

**KEYNOTE ADDRESS AT THE JOINT OPENING OF THE
2003 LLM DEGREE PROGRAMME IN HUMAN RIGHTS
AND DEMOCRATISATION AND THE 2003 PRETORIA
GOOD GOVERNANCE ACADEMY PROGRAMME ON
INTERNATIONAL LAW: By Dr Sihaka Tsemo, OHCHR
Regional Representative for Southern Africa**

**CENTRE FOR HUMAN RIGHTS, UNIVERSITY OF
PRETORIA**

Pretoria, 20 January 2003

- Words of thanks
- Core aspects of OHCHR's work and priorities for 2003
- Regional Office and its mandate

His Excellency the Ambassador of Belgium to South Africa,
Honorable Dean of the faculty of Law of the university of Pretoria,
Honorable Director of the Centre for Human Rights,
Honorable Lecturer and invited guests,
Dear students,

Let me start by wishing all of you a very happy and successful year 2003 and particularly to the students of this LLM programme, I hope that this academic year will be a very successful one.

I would like to thank Prof. Christof Heyns and the Centre for Human Rights for giving us the opportunity to meet with new LL.M students. I would also like to thank new LL.M students for your courage to choose human rights as your field of expertise.

I thought that it would be useful to this morning to share with the Office of the High Commissioner's challenges and priorities for this year and by this mean have you familiarise with what our office is committed to and what is the regional office about as far as Human Rights promotion is concerned.

The creation of the UN and more than half a century of collective hard work has provided us a universal human rights framework embedded in the United Nations Charter, the Universal Declaration of Human Rights, the two International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, as well as other core human rights treaties. These instruments have inspired provisions in many national constitutions and laws and led to the creation of national infrastructures that ensure in a sustainable manner the protection and promotion of human rights. The United Nations through its various agencies have in their mandates to ensuring that these rights are attainable by those who need them most.

The OHCHR which has been mandated by the UN Secretary General to lead the United Nations' mission in the domain of Human Rights has identified among many challenges the following priorities: one, working with Governments to establish a national protective system and strengthening national protection system through a capacitated role of regional representatives; two, following-up on recommendations of treaty bodies and pursuing active cooperation with regional bodies; three, working with courts to advance protection and conducting technical cooperation to support the role of courts and implementing recommendations; four, identifying policy statements on the goals for each country; five, looking into the concept of human rights presence in the UN teams through the human rights based approach to Development; six, understanding the role of other protection actors in comparison to the OHCHR role and, appreciating the need not to have distinct OHCHR goals from those of the human rights presence in the peace keeping operations;.

OHCHR is increasingly focusing on justice and the consistent application of the rule of law as an overarching theme which provides that law should operate as an instrument to protect the dignity and worth of the human person, not as a tool to permit

arbitrary rule or cruelty or an abdication of a State's basic responsibilities towards its citizens.

It therefore helps States to integrate and implement the international norms that they have framed-and that they have accepted-through treaties' ratification, even as it is States that must fully assume their responsibilities to uphold human rights. We need to urge them to bring human rights fully to their people and to advance their national protection systems. by working with leaders and officials, the judiciary, national parliaments, national human rights commissions and with civil society. We can help educate and build capacity to bring security to all individuals and peoples around the globe by protecting their rights to life, to identity, to liberty, to think freely and believe whatever they want; their rights not to fear torture or exile or arbitrary detention; their rights to express themselves, to associate peacefully, to move freely within their country and return to it; their basic right to development; their rights to primary education, health services, land and food. These rights should be given prior attention everywhere and can only be achieved through mutual pacts, among individuals, communities, States and regions.

In this context, the news of the detention and alledged submission to torture of one of this Centre's graduate, Mr Gabriel Shumba who recently returned to his home country Zimbabwe, is a matter of serious concern. We hope that the rule of law will prevail in this matter and we shall follow up closely this case with HR institutions.

As mandated by the General Assembly, OHCHR is the UN's system-wide focal point for human rights, democracy and the rule of law. Under the Secretary-General's reform programme launched in 1997, OHCHR has also been charged with facilitating the mainstreaming of human rights in United Nations development programming.

The OHCHR is striving to put Human rights at the center of peace agreements, of our efforts to prevent conflict and of our peacekeeping endeavors, bearing in mind that no peace is real unless the most fundamental concerns of justice are realized and bringing closer together human rights and humanitarian issues.

The establishment of the International Criminal Court (ICC) marks a major landmark in this regard, hence the work to assist in ensuring that the ICC is well supported and in a position to achieve its stated aims, free from manipulation and in the absence of all other judicial avenues. It is to us axiomatic that for those who commit the most heinous crimes of genocide, war crimes and crimes against humanity, there must be genuine international accountability. The concerns of all States, particularly those who lead the struggle for justice, have been-or can be-accommodated. We also need to be equipped to assist societies emerging from conflict to build democratic, representative, participatory and accountable institutions to heal their wounds, to work for reconciliation and ensure a credible process of accountability for the serious crimes and violations committed during conflict.

We need to pay particular attention to racial discrimination, minority rights, indigenous rights, the rights of the disabled-for too long an area that has been neglected-children's rights, and gender equality.

As a matter of fact, the question of the rights of women merits specific and energetic focus and is one of the Office's priorities. While great progress has been made in the last decade to place women's rights high on the human rights agenda, much is still to be desired, particularly at the national level. The basic treaty in the field, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has wide reach with some 170 ratifications. At the same time, the problems that it addresses have exceptional depth and complexity.

Challenges in dealing with discriminatory practices and discrimination in legal systems need to be addressed globally and not only vis a vis one system. It is important to also work on

changing attitudes in addition to reforming law and justice and in doing so, women must be recognized as active partners in this regard, and not only as victims. Gender is both men and women's issue: with men often being the political players, it was of prime importance of engaging with them in achieving gender equality.

The choice of Africa for the first mission of the High Commissioner for Human Rights, reflects the importance the High Commissioner attaches to supporting the Continent in strengthening regional and national capacity in the area of human rights. The mission is part of the Office's ongoing support to African countries, the African Union and African led initiatives such as the New Partnership for Africa's Development, NEPAD.

Regional arrangements have thus far been established within the three existing regional intergovernmental organizations. In the case of Africa, the relevant arrangement is located within the African Union (AU), its founding instrument being the African Charter on Human and Peoples' Rights.

In this context the OHCHR Regional Office for Southern Africa which covers fifteen French, English, and Portuguese speaking countries, including the Ocean Islands- in conjunction with UNDP, recognized both a need and opportunity to support the mainstreaming of a human rights based culture in the Southern Africa region. This gave birth to a Sub-regional Programme Office and the Sub-regional Project RAF/97/AH/02 "Strengthening National and Regional Capacities in Human Rights, Democracy and the Rule of Law in Southern Africa." The joint UNDP OHCHR project was provisionally launched July 1, 1998 and the project is currently in its second phase. The office's mandate goes along the lines of the priorities defined at HQ level while also defining specific priorities at regional level in collaboration with all partners- UN agencies, governments, civil society and SADC- for assistance on the integration of a human rights perspective into the rule of law, democratic reform initiatives as

well as follow up to the International World Conferences' Declarations and Human Rights Programme of Action. The joint project also complements initiatives to integrate human rights into system wide initiatives.

If you may now allow me to address those French speaking students and say a few words in French...

- Role du Centre pour les Droits de l'Homme dans l'appui à la formation et au renforcement des capacités en matière de promotion et de protection des droits humains;
- Education aux Droits Humains et mobilisation des ressources disponibles
- Nécessité de renforcer la collaboration entre les différents partenaires (gouvernements, société civile, organisations regionales, etc.)

Je vous remercie. Many thanks.