human rights standards, environmental strategies and economic policies can undercut progress with respect to all three.

Dear Colleagues,

There are many challenges which confront the human rights movement, but now unlike during the short lifetime of Raoul Wallenberg, the idea of a world in which human rights are respected have inspired many. As in the past the issues of impunity, discrimination, conflict and poverty continue to dominate the human rights agenda. Because of their scale, deep roots and their effects on the well-being of individuals everywhere, these are priorities for action.

The renewed turmoil in the financial markets, climate change, scarcity of food, and crumbling welfare systems undermine people’s enjoyment of a wide range of universally-recognized human rights, including the right to food, education and health, to an adequate standard of living, and the right to life itself. No means should be overlooked to mitigate the most negative effects of these crises on the rights of those who live at the margins, particularly the very poor and people who survive at subsistence levels.

Sometimes it seems that political and economic leaders have forgotten that health care, education, housing and access to justice are not commodities for sale to the few, rather than rights to which all are entitled without discrimination.

In my presentation to the World Economic Forum in Davos early this year, I pointed out that an analysis of the assessments provided by our financial institutions and development agencies in the immediate lead-up to the Arab Spring produces telling results. Even as the events were unfolding, we read, for example, that Tunisia showed “remarkable progress on equitable growth, fighting poverty, an achieving good social indicators”, that it was “on track to achieve the MDGs”, was “far ahead in terms of governance, effectiveness, rule of law, control of corruption and regulatory quality”, was “one of the most equitable societies”, “a top reformer”, and that “the development model that Tunisia has pursued over the past two decades has served the country well.” We now know that this rhetoric did not match the reality.

And throughout this time the human rights mechanisms, and voices from civil society, were painting a different picture: showing the reality. They told us of communities which were excluded and marginalized, imposed indignities, and denial of economic and social rights. Inequality, discrimination, lack of participation, decent jobs, labour rights, political repression, and denial of fundamental freedoms, including free assembly, association, and speech were denounced. In short, the protest movements underscored conditions of fear and want. The events in Tunisia and across the region should not have been such a surprise to so many.

A key lesson of the protest movements in the Middle East and North Africa is that the enjoyment of human rights provides the litmus test of good governance: the ability and willingness of States to implement their human rights obligations and ensure for all, freedom from fear and want. And this is the crux of the matter. Although most States—at least in their pronouncements—pledge to uphold human rights, implementation lags behind as this rhetoric is not accompanied by action. But
there is reason for hope. My experience tells me that tremendous progress can be achieved if free, active and meaningful participation of civil society is ensured in decision-making at both the national and international levels – if women, minorities, indigenous peoples and human rights defenders are fully involved.

Dear Friends,

As we remember Raoul Wallenberg and use this opportunity to take stock of progress in recognition and implementation of human rights it is clear that much has been achieved, and perhaps the glass is quarter full. And unlike in the time of Raoul Wallenberg there are many, including human rights defenders, journalists and victims who are grounded in the vision of human rights for all. They have heard the pledges of States and know of their legal obligations and expect to see a real difference in their lives and communities. We must remain inspired by the example of defenders like Wallenberg and have the courage to assist them irrespective of the circumstances.

Let me end by quoting Hannah Senesh – who at 23 years of age, like Raoul Wallenberg, went to Hungary to save Jews facing deportation, was imprisoned, tortured, and executed:

“There are stars whose radiance is visible on Earth though they have long been extinct.

There are people whose brilliance continues to light the world even though they are no longer among the living.

These lights are particularly bright when the night is dark. They light the way for humankind.”

One star was Raoul Wallenberg.

Thank you.