

## **LLM in Human Rights and Democratisation in Africa Graduation Ceremony**

Remarks by Ms. Jane Connors, Chief, Special Procedures Branch,  
Office of the United Nations High Commissioner for Human Rights

*University of Pretoria, 10 December 2012*

Professor De La Rey, distinguished Vice-Chancellor of the University of Pretoria, Professor André Boraine, Dean of the Faculty of Law, Professor Frans Viljoen, Director of the Centre for Human Rights, Professor Christof Heyns, Special Rapporteur on extra-judiciary, summary or arbitrary executions, faculty members, excellencies, colleagues and friends.

I am delighted to be part of this graduation ceremony for the class of 2012 of the Master's in Laws in Human Rights and Democratisation in Africa and doctoral candidates. I feel privileged to be able to welcome the LLM graduates to the list of 346 alumni of this programme. They will join their colleagues who come from 38 African countries, Finland, Spain and the United States of America and, like them, work to create a world based on a culture of human rights and recognition that the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. I congratulate you all, and also your families and friends who have encouraged you and supported you throughout your studies. As the mother of two daughters who will graduate in 2013, I know only too well of my girls' efforts, and also mine, throughout their studies. I can also remember how thrilled I felt during my graduation ceremony which took place at the Australian National University probably long before many of you were born. At that time, very few people took up graduate studies in law, and two of us received masters' degrees that day. It is wonderful to see that we have 30 bright young graduates who can take the message of human rights back to their countries and beyond. Indeed, one of your programme's alumni, Boris-Ephrem Tchoumavi, works with me in the Special Procedures Branch of the Office of the High Commissioner for Human Rights, while another,

Nyari Chari-Imbayago, interned with me several years ago and is about to take up a position with the Permanent Observer Mission of the International Organization for Migration in New York. As in the case of other alumni, both Boris and Nyari have made significant contributions to the institutions directed to the promotion and protection of human rights. Yet another alumnus, Benyan Darwit Memur of Ethiopia, is a candidate for membership of the United Nations Committee on the Rights of the Child.

I can no longer recall the date of my graduation ceremony, but those graduating today will have no difficulty in this regard as today is the anniversary of the adoption of the Universal Declaration of Human Rights by the General Assembly which took place on 10 December 1948 at the Palais de Chaillot, Paris. After its adoption, with no dissenting votes, but eight abstentions, including the Union of South Africa, presided over by the President of the Assembly, an Australian, Herbert Vere Evatt, the Chairperson of the Commission of Human Rights which had elaborated the instrument, Ms. Eleanor Roosevelt predicted that the Declaration 'may well become the international magna carta of all men everywhere.' And it indeed this is the case. The Universal Declaration has come to be regarded as possibly the single most important document created in the twentieth century and the accepted world standard for human rights. In 2009 it was registered by Guinness World Records as being the document which has been most translated, with at least 370 language versions from Abkhaz to Zulu. Its provisions have informed national constitutions and other legislation and inspired the development of regional and sub-regional human rights regimes in Africa, the Americas, the Arab world, Europe and now Asia. The Universal Declaration has been invoked by international, regional and national courts, while some, if not all, of its provisions constitute international customary law. Most importantly, the Declaration has been an inspiration, particularly to victims of human rights violations, as it is couched the language of entitlement, not privileges.

At the level of the UN, in the years since the Declaration's adoption, the international human rights system has expanded significantly. We now have comprehensive array of binding human rights treaties which guarantee individuals the 'four freedoms' identified by Franklin D Roosevelt in his 1941 State of the Union Address as the aspiration of us all. These freedoms, set out in Preamble of the Universal Declaration are freedom of speech and belief and freedom from fear and want. We now have ten human rights treaties, several

with substantive protocols, which elaborate rights in the field of civil, cultural, economic, political and social rights, and set standards relevant to particular areas, such as race and sex discrimination, migrant workers, children, persons with disabilities, torture and disappearance. This normative expansion has been accompanied by the creation of institutions to ensure that these rights are enjoyed on the ground. The human rights treaties create periodic reporting obligations for States parties, while most also allow for individual petitions, and sometimes suo moto inquiries where reliable evidence of grave or systematic violations of the treaty concerned is brought to the attention of the relevant treaty body. One human rights treaty body, the SubCommittee on the Prevention of Torture has a mandate to visit places where persons may be deprived of their liberty, assist in the establishment of national preventive mechanisms for the prevention of torture and work with such mechanisms. Charter-based mechanisms to promote and protect human rights include the forty-seven Member Human Rights Council, its 48 special procedures – and I am sure that the University of Pretoria is proud that Professor Christof Heynes is a mandate holder, as was Professor John Dugard in the past - and the Council's universal periodic review mechanism. These mechanisms rely for the most part on persuasion – sometimes through the generation of shame – to bring about human compliance. And there have been many successes: the reporting procedure of the human rights treaty bodies has brought about changes in laws, policies and programmes in many contexts, while the petitions procedure of the human rights treaty bodies has resulted in legislative and policy change and sometimes has reaped financial and other benefits for victims. For example, the Committee on the Elimination of Discrimination against Women's decisions on cases relating to violence against women have instigated the introduction of legislation of domestic violence, as well as police training and have been relied on by regional human rights courts. Several victims of these violations have also received compensation and reparations. The confidential communications procedure and visiting and reporting competence of the special procedures have resulted in many systemic changes at the national level, and also relief to individual victims, including stay of execution and release from prison. The universal periodic review mechanism of the Human Rights Council, whereby each of the 193 Member States of the United Nations are reviewed periodically by their peers has also been effective, possibly because it is a true peer review with each State wishing to excel. The Council has also been remarkably responsive to grave violations, convening special sessions and establishing fact-finding missions and commissions of inquiry to address particularly egregious situations.

The Universal Declaration has also inspired the establishment of regional human rights systems in all regions of the world including Africa which has now a Commission and a Court on Human Rights. This year, at its fifty-second session, the African Commission on Human and Peoples' Rights commemorated the twenty-fifth anniversary of its establishment and took stock of progress and remaining challenges. To underscore the universality of human rights and coherence of the global system for their protection, international and regional mechanisms have sought to enhance cooperation. Since its first session, the United Nations Human Rights Council has consistently promoted strengthened collaboration with regional systems, including with their special procedures mechanisms. One of the results of this is the Addis Ababa Roadmap agreed between the special procedures from the African and United Nations human rights systems in January 2012. This provides a solid framework for joint initiatives, exchanging information and following up to recommendations. Much has been done since January and December to give life to the Roadmap and its review, due in 2013, will allow us to highlight the important collaborative efforts undertaken. Professor Heyns is part of the joint working group of special procedures from both systems leading the implementation of the Roadmap and I congratulate him for the enthusiasm he has brought to the task which has led to tangible results.

Colleagues and friends,

We have come a long way since that 10 December in 1948. But much remains to be done, and there are many very public and disturbing human rights crises and violations, and many, such as domestic violence, sexual violence and harassment which are less public. This serves to shatter any illusion that full implementation of human rights standards is achievable in the short term.

The possibility that human rights norms, be they international, regional or subregional will be enjoyed by all, including the most marginalized and vulnerable depends on a number of factors, not least being the availability of pertinent information on the situation on the ground to bodies such as the Human Rights Council, the special rapporteurs and the human rights treaty bodies. This, in turn, depends on the work of human rights activists and defenders who disseminate the message of human rights to all segments of society so that individuals can demand respect, protection and fulfilment of all human rights. Human rights defenders work with human rights mechanisms encourage implementation by States of their

legal obligations in this context, with defence of human rights being the key to ensuring compliance with internationally recognised human rights instruments.

Now more than ever, human rights issues feature prominently and pervasively – although frequently contestedly – on national, regional and global agendas. In Africa much has been done to promote and protect fundamental human rights. The Centre for Human Rights at the University of Pretoria has had a strong role in advancing human rights in this region and beyond, including through its culture of academic excellence. The Masters Programme in Human Rights and Democratisation in Africa is one of the Centre's flagship projects. Since its inception in 2000, the Programme has produced 376 graduates, including those who are graduating today. These graduates now occupy important positions in government offices, the United Nations, international organizations, academic institutions, NGOs, regional human rights institutions, civil society organisations, private legal practice and other national and international bodies contributing to the promotion and protection of human rights. The Centre deserves praise and respect for the role it has played and continues to play in nurturing the very best of Africa's talent who go on to further the vision of human rights set out in the Universal Declaration across the continent and beyond.

Each year the Office of the High Commissioner for Human Rights adopts a theme for the celebration of the anniversary of the adoption of the Universal Declaration of Human Rights. The theme this year is - **“My voice counts: Inclusion and the right to participation in public life”**. This theme reflects the right of everyone to have their voice heard and participate in formulation of decisions that will shape their communities. This goes beyond elections, although certainly all should be involved in the choice of those who represent us in all governance institutions, to include standing for public office, and vote on the fundamental questions that shape our individual and collective destinies. Of crucial importance is the inclusion and participation of women in all contexts, including in times of peace, conflict, and in all stages of political transition, imperatives established by the Security Council in its resolution 1325 of 2000 on women, peace and security.

Friends,

Next year, the international community will celebrate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action by the second World

Conference on Human Rights. This will give us an opportunity to take stock of what has been achieved, and what more needs to be done. Many of the recommendations of the World Conference have been implemented including the elaboration and adoption of the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights, the establishment and strengthening of national institutions for the promotion and protection of human rights, the recognition of the contribution of non-governmental organizations to the promotion and protection of human rights and the finalization and adoption of the Declaration on the Rights of Indigenous Peoples. It was this Conference that recommended that the General Assembly consider the establishment of a High Commissioner for Human Rights, a position it created later that year through its adoption of Resolution 48/141. Accordingly we have reason to celebrate, not least in relation to the establishment of the role of High Commissioner as incumbents – particularly the current High Commissioner, Ms. Navi Pillay of South Africa – have proven to be convincing advocates for human rights and to a large extent the conscience of the world.

At the same time, women and girls, persons with disabilities, people belonging to minority groups, migrants, indigenous peoples, the poor, the illiterate and LGBTI persons often exist on the periphery of political, social and economic life. We must use the commemoration of the Vienna Conference as an opportunity to strengthen our advocacy, especially through the existing human rights mechanisms to pressure States to garner the necessary political will to implement the legally binding human rights obligations they voluntarily took on to the full. The theme ‘My Voice Counts’ should inspire us to work for an inclusive and participatory legal, political, economic and social system, in which all human rights are enjoyed by all. And you, LLM graduates, are now equipped to play a strong role in this endeavour.

However, defending human rights can be dangerous. In some countries, human rights defenders, including those who interact with human rights mechanisms have lost their lives. They, and frequently their family members, have been threatened and abused, and sometimes imprisoned for speaking out against violations of human rights. Often, they are perceived as a threat to the status quo, particularly in abusive and undemocratic regimes, and those who dare to speak against injustice are often portrayed as disloyal to their

countries and even enemies of the State. Indeed, the most recent report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights provides concrete information on reprisals against human rights activists. The Secretary-General himself, the High Commissioner and the President of the Human Rights Council have been outspoken on this issue, including in relation to specific cases. Reprisals are an extreme, but human rights work is never easy, but it is always gratifying as there are many who aspire to live a life of human rights enjoyment. There are also many human rights defenders, including your fellow graduates, the alumni from this programme, and experts, such as Professor Heyns, who will support you as you join their ranks. I wish you happiness, satisfaction and success for the future.

Let me turn now to the doctoral graduates. You have achieved much and provided significant research contributions which will strengthen and enhance the development of international human rights law. You have worked hard and no doubt made sacrifices, and throughout you have been supported by family and friends. Through the fact you have completed doctoral studies, you have shown commitment, diligence, perseverance and strength of character. The noble title of “*Doctores iuris*” recognizes your profound scholarship, but also invests you with a responsibility to employ your considerable talents and achievements to appropriate effect, including in the service of others. Some of you may choose to strengthen the work of human rights defenders; some may continue to conduct cutting-edge research/ scholarly work, others may wish to support of efforts directed towards the furtherance of democracy and human rights, socio-economic development, and peace and security. You may also consider becoming part of a human rights treaty body, a special procedures mandate holder, a staff member of a national, regional or international human rights organization or to represent their Governments in human rights fora. Whatever path you follow, I am confident you will continue to excel and inspire.

Dear Friends,

In closing, let me again point to the important role the Centre for Human Rights and its academic and administrative staff have played in ensuring that level of human rights education in Africa is of high quality and truly makes a difference. The Centre has been rightly honoured by the African Commission on Human and Peoples' Rights when it awarded its first ever NGO Prize for the Promotion and Protection of Human Rights to the Centre on 9



October 2012 in Yamoussoukro. My sincere congratulations! We at OHCHR have cooperated and collaborated with the Centre since its establishment and look forward to building on this in the field of human rights education, promotion and research in the coming years.

Thank you very much.