

37th session of the Human Rights Council
Item 2: Annual Report and Oral Update by the High Commissioner for
Human Rights on the activities of his Office and recent human rights
developments

Statement by the UN High Commissioner for Human Rights, Zeid Ra'ad Al
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7 March 2018

Distinguished President,
Excellencies,
Colleagues, Friends,

A few days ago, we celebrated the centenary year of Nelson Mandela's birth. We spoke of his example; his fortitude, his suffering and compassion, while recalling also the declaration that he and my predecessor Mary Robinson signed in 2000 on diversity and tolerance.

And it was right for us – not just to have remembered Mandela's greatness, but to have, almost unconsciously, contrasted it with all the narrow politicians who continue to proliferate across the face of the world. Authoritarian in nature, many of them are wily political in-fighters, but most are of thin mind and faint humanity – prone to fan division and intolerance and just for the sake of securing their political ambition. While some do this more openly than others, all are well aware what they practise comes at the expense of vulnerable humans.

To them I say: you may seize power, or stubbornly hold onto it, by playing on and stoking the fears of your followers. You may congratulate yourselves for this and you may think yourself so clever for it. But we know all you've done is copy the behaviour of previous generations of once strong, but ultimately catastrophic, leaders and politicians. Yours will in the end become a mouse-like global reputation, never the fine example of the leader you think you are – and never even close to a Mandela. To deserve global respect, you must

begin to follow his example – committing to the spirit and letter of the Universal Declaration of Human Rights.

What makes it so difficult for us to understand this Declaration, its universality and how to view our fundamental sameness relative to our differences? We are all humans. We are almost identical genetically – on average, in DNA sequence, each human is 99.9% the same as any other human. We have the same organs, we all have to breathe, eat, sleep and, to survive as a species, reproduce. We have feelings, we love, we think, we have hopes and, if fortunate, we will grow old before expiring. This is the core of what it is to be a human being.

Everything that's bolted on – that is colour, race, ethnicity, gender and all the rest – comes only *after* the acquisition by each of us of our rights as human beings. And this is what the adoption of the Universal Declaration formalized seventy years ago. The present-day hatred, and its corresponding rising uncertainties, seem to come from humans who view the relationship between the core and the bolted-on characteristics in reverse. In their view, the differences decide everything. But this approach, if each of us were to adopt it, and act upon it, would be an open invitation to human self-annihilation. It cannot be – it simply cannot be!

Mr President,

Since my last update to this Council I have conducted missions to Libya, Peru, Uruguay, El Salvador, Guatemala, Indonesia, Papua New Guinea and Fiji. Recognising that not all States will accept a visit, I express my deep appreciation for these invitations, which demonstrate commendable openness to discussing human rights issues. In my statement to the Council in June, I will be addressing the issue of refusals of access to international human rights mechanisms, and to my Office.

In every instance, I encourage the concerned States to embark on deeper dialogue and cooperation with my Office and the human rights mechanisms. Before I begin what will sadly prove to be a very long list of human rights

violations and abuses, I would like to highlight a sample of advances which are underway in several countries.

In **Ecuador**, I commend the Government for conducting a very broad dialogue, including with media and human rights defenders, as a first step towards overcoming the country's polarization. In **Saudi Arabia**, I note with great interest the royal directive stipulating that all government services must from now on be provided to women without prior approval from male guardians. I commend **The Gambia** for its announcement of a moratorium on the death penalty last month. In **Somalia**, I welcome a number of positive developments, including the establishment of a national human rights commission with a diverse composition, and I encourage the Government to continue its efforts to build institutions and bring peace. **Portugal** has made noteworthy strides towards ending discrimination against Roma, sharply increasing the number of Roma aged 16 to 24 engaged in work, training or education.

Mr President,

Many people have suffered the violence of extremist and terrorist groups over the past few months, and I want to emphasise that I and my Office condemn acts of terrorism wherever they occur, unreservedly. There can be no justification of this blind violence which lashes out against ordinary people.

I will now turn to the geographic sections of my statement, emphasising the urgency of two situations: Syria, where the horror of eastern Ghouta needs to be spoken of time and again; and Myanmar, where the most recent reports gathered by my Office point to the continuation of ethnic cleansing in Rakhine State.

Mr President,

As this Council session opened, the conflict in **Syria** entered a new phase of horror. In addition to the staggering bloodshed in Eastern Ghouta, which was discussed in urgent debate last week, escalating violence in the province of Idlib

is placing some two million people in danger. In Afrin, the offensive by Turkey is also threatening large numbers of civilians. People in Government-controlled Damascus are suffering a new escalation of ground-based strikes. And the offensive against extremist groups has resulted in large-scale loss of civilian life.

More than 400,000 people have reportedly been killed in the Syrian conflict, and more than a million injured, many very severely; many are children. Hundreds of thousands of people are living under sieges, the vast majority imposed by Government forces and their allies. Over 11 million people have been forced to leave their homes. Tens of thousands of people are detained, frequently in inhuman conditions, including torture; many others have been forcibly disappeared. Hospitals, schools and marketplaces have been massively, and in some cases, deliberately, damaged and destroyed: in 2017, one health centre was attacked every four days. My Office also documented over a thousand airstrikes and ground-based strikes in 2017, and numerous intolerable human rights violations and abuses by all parties to the conflict: Government forces, their allied militias, international actors, and armed opposition groups – among them, ISIL.

It must be recalled how the massive violations committed by the Government of Syria and its local allies, beginning in 2011, created the initial space in which extremist armed groups later flourished. Remember the Shabeehah? Recent attempts to justify indiscriminate, brutal attacks on hundreds of thousands of civilians by the need to combat a few hundred fighters – as in Eastern Ghouta – are legally, and morally, unsustainable. Also, when you are prepared to kill your own people, lying is easy too. Claims by the Government of Syria that it is taking every measure to protect its civilian population are frankly ridiculous.

This month, it is Eastern Ghouta which is, in the words of the Secretary General, hell on earth; next month or the month after, it will be somewhere else where people face an apocalypse – an apocalypse intended, planned and executed by individuals within the Government, apparently with the full backing of some of their foreign supporters. It is urgent to reverse this catastrophic course, and to refer Syria to the International Criminal Court.

Mr President,

The conflict in **Yemen** continues to escalate, creating a humanitarian disaster of new magnitudes. Civilians suffer indiscriminate shelling and sniper attacks by Houthi and affiliated forces, as well as airstrikes conducted by the Saudi-led Coalition forces; these remain the leading cause of civilian casualties, including child casualties, in the conflict. I am particularly concerned about the hundreds of thousands of civilians trapped in the city of Taiz. The Council will receive a detailed update of my concerns on 21 March.

My Office will brief this Council on **Libya** on 20 March. During my mission there in October I was alarmed by the near-complete lawlessness throughout the country, with almost total impunity for even the most serious crimes. I encourage all States to support the International Criminal Court's investigation into crimes against humanity committed in the country.

The Council will be briefed on 21 March on the human rights situation in **Afghanistan**, where my concerns continue to deepen on protection of civilians, with ever larger suicide attacks in Kabul and other urban areas. Accountability for those responsible is imperative, and I welcome the ICC prosecutor's decision in November to proceed with an investigation of the situation.

I deplore **Iran's** odious practice of executing people for crimes committed when they were children. I am also concerned about the excessive use of force against demonstrations in December and January for economic and social rights, as well as the subsequent deaths of a number of protestors held in custody. Widespread resentment at high levels of youth unemployment, inequality, lack of accountability of State institutions and the greater demand for rights should be addressed through dialogue and reforms. Repressive measures – such as arrests and prosecutions of human rights defenders, journalists, international environmental activists and women protesting against the compulsory hijab – can only deepen the people's resentment. The Secretary General's report on Iran will be presented to the Council on 21 March.

In **Egypt**, I am concerned by the pervasive climate of intimidation in the context of this month's Presidential elections. Potential candidates have allegedly been pressured to withdraw, some through arrests. Legislation prevents candidates and supporters from organising rallies. Independent media have been silenced, with over 400 media and NGO websites completely blocked. My Office continues to receive reports pointing to the ongoing targeting of human rights defenders, journalists, civil society activists and supporters of the Muslim Brotherhood, as well as reports of torture in detention. Egyptians have legitimate aspirations to live in a free, inclusive and democratic country, and I urge much greater respect for their fundamental freedoms and rights. I note Egypt's recent invitations to a number of Special Procedures mandate holders and invite the authorities to engage in discussions with my Office.

In **Iraq**, the application of Anti-Terrorism Law 13 of 2005 remains of particular concern, especially in regard to lack of respect for due process and fair trial standards, and the large number of death sentences handed down following convictions under this law. It is essential that the Government take urgent action to ensure that due process and fair trial standards are implemented fully in domestic law – including the Anti-Terrorism law – and observed in practice. I also remain concerned about reports of violations by forces linked to the Government; forced displacement of civilians; and the continuing unknown status of several hundred men and boys who disappeared in Saqlawiyah in June 2016, after coming in contact with armed groups. I urge the Government to fully investigate these incidents, publish the findings, and hold those responsible to account.

In **Bahrain**, human rights defenders and civil society organisations continue to suffer from intimidation, harassment and restrictions. The recent, and deeply regrettable, five year sentence against Nabeel Rajab over a tweet is yet another serious setback for Bahrain's international reputation.

Six reports will be presented to the Council regarding the situation in the **Occupied Palestinian Territory**, under Item 7. Regarding the Council's request

to my Office to produce a database of business enterprises engaged in specific activities related to Israeli settlements, a total of 206 companies have been screened in, out of 321 companies reviewed, and we expect to release further details after we have reviewed the detailed responses of all 206. In the coming days, my Office will issue a report on what has been a significant expansion of illegal settlements over the past year, despite Security Council Resolution 2334. We will also release a report on the dramatic deterioration of the situation in Gaza, where complete economic and institutional collapse grows ever more likely. I am also concerned that human rights defenders have been detained by both Israeli and Palestinian authorities, their movement is restricted and their funding is in jeopardy.

Mr President,

The situation of the Rohingya community in **Myanmar**, and of some 900,000 Rohingya refugees in **Bangladesh**, continue to be of intense concern. As the Assistant Secretary General for Human Rights announced this week, following his mission to Bangladesh, my Office believes that ethnic cleansing is still underway in Rakhine State. While the township of Maungdaw has been essentially emptied of its Rohingya community, people continue to flee to Bangladesh because of systematic – though lower-intensity – persecution and violence in other towns and villages. Victims have reported killings, rape, torture and abductions by the security forces and local militia, as well as apparently deliberate attempts to force the Rohingya to leave the area through starvation, with officials blocking their access to crops and food supplies. This Council is aware that my Office has strong suspicions that acts of genocide may have taken place in Rakhine State since August. I am therefore not surprised by reports that Rohingya villages which were attacked in recent years, and alleged mass graves of the victims, are being bulldozed. This appears to be a deliberate attempt by the authorities to destroy potential evidence of international crimes. I have also received reports of the appropriation of land inhabited by Rohingya and their replacement by members of other ethnic groups.

A recent announcement that seven soldiers and three police officers will be brought to justice for the alleged extra-judicial killing of ten Rohingya men is

grossly insufficient. The Government must take steps towards real accountability for these violations, and must fully respect the rights of the Rohingya, including to citizenship. While awaiting the final report of the Fact Finding Mission, I again recommend that this Council ask the General Assembly to establish a new independent and impartial mechanism to prepare and expedite criminal proceedings in courts against those responsible. Any repatriation agreement should lay out a clear pathway to citizenship and put an end to the discrimination and violence inflicted on the Rohingya; these conditions are clearly not in place today. I thank Bangladesh for hosting almost one million refugees, and I will continue to call on member states for long-term support for host communities, as well as to uphold the refugees' rights to education and a livelihood.

Access for independent human rights monitoring is practically non-existent across Myanmar, but it appears clear that longstanding discriminatory policies and practices also continue against other groups. In Shan and Kachin states, civilian casualties continue to be reported as a result of attacks by the security forces. I am also alarmed by a dramatic erosion of freedom of the press; journalists have in recent months faced escalating intimidation, harassment, and death threats.

In **Cambodia**, I am seriously concerned at increasing moves to repress dissent and close political and civil society space. Broadly-worded legal provisions have been used to silence civil society organizations, journalists and members and supporters of political parties. Since this Council last met, the Supreme Court has dissolved the principal opposition party, disenfranchising opposition voters. Recently adopted amendments to the Constitution and Criminal Code are likely to further erode political rights and fundamental freedoms. I note and welcome recent improvements in social protection and the minimum wage, but I call on the Government to guarantee the political rights of the people, to respect the freedoms of expression, association and peaceful assembly, and to release human rights defenders and political actors.

Given the scale and gravity of reported violations in the **Democratic People's Republic of Korea**, I remain convinced that the situation should be

referred to the International Criminal Court. Pursuant to this Council's resolution 34/24, my Office is moving forward with an Accountability Project to document human rights violations, particularly those which may amount to crimes against humanity. The Council will receive a briefing from my Office in this regard on 14 March.

Turning to **China**, President Xi has called for “people-centred development for win-win outcomes as part of a community of shared future for mankind,” a commendable ambition. Sadly, China's global ambitions on human rights are seemingly not mirrored by its record at home. My Office continues to receive urgent appeals regarding arbitrary detentions, enforced disappearances, ill-treatment and discrimination, emanating from human rights defenders, lawyers, legislators, booksellers, and members of communities such as Tibetans and Uyghurs. Many of these cases involve people struggling against economic, social and cultural injustices, such as cases of corruption; illegal seizure of land and forced evictions; destruction of cultural sites; constraints on religious practices and restrictions on use of local languages. I look forward to resolving some of these issues with the Chinese Government as we move towards China’s UPR review in November.

In the **Philippines**, following the International Criminal Court’s announcement of plans to open a preliminary examination, the authorities announced their willingness to work with the UN on drug-related challenges. I deplore President Duterte’s statement last week to elite police units that they should not cooperate “when it comes to human rights, or whoever rapporteur it is” and the continued vilification of this Council’s Special Rapporteur on extra-judicial killings by the authorities. The Government has a duty to uphold human rights and to engage with persons appointed by this Council. I am concerned by deepening repression and increasing threats to individuals and groups with independent or dissenting views, including opposition Senators, current and former public officials, the Commission on Human Rights, human rights defenders and journalists. Several cases for impeachment or dismissal have been launched against members of the Supreme Court, the Office of the Ombudsman and other institutions representing democratic safeguards. Senator de Lima has now been arbitrarily detained for over a year, without clear charges.

This authoritarian approach to governance threatens to irreparably damage 30 years of commendable efforts by the Philippines to strengthen the rule of law and respect for the human rights of the people. I further deplore President Duterte's encouragement to troops to violate fundamental rules of international humanitarian law, including his statement that they should shoot women fighters in their genitals because this would render them "useless".

More broadly, I urge all States to examine the effectiveness and human rights impact of their current approaches to the so-called “**War on Drugs**”. I urge more comprehensive implementation of the Outcome Document of the United Nations General Assembly Special Session on the World Drug Problem of 2016, including its 15 operational recommendations on human rights and related issues. The cross-cutting UNGASS 2016 approach constitutes a new and better linkage of the objective of drug-control – protection of the health and welfare of humanity – with the key priorities of the UN system, including the SDGs. I encourage the continuation of this structure for future UN drug policy debates. In this context, I note and commend the International Narcotics Control Board's recent call to all States to implement international drug control conventions in accordance with their commitments to human rights treaties and the rule of law.

In **Thailand**, restrictions continue to be imposed on the freedom of expression, opinion and assembly, and I continue to receive reports of judicial harassment and intimidation against human rights defenders, journalists, politicians and civil society activists for legitimately expressing their opinions on political and social matters. If Thailand is committed to transitioning to democratic rule through the general elections, it is imperative that restrictions on fundamental freedoms, including on political activities, be immediately lifted. I welcome the decision of the government to mainstream human rights in its development agenda, Thailand 4.0, and I look forward to further discussions with the authorities on measures to uphold human rights in this context.

On **Pakistan**, I would like to begin by recognising the loss of a giant and champion for human rights, Asma Jahangir, whose work has inspired many in the human rights community. Turning to the situation of human rights in the

country, I am concerned by continuing reports of violence against journalists and other independent voices – in some cases apparently committed by members of Pakistan's security forces – and by the high number of outstanding cases of enforced disappearances. Not a single case of enforced disappearance or extrajudicial killing has been successfully prosecuted. Minorities remain vulnerable to violence and discrimination, and in several cases officials have reportedly incited hatred against minority religious groups. In this context, I welcome the Government's passage of the Hindu Marriage Act, offering the first possibility for Hindu marriages to be registered. A Christian marriage law is also in development.

In **India**, I am increasingly disturbed by discrimination and violence directed at minorities, including Dalits and other scheduled castes, and religious minorities such as Muslims. In some cases this injustice appears actively endorsed by local or religious officials. I am concerned that criticism of government policies is frequently met by claims that it constitutes sedition or a threat to national security. I am deeply concerned by efforts to limit critical voices through the cancellation or suspension of registration of thousands of NGOs, including groups advocating for human rights and even public health groups.

With respect to Kashmir, on both sides of the Line of Control, regrettably unconditional access continues to be refused to my Office, and I will report on this issue at greater length in June.

In the **Maldives**, rather than comply with a Supreme Court ruling which ordered the release of nine arbitrarily detained political leaders, including former President Nasheed, the Government declared a state of emergency last month – suspending key rights, as well as the entire Criminal Procedure Code, and opening the door to completely arbitrary decisions. The measure was followed by a wave of arrests, including of 80-year-old former President Gayoom, Members of Parliament, and the Chief Justice. While noting the Government's acceptance of an immediate mission by my Office, I am deeply concerned that the rule of law, which is the foundation of any democratic state, is being

undermined. Moreover, this crisis could have drastic effect on the lucrative tourist sector. I urge the complete reversal of these recent measures.

In **Sri Lanka**, I am very alarmed by recurring and continuing episodes of mob violence targeting ethnic and religious minorities, particularly Muslims, including most recently in Ampara and in several locations in the Kandy district, leading to the declaration of a nationwide state of emergency for 10 days. There should be no impunity, either for the incitement that led to the attacks, or the attacks themselves. I have repeatedly urged the Government to advance its implementation of the transitional justice agenda. I regret the absence of meaningful progress. It is urgent for the sake of the victims that progress be made on accountability and transitional justice. In the absence of such progress I would encourage Member States to explore the use of universal jurisdiction. The Council will be fully briefed on 21 March.

During my recent mission to **Fiji**, I encouraged the Government to match its strong performance on climate change internationally, with greater progress at the domestic level on civil and political rights – particularly in relation to women's rights, the rights of other discriminated groups, and freedom of expression.

The Government of **Indonesia** has made progress in recent years in upholding human rights. I urge the authorities to address my concerns about increasing hostility towards religious and sexual minorities, which appears to be a recent and essentially foreign import to a traditionally tolerant nation. I encourage deeper consideration of the Faith for Rights Declaration of March 2017, which draws together commitments common to many religions and beliefs, and notes that “violence in the name of religion defeats its basic foundations: mercy and compassion.” I am concerned about conditions in West Papua and thank the authorities for giving my Office access to the area.

In **Papua New Guinea**, violence against women remains a major concern, and I am hopeful the Government's Sorcery National Action Plan, and other essential measures, will have positive impact.

Mr President,

I am deeply concerned about sharply deteriorating economic and social conditions in a number of African States where conflicts and insecurity are escalating. Economic, social and cultural rights are also being undermined by climate change, which contributes to displacement of people from their land, as well as to conflicts between pastoralists and farmers, in particular across the Sahel and in Nigeria. The drastic collapse of oil revenues in several countries of Central Africa has further diminished the authorities' capacity to respond to basic social needs. I welcome recent statements by the African Union Commission Chair, Moussa Faki Mahamat, who has emphasized the importance of human rights for the future of Africa and the need for leaders to fulfill the human rights demands of their people. I look forward to increasing partnership with the AU on numerous issues.

In **Burundi**, gross violations of human rights continue to occur with complete impunity. Since campaigning began for a vote on the Government's plan to revise the Constitution, new crackdowns have seen many civil society activists, and some remaining political opponents, arrested. Recent threats to my staff in Burundi are completely unacceptable, and I deeply regret the continued suspension of our cooperative assistance. The Council will be briefed on my concerns on 13 March.

The Commission on Human Rights in **South Sudan** has identified more than 40 senior officials who may bear individual responsibility for war crimes and crimes against humanity, and has found evidence of “a clear pattern of ethnic persecution,” for the most part by Government forces. Fighting continues unabated, irrespective of the signature of another ceasefire agreement in December. I am alarmed by the suffering of the civilian population, including the more than 200,000 people who remain in the UNSMISS Protection of Civilian sites, in a clearly unsustainable situation. Government forces pose the single biggest threat to the protection of civilians in the country, followed by opposition armed groups, and I deplore the recent promotion of three South Sudanese Generals who in 2015 were identified by the Security Council Sanctions Committee as responsible for grave human rights

violations. Violations committed by the security forces, and the Government's repression of voices perceived to oppose its views, contravene the Government's commitments to a National Dialogue, electoral processes, truth-seeking and reconciliation. I applaud the call made by the Chair of the AU for sanctions to be adopted against the main perpetrators of human rights violations in South Sudan, and urge the Government of South Sudan to sign the Memorandum of Understanding for the Hybrid Court without further delay.

In **Sudan**, I am concerned that civilians in Darfur continue to suffer attacks by militias and state security forces – including the Rapid Support Force in which many Janjaweed militia members have been integrated. I am deeply concerned about the plight of 2.5 million displaced people who face continuing violence by both security forces and militias. Since January, my Office has received a new wave of reports of arrests and detentions of human rights defenders, political activists and journalists across the country, following demonstrations for economic and social rights.

The Council will receive a detailed update on the **Central African Republic** on 21 March. Hope for national reconciliation continues to be undermined by violence committed by armed groups. I urge the authorities to operationalize without further delay the Special Criminal Court, alongside the on-going trials before Assize courts, in order to respond to the people's calls for justice.

In **Mali**, I welcome efforts to control the very volatile security situation by the G5 Sahel countries, but it is essential that their coordinated security responses integrate respect for human rights in all operations. I am glad to report that my Office is helping to put in place an appropriate human rights and international humanitarian law compliance framework, developed in the context of the implementation of UN Human Rights Due Diligence Policy. Reported violations of human rights by the national security forces, including allegations of torture, arbitrary arrests and extra-judicial killings, are deeply counterproductive and undermine national cohesion. I urge that a comprehensive strategy be employed to address the root causes of insurgency

and extremism, by eliminating conditions and inequalities which lead people to develop grievances.

In **Cameroon**, what appears to be long-standing structural discrimination in the Anglophone region of the country has led to continuing clashes between security forces and separatist groups. The arrest, in Nigeria, of 47 Anglophone community leaders, and their extradition to Cameroon has reportedly led to renewed violence in the south-west and north-west of the country. Allegations of summary executions of civilians by members of the security forces have been reported, and are generating widespread resentment. I regret that my Office has not been given access to verify these allegations. Acknowledging the complex challenges facing the authorities – including renewed displacement from the Central African Republic and the increase in Boko Haram attacks in the north – I urge the Government to make every effort to de-escalate the conflict in the Anglophone regions, and to allow unimpeded access to human rights monitors so that accurate information on the situation can inform constructive engagement on the way forward.

In the **Democratic Republic of the Congo**, I deplore the continued repression of fundamental rights, as well as assaults on churches and religious sites by members of the youth wing of the ruling party. The Government is not creating an environment conducive to free or credible elections. The Council will be fully briefed on 20 March, and my Office will be releasing a detailed report in the coming days.

In **Kenya**, I am concerned that recent government actions against the press contravene freedom of the media, a pillar of democracy. I am also concerned by threats against civil society: Kenya's impressive civil society groups are an inspiration for many, and the current regression is disturbing. There have also been incidents of harassment and arrest of leading opposition figures. I urge respect for the independence of the Kenyan judiciary and encourage the Government to implement the decisions of the courts. It is essential that Kenya ensure accountability for the scores of human rights violations reported during the 2017 elections, including sexual violence and unlawful killings.

I draw this Council's attention to the deteriorating human rights situation in **Tanzania**, including heavy-handed restrictions on media freedoms and on civil society, and an increasing number of attacks on, and arrests of, Government critics. The Government has also taken an increasingly repressive approach to important social issues, with arrests of LGBTI activists, growing attacks on the LGBTI community, and attacks and threats against people working to provide reproductive health-care. The Government's policy of permanently refusing any further education to girls who become pregnant is shocking, and I am disturbed by the High Court's finding that such a policy is not discriminatory.

In **Equatorial Guinea**, I am deeply concerned about the arrest and detention of more than a hundred leaders and opposition members, in the aftermath of the legislative elections of November 2017, and the failed coup plot which was announced by the Government in January. I urge transparent and comprehensive investigations, and scrupulous respect for due process guarantees.

In **Ethiopia**, I welcome the release of more than 7,000 detainees in January and February, including several high profile figures. I am concerned about the declaration of a second State of Emergency last month. Reforms can only be carried out successfully through truly inclusive dialogue and political processes. I urge the authorities to investigate and prosecute those responsible for recent killings in the country, and I reiterate my request for access to affected regions.

In **Zimbabwe**, I encourage the newly formed Government to enact economic reforms to address inequalities and lay the foundations for truly sustainable and inclusive development based on human rights. It is also time to open civic and democratic space in the country, allowing all citizens to participate, associate and express their opinions freely. In this connection, I am concerned about the recent amendments to the Constitution which roll back gains on the independence of the judiciary – a real set-back for reform.

In the **Republic of the Congo**, I welcome the cease-fire agreement between the Government and armed groups to end the crisis in the Pool region. My Office is discussing with the Government the need for a genuinely independent and effective national commission of inquiry on allegations of serious violations since 2015, as repeatedly recommended by our assessment and follow-up missions.

Despite **Eritrea's** increased engagement with the human rights mechanisms, I am concerned about the very serious lack of progress on human rights issues. Eritrea will be the subject of an interactive dialogue on 12 March and an oral update on 14 March.

Mr President,

In **Turkey**, respect for fundamental rights continues to deteriorate. My Office has received credible reports of arbitrary mass dismissals; arbitrary closure of civil society organizations; arbitrary detention of people arrested on broad allegations of links to terrorist organizations; torture in detention; restrictions on freedom of expression and freedom of movement; arbitrary expropriation of private property; and collective punishment targeting family members of individuals suspected of offences. Given these deepening concerns, we will be releasing a detailed report in the coming days on the human rights situation in the context of the state of emergency, including an update on the situation in the southeast.

Over two-thirds of the national Parliaments in European Union countries now include political parties with extreme positions against migrants, and in some cases, Muslims and other minority communities. This discourse based on racism, xenophobia and incitement to hatred has now expanded so significantly that in several countries it is dominating the political landscape – as we saw during the election campaign in **Italy** in recent weeks.

On **migration policy**, I am deeply concerned about the current overriding focus of EU States on preventing migrants from reaching Europe, and rushing to deport many who do. I welcome the EU Commissioner for Migration, Home

Affairs and Citizenship's recent statement indicating that plans are underway to enhance regular channels for migration. I emphasise that measures which in effect externalise the borders of the European Union put the human rights of migrants at risk, by subcontracting their protection to States with often fewer resources. Support to the Libyan Coast Guard by the EU and some of its member states is one such example. The EU and its members need to review the approach they are taking in the Mediterranean, to ensure that they are not indirectly supporting the return of migrants to Libya, where they face a real risk of torture, sexual violence and other serious violations. I also call on the EU to adopt a human rights due diligence approach to their support to any Libyan authorities.

In **Austria**, the new government, which includes an openly anti-migrant party, has announced it will embark on stringent surveillance, financial restrictions or closure of associations, Muslim schools and places of worship; broad criminalization of irregular migrants, with the stated intention to automatically expel them; and the adoption of extremely restrictive language on integration and citizenship. With respect to the Government's so-called "security package", which would considerably expand surveillance of encrypted internet communication and the retention of data, I remind the authorities that broad-based discussion with all stakeholders is essential, and that any such measures must comply with human rights commitments.

In **Hungary**, I am shocked at the contempt for migrants, and more broadly for human rights, expressed by senior Government officials, including in this very chamber a few days ago. I also deplore newly proposed laws which would further restrict the work of civil society organizations. The most recent proposals would require Interior Ministry authorisation for any civil society group that seeks to help migrants, including advocacy, food, shelter or even simply giving out information materials, and impose punitive taxes on their funding from abroad. The impact of anti-Roma hostility is also evident: according to EU data, discrimination against Roma in employment and health worsened in the period between 2011 and 2016, while segregation in education remained entrenched.

In **Poland**, over the past several years, reforms targeting the Constitutional Court and the judiciary have paved the way for partisan interpretation of the Constitution and domestic laws, and severely weakened checks and balances. Other measures introduced by the Government have compromised the right to freedom of assembly, politicised the Office of the Prosecutor General, increased the powers of the secret services, and led to a significant strengthening of control by the executive branch over the judiciary, the media, civil society, and other spheres of public life. I am also concerned about measures undermining the right to privacy and rights to sexual and reproductive health. I again call on the Government to reverse or amend these problematic measures, and to implement the recommendations of this Council's Special Rapporteur on the independence of judges and lawyers. I am disturbed by widespread reports that the Government frequently takes a passive approach to the growing number of hate crimes and incidents of hate speech against minority communities and migrants, and by the extraordinary recent legislation which could lead to up to three years' imprisonment for those who refer to the Nazi concentration camps in Poland as "Polish". Plans to establish a task force to strengthen efforts to tackle hate speech and xenophobia are welcome, and I emphasise the need for it to include the participation of independent civil society voices.

In **Czechia**, I am deeply concerned about discrimination against the Roma and the longstanding segregation of Roma children in schools, which according to the EU has remained unchanged since 2011. I join calls for remedy and compensation of the thousands of women – most of them Roma, along with others including women with disabilities – who were forcibly sterilised from the 1960s to 2004. I also urge an immediate end to the programme of surgical castration of convicted sex offenders.

In the **Russian Federation**, I am deeply concerned at what appears to be an orchestrated and coordinated campaign of violence and threats against members of a leading human rights group, Memorial Human Rights Centre in Chechnya, Ingushetia and Dagestan. I call on the authorities to conduct prompt and impartial investigations and to ensure the perpetrators are held to account. I also urge the authorities to fully uphold the right to political participation in the

context of this month's Presidential vote; to conduct policing of public gatherings in line with international standards; and to ensure freedoms of peaceful assembly, association and expression.

The Council will be briefed on the human rights situation in **Ukraine** on 21 March, including my recommendations for protecting the civic space ahead of the 2019 elections. In line with General Assembly resolution 72/190, in December, my Office is seeking to ensure that human rights monitoring mechanisms have access to the Autonomous Republic of Crimea and City of Sevastopol, and we are preparing a second thematic report on the human rights situation there.

In **Spain**, I was dismayed by the violence which broke out during October's referendum on independence in Catalonia. Given what appeared to be excessive use of force by police, the Government's characterisation of police action on 1 October as “*legal, legitimate and necessary*” is questionable. I remind the authorities that pre-trial detention should be considered a measure of last resort. I encourage resolution of this situation through political dialogue.

Mr President,

The human rights situation in **Venezuela** is deeply alarming. Malnutrition has increased dramatically throughout the country, affecting in particular children and the elderly, and credible reports indicate that government assistance programmes are often conditioned on political considerations. I am also deeply alarmed by the possibility that crimes against humanity have been committed, and by the erosion of democratic institutions. The fundamental principle of separation of powers has been severely compromised, as the National Constituent Assembly continues to concentrate unrestricted powers. Two main opposition parties have been disqualified by the Electoral Council, and the official opposition coalition has been invalidated by the Supreme Court. Freedom of expression, opinion, association and peaceful assembly are being repressed and severely restricted. My Office has also received credible reports of hundreds of extra-judicial killings in recent years, both during protests and security operations. I am seriously concerned that this context does not in any

way fulfill minimal conditions for free and credible elections. I am deeply disturbed by the growing exodus of Venezuelans from their country, many of them in search of access to food and basic services. Once again, I encourage the Council to consider mandating a Commission of Inquiry to investigate human rights violations in Venezuela.

In **Mexico**, I am concerned that a new internal security law authorises use of the armed forces in law enforcement without adequate guarantees and oversight, and does not meet international human rights standards. I welcome the entry into force of new laws against torture, in June 2017, and against enforced disappearances, in January 2018. I look forward to assisting the authorities to ensure their prompt and effective implementation, with full participation of civil society and victims. I urge the State to create an effective and independent Attorney General's Office. I am concerned that the systematic detention of migrants and their expedited return has become the general rule, seriously undermining due process guarantees and protection from refoulement. In the coming days, I will issue a report on elements of the investigation into the disappearance of 43 students in the town of Iguala more than three years ago.

In **Brazil**, I am concerned by the recent adoption of a decree that gives the armed forces authority to fight crime in the state of Rio de Janeiro, and places the police under army command. The armed forces are not specialized in public security or investigation. I deplore calls by high-ranking army officials for measures amounting in effect to a preventive amnesty for any troops who may commit human rights violations. I urge the Government to ensure that security measures respect human rights standards, and effective measures are taken to prevent racial profiling and the criminalization of the poor. I acknowledge the creation of a Human Rights Observatory last week to monitor military actions during the intervention, and I emphasize the importance of civil society participation in this body.

In **Honduras**, I am alarmed at the surge in threats and intimidation against human rights defenders, journalists, media workers, and social and political activists. My Office will release a report in the coming days detailing excessive use of force and mass arrests in response to protests which took place

following the 2017 November elections, and the Council will be briefed on 21 March.

In **Colombia**, I am increasingly alarmed by the murders of human rights defenders and activists; more than 20 reports of killings were received by my Office in just the first six weeks of this year. My Office will update the Council on these and other concerns on 21 March.

In the **United States**, I am shocked by reports that migrants intercepted at the southern borders, including children, are detained in abusive conditions – such as freezing temperatures – and that some young children are being detained separately from their families. Detentions and deportations of long-standing and law-abiding migrants have sharply increased, tearing families apart and creating enormous hardship. In addition, the US Government has terminated the Central American Minors Refugee and Parole Programme, which offered adolescents and children a lifeline to safety, and put an end to Temporary Protected Status for hundreds of thousands of people. I deplore the continuing uncertainty about beneficiaries of the DACA programme. I am also concerned about the US decision to revoke the planned closure of the detention centre at Guantanamo Bay. Indefinite incarceration in this facility, without trial and in frequently inhumane conditions, constitutes a breach of international law. I am also concerned about proposals that could drastically reduce social protections, particularly in the light of the concerns expressed by the Special Rapporteur on extreme poverty and human rights, following his visit to the US in December.

In **Haiti**, I regret the lack of action regarding development of a national Plan of Action to implement recommendations of human rights mechanisms, and I remain concerned about continuing allegations of serious violations committed by elements of the National Police. The Council will be briefed in greater detail on 21 March.

In **Guatemala**, I am alarmed by increasingly regressive legislative proposals, including a draft law on amnesties and the reform of the Penal Code to expand the definition of the crime of terrorism. I reiterate the critical importance of the Attorney General's work in past years with the International

Commission against Impunity in Guatemala led by Ivan Velasquez. I encourage the nomination of an independent and qualified new Attorney General. The Council will be briefed on 21 March on these and other concerns.

In **Peru**, I was dismayed by the release of former President Alberto Fujimori, who was convicted in 2009 for severe human rights violations tantamount to international crimes. I note that he may now be tried for his alleged role in the death-squad murders of six farmers. During my mission in October I urged the authorities to strengthen accountability for crimes against women, and to ensure effective implementation of the law on consultation with indigenous peoples.

In my meetings with the authorities in **Uruguay**, I commended their very significant efforts to integrate human rights into public policies. I trust we will see progress regarding violence against women and the very difficult conditions for adolescents in detention.

In **El Salvador**, I am alarmed by consistent reports of extra-judicial killings by the security forces, fuelled by very weak accountability for these crimes. Moves to disband or restructure police units which have been accused of extra-judicial killings do not replace the need to hold perpetrators to account. The situation of women and girls in the country continues to be deeply troubling, with rates of murder and violence against women among the highest in the region, and frequently committed with impunity.

Mr President,

During my mission to El Salvador in November, I was shaken by the draconian impact of the country's absolute prohibition of abortion. As of October last year, at least 159 women have been imprisoned since 1998 under this legislation, more than 20 of them for “aggravated homicide” and sentenced to between 30 and 40 years in jail. Many say they in fact suffered miscarriages or other obstetric emergencies – and all of those currently detained happen to be poor.

Time and again, it is always the poor everywhere who, having no access to strong legal counsel, no family connections, no money with which to travel outside the country, suffer terribly – always, always the poor.

One young woman, whom I met in detention, was recently released following the commutation of her 30-year jail sentence. However, she has not been declared innocent, and has received no reparations for the more than 10 years that she has spent in jail. And when many in the country want to raise the penalty beyond 30 years, to 50 years, it brought home to me how cruel we humans can be, and the unchallengeable need for human rights. I do not mind telling Council members: all of us who heard the testimony of the young women at the Ilopango detention centre wept, openly, with them. El Salvador should halt further application of this poorly conceived legislation, and immediately review all cases where women have been detained for abortion-related offences.

It takes real courage to stand up for women's rights – including sexual and reproductive rights – in many parts of the world, in this 21st century. In countries across every region, women are suffering from increasingly regressive legislation, threats against activists and a renewed obsession with controlling their decisions. In the past year, a new movement for justice has risen up to combat the abuse and sexual exploitation of women: the MeToo movement, an expression of solidarity and a force for dignity that is much needed, including in the wealthiest societies. Wherever I have travelled I have been privileged to meet women who defy restrictions on their freedom. These resilient and powerful women teach us – have, indeed, taught me – that every individual can help to reshape society, and the world.

I don't much like the phrase "speaking truth to power" because in reality it is not rank which confers moral value: the power is in truth itself.

I commend the many civil society movements fighting for decency and respect for human rights, including the rights of indigenous people facing unprincipled and lawless business activities; for LGBTI people whose Governments do not ensure their equal rights or protect them adequately from violent assault; and the rights of Afrodescendants, Roma and other ethnic,

religious or caste-based communities which frequently endure discrimination. In this 70th year of the Universal Declaration of Human Rights, they are standing up for the fundamental principles which will bring a better future to all our children. I am deeply grateful for the surge of hope they bring.

I thank you Mr President.