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Q&A for Le Temps

1. The setting-up of the Human Rights Council was in your UN reform list. The Council has now been established in Geneva. As UN secretary-general, what new initiatives do you expect from the Council, and in your view, what will its success/failure be judged upon?

Indeed, we have made historic strides in recent months in strengthening the UN's human rights programme. This has included a clear intergovernmental articulation of the "responsibility to protect", a doubling of the budget of the Office of the High Commissioner for Human Rights, agreement on closer cooperation between the Office of the High Commissioner and the Security Council, and the establishment of the new Human Rights Council, among others.

Two significant innovations of the new Council that I would emphasize are the universal periodic review and the capacity granted to the Council to respond promptly to urgent situations of human rights violations.

The universal periodic review, to be developed over the next year, will ensure that all 191 Member States of the United Nations, starting with the members of the Council itself, will have their records publicly examined in order to improve human rights conditions worldwide. All States must be held accountable for their shortcomings.

The Council will meet more frequently and hold longer sessions than its predecessor, the Commission on Human Rights, and will be able to call special sessions more easily. That will enable the Council to deal more effectively with human rights situations and to respond promptly to human rights emergencies.

Much work remains ahead to develop the work programme and the mechanisms of the new Council. The challenge now is to ensure that the new Council fulfils its promise and builds on the established best practices and features of the Commission, while also doing whatever is needed to promote and protect human rights in today's world.

That said, the Council will only be effective if Member States are fully committed to it. In the end, the true test is the degree to which Governments -- all Governments -- are held accountable for their human rights obligations, and the degree to which victims and the vulnerable are afforded human rights protection on the ground.

2. In the past few decades, the UN has given birth to many regulations covering human rights issues. However, the implementation of these regulations remains problematic within many Member States of your organization. Is it not time to penalize countries that do not respect 1)their commitments 2)international regulations governing human rights?

It is true that one of the UN's proudest achievements is the extensive body of human rights standards and instruments that Member States have created. But the challenge now is to work for the better implementation of those standards.

The Council cannot compel enforcement. But it can play an important role in encouraging compliance by shining a light on abuses, offering assistance where abuses are the result of gaps in capacity, and mobilizing political pressure and moral suasion where the abuses flow from intentional repression, or a lack of political will to stop abuses. Council members themselves have had to make specific commitments in order to be elected, and gross violators can in fact be suspended from the Council. At the same time, the past decade has seen important advances in the development of individual accountability for the worst violations, including war crimes, crimes against humanity, genocide and ethnic cleansing. Here too, the UN is playing a role, by supporting international and mixed tribunals, promoting the application of universal jurisdiction, helping with transitional justice processes, and strengthening domestic justice systems.

3. If men and women did not struggle to defend human rights so fiercely, no one would defend them. Human rights activists live in danger every day. What reassurances can you give them now that the Human Rights Council has just been created?

Community leaders, human rights activists, NGOs, and UN human rights officers around the world perform a courageous and vital function on behalf of the most vulnerable. My Special Representative, Ms. Hina Jilani, is continuing her vital work of reporting on the situation of human rights defenders in all parts of the world. The Declaration on Human Rights Defenders adopted by consensus by the General Assembly in 1998 represents the universal standard for this endeavour. The Council will have a special responsibility in implementing these standards and supporting the work of human rights defenders.

Western countries are building larger and larger obstacles to limit the right to asylum. Does this not constitute a massive violation of human rights? There is no refuge without asylum, and without the protection of refuge, people who defend freedom are at the mercy of the executioner.,..

We must be clear here. To seek and enjoy asylum from persecution is a fundamental human right, codified as such by the Universal Declaration of Human Rights, and countless other global instruments. Here, again, the challenge is one of implementation. The Council and its protective mechanisms would be right to remind all states of their obligations to fulfil this universal guarantee. No argument, whether based on economic or on security considerations, can justify the sending of an innocent person to a place where s/he will face the torturer or the executioner.

4. Geneva, world capital of human rights. This is a famous phrase. But how do you envisage the Human Rights Council? Between New York and Geneva? Perhaps occasionally transported to a country in crisis? What do you believe Geneva should bring to the defence of freedom and to the UN system? In this context, what do you think should differentiate Geneva from New York?

It is correct that Geneva has been the home of the UN's human rights work for decades. The procedures for the new Council are still being worked out. However, it is envisaged that the main sessions of the Council will be held in Geneva. At this point, the possibility of other Council sessions being held away from Geneva cannot be ruled out.

5. This year brings you to the end of your mandate. What crises should an efficient Human Rights Council have been able to avoid? If it had existed, what could it have done?

We should not forget that the Council's predecessor -- the Commission on Human Rights -- itself intervened regularly in cases and crises, including through its special mechanisms and urgent action procedures. The Commission's mechanisms monitored situations, issued detailed reports, and warned the world of unfolding crises. The problem was that States in a position to help -- and even the Security Council itself-- did not always respond effectively to those warnings. It is painful to remember, but the Special Rapporteur on Executions of the Commission on Human Rights warned months in advance of the genocide in Rwanda. Tragically, those warnings went unheeded. We must reinforce the link between the UN's human rights programme and its security mechanisms. This is why the 2005 World Summit's support for closer cooperation between the Office of the High Commissioner and the Security Council is so important. As for the Human Rights Council, it will inherit the Commission's mechanisms, which will also be supplemented by new features, including a streamlined crisis response procedure. This is an important step in the right direction.