

Universal ratification of the major international human rights treaties should be a priority. Furthermore, a number of human rights instruments have been crippled by reservations made to them. In particular the Convention for the Elimination of Discrimination against Women and the Convention on the Rights of the Child have thus been seriously undermined. In addition, a discouraging amount of these reservations are either in form or in contents contrary to international treaty law. Such reservations must be challenged. My Government strongly objects - and will continue to object - against such reservations. The universality of human rights norms must afford the same protection to every individual human being irrespective of race, religion, gender or age.

The obligation to respect human rights and fundamental freedoms rests first and foremost with States. The result of this conference will be an important indicator of the political will of every Government represented here. Only when Governments shoulder their responsibility to promote enjoyment of human rights can international cooperation be fully successful.

Mr. President,

At the same time, my Government is convinced that the international community must develop a system with adequate resources for effective monitoring of implementation and with the ability to provide assistance to countries in need of support. Those days are long gone when respect for these rights was something exclusively inside the domestic sphere of states. There is an increasingly apparent relationship between violations of human rights and situations involving threats to international peace

and security. This increases the need for the international system - the Security Council, the Secretary General and the Commission for Human Rights - to be equipped to deal more directly with emergencies and grave violations.

The establishment of the position of a High Commissioner for Human Rights would be a significant achievement in this regard. The holder of this office, who would also be the top official of a strengthened Centre for Human Rights, should be accorded the authority to send fact-finding missions and to undertake other initiatives for the promotion and protection of human rights. He or she should have a coordinating responsibility for the human rights activities of United Nations organs and expert bodies and be a focal-point for the implementation of human rights programmes within the United Nations system as a whole.

Mr. President,

Despite the clear prohibition of torture in numerous international instruments, we are a long way from seeing its eradication in practice. The establishment of a supervisory mechanism allowing for visits to places of detention, by way of an optional protocol to the Convention against Torture would, in my view, provide a means of reducing the occurrence of this crime.

The abolition of the death penalty is another issue of fundamental importance. Universal acceptance of the Second Optional Protocol to the International Covenant on Civil and Political Rights regarding the Abolition of the Death Penalty is vital for the advancement of human dignity worldwide. My Government urges Governments which have not yet done so to adhere to this Protocol. In the interim, death sentences should not be carried out.

Mr. President,

The promotion of women's rights is indispensable in the development of society. However many women are continuously discriminated against and denied their fundamental rights and freedoms. In situations of war and oppression women invariably are more exposed to starvation, outrages and exploitation. But even under ordinary circumstances various forms of violence against women are widespread. In its most extreme form, this even involves gender selection by means of killing baby-girls or aborting female fetuses.

The abhorrent practice of rape of women and children in times of armed conflict must be condemned in the strongest terms. These acts are war crimes. The perpetrators must be brought to justice and prosecuted as war criminals. Sweden therefore welcomes the United Nations Security Council decision to establish an International Tribunal for the former Yugoslavia.

This conference must seek ways to guarantee the enjoyment of all human rights and freedoms for women. Issues of discrimination and violence against girls and women urgently need to be brought into the mainstream of the existing machinery for the protection of human rights. Sweden strongly supports the early adoption by the General Assembly of the draft Declaration on Violence against Women as well as the appointment by the Human Rights Commission of a Special Rapporteur on violence against Women.

Mr. President,

The adoption in 1989 of the Convention on the Rights of the Child, and its early ratification by a large number of states, was a major achievement. It sets an agenda for all of us. If we cannot protect the children, our future is at risk. As Parties to the Convention we have undertaken to give children protection and afford them utmost priority. Still millions of children in all parts of the world starve, live in the streets, are hunted like animals and forced into prostitution and other forms of slavery. The widespread economic exploitation of children will have destructive effects on the future of society.

The situation of children in armed conflict warrants special attention. In particular, measures should be undertaken to facilitate assistance to children in war zones. Children under the age of 18 should not be recruited as soldiers.

We must cooperate to put an end to the abuses I have just mentioned. As Governments we should also develop national policies where the best interest of the child is a guiding principle and make decisive efforts to fully implement the standards laid down in the convention of the Rights of the Child.

A family based on mutual respect and understanding provides the natural protection for the child and the environment where his or her moral values are formed. The basic values behind the concept of human rights cannot solely be expressed in law or taught in schools. They are instilled in a person's mind throughout his growth through contact with those nearest him.

My Government welcomes 1993 as the International Year of the World's Indigenous People as an opportunity to promote the rights of indigenous populations worldwide.

Freedom of thought, conscience and religion are the cornerstones of human rights. The freedom of opinion and expression is fundamental to the inherent dignity of the human being. Equally important is the freedom to have or to adopt a religion or belief of one's choice. This obviously includes the right to change one's religion.

Mr. President,

To my Government the equal value of all human beings is also a guiding principle in development. The individual must be the central subject and agent of development. In this lies the key to the relationship between human rights and development. Human Rights provides standards and directions for development endeavours. The general social and economic development of a nation enhances the capacity of the individual to enjoy his or her human rights.

Human rights and development are thus not competing agendas. Instead, a proper approach is to recognise that progress in either field will prove beneficial to the other.

The market economy is a prerequisite for liberty, prosperity and democracy. But it is in itself no guarantee for a just and humane society. However, human rights provide necessary norms to limit and control any adverse effects.

In February, I convened an international conference on Development Cooperation for Democracy and Human Rights in Stockholm with eminent individuals with a wide range of experience. The conference gave an opportunity to engage in a dialogue on possible ways for the international community to respond constructively to recent encouraging trends towards democracy and enhanced respect for human rights.

Clearly it is for each government to mobilise its resources to ensure the respect for and attainment of human rights. Where such political will prevails but limited resources form an obstacle, the international community should take responsive action in assisting individual states to fulfil their commitments. My Government is willing to share its responsibility in providing support, where so needed, to governments in their efforts to strengthen the rule of law and to initiate or consolidate democratic processes.

In particular, I like to point to the crucial role that the electoral process plays in any democracy. My Government has set up an Independent Electoral Institute Commission to study the feasibility of establishing an international and independent institute for electoral assistance.

The challenges in the field of human rights are great. They cannot be met unless commitments are translated into actual resources. The amounts presently devoted to promotion and protection of human rights, on the national as well as on the international level, are grossly inadequate. From this Conference should follow a resolve for a considerable increase in these resources by all governments, bilateral and multilateral development

agencies and financial institutions. Such an understanding is crucial for future progress in the field of human rights.

Around the world, people risk their lives by fighting for human rights and fundamental freedoms. The crucial role of non-governmental organizations in this regard must be fully recognized. We must fully support these defenders of human rights. Free thought, and the unhindered right to express opinions, are indispensable conditions for the defence of human rights. I would even say that freedom of speech and expression and the free flow of information are the best allies of the oppressed, the persecuted and the suffering in different parts of the world.

We have come to Vienna knowing that people have great expectations for this Conference. We cannot let them down. For the sake of the victims of violations of human rights and for all who do not enjoy their fundamental freedoms, we must now join together in making this Conference an important milestone.

Thank you, Mr. President

Check against delivery

STATEMENT

by the Head of the Delegation
of the Republic of Poland
Professor Krzysztof Skubiszewski
Minister for Foreign Affairs
to the World Conference on Human Rights

/Vienna, 15 June 1993/

Mr President,

I wish to join all the Members of the United Nations in expressing our gratitude to the Austrian Government for the hospitality extended to the World Conference on Human Rights.

I intend to deal briefly with six subjects:

/1/ universality, /2/ human rights as an international issue, /3/ need for an action programme, /4/ law-making and law enforcement, /5/ structural reform and /6/ non-governmental organizations.

1. Universality

In the 25 years which elapsed since the Conference in Teheran, the world has seen both progress and failure in the implementation of human rights. At the dawn of XXI century, the violations of these rights remain among the main challenges to civilization; they are a threat to peace, security and sustained development.

The principles of universality and indivisibility of human rights are the cornerstone of the legal regulation and of the practice based on law. The universality stems from the equal dignity of all human beings, which is the primary source of human rights.

However, the problem /as we know/ is not simple. At least two arguments are adduced to weaken universality.

The first consists in the economic differentiation of the world, which accounts for the divergent priorities in the policies of States affecting people. There is also a rather confusing discussion on the conditionality of human rights protection. At any rate, poverty is an enemy of human rights.

The second argument is what is often described as cultural peculiarities. We all respect different cultures and civilizations; they are our mutual enrichment. But that is no reason for lowering or diluting human rights protection. Any relativization of human rights leads to their eventual denial.

2. Human Rights as an International Issue

The indivisibility of peace, security, human rights and sustained development is borne out by past and present experience. The experience shows that in many instances violation of human rights has international repercussions. That alone eliminates any exception of domestic jurisdiction and justifies concern by the United Nations or regional organizations such as the Council of Europe and the Organization of American States. But let me remind you that apart from any direct or indirect international effect which a violation of human rights may have, the very issue of, and the very respect for, these rights underwent a process of internationalization.

Human rights are today an international problem. Consequently, respect for human rights is no longer a matter which remains essentially within the domestic jurisdiction of the State. It is, on the contrary, a matter which Member States must settle in accordance with international law, including the law of the United Nations. Here Article 2, para. 7, of the Charter is no bar to action by the Organization.

3. Need for an Action Programme

We must take advantage of the favourable international climate created by the growing recognition of the link between democracy, rule of law and human rights, especially in view of the liquidation, in many countries, of the authoritarian or totalitarian regimes.

The Conference should initiate the process of devising solutions and mechanisms which would open new perspectives of the international promotion and effective protection of human rights. We need the will and the power to take decisive steps to stop human rights violations, including those on a large scale. This Conference should launch an action programme. That programme should provide for aid with regard to constitutional reform in the new democracies. It is a type of aid which in the long run may prove more important than financial assistance. Let me suggest the elaboration by the Secretary-General of an "Agenda for Human Rights" which would, I am sure, play a similar thought-provoking and practical role as his "Agenda for Peace".

4. Law-Making and Law Enforcement

The Polish Government accepts the view that the process of human rights standard-setting has been, grosso modo, accomplished for the time being. Unfortunately, a number of States have not ratified the human rights

conventions, including the International Covenants. The Conference should urge such States to re-consider their position. Of course, where indispensable, standard-setting should be continued. Examples at hand are rights of national, ethnic and cultural minorities, human rights affected by the mass migration, rights of aliens, human rights within the context of progress in biology, genetics, and medicine, and finally rights of most vulnerable groups. And let us not forget that any law-making in the sphere of human rights has to abide by the commands of morality.

At present the main effort should focus on ensuring respect for the established human rights. In practical terms, this should mean improvement of the implementation machinery, expansion of means of preventing human rights violations, and generally strengthening the United Nations structures responsible for human rights. Poland insists on a more resolute reaction to the non-compliance with the law on the protection of victims of conflicts which are internal or which combine the elements of civil and international wars. Former Yugoslavia is a case in point. Reports by Mr. Tadeusz Mazowiecki, special rapporteur of the Commission on Human Rights, are pertinent here.

The development of the international protection of human rights has brought about a proliferation of mechanisms and procedures. Today we face the task of their rationalization.

The Polish delegation is firmly in favour of making the mechanism of individual petitions to international organs broadly accessible. Otherwise the individual does not enjoy direct international protection, and we find such directness relevant in terms of effectiveness. We support the proposal to establish the procedure of individual petitions in regard to the International Covenant on Economic, Social and Cultural Rights, and rights of women. Guided by the principle "ubi ius, ibi remedium", the international community should consider the feasibility of creating an international Human Rights Court.

The perpetrators of human rights violations, in particular the grave ones, must know that they will eventually be brought to justice. Poland welcomes the decisions of the Security Council on the international penal procedure.

The lesson of the recent experience is that the United Nations should elaborate methods and means of prompt and effective reaction to the mass violations of human rights and humanitarian law. I am referring to the two special sessions of the Commission on Human Rights. While conciliatory procedures and good offices offered by the UN organs should continue to occupy a prominent place, we should not hesitate to take forcible measures where necessary. The Government of Poland welcomes the growing involvement of the General Assembly and the Security Council in the enforcement of human rights.

5. Structural Reform

Let me observe that what is striking in our activity is the lack of proper correlation between the high rank accorded to human rights in the Charter and their rather low position in the structure of the United Nations. That deficiency detracts from the efficacy of our efforts and sometimes makes the meeting of current needs impossible. The present Conference constitutes an opportunity for amending this inconsistency.

The upgrading of human rights in the structure of the United Nations requires complex and internally coherent measures. They must consist in enhancing the position of the Commission on Human Rights and in strengthening the Centre for Human Rights. Ultimately, the Commission should be upgraded so as to ensure its direct access to the General Assembly and in some cases to the Security Council. We share the view concerning the need for a reform of the Commission's competence and work.

Also, one could suggest the merger of the Second and Third /main/ Committees of the Assembly, i.e. the Economic and Social Committees, while a new main Committee could be established to deal exclusively with human rights.

Poland supports the idea of creating the post of the UN High Commissioner for Human Rights. The idea deserves careful examination as part of the adaptation of the UN structures to new developments.

The Conference should also urge a re-allocation of means in the framework of the UN regular budget in favour of human rights.

6. Non-Governmental Organizations

This intergovernmental forum cannot pass over in silence the fact that the condition of human rights depends largely on the involvement of the non-governmental organizations and their members. The NGOs disseminate knowledge on human rights, draw our attention to human rights violations, assist victims, and are often in the forefront of the search for optimal solutions. The Polish Government pays tribute to their enormous devotion and work. The Conference should appeal to the Commission on Human Rights to finalize the draft Declaration on the rights and responsibilities of human rights defenders.

7. Conclusion

In conclusion, let me join the voice of Poland to the voices of those who hope that the spirit of solidarity will prevail and will enable us to map the road well into the new age. The United Nations must act to ease human fate and enhance human dignity. We must be constantly aware of our duties - for the common good.

WORLD CONFERENCE ON HUMAN RIGHTS

STATEMENT BY THE HEAD OF THE BRAZILIAN DELEGATION

HIS EXCELLENCY MR. MAURÍCIO CORRÊA

MINISTER OF JUSTICE

Vienna, 14 June 1993

Mr. Chairman,

On behalf of the Brazilian Government and the Brazilian people I would like, first of all, to present my compliments to the Austrian people and the Austrian Government for their initiative to host this World Conference on Human Rights, in Vienna. Having had the honor to host the Conference on Environment and Development in Rio de Janeiro, in 1992, Brazil particularly wishes that this second event of global interest, within the series of conferences scheduled by the United Nations for the decade of the nineties, be successful and useful for all concerned. The fact that it is taking place in Austria constitutes for Brazil a first step in the right direction. It is, thus, totally appropriate that Your Excellency should assume the chairmanship of our meetings. I wish, therefore, to express the most sincere compliments of the Brazilian Delegation to Your Excellency, as well as to the other members of the Bureau, on your election.

Mr. Chairman,

When Resolution 45/155 was adopted in 1990, summoning a World Conference on Human Rights to be convened in 1993, the world was undergoing a series of radical political changes which seemed to strengthen the notion of human rights as essential values, that can not be eluded for life in society. After two

and a half years, historical experience, with its tragic ironies, confronts us with a scenario much less constructive. The multiplication of conflicts, some of which bearing characteristics that remind us of the worst practices of human brutality committed during World War II, can hardly generate any feelings of hope and optimism.

Despite all this, the fertile seeds planted in 1990 must not be discarded. If national, ethnic or religious conflicts keep increasing in number, together with a mass of related human rights violations, the efforts of the international community to find a solution to such conflicts have been more intense than over the last decades. If intolerant practices are again observed, not only in conflict areas but also in the midst of advanced societies where those practices were no longer supposed to exist, such practices have been accompanied by expressive manifestations of repudiation by the international community in general as well as by the populations involved.

The World Conference on Human Rights is, without any question, one of the most important seeds to which I have referred. Hence the increased responsibility that is incumbent upon us. Hence the vital necessity that our work constitute an effective, positive step to improve international cooperation in favor of human rights.

In order to reach this goal we must know how to formulate concrete proposals to advance our common cause. It is also necessary to have our spirit sufficiently open to accommodate concerns and perceptions different from ours. The deliberations of this Conference must necessarily reflect the universality of its composition. And this, of course, makes our job much more complex than that of a national or a regional forum.

Above all, we should avoid questioning the validity of some concepts which have for so long been defined by the international community in the Universal Declaration on Human Rights, as well as in a vast sequence of international pacts and conventions already in force on that matter.

Mr. Chairman,

According to Brazil's perception, the international instruments on human rights very clearly enthrone some concepts which seem to have been questioned during the negotiations on the final document that all of us hope to be able to adopt during this Conference. The first of them concerns the indivisible and interrelated character of all rights. The second one refers to the individual and collective dimensions of the human rights.

After long and cautious deliberation by the National Congress, Brazil adhered simultaneously to the International Covenant on Civil and Political Rights and to the International

Covenant on Economic, Social and Cultural Rights. This simultaneous adherence emphasizes by itself the interrelationship and indivisibility that we attribute to such rights. By establishing such interpretation we are fully aware that the economic, social and cultural rights, though harder to attain, constitute essential prerogatives for individuals and social communities to lead a normal life, besides having a direct impact on the general situation of human rights, including on the implementation of civil and political rights.

We applaud, therefore, the decision taken during the preparatory process of this Conference to examine in this forum the interrelations existing between democracy, development and human rights.

As far as Brazil is concerned, this relation is neither simple nor automatic. Nothing could be farther from truth than the notion that development, which is a right in itself, automatically generates democracy and full observance of human rights. On the other hand, the problems faced by developing countries can under no circumstances be used as an excuse for violations. All governments, regardless of the level of development of their countries, share a moral and juridical obligation to avoid any actions that infringe upon individual rights.

Regarding the individual and collective dimensions of human rights, Brazil notes with apprehension the reopening of a debate which should have been transcended long ago.

Without entering into any discussion on the nature -- whether organic or individualistic, this word taken in the positive meaning -- of modern societies, the texts of the two international Covenants on human rights begin with the assertion that "all peoples have the right of self-determination". We have for a long time been dealing with different interpretations of this right: some in support for the struggle for decolonization and against foreign occupation, some offering incentives to democratic representation systems based on individual voting. Brazil understands that both interpretations are equally valid, and that both involve individual and collective aspects. The same reasoning applies to the right to development.

Brazil also understands that the reference to the triad "democracy, development and human rights" constitutes an essential factor for this Conference to be successful. Just as representative democracy constitutes a practically universal value and goal in the post Cold-War world, so must the issue of development be likewise conceived. If, on the one hand, observance of civil and political rights can no longer be contingent on the previous attainment of conditions for full development, on the other hand one cannot imagine that full implementation of human rights

can be abstracted from the economic and social situation of the populations involved.

Allow me, Mr. Chairman, to add that Brazil, within this context, constitutes one of the most eloquent examples. We live today, in our country, a period of unrestricted liberties, never equaled in our history, and hardly reached, perhaps, in other societies. Our democratic institutions work perfectly well, having come out strengthened from the recent, difficult test of a presidential impeachment.

In effect, by legally ousting, in accordance with constitutional rules, a President who no longer merited the mandate conferred upon him by the legitimacy of the vote, Brazil has made a farther step in its democratic consolidation and clearly demonstrated its political maturity. In spite of the long duration of the procedure, and of the intense and decisive participation and mobilization of our society to that aim, no incident of insult to law and order, nor violation of social rules ever occurred.

In the area of human rights the Government acts in a totally transparent fashion, maintaining full dialogue and cooperation with the civil society, non-governmental organizations, and with the relevant bodies of the international community.

In this context, I wish to mention the work performed by the Council for the Defense of the Rights of the Human Person,

through preventive, corrective and sanctioning measures, for the promotion, respect and defense of human rights. By receiving and inquiring on denunciations of acts and situations that violate human rights, its activities represent an important support and orientation for the adoption of pertinent measures by the competent bodies and authorities.

Despite all efforts deployed, it is necessary to acknowledge that some difficulties still exist for the full observance of human rights in the country. While political rights and individual liberties are flawlessly respected, other fundamental rights are often threatened or struck by historical or structural problems.

Having taken office as President of the Republic of a country potentially rich, but suffering from high inflation, unemployment and a poverty-stricken contingent of the order of 32 million people, President Itamar Franco has established as his Government's main priority the eradication of hunger and misery that devastates such a significant portion of our population. To quote his own words, during a recent interview in Montevideo, "...We'll have to fight inflation by fighting at the same time poverty and misery, in order to enable the country to grow."

It is not surprising that violence eventually erupts upon such a scene of deep economic and social troubles. To combat violence adequately, however, denunciations, warnings and demands are not enough. They are useful and valid as ingredients

of a process of mobilization. A profitable cooperation for the sake of human rights cannot be limited to the exaction of governmental actions. Such cooperation should instead offer governments appropriate conditions to obtain the necessary means for their action.

Mr. Chairman,

The international community has already performed an important work in the establishment of universal standards of human rights, in the form of Declarations and Conventions. In the sphere of control, many mechanisms have been created to monitor specific situations and "thematic" violations of human rights all over the world. This effort is helpful, and Brazil is ready to consider in a positive way all suggestions conducive to its improvement.

We understand that this World Conference might as well open new forms of international cooperation in the area of preventive action. We have in mind, in particular, the creation, within the United Nations, of a specific programme capable of offering technical, material and financial assistance to national projects with direct impact on the human rights situation, such as those involving administration of justice, training of police personnel, construction and reform of correctional establishments, as well as equipping the national supervisory bodies. We recognize that the "advisory services" offered by the Center for Human

Rights constitute a first step in this direction. We know, however, their limitations. What we really have in mind is something significantly wider and more embracing, something that may accomplish in the area of human rights what the United Nations Development Program is trying to achieve in the area of development.

Mr. Chairman,

For Brazil, a country which holds, within the American continent, one of the biggest indigenous populations living in accordance with their ancestral traditions, the coincidence of holding this Conference in the International Year of the World's Indigenous People is auspicious. We understand that the commemoration of the International Year in this forum will reaffirm the commitment of the international community to ensure the full enjoyment of human rights and fundamental freedoms by indigenous people and the recognition of the value and diversity of their cultures. The commemoration will also reflect the importance attributed to the economic, social and cultural well-being of these communities and their participation in the process of sustainable development.

We consider that the International Year should serve as a starting point for the elaboration of concrete projects with a broader scope, longer duration and direct impact on the living conditions of the world's indigenous communities. To this purpose,

and in light of the scarcity of resources for the implementation of projects of this nature, it would be desirable to encourage a stronger participation of the specialized agencies of the United Nations system, both at the financial and at the operational levels, in the programme of activities for the International Year.

Also within this context, we acknowledge the importance of standard-setting activities now being carried out by the United Nations with a view to promoting and protecting indigenous rights. This is one of the few thematic areas of human rights in which elaboration of international legal instruments is still required. I wish to reiterate the Brazilian Government's support to the adoption, as earlier as possible, of a universal declaration on indigenous rights that might effectively contribute to the well-being of indigenous communities and to the full respect of their identity and diversity.

Mr. Chairman,

At the beginning of this speech I had the opportunity to mention the World Conference on Environment and Development. We believe it was successful. It demonstrated that, despite all different perceptions held by its participants, a universal dialogue, constructive and wide in scope, dealing with this subject of global interest, is possible and desirable. Agenda 21, which was adopted by it, does not fail to establish clear connections between environment issues and human rights.

During the preparatory work of the Rio-92 Conference moments of frustration and discouragement were also experienced. We should not allow the difficulties felt during the preparatory work of this Conference to impregnate ourselves with negativism. The humanism prevailing in the subject matter of our meeting should be the engine of solidarity, not of confrontation. We feel confident that, by working in a constructive manner, here in Vienna, we will be able to identify, along the consensus areas, formulas capable of strengthening international cooperation in the subject matter of human rights, just as in Rio, in 1992, our countries were able to do, in relation to environment. May Your Excellency count on the total cooperative disposition of the Brazilian delegation in order to help our work to succeed.

Thank you.

WORLD CONFERENCE ON HUMAN RIGHTS

STATEMAN OF AMBASSADOR

ROBERTO GARRETÓN M.

Chief of the Delegation of Chile

Vienna, 16 de junio de 1993.

Mr. Chairman,

Allow me, first of all, to congratulate you for your well-deserved election to conduct our meetings during this Conference. My delegation is convinced that under your judicious chairmanship this Conference will turn out to be the success wished for by many millions of human beings who nowadays struggle to survive in spite of oppression, violence and misery. You may count upon the full cooperation of the delegation of Chile.

Mr. Chairman,

In this Second World Conference on Human Rights, on request of the General Assembly, we have to evaluate the progress achieved since the First Conference held in Teheran in 1968, as well as the problems encountered so far. In that first great gathering, U.N. member States took stock of the achievements until then, with regard to the Covenants of 1966, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the International Convention on the Elimination of All Forms of Racial Discrimination, and with a general reference to other declarations and covenants signed in the framework of the U.N.

The Declaration of Teheran, which was conceived as a kind of political declaration, without concrete objectives that could be subject to future evaluation and without proper mentioning of the human rights situation at that time, sank into outright oblivion, so much so that it is not even cited in any of the resolutions adopted by the General Assembly and by the Human Rights Commission in relation to the event which we were convoked to these days.

God forbid this to be the destiny of this Conference of Vienna. It depends on our endeavors to set for the peoples of the world a landmark to which to refer in their quest for greater freedom and which will effectively contribute to improve the international system of protection of human rights, expression of the solidarity existing between them.

Mr. Chairman,

I represent a people of the most indebted ones to the United Nations for their intervention in favor of human rights and democracy. As soon as our civil society, in which we used to take pride, was crushed, the great majority of the peoples that constitute the United Nations showed their concern for and solidarity with our tragedy. One of the most remarkable expressions thereof, for its innovatory nature, was the designation of a Working Group of the Human Rights Commission, in charge of examining the human rights situation in our country. At the end of its mandate in 1978, the Commission designated successively three rapporteurs to the same purpose, the last of whom finished his mandate with the recovery of our freedom. The names of the experts

and rapporteurs Fernando Volio, Rajsoomer Lallah, Ghulam Ali Allana, Abdoulaye Dieye, Marian Kamara, Leopoldo Benítez and Félix Ermacora are unforgettable for the Chileans and allowed us to join nearby and distant nations of the most divergent cultures, like Costa Rica, Mauritius, Senegal, Sierra Leone, Ecuador and Austria, the latter of which so warmly is receiving us on this occasion.

We are also most grateful for the huge contribution to the cause of human rights in Chile made by Non Governmental Organizations. We identify ourselves with their action, when nowadays they find themselves attacked and disqualified and when they are accused of crooked intentions and twisting the truth. These very accusations, exactly the same, we used to hear them over and over in those troublesome times our country passed through. I bear witness to the absolute veracity of their informations, permanently confirmed by history and to the honesty of their patient and disinterested work, which on many occasions does imply considerable risks. Numerous are the victims they deplore at all latitudes and therefore the Government of Chile pays them the tribute dearest to them: to believe them. Chile in no way looks upon them as enemies, for they are not. We consider their work to be a cooperation in the pursuit of public welfare and appreciate their contribution even if, in accomplishment of their mandates, they formulate criticism or objections to any governmental action.

Mr. Chairman,

The history of the conquest of human rights, initiated in its modern phase in the second half of the XVIIIth century, has been a continuous struggle of the peoples to have their governments and institutions warrant their fundamental rights. It has definitely been a complex history, as it is a question of surmounting centuries of autocracy and iniquitous economic systems. The most spectacular progresses, on national as well as international level, have always been the result of reactions to sheer despotism and pogroms.

"We, the peoples" founded the United Nations. The defence of our rights is to be the prime objective of the Organization.

Unfortunately, in spite of the undeniable progress achieved in the field of human rights, there are still many States that instead of accomplishing their essential task of promoting public welfare, are seriously and systematically violating the fundamental rights of their subjects. Fortunately, the United Nations have been steadily improving mechanisms of investigation on such violations. Obviously there is much to be done still, but what really matters is that headway is made in the right direction, which is towards protecting the interest of any individual in whatever part of the world whose basic rights are trampled. The peoples are looking forward to new steps in the fulfillment of this

noble task, so that no pretext whatsoever, whether it be "raison d'Etat", national security or interest of race or class, may be misused in order to frustrate the endeavors of the world organization to further the protection and promotion of human rights.

To put it in plain terms, we invite the Conference to orientate its debates according to the following essential question: what is - in any of the matters to be discussed here - the interest of the prisoner of conscience; of the torture victim; of the indigenous, of the illiterate; of the parent of the missing detainee or the summarily executed; of the member of an ethnic minority, of the disabled, of the migrant; of the discriminated woman, of the refugee; of the victim of foreign occupation; of the hungry; of the individual deprived of the right to choose his rulers or to participate in public affairs?

It is in this perspective that the delegation I represent examined and determined its position as to the main subject matters which will retain our attention in the coming weeks. I will briefly refer to some of them.

For Chile, the universality of human rights means to recognize the inherent equal dignity of each and every inhabitant of this planet, without distinction as to culture, religion, history, race and traditions. This assertion is valid in the light of the most divergent philosophies, religions and political ideologies. It would be highly discriminatory to recognize that certain world visions, which reject that essential and equal dignity, pretend to deny to certain human beings its consequence, which are the fundamental rights. When proposing the text which allowed the approval of the 1948 Charter of Paris, the editors were wise enough to abstain themselves from tackling the problem of the nature and purpose of man and to restrict themselves to his protection.

My delegation considers that the international concern for the observance of human rights in any country is not only morally unavoidable, politically desirable, legally feasible and humanly indispensable, but also in practice has proven to be very useful. The case of my country is utterly elucidative. This concern cannot be rejected by qualifying it as intervention in domestic affairs or as being unjust and "selective". The concept of "non selectivity" does not have any historical basis, since it does not appear in the Charter of the Organization, nor in the Universal Declaration, nor in any of the Covenants and Conventions of Human Rights, nor in the Declaration of Teheran, nor in any transcendent text. Its use arose from the military dictatorships which devastated Latin America for more than two decades. In Chile we have heard this term for a long time, unable to react, while being grateful to the United Nations for its support - selective or not - to our struggle to regain our freedom. The concept is also devoid

of any legal support, since there is no text, no doctrine, nor custom to consecrate it. My delegation does not find any ethical basis for its use in this context, since life itself, and particularly political life, is an uninterrupted series of "selections" made at every single moment.

In the third place, for Chile democracy is intrinsically a fundamental human right. The proper social dimension of man makes that he cannot be considered as marginal or indifferent towards the destiny of the nation he belongs to. To refuse the right of political participation or to establish mechanisms which alter the free choice of the people, to suppose that only one single ideology is capable to solve the problems of the nation, means to deny the philosophical and political quintessence of one of the essential components of freedom. The exercise of the right to development, to which my country attaches the greatest importance as an inalienable human right, entails the exercise of political freedom and democracy. Democracy is not a luxury of the developed countries, which are what they are mainly thanks to their practicing democracy. That is why in the Declaration of San José in January earlier this year, the representatives of the countries of Latin America and the Caribbean considered that the defence and strengthening of representative democracy constitute the best guarantee for effective observance of all human rights, and they emphasized that disruption of democratic order constitutes a threat for human rights in the respective country, with negative repercussions upon the region and particularly upon the neighbouring countries. If democracy is a human right, and it definitely is, programmes for strengthening democracy and electoral assistance should be priorities in the work of the United Nations.

In the same aforementioned approach, my delegation believes that if we want to protect the individual, we have to endow him with efficient mechanisms, within the framework of the U.N., to properly deal with his grievances. The current procedures in this respect are based on the acceptance by the States - in the conventional procedures - or, in the non-conventional procedures, on confidential mechanisms in which the person is not even informed about the outcome of his claims and even less about the response provided by the affected State. The abysmal inequality between the individual and the State gravely impairs the credibility of the Organization.

In the same outlook, the delegation of Chile supports the designation of a Permanent Commissioner for Human Rights which, without prejudice to the competence of the General Assembly, ECOSOC and their agencies and of the Secretary-General, should assume the coordination of all the activities of the U.N. system related to human rights. This would include the responsibility of the human rights component in peace operations in which the Organization is involved, like for instance the successful experience of the mission in El Salvador; the sending of missions in cases of serious

and massive human rights violations and the reporting to the Secretary-General on situations which, according to art. 99 of the Charter, would require specific action from the part of the U.N.

Two international judicial instances have been proposed, both of manifest necessity. The first one is an International Court of Human Rights. The international community is already familiar with the experiences of the European and Interamerican Courts of Human Rights. Their pronouncements are made either by way of consultative opinions or settlement of conflicts between individuals and States, although in one of the cases the representation is indirect. The resolutions of both Courts have become an important obstacle for human right violations by imposing the reparations required by the supreme value of justice. What valid reason could be adduced to prevent a Court of the same nature from being installed for the well-being of all nations and human beings of the world?

On the other hand, one of the most important incentives for the non-observance of the fundamental rights is the impunity of human rights offenders. "Any person who perpetrates an act which constitutes a crime against international law is held responsible thereof and shall be subject to punishment" proclaims one of the Principles of International Law, recognized by the sentence of the Court of Nuremberg. That is why it is becomes ever more urgent to establish an International Criminal Court, on a permanent basis, which warrants perfect impartiality towards accused and accusers, and which through regular and expeditious procedures may judge crimes of war, crimes against peace, crimes against humanity and massive and systematic violations of human rights, which because of their gravity it would be incumbent upon it to judge.

Mr. Chairman, capital punishment is a subject of general concern for humanity that has engendered a permanent debate as to its abolition. It seems rather unrealistic to plead today for its complete abrogation. A temporarily suspension of its application, however, for a period of five years, would allow to evaluate whether it is true what the partisans of capital punishment maintain that its abolition would increase delinquency. Therefore, it is suggested to make up the balance at the end of such a period as to the incidence of this measure on crime rates. If, at the end of these five years there appears to have been no increase in delinquency, a decisive step towards its abrogation will have been taken.

My delegation is also concerned about the situations of discrimination and violence against women, both in times of peace and in armed conflicts. It is incumbent upon the States to adopt measures to prevent or punish these acts. For my Government improvement of democracy requires turning into reality the equality of opportunities between men and women and warrant their rights as equal members of society.

Chile, being a pluriracial country, values the contributions its aboriginal peoples have made and continue to make to the Chilean idiosyncrasy and culture and to mankind. The time is ripe to recognize the injustice having been committed for so many centuries. The proclamation of the International Year of Indigenous Peoples and the elaboration of the Universal Declaration of the Rights of these Peoples, stand for the interest of the international community as a whole, because of the justice enclosed in the full and free participation of the autochthonous populations in all aspects of society, including, obviously, those which affect them directly. In this context, for the first time in our history, the Government of Chile abandoned its assimilative policies, switching to a policy of participation and collaboration, to which all indigenous organizations have been invited - although unfortunately one of them auto-excluded itself - in order to elaborate together strategies of development and recognition of the autochthonous cultures.

Mr. Chairman,

Thousands of millions of human beings have their eyes and hopes turned towards this Conference. They expect from us serious debates about subjects which are decisive for their lives. They want the words "State", "United Nations", "Universal Declaration", "Conventions", "freedom", "justice", "dignity" to really make sense to them, to feel them nearby, alive. They want this World Conference to be "their Conference", in which their distress and anxieties are brought forward and the iniquities they suffer are duly taken care of. When we finish our task, they want to see a new way towards greater freedom and greater hope.

My delegation encourages all who participate in this event to contribute to not frustrating their hopes.

Thank you

STATEMENT OF THE HONOURABLE SECRETARY OF
FOREIGN AFFAIRS, OF THE FEDERAL REPUBLIC OF
NIGERIA, CHIEF M. T. MBU

AT THE PLENARY OF THE UNITED NATIONS
WORLD CONFERENCE ON HUMAN RIGHTS

VIENNA; 14 JUNE, 1993

Mr. President,

On behalf of my delegation, I wish to convey our very warm congratulations on your election as the President of this important conference. Your personal qualities as an astute and skillful politician and a dedicated humanist will no doubt be brought to bear on the deliberations of the conference. This historic city of Vienna has over the centuries provided a very conducive environment for great composers like the Strauss brothers and the famous Vienna Symphony Orchestra. It had also played a crucial role in issues of international peace and security and contributed significantly to international understanding. It is, therefore, not surprising that it is once again, the magnificent setting for this very important conference. I am sure, Mr. President, that the perfect harmony which has always characterised the Vienna Symphony Orchestra will certainly inspire this conference to reach momentous decisions.

2. To the distinguished Secretary-General of the World Conference on Human Rights, Mr. Ibrahima Fall, I say well done. His role in the preparatory process and our meeting here has been both outstanding and noble. His resourcefulness and discipline of mind in these very delicate negotiations have won him the respect of all participants in this very challenging and important endeavour. He has done us proud as a distinguished son of Africa.

3. This conference is not a tribunal. It should not be constituted into one, for were this forum to be used to pass judgement on states and governments, certainly we would all be guilty, as human rights is one of the areas of human activity which all states and governments have

frequently and freely assaulted, whether in terms of the rights of indigenous peoples, women and the child, or in terms of discrimination, intolerance, torture, etc. We must jointly and severally accept responsibility for the errors of the past and resolve in the course of this conference that never again shall humanity return to the era of unbridled violation of human rights. That, in my view, Mr. President is the purpose of this conference.

4. We have come a long way since the Tehran Conference in 1968. The world has witnessed momentous changes in the intervening 25 years. Perhaps the most fundamental of these changes in the field of human rights is the sudden resurgence of openness in all parts of the world. Put differently, a resurgence of freedom, particularly freedom of choice. Freedom in all aspects is fundamental and central to our deliberations at this conference.

5. Mr. President, every nation, community and individual subscribes to the important principles of human rights embedded in the United Nations Charter and the Universal Declaration of Human Rights:-

- We all subscribe to the universality, indivisibility and interdependence of all aspects of human rights.

- We all subscribe to the fact that the central object and main beneficiary of human rights is the individual, and

- We all subscribe to the fact that the human race belongs to one family.

Is it not, therefore, the cardinal responsibility of all governments and of all states, large or small, and irrespective of their level

of development or political systems, to promote and enhance the full enjoyment of human rights? This is among the issues which delegates will need to seriously address in the course of this conference.

6. Another area which needs our close examination is the role of governments and individuals in the promotion and protection of human rights. Here we should reflect over certain crucial issues:-

- Is it right for nations, governments and individuals to remain silent in the face of massive violation of human rights such as genocide, mass killings and forced and involuntary disappearances, among others?

- Is it not an affront to humanity for any government to invoke state sovereignty and plead non-interference in its internal affairs when confronted with evidence of deliberate violation of human rights?

Since we accept the universality of human rights and that the human race belongs to one family, I submit, therefore, Mr. President, in the words of the celebrated poet, playwright and Nobel Laureate, Prof. Wole Soyinka of Nigeria, whose distinguished presence among us today is a pride to my country, that "the man dies who keeps silent in the face of tyranny". The international community has a singular responsibility, therefore, to ensure that the man does not die by challenging human rights violations in any part of the world.

7. **Mr. President**, I have answered these questions in the affirmative not because there are no incidences of human rights violations in my part of the world. I have done so in my fervent belief that this conference

should serve as a transition from the incidence of human rights violations, which I have earlier alluded to as being prevalent in all societies, to the strict observance of, and respect for, human rights.

8. **Mr. President**, Nigeria subscribes to the principle that democracy and human rights have an organic link. This cannot be otherwise as man, the critical factor in development, gives his best in an atmosphere free of coercion, suppression and persecution. He is able to release the vital developmental forces in him in an atmosphere that promotes and protects his enjoyment of basic human rights. No wonder, the right of choice is so fundamental to any human society that once it is stultified, development is hindered.

9. We in Nigeria firmly believe that democracy provides the best environment for the full enjoyment of economic, cultural, social and political rights. In spite of Nigeria's political vicissitudes resulting from the challenges to democratic experience, all Nigerians acknowledge the fact that democratic system of governance guarantees the full enjoyment of human rights. Happily, in about two months from now, a Nigerian President democratically elected two days ago will be inaugurated.

10. Democratic changes are similarly taking place in other parts of the world - in Latin America, Eastern Europe, Asia and Africa. The emplacement of democratic institutions in these countries must be solidly supported by the international community. It must be nurtured and allowed to blossom.

11. As we approach the 21st century, we must give serious thought to the modalities for ensuring the full implementation of human rights standards. A machinery for the monitoring and implementation of human rights instruments, therefore deserves very careful consideration. This is

particularly necessary now that the massive violation of human rights in some parts of the world threaten international peace and security. Until now, we have appeared helpless in the face of human rights violations. One of the reasons for this inertia of the international community is the absence of a machinery for the enforcement and implementation of various human rights instruments. There is, therefore, a need for the emplacement of a machinery with the capacity and capability to bring such human rights violations to the attention of the international community and take appropriate measures to ensure that such violations do not re-occur. In this connection, we strongly support that urgent and careful consideration be given to the proposal to establish the office of High Commissioner for Human Rights whose primary responsibility will be to enhance the promotion, protection and enjoyment of all human rights.

12. Our mission at this conference and all the efforts invested in the preparatory process would come to nought if the decisions arrived at here and human rights programmes, projects and activities cannot be implemented due to an ineffective funding mechanism. There is, therefore, need to establish effective and comprehensive funding for the implementation of these decisions and programmes. In this connection, my delegation would like to see the allocation for human rights activities from the United Nations regular budget substantially increased. Besides, we need to increase resources allocated to human rights projects and programmes from the existing Official Development Assistance (ODA) target. The promotion and protection of human rights are so important that we should make the necessary sacrifices to ensure their successful implementation.

13. Finally, Mr. President, our mission at this conference and all the efforts invested in its preparatory process would be rewarded only:-

- If we accept to resolve the dilemma and conflict between human rights and state sovereignty;
- If we accept that the violation of the human rights of an individual is the violation of the rights of us all;
- If we accept that human rights, like the environment, has no frontiers and should, therefore, not be confined to national borders.

If we accept all these, then this conference would have made a singular contribution to human civilisation. For the sake of posterity, we should not depart from this beautiful city without bequeathing this important legacy to mankind.

- The world expects this of us,
- Our children expect this of us,
- The millions of souls who have departed to the world beyond as a result of human rights violation expect this of us,
- Indeed, we expect this ourselves.

I thank you.



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WORLD CONFERENCE ON HUMAN RIGHTS
Vienna, 14-25 June 1993
Agenda item 12

RECOMMENDATIONS FOR:

- (a) STRENGTHENING INTERNATIONAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS AND WITH INTERNATIONAL HUMAN RIGHTS INSTRUMENTS;
- (b) ENSURING THE UNIVERSALITY, OBJECTIVITY AND NON-SELECTIVITY OF THE CONSIDERATION OF HUMAN RIGHTS ISSUES;
- (c) ENHANCING THE EFFECTIVENESS OF UNITED NATIONS ACTIVITIES AND MECHANISMS;
- (d) SECURING THE NECESSARY FINANCIAL AND OTHER RESOURCES FOR UNITED NATIONS ACTIVITIES IN THE AREA OF HUMAN RIGHTS

Note by the secretariat

Addendum

1. The attention of the World Conference on Human rights is drawn to the attached submission from the NGO liaison group, which is to be added to the final report of the NGO Forum "All Human Rights for All" which was held at Vienna from 10 to 12 June 1993.
2. The additional text, which contains the preamble and the recommendations, is attached hereto.

Preamble

1. In the time that has elapsed since the International Conference on Human Rights (Tehran, 1968), there have been major advances in standard-setting, both nationally and internationally (covenants, agreements, declarations, resolutions, laws, decrees, etc.). There has also been a notable increase in the moral, social and legal weight attaching to the presence, activities and resolutions of various United Nations bodies - in particular the Commission on Human Rights and some of the reports of its special rapporteurs - and other international bodies.

2. The preoccupation with and growing influence of human rights over this period have been visible in the establishment, growth and activities of an ever greater number of non-governmental organizations which, through their efforts to promote and defend human rights in their respective countries, regionally and worldwide, and through their laudable supply of information without which the international system would be largely ineffectual, play a decisive role. A variety of social sectors and urban- and rural-based grass-roots movements have likewise been key agents in the course of the struggle to promote and uphold human rights. Special mention should be made of the enormous contribution made by indigenous and black peoples to the development of our societies through their diversity of cultures and forms of social organization, and of the involvement of social movements and sectors waging their own campaigns to assert human rights traditionally denied them.

3. Real safeguards for formally established rights are nevertheless still very insufficient or restricted. Even some decisions by United Nations bodies are mapping a course counter to the advances made in the field of human rights so far.

4. Furthermore, grave violations of human rights still occur; in past decades dictatorial regimes were mainly responsible, but in recent years they have been witnessed in restrictive neo-liberal democracies under new forms of authoritarianism engendering corruption, violence and impunity. Characteristic of such situations are the harsh adjustment policies adopted by virtually all countries, which significantly affect the enjoyment and exercise of economic, social, cultural and environmental rights, further restricting the application of civil and political rights and the rights of peoples.

5. Foreign debt, whose illegitimacy is amply proven, is used as a means of putting firm pressure on States' domestic and external policies and forcing them to adopt economic measures for structural adjustment. These measures, which mirror the laws of a market dominated by the big monopolies, affect the self-determination of peoples and States and sacrifice popular needs at the altar of supposed economic growth which, when it does occur, does nothing to improve living standards for the population at large but increases the concentration of wealth, unemployment, marginalization and the decline in human and environmental health while exacerbating violence and discrimination.

6. The adjustment policies imposed restrict themselves to narrowing workers' rights and reducing wages and social safeguards, virtually eliminating welfare and taxing workers' incomes in order to increase businesses' profits and force down the prices of products for export, to the benefit of transnational

corporations, as part of an international distribution of labour which accentuates dependency on the industrialized countries of the North and reduces fiscal deficits in order to pay off external debts. This puts people's survival at risk and damages the democratic process, given the acknowledged indivisibility of economic, social and cultural, civil and political rights.

7. Nationally, the application of national and international human rights standards is affected in practice by:

(a) States' failure to honour their obligations as guarantors of these rights;

(b) The impunity enjoyed by those guilty of systematic and massive violations of the most rudimentary rights of the individual and of peoples (through concealment of the facts; Government complicity with the armed forces or police; amnesties and pardons; or weakness and/or corruption in the judiciary) is a growing tragedy on our continent since it obstructs justice and often prevents the truth from becoming known, encourages the recurrence of such crimes and undermines the foundations of the democratic system, damaging the moral framework of communal, civilized life, legitimizing legal inequality and serving to belittle the seriousness of such violations;

(c) The persistence and/or resurgence of authoritarian practices and regimes which violate fundamental human rights and popular sovereignty in the sense of real, effective participation by the general public in decision-making;

(d) Failure to dismiss those responsible for violations of human rights from the armed and security forces and to punish them, and the continued training of the armed forces and security forces in accordance with plans, methods, practices and ideologies which hold State terrorism to be justified;

(e) The doctrines, views and practices of the armed forces, in so far as they are incompatible with the true expression of popular sovereignty;

(f) Recourse to "states of emergency", both to prevent the democratic exercise of rights and to impose socio-economic policies which mainly hurt the public at large;

(g) Failure to apply international agreements that have been ratified;

(h) The growing and dangerous tendency for power to be concentrated in the hands of the executive at the expense of the authority of the legislature and judiciary, which markedly affects the balance of power underlying any democratic form of government and the validity of a State ruled by law;

(i) Penal systems whose four basic elements - the law, the administration of justice, police practice and the prison system - are constant sources of human rights violations, and which affect the poorest and most discriminated-against sectors of society;

(j) Violation of the principle of legality owing to the absence or ineffectiveness of the supervisory machinery required in a State ruled by law, some areas being subject to no control whatsoever;

(k) The crisis in representative democracy owing, among other things, to the existence of flawed electoral systems and practices and failure to honour undertakings given, thus distorting the expression of popular will, depriving Governments of their legitimacy and weakening the democratic system;

(l) Structural adjustment policies applied by Governments which have resulted in increased poverty and social inequality in the region; models are being applied which take it for granted that the majority, or very large sectors, of the population will be marginalized in perpetuity;

(m) The persistence of sex discrimination in various areas of women's lives, taking the form of limitations and restrictions on their personal, family, economic, political, social, legal and cultural affairs, ignoring or obstructing their involvement in the development process;

(n) The persistence of ethnic and racial discrimination against and economic, social and cultural exploitation of indigenous and black peoples, who suffer disappearances, killings, persecution and denial of their rights to self-determination, land, the pursuit and development of their culture and social and economic organization and the maintenance of their natural environment, on which their ability to survive depends;

(o) Discrimination against, and description of, elements as "discountable" - frequently used to deprive children of respect for their basic rights, denying them the capacity to take action at law, in contrast to public awareness that children are the future of society;

(p) Non-international armed conflicts and/or systematic violations of human rights and the rules of international humanitarian law, giving rise to internal population shifts which are not recognized or protected under the human rights system;

(q) The unfair farm situation whereby ownership is concentrated, and repressive policies by Governments which hinder access by peasants to land, driving them away towards the large urban poverty belts.

8. Internationally, the applicability of norms enshrining human rights is affected by the following factors:

(a) Violations of the right of peoples to self-determination and the principles of sovereign equality of States and non-interference by one State in the internal affairs of another, taking the form of military aggression, invasion and territorial occupation, economic pressure and financial, commercial and economic blockades with the aim of imposing one country's will upon another and effecting change within it; likewise, assertion of the right to abduct individuals across national borders so that they can be tried outside the proper jurisdiction. The continued existence of colonial

domination over some peoples, constituting a violation of their fundamental right to independence and impeding the promotion of human rights and economic, social and cultural development;

(b) Failure by numerous States to ratify international human rights agreements, or ratification subject to reservations;

(c) Assessment according to different criteria of human rights violations in different countries, depending on whether they belong to a particular bloc, region, level of development or institutional model, as a result of which certain States escape accusation at all although grave violations affecting the native population or the rights of foreigners, ethnic minorities or emigrants, do occur within them;

(d) Likewise, the selective treatment by the Security Council for purely political reasons of situations constituting grave violations of international law and breaches of the Charter of the United Nations, this being made easier by the maintenance of the permanent members' anti-democratic prerogative of the veto and by the number of permanent members;

(e) Failure to act on the judgments of the International Court of Justice, which become declaratory when they go against a permanent member of the Security Council;

(f) Failure by certain member countries to contribute to the financial support of the United Nations system, and the small proportion of resources allocated to human rights;

(g) The fact that some procedures for protecting human rights, such as Economic and Social Council resolution 1503 (XLVIII), are ineffective owing to their politicized nature, absolute confidentiality, the absence of any challenge mechanism, and the rigid annual deadlines governing proceedings;

(h) Poor coordination, both within the Commission on Human Rights and among the various United Nations bodies working in this field;

(i) Reports and pronouncements by the United Nations Development Programme and United Nations bodies such as the International Monetary Fund and the World Bank which promote adjustment plans, thereby legitimizing the violation of human rights;

(j) The disturbing tendency of States which violate human rights to form increasing solid and close alliances in order to neutralize the international system for the protection of human rights;

(k) Growing inequality in international trade, the decline in terms of trade to the detriment of dependent countries, and the permanent transfer of resources to industrialized countries, resulting in the neediest countries' financing of the "developed" ones, accentuating the technological divide and differences in standards of living between them;

(l) Failure by the economically powerful countries to honour their obligation to contribute a percentage of their gross domestic product to economic and social development in the least developed countries;

(m) Failure to recognize that gender-unequal relationships based on sexual differences lead to a failure to recognize women's rights as inalienable human rights;

(n) The absence of effective responses on the part of international, regional and national bodies to violations of women's fundamental rights and gender-based violence;

(o) The resurgence of racism, taking the form of deteriorating conditions and living standards for the ethnic groups discriminated against, among whom the migrant population, women, and children are particularly seriously affected. On the other hand, racism also has a bearing on violations of the right to life of these ethnic groups inasmuch as they - particularly the young - are the victims of prejudice which identifies them as violent and/or criminals. Slavery, trafficking in human beings and the use of humans in scientific experiments are also reprehensible manifestations of this situation;

(p) The constant degradation of the environment as a result of the irrational exploitation of natural resources in developing countries and their use as dumps for waste from industrialized countries, the siting of polluting industry in developing countries, and the marketing by transnational corporations of genetic material, making for a loss of sovereignty and greater technological dependence.

Recommendations

1. De-politicization of decisions and investigative, monitoring and supervisory machinery, establishing clear criteria for independence in the selection of rapporteurs and experts.
2. A review of the advisory services of the Centre for Human Rights so that, through closer coordination with special rapporteurs, such services are provided only if the Government assisted undertakes to improve the human rights situation in its country substantially under the supervision of an independent expert who will report to the Commission on Human Rights. Failure to honour such an undertaking should result in the suspension of advisory services and the appointment of a special rapporteur for the country.
3. Replacement of the procedure established under Economic and Social Council resolution 1503 (XLVIII) by another, public, mechanism which avoids selectivity and subjectivity in its decisions.
4. Strengthening and expansion of the mandates of special and country rapporteurs and working groups, empowering them to conduct investigations on their own initiative, in particular in order to provide victims with swift and effective protection.

5. Elimination of obstacles to swift, direct access by victims of human rights violations and non-governmental organizations to the various bodies and committees within the worldwide system.

6. A repetition of the United Nations Observer Mission in El Salvador experiment in other countries with domestic armed conflicts in order to enable the United Nations to meet its goals of peaceful mediation and to cooperate in bringing the parties to the conflict to heed and respect international humanitarian law.

7. Expansion of the mandate of and resources available to the Special Rapporteur on human rights and states of emergency in order to enable him/her to oversee the protection of human rights in such situations, receiving reports, forwarding them to the Government concerned, providing good offices and reporting to the Commission.

8. Requiring the Special Rapporteur on the realization of economic, social and cultural rights to produce a conspectus of United Nations outlines and studies on the effects of structural adjustment policies on the status of women and children.

9. Appointment of a special rapporteur to report on violations of the human, civil, political and cultural rights of the black population.

Nationally

1. All power in the State should derive from democratic bases; there should be absolute respect for popular sovereignty, increased individual and public involvement in political decisions and their execution through the establishment of direct and quasi-direct forms of democracy, this being understood as a society where relations are based on the principles of freedom, equality, solidarity, diversity and participation. This will require machinery to ensure that those elected to carry out the voters' mandate are held accountable and are susceptible to recall.

2. Independent administration of justice, and the strengthening of such independence through a system for the impartial appointment and removal of judges and officials, with safeguards for the application of constitutional rights and access to justice for all, male or female.

3. Elected and appointed State officials must be subject to the law, and public oversight machinery for State and parastatal bodies and enterprises providing public services must be strengthened and expanded.

Internationally

1. Ratification by all States of covenants and instruments for the protection of human rights, without reservations detracting from their efficacy. The regular transmission of requests by the General Assembly and the Commission on Human Rights that States which have not ratified them should explain their reluctance to do so.

2. Reassertion of the principles of respect for national sovereignty, territorial integrity and non-interference by any State in another's internal affairs.
3. Reassertion of the principle that States bear sole and exclusive responsibility for guaranteeing the applicability of human rights.
4. Condemnation of terrorism as a reprehensible practice, clearly contradictory to respect for human rights, whether practised by States or by peripheral criminal groups. The label of terrorism may not be applied indiscriminately to political offences nor to the legitimate right of peoples to dissent.
5. Lawful use of force by States must respect fundamental rights, and use should not be made of private or parastatal groups or support from them.
6. Reassertion of the legitimate right of peoples to rebel against Governments which commit mass, systematic and flagrant violations of human rights and hinder the free expression of popular sovereignty.
7. Special attention to the violence generated by the traffic in and illegal use of drugs, given their numerous adverse effects on the applicability of human rights, both as regards the right to life, and the weakening of the constitutional State. Means of dealing with this problem must avoid the militarization of society and the intervention of the armed forces or the police. Natural substances such as coca leaves must be excluded from current policies criminalizing their use, and treaties in this connection revised in particular the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna 1988).
8. Adoption of a Convention on enforced disappearances which will treat this offence in particular as a crime against humanity. Reinforcement and extension of the mandate of the Working Group on Enforced Disappearances so that its activities will be rapid and efficient, giving it increased powers to expedite its prevention and investigation work in order to bring to trial and sentence the perpetrators of such crimes.
9. Confirmation that any amnesty, pardon or other mechanism affording impunity to those responsible for serious human rights violations is null and void, and support for the work currently being done in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
10. Protection of the environment as an indivisible and interdependent right like all others. Differences in the distribution of environmental wealth, costs, damages and risks among countries, in different sectors of society, must be taken into consideration in order to establish the responsibility to be borne by those responsible for their deterioration over time. The developed countries must also accept their share of responsibility for conserving the environment in developing countries.
11. Assertion of the rights to communication, investigation and reception of information and opinions. Establishment of the obligation of Member States to repeal all official censorship machinery and all penal measures which imply

- special protection for public officials in order to guarantee informational pluralism, facilitating access to the mass media by public media organizations, granting fixed slots in the State-run media, and ensuring pluralist administration of the State media separate from Governmental authority.
12. Increased contributions, and payment of contributions, to the United Nations Voluntary Fund for Victims of Torture, extending it to cover victims of other serious human rights violations and their relatives.
13. Preservation of the authority of the worldwide system to require States to respect international human rights law, the violation of which cannot take refuge in reasons of State sovereignty.
14. Condemnation of policies of social cleansing which take such forms as the physical extermination of prostitutes, homosexuals, lesbians, street children and other social groups against which society discriminates.
15. Protection of children and young people who are victims of armed conflicts, displaced by political violence, or abandoned. Condemnation of the traffic in children, false adoptions, denial of their identity, sale of their organs, prostitution and all other forms of abuse detrimental to their development and categorization of these violations as mass violations of the human rights of children, so that the reception of complaints, the implementation of activities and the development of preventive measures will be given priority attention by the international and multilateral bodies of the United Nations system.
16. Impartial implementation of the rules on the protection of human rights, avoiding the use of different criteria according as the State accused belongs to one bloc or region, or depending on its level of development or institutional structure.



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WORLD CONFERENCE ON HUMAN RIGHTS
Meeting of the Chairpersons of
International and Regional
Human Rights Treaty-based bodies
Vienna, 15-16 June 1993
Agenda item 12 (c)

RECOMMENDATIONS FOR ENHANCING THE EFFECTIVENESS OF
UNITED NATIONS ACTIVITIES AND MECHANISMS

Vienna Statement of the International Human Rights
Treaty Bodies

The representatives of the international human rights treaty bodies ^{1/} meeting together for the first time, on 15-16 June 1993, on the occasion of the second World Conference on Human Rights in Vienna, have adopted the following Vienna Statement.

A. General Principles

1. Effective implementation of the human rights treaty obligations assumed by States is indispensable for the promotion and protection of human rights. As the Secretary-General of the United Nations stated in opening the World

^{1/} The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the African Commission on Human and Peoples' Rights, the European Commission and the European Court of Human Rights, the European Committee for the Prevention of Torture, the Inter-American Commission and the Inter-American Court of Human Rights, and the ILO Committee on the Application of Conventions and Recommendations represented by the International Labour Office.

Conference, human rights treaty guarantees which remain theoretical or are constantly violated will discredit the very notion of human rights and international accountability.

2. Universal ratification of the six core United Nations treaties (the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child) by the year 2000, at the latest, is of the utmost importance. In addition, the regional human rights treaties, and the basic human rights conventions of the ILO, should be ratified by all States concerned.

3. While the universality of human rights principles has been clearly recognized by the international community, this recognition remains problematic in the case of States which have not accepted the obligations flowing from the core treaties. Commitments by States to respect human rights remain inadequate and incomplete unless they are underpinned by the acceptance of international treaty obligations and of the accountability mechanisms which they establish and by the adoption of measures for the implementation of these obligations both in law and in practice.

4. The indivisibility of human rights - whether civil, political, economic, social or cultural - is a fundamental tenet of the international human rights system.

5. The various international bodies entrusted with responsibility for supervising compliance with international human rights treaties, whether they be in the form of Courts, Commissions or Committees, form part of an overall international system for the promotion and protection of human rights. They should, to the greatest extent possible, view their activities in that context and seek to ensure that they contribute to the shared objective of developing an effective system to maximize respect for human rights throughout the world.

B. Specific Issues

6. It is essential that States which have accepted international treaty obligations should comply fully with those obligations. In particular, the submission of reports to international supervisory bodies, as required by the relevant treaties, must be accomplished in a regular and timely manner. Failure to report as required constitutes a violation of international obligations. Delinquency in reporting should not lead to immunity from review and accountability. Such immunity amounts to the application of a double standard and, in effect, penalizes those States which fulfil their obligations as required.

7. States parties which experience difficulties in preparing and submitting their reports should seek assistance from the Advisory Services Programme of the United Nations, or any other relevant international organization. In the absence of either a report or a request for advisory services, each treaty body should set a time limit within which it will proceed to review the state

of implementation of the relevant obligations by the State party concerned. Such a review should proceed on the basis of all available sources of information.

8. The provision of resources sufficient to enable the various treaty bodies to perform the functions which have been entrusted to them is an obligation of the United Nations and of the other relevant international organizations. In recent years, within the United Nations, a dramatic growth has been witnessed in the number of treaty bodies, the number of States parties to the relevant treaties, and the range of functions performed by those bodies. These developments have not, however, been matched by appropriate financial or staff resource allocations.

9. Within the United Nations Centre for Human Rights, there are currently ten persons (at professional level) available to service six treaty bodies and three communications procedures, to provide information and advice to more than 160 different States parties, ^{2/} to participate in an ever-increasing range of international meetings, to solicit, receive and process the information base, on which the effectiveness of the treaty bodies is largely dependent, and to perform myriad other related functions. A similar situation applies in relation to the Division for the Advancement of Women which services the Committee on the Elimination of Discrimination against Women. It is imperative that the number of professionals in the Centre for Human Rights be increased to a minimum of thirty professionals if the treaty supervisory system is to function efficiently and effectively. In addition, the resources available to support the other responsibilities of the Centre for Human Rights must also be increased.

10. If regional machinery is to be meaningful, the availability of the resources necessary to enable the Commission to function effectively must be assured. In particular, the resources currently available to the African Commission on Human and Peoples' Rights are grossly inadequate.

11. International monitoring of treaty obligations is designed to assist States parties in fulfilling the obligations they have voluntarily undertaken. Such monitoring is therefore incomplete unless accompanied by adequate follow-up measures. Each treaty body should develop a follow-up procedure to monitor the action taken by States in response to its views, opinions, decisions or judgments. Follow-up measures should also be taken by both the international community and the State party concerned. Those measures should include the widespread dissemination of the results of the dialogue between the State party and the relevant treaty body, and the provision of technical assistance to States in order to enable them to address specific needs which emerge from the examination of their reports. Where appropriate, the undertaking of visits by the treaty body, or its representatives, to the State concerned could perform a very valuable follow-up function. Such visits can play a

^{2/} This includes those States that have ratified at least one of the six core United Nations human rights treaties.

vital role in developing a fuller understanding between the State party and the treaty body and should be facilitated by States to the greatest extent possible.

12. States that have accepted the competence of expert Committees and Commissions to examine complaints by individuals or groups should promptly comply with the relevant decisions and recommendations, and inform the treaty body concerned accordingly. The existing system of individual complaints to international treaty bodies should be developed in order to make it applicable to a broader range of human rights. Every effort should also be made to encourage all States to accept the application of international petition procedures within their jurisdictions.

13. Efforts to promote greater coordination among the various international treaty bodies should be accorded high priority. Failure to do so risks wasteful duplication of activities and the adoption of divergent interpretations of comparable norms because of lack of information as to the approach adopted by other bodies. Each treaty body should be aware of, and wherever appropriate refer to, the relevant jurisprudence of other treaty bodies.

14. In order to facilitate coordination and the use of such routine cross-referencing, a variety of measures should be adopted:

(a) A focal point for the provision of information on jurisprudential matters should be designated by each of the relevant international secretariats;

(b) The Centre for Human Rights should establish, as a matter of the utmost priority, a Documentation and Information Unit; States should provide the assistance and resources necessary for this purpose;

(c) Exchanges of secretariat members should be encouraged;

(d) A meeting of experts and technical advisers from the United Nations, the ILO, UNESCO and each of the relevant regional organizations should be convened to promote the establishment of coordinated access by all treaty bodies to all appropriate human rights-related data bases;

(e) Regular meetings should take place between members of the treaty bodies, as well as their secretariats, to exchange information and discuss matters of common interest. At a minimum, one such general meeting should be convened each year, to be hosted in turn by each of the organizations concerned;

(f) The United Nations should ensure that, for its part, financial arrangements are put in place to facilitate such exchanges.

15. The number and scope of reservations made to human rights treaties, particularly in recent years, provide cause for grave concern. States should seek to minimize the extent of any reservations they lodge, to seek to formulate reservations as precisely and narrowly as possible, to ensure that

none is incompatible with the object and purpose of the relevant treaty, and to review regularly any reservations with a view to withdrawing them. Other States parties, as well as the treaty bodies, should keep reservations under review and address the issue in their dialogue with relevant State parties. Where appropriate, advisory opinions should be sought from the relevant international court.

16. The active cooperation of non-governmental organizations is essential to enable the treaty bodies to function in an informed and effective manner. They have important roles to play in: scrutinizing States party's reports at the national level; providing information to treaty bodies; assisting in the dissemination of information; and contributing to the implementation of recommendations by the treaty bodies. An NGO Liaison Unit should be established by the Centre for Human Rights to facilitate effective outreach by the treaty bodies to NGOs.

17. The treaty bodies cannot fulfil their functions effectively if information about their activities is confined to Governments. For that reason, efforts must be made to present their activities in ways that are accessible to the community at large. The relevant instruments should be made available in as many local languages as possible. The treaty and important decisions pertaining to it should also be made accessible in simple terms. Information should be provided as to how communications can be submitted wherever the relevant procedures are applicable.

18. Information about the treaties and the accompanying procedures should be made available to community groups not only by Governments but also through national institutions, NGOs, schools, the press and other relevant media. Indeed, the effective performance of their obligations by States parties requires that a concerted effort be made to educate their citizens and others affected about their rights. Education on human rights and for democracy is an essential element of an effective overall human rights strategy.

19. States parties should ensure that human rights training is provided on a systematic and continuing basis to State and other relevant officials. The same applies to international organizations, including especially the United Nations, in relation to the work of international officials. Human rights education and training within the United Nations system is currently highly inadequate. Agencies such as the United Nations Development Programme, the World Bank, the International Monetary Fund and many others, as well as officials responsible for peace-keeping, election monitoring and other such activities, should receive human rights training.

20. In all situations in which human rights obligations have been breached by the State or its agents (actual or imputed), appropriate means of rehabilitation and redress should always be provided to the victim and measures taken to ensure that such breaches do not occur again.

SPECIFIC RECOMMENDATIONS WHICH THE WORLD CONFERENCE IS
REQUESTED TO REFLECT IN ITS PROGRAMME OF ACTION

1. Universal ratification of the six core United Nations treaties should be achieved by the year 2000, at the latest.
2. States should minimize the extent of any reservations they lodge, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them.
3. The existing system of individual complaints to international treaty bodies should be more widely ratified and be further developed in order to make it applicable to a broader range of human rights.
4. Full and effective compliance with international treaty obligations is an essential component of an international order based on the rule of law. Failure to comply, including a failure to report as required, constitutes a violation of international law.
5. The World Conference calls upon the General Assembly to ensure the provision of sufficient resources to enable the various treaty bodies to perform the functions which have been entrusted to them. For this purpose, a minimum of 30 professional posts should be provided to the Centre for Human Rights and adequate resources provided for the Division for the Advancement of Women. The availability of the resources necessary to enable the regional supervisory and enforcement organs to function effectively must also be assured. The World Conference expresses particular concern about the lack of resources available to the African Commission on Human and Peoples' Rights and calls for urgent measures to improve this situation.
6. Regular meetings between international and regional treaty bodies should be held.
7. Human rights education and training should be provided to the officials of all relevant international agencies, including those responsible for development cooperation, peace-keeping and election monitoring.



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WORLD CONFERENCE ON HUMAN RIGHTS
Vienna, 14-25 June 1993
Meeting of national institutions
for the protection and promotion
of human rights

Letter dated 17 June 1993 from the representatives of
national institutions, addressed to the President of
the World Conference on Human Rights, transmitting
the text of the resolution adopted on 16 June 1993

The representatives of national institutions for the protection and promotion of human rights who met in Vienna from 14 to 16 June 1993 have the honour to transmit to you the attached resolution, adopted on 16 June 1993, and request you to arrange for it to be circulated as an official document of the World Conference on Human Rights.

VIE.93-232 (E)

RESOLUTION ADOPTED ON 16 JUNE 1993 IN VIENNA (AUSTRIA)
BY THE MEETING OF NATIONAL INSTITUTIONS FOR THE
PROTECTION AND PROMOTION OF HUMAN RIGHTS

Having regard to the relevant resolutions of the General Assembly, the Commission on Human Rights and other United Nations bodies, as well as the conclusions of regional meetings held in preparation for the World Conference on Human Rights and of previous meetings of representatives of national institutions for the protection and promotion of human rights referred to in document A/CONF.157/PC/92/Add.2* annexed to this resolution,

The meeting of national institutions requests the World Conference to note and approve the following resolution:

PRINCIPLES:

1. National institutions for the protection and promotion of human rights play a particularly important and constructive role in helping to ensure the effective enjoyment and respect of human rights and fundamental freedoms and in fostering the implementation of universal human rights standards.
2. National institutions help promote enhanced respect for civil and political rights and for economic, social and cultural rights, particularly by helping to ensure that national legislation conforms to international obligations and that concrete measures are taken to ensure the enjoyment of rights on a non-discriminatory basis.

They are involved in activities aimed at increasing awareness of human rights through information, education and training, in a spirit of tolerance and democratic dialogue.

They provide appropriate redress mechanisms as necessary, when violation of these rights occur, thus complementing judicial safeguards guaranteed by an independent judicial authority.
3. Notwithstanding that it is the responsibility of each State to choose the framework which is best suited to its particular needs and to the development of its international action on behalf of human rights, in promoting and strengthening exchanges between the State and the various components of society, these national, independent and pluralistic institutions, established wherever possible under legislation, or by means of constitutional laws, shall have regard to the attached Principles concerning their status.

* Already circulated.

PROGRAMME OF ACTION:

1. The World Conference reiterates the important and constructive role played by the national institutions for the protection and promotion of human rights. The World Conference urgently requests that Governments enact legislation to create such institutions where they do not exist, or to strengthen and encourage existing institutions.

The World Conference requests that Governments support and work closely with the national institutions in promoting human rights and tolerance both at the national and at the international level.
2. The World Conference urgently requests that all governments act without delay to develop vigorous policies to combat all forms of racism, xenophobia and occurrences of intolerance, including inequality experienced by indigenous populations, and discrimination based on sex, disability and religion, specifically by creating or strengthening national institutions to combat these and all other abuses of economic, social, cultural, civil and political rights.
3. The World Conference strongly recommends that the United Nations General Assembly adopt the Principles relating to the status of national Institutions conveyed to it by the Economic and Social Council.
4. The World Conference recommends the creation within the United Nations system of a board of directors, including, in particular, representatives of national institutions, to oversee the use of a voluntary fund to encourage the creation of national institutions and the strengthening of cooperation among them, particularly through exchanges of information and experience, as well as through cooperation with regional organizations and the United Nations.
5. The World Conference recommends the reinforcement of United Nations activities and programmes to meet the requests for assistance from States wishing to create or strengthen their national institutions for the promotion and protection of human rights in compliance with the Principles relating to the status of national institutions.
6. The World Conference strongly recommends that regular meetings of representatives of national institutions be convened under the auspices of the Centre for Human Rights and the Board of Directors of the Fund to examine ways and means for improving their mechanisms and to discuss their experiences at the national level.



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A

WORLD CONFERENCE ON HUMAN RIGHTS
Vienna, 14-25 June 1993
Agenda items 9, 10, 11 and 12

GENERAL DEBATE ON THE PROGRESS MADE IN THE FIELD OF HUMAN RIGHTS
SINCE THE ADOPTION OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS
AND ON THE IDENTIFICATION OF OBSTACLES TO FURTHER PROGRESS IN
THIS AREA AND WAYS IN WHICH THEY CAN BE OVERCOME

CONSIDERATION OF THE RELATIONSHIP BETWEEN DEVELOPMENT, DEMOCRACY
AND THE UNIVERSAL ENJOYMENT OF ALL HUMAN RIGHTS, KEEPING IN VIEW
THE INTERRELATIONSHIP AND INDIVISIBILITY OF ECONOMIC, SOCIAL,
CULTURAL, CIVIL AND POLITICAL RIGHTS

CONSIDERATION OF CONTEMPORARY TRENDS IN AND NEW CHALLENGES TO
THE FULL REALIZATION OF ALL HUMAN RIGHTS OF WOMEN AND MEN,
INCLUDING THOSE OF PERSONS BELONGING TO VULNERABLE GROUPS

RECOMMENDATIONS FOR:

- (a) STRENGTHENING INTERNATIONAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS AND WITH INTERNATIONAL HUMAN RIGHTS INSTRUMENTS;
- (b) ENSURING THE UNIVERSALITY, OBJECTIVITY AND NON-SELECTIVITY OF THE CONSIDERATION OF HUMAN RIGHTS ISSUES;
- (c) ENHANCING THE EFFECTIVENESS OF UNITED NATIONS ACTIVITIES AND MECHANISMS;
- (d) SECURING THE NECESSARY FINANCIAL AND OTHER RESOURCES FOR UNITED NATIONS ACTIVITIES IN THE AREA OF HUMAN RIGHTS

Joint declaration of the independent experts responsible for the
special procedures for the protection of human rights

The special rapporteurs, representatives, experts and members or chairmen of working groups of the Commission on Human Rights met together from 14 to 16 June 1993 on the occasion of the World Conference on Human Rights and adopted the following Joint Declaration. The Declaration was presented by Mr. B.W. Ndiaye, special rapporteur on extrajudicial, summary or arbitrary executions, to the World Conference at its tenth plenary meeting on 17 June 1993.

COMMISSION ON HUMAN RIGHTS:
JOINT DECLARATION OF THE INDEPENDENT EXPERTS RESPONSIBLE FOR
THE SPECIAL PROCEDURES FOR THE PROTECTION OF HUMAN RIGHTS

I have the honour to address you on behalf of my fellow independent experts who serve as special rapporteurs, representatives, experts, members or chairmen of working groups of the public procedures of the Commission on Human Rights. Being responsible for implementing these special procedures, as they are called, of the United Nations Human Rights Programme, we feel that it is appropriate to take stock of our work on the occasion of this important World Conference on Human Rights.

As the Conference considers all that has been achieved by the United Nations in nearly half a century, it may be said that the standard-setting process in the area of human rights is one of the major accomplishments of the Organization. The catalogue of human rights standards is a testimonial to the many and persistent efforts - albeit with sometimes uncertain results - that have brought us to this point. But we must beware of complacency, for all that has been achieved is now being put to the test, and the people of the world are watching to see if the will of the United Nations is as strong as its word. The time has come to improve the effectiveness of the work accomplished and to give it greater weight.

Despite what has been achieved, the pain and suffering that persist - close to the very place where we sit - do not allow us to celebrate; rather, they incite us to put into practice this impressive catalogue of human rights standards. Certainly, there is still some refining of standards to attend to, but this is an ongoing process and may, in fact, be assisted by the already considerable experience we have gained in implementing existing norms over the last two decades, during which a fine web of implementation mechanisms was carefully spun. The system of special procedures holds a prominent place on the front line of the international monitoring of universal standards. It falls to us to address many of the most serious violations in the most difficult situations.

The special procedures of the Commission now number well over 20. We are 34 independent experts from 23 countries and all continents who have been nominated to carry out these procedures. We represent a wide range of cultures, legal systems and professions. Eight of us come from Africa, eight come from Latin America, six come from Asia, seven from Western Europe and

five from Eastern Europe. In general, our mandates are divided between those which address specific rights or subjects - the thematic procedures - and those which address specific human rights situations in one country or region.

It may be recalled that this system has its origins in the 1960s, when it was found necessary to react to the persistence of the system of apartheid. Despite some progress, that repugnant system has yet to be fully eradicated, and racism and discrimination still exist in numerous parts of the world. Having responded to the odious and audacious affront to humanity that is apartheid, the United Nations was, and still is, compelled to respond to intolerance elsewhere. Procedures to address other types of massive human rights violations in other countries and regions followed. In recent years, the system has been broadened through the creation of new thematic procedures concerning, for example, the dramatic situation of displaced persons or the fight against religious intolerance.

This broad range of procedures constitutes a unique and crucial element in the implementation of the body of specific standards that have been adopted by universal consensus through the United Nations General Assembly. While it may never have been conceived as a "system", the evolving collection of these procedures and mechanisms now clearly constitutes and functions as a system of human rights protection. Over the years, the area of concern has been enlarged step by step, techniques have been discovered and refined, and new methods of work have been adopted.

Our task is clear: what we do is render the international norms that have been developed more operative. We do not merely deal with theoretical questions, but strive to enter into constructive dialogues with Governments and to seek their cooperation as regards concrete situations, incidents and cases. The core of our work is to study and investigate in an objective manner with a view to understanding the situations and recommending to Governments solutions to overcome the problem of securing respect for human rights. Certainly, we have a delicate task when we undertake in situ investigations and when we take testimonies in circumstances that often involve risks for the witnesses, if not for ourselves.

The ability to intercede with Governments at the highest level, in a timely and urgent fashion, represents real progress. Urgent interventions take place on a regular basis when there is still a hope of preventing possible violations of the rights to life, physical and mental integrity, and security of person. This type of intervention has saved lives, and continues to save lives. Moreover, we are sometimes able to intervene on purely humanitarian grounds to protect people against violations.

Apart from the specifics of our respective mandates, we would like the Conference to underline the more general scope and significance of our mission within the United Nations system. In our reports we strive to encourage States to comply with the principles and purposes of the Charter of the United Nations, in order to establish or restore peace through justice. We devote ourselves, our knowledge and our experience to seek to ensure that the work produces concrete results.

Obviously, what I have described above does not exist solely because of the efforts and good will of the special rapporteurs. In truth, the system relies heavily - we rely heavily - on the support structure of the Centre for Human Rights which is dramatically over-burdened. If we want the special procedures system to remain credible, we must strengthen the support structure of the extra-conventional supervisory mechanisms. One thing is clear: nothing meaningful can be done without very solid support. The structure must be capable of painstakingly examining and processing each and every piece of information, analysing developments and cases, and studying policies and trends. Human rights work, if it is to be done seriously, requires attention to detail and a deep understanding of the circumstances of each situation and each case. A truly professional approach is not only in the interest of those in need of our help, but also necessary in order to assure justice for all concerned, including, of course, the Governments.

In order to strengthen the system, it is necessary to examine some of its shortcomings. Since our tasks invariably depend upon the quality of the information available to us, we must consider ways of improving access to primary sources and ensuring subsequent verification. We must also improve our ability to monitor situations in a continuous fashion. It is clear that, as the information-load increases, a small group of experts acting part-time on a pro bono basis inevitably encounters limitations, especially given the strain on the precious resources of the Centre for Human Rights and the existence of administrative hurdles. While many of these problems are the direct result of chronic under-funding and critically inadequate resources, there are also structural flaws which need to be overcome.

The fact that the system has evolved in a gradual manner explains why it has never benefited from a coherent administrative design in its construction. The special procedures have only received tentative institutional support. Substantive work has also been problematic because of the lengthy delay in the approval of mandates: several months are lost each year between the adoption of the resolutions by the Commission and their approval by the Economic and Social Council. During this period, the victims are left to their own fate. The absence of regular budgetary allocations also undermines our effectiveness. Indeed, each of us should know what financial resources we may rely upon so as to enable meaningful planning. Unfortunately, despite positive steps in the last couple of years, such as the decision to extend established thematic mandates for periods of three years, the negative implications of the budgetary and scheduling problems remain considerable.

The promotion and protection of human rights require a universal system of monitoring. In this respect, the established system constitutes an essential element of the means available to the United Nations. The experience gained can thus make a positive contribution to overcoming the challenges of our time.

Mandates, whether thematic or country-specific, should be given for reasonable periods so as to permit continuous in-depth work. After all, we must face the hard reality that we will have to deal with the problems of torture, disappearance, and extrajudicial execution for a long time to come. Sadly, such gross violations are common to all mandates, including phenomena like religious intolerance and internal displacement.

In dealing with such serious matters, one cannot but emphasize the importance of field missions which enable us to acquaint ourselves with the objective reality of situations. The clarity gained in the process is vital to accurate assessments and reporting, which also serve the best interests of the Governments concerned. Consequently, field missions should be seen by Governments as a natural component of every mandate. In the same context, there is also a need for appropriate follow-up to be secured for such missions or, indeed, any intercessions, since the processes undertaken often cannot satisfactorily be conducted without subsequent review.

Institutionally, the work of the special procedures should be integrated into the overall work of the United Nations. This is to say that the complementary and efficient use of the capacities and resources of the United Nations should be used to assist in the receipt, verification and transmission of information concerning human rights. Coordination must be enhanced on at least three levels: among the special procedures themselves, between the special procedures and the treaty-based bodies, and between the special procedures and the larger United Nations system. In terms of making greater use of the system as it already exists, the work of the procedures could be better harmonized, beginning with periodic meetings of all special procedures experts and through joint examination of thematic reports or through joint missions. One very promising development is that, for the first time - namely in the former Yugoslavia - a Special Rapporteur has been assisted by the thematic rapporteurs and supported by a team of field monitors.

Beyond the Human Rights Programme itself, coordination should be achieved among other United Nations departments and the specialized agencies in a truly integrated approach to human rights. This could be partly accomplished by instituting a human rights reporting responsibility in United Nations field offices and operations. In this way, and in view of limited resources, existing valuable information, knowledge and access could be put to better use. Working together, much can be achieved. Human rights work should no longer be relegated and compartmentalized, but should permeate the Organization. For example, the results of the special rapporteurs' work could be better taken into account by other bodies of the United Nations to the extent that efforts are concerted in fulfilling the aims and objectives of the Charter. To this end, greater and more effective publicity for their reports is essential.

The work of the special procedures may also be a valuable source of information and experience - thanks notably to the non-governmental organizations, to which we pay tribute - in the refining of existing standards and in proposing overall solutions, particularly in negotiating processes concerned with situations of internal strife.

Of course, while we imagine how the system may be improved, we must also be careful to preserve what has been achieved. To preserve the independence and credibility of the procedures and to secure the confidence necessary to build upon them, the United Nations must provide the required resources. Despite our best efforts, we sometimes appear ineffective in critical situations simply because the most basic support structure is not available, or because of inexcusably bureaucratic attitudes in administrative and

budgetary offices of the Secretariat. How can we allow piles of individual cases to lie unprocessed and unanswered because of inadequate human and material resources? If this continues, what will be the meaning of the catalogue of standards? Moreover, in terms of financial resources, what we are speaking about seems almost ridiculous given the minimal sums at stake compared with the overall resources of the United Nations.

We are not here to champion our work. We are here, in our independent role, to offer our views at this critical juncture. A world in transition is challenging what has been achieved and we must rise to the occasion in defence of the human rights values that are at the core of the United Nations. In fact, as insecurities mount, the world seems to be rediscovering the lesson of the Second World War: that respect for human rights is integral to the maintenance of peace and security. Indeed, in his report on the work of the Organization, the Secretary-General has clearly proposed "empowering ... expert human rights bodies to bring massive violations of human rights to the attention of the Security Council together with recommendations for action". We note that there is already a precedent in the case of the former Yugoslavia. This development should be encouraged.

We submit that a developed system of human rights implementation featuring a universally representative and diverse group of independent experts offers considerable possibilities for supervising respect for human rights; the system must be supported by a strong Centre for Human Rights. Such an effort would also offer some guarantee against the risk of the procedures being politicized and the already too-limited resources being dissipated. In this way, we may be able to contribute to the strengthening of the work of the United Nations - and, indeed, to the Organization's credibility - in both the promotion and protection of human rights.

In conclusion, the special rapporteurs, representatives, experts and members and chairmen of working groups of the special procedures recommend the following:

1. Procedures and mechanisms should be established for reasonable periods of time, not suffer delays in their approval by competent bodies, include field missions as a natural component and, as necessary, obtain the support of field monitors. In all cases, missions should be appropriately followed up.
2. Special rapporteurs, representatives, experts and members and chairmen of working groups should be enabled to harmonize their work through periodic meetings, joint examination of thematic reports and, as appropriate, joint missions.
3. The work of the special procedures should benefit from access to information available at United Nations offices throughout the world and their reports should be taken into account by United Nations bodies, including, as appropriate, the Security Council. Similarly, reports should be widely publicized and disseminated.
4. To achieve the above and support the effective work of the procedures and mechanisms, human and material resources must be raised to a

level commensurate with the responsibilities carried by each procedure. Sufficiently flexible administrative procedures must also be devised so as to allow for maximum efficiency, especially in urgent situations.

My colleagues and myself wish to express our appreciation for the opportunity to meet - for the first time in the history of special procedures - as a result of the World Conference. We would therefore like to thank the Conference organizers, especially the Secretary-General of the World Conference, Mr. Ibrahima Fall, as well as his collaborators. For my colleagues, and for myself, this meeting has been a significant, enriching and encouraging experience. We thank all those who have shared it with us.



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GENERAL DEBATE ON THE PROGRESS MADE IN THE FIELD OF HUMAN RIGHTS
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THE INTERRELATIONSHIP AND INDIVISIBILITY OF ECONOMIC, SOCIAL,
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CONSIDERATION OF CONTEMPORARY TRENDS IN AND NEW CHALLENGES TO THE
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- RECOMMENDATIONS FOR: (a) STRENGTHENING INTERNATIONAL COOPERATION IN
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(b) ENSURING THE UNIVERSALITY, OBJECTIVITY AND NON-SELECTIVITY OF
THE CONSIDERATION OF HUMAN RIGHTS ISSUES; (c) ENHANCING THE
EFFECTIVENESS OF UNITED NATIONS ACTIVITIES AND MECHANISMS;
(d) SECURING THE NECESSARY FINANCIAL AND OTHER RESOURCES FOR
UNITED NATIONS ACTIVITIES IN THE AREA OF HUMAN RIGHTS

Note by the President

Appeal by Nobel Peace Prize Laureates

The President wishes to inform the world Conference that he has received a communication from the delegation of Austria which reads as follows:

"It will be recalled that the Government of Austria had issued an invitation to all Nobel Peace Prize Laureates to gather in Vienna on the occasion of the opening of the World Conference on Human Rights.

The following Laureates accepted the Austrian invitation and accordingly participated in the Vienna gathering.

Individual personalities: Dr. Norman E. Borlaug (award 1970); Mrs. Betty Williams (1976); Mr. Adolfo Perez Esquivel (1980); Mr. Tenzin Gyatso, The Fourteenth Dalai Lama of Tibet (1989); Mrs. Rigoberta Menchú Tum (1992).

Institutions and organizations: the Institute for International Law (1904) represented by Mr. Christian Dominicé; the International Committee of the Red Cross (1917, 1944, 1963) represented by Mr. Dietrich Schindler; the Religious Society of Friends (Quakers) (1947) represented by Mrs. Brenda Bailey; the American Friends Service Committee (1947) represented by Mr. Stephen Cary; the Office of the United Nations High Commissioner for Refugees (1954, 1981) represented by Mrs. Sadako Ogata; the Federation of Red Cross and Red Crescent Societies (1963) represented by Mr. George Weber; the United Nations Children's Fund (1965) represented by Mr. Samir Sanad Basta; the International Labour Office (1969) represented by Mr. Heribert Maier; Amnesty International (1977) represented by Mr. Pierre Sané; the International Physicians for the Prevention of Nuclear War (1985) represented by Co-President Dr. Mikhael Kuzin.

The decision to invite the Laureates to Vienna was prompted by the evident link between the observance of human rights and the maintenance of peace. It was felt that the Laureates should be given the opportunity to hold an in-depth discussion on the relationship between human rights and peace. Accordingly, appropriate private meetings were organized. In addition, a public round table on this topic, in which all Laureates attending participated, took place on 15 June.

In the course of their private meetings the Laureates drafted a special message which they are addressing to the World Conference on Human Rights. This message was publicly presented at a press conference held on 16 June. The text of the message, which contains important reflections on the realization of human rights worldwide, is reproduced in annex I.

Furthermore, the President of the Polish Republic, H.E. Mr. Lech Walesa, Nobel Peace Prize Laureate 1983, who was not in a position to come to the gathering of Laureates in Vienna, sent a special message of his own to the World Conference. The text of this message is reproduced in annex II.

The delegation of Austria would appreciate if this communication, together with its annexes, were circulated as a document of the World Conference and included in its report."

Annex I

MESSAGE ADDRESSED TO THE WORLD CONFERENCE ON HUMAN RIGHTS
BY THE NOBEL PEACE PRIZE LAUREATES ASSEMBLED
IN VIENNA FROM 14 TO 16 JUNE 1993

We,

Laureates of the Nobel Peace Prize having gathered in Vienna, from 14 to 16 June 1993, at the invitation of the Federal Minister for Foreign Affairs of the Republic of Austria,

Considering the important objectives of the World Conference on Human Rights,

Bearing in mind the inherent interrelationship between the maintenance of peace and the observance of human rights,

Address the following message to the World Conference.

1. One of the fundamental lessons of our times is that respect for human rights is the key to peace. There can be no real peace without justice, and lasting peace must be founded upon a universal commitment to human kinship. National interests must be subject to international obligations.
2. In all cases where peace is broken and armed conflict occurs, it is essential that, as a mere minimum, the norms of international humanitarian law be respected by all parties to the conflict. Also, the community of nations must continue its progress towards complete disarmament.
3. The world is still witnessing mass violations of human rights which in themselves are a threat to peace: torture, political killings and summary executions, arbitrary detention, disappearances, all these are phenomena which can no longer be tolerated. There is an international responsibility to ensure that those who commit such crimes are brought to justice.
4. The death penalty constitutes a cruel and inhuman punishment and should be abolished throughout the world. Once abolished by a State it should never be reintroduced.
5. As a result of human rights violations and armed conflict the number of refugees and displaced persons is acquiring unprecedented dimensions. Human solidarity is imperative to ensure their protection and assistance. At the same time there is a need to address the root causes of such movements of people and a need for action to facilitate their return and their social reintegration under dignified conditions and to ensure their security.
6. The only way to permanently resolve the conflicts which are still racking the world is to address the main causes of human rights violations. Ethnic conflicts, the rise of militarism, racial, religious, cultural and ideological antagonism and the denial of social justice will be overcome if all people are

raised, educated and nurtured in the spirit of tolerance based on the respect for human rights, as manifested in the various human rights instruments adopted by the United Nations system.

7. Human rights include economic, social and cultural rights as well as civil and political rights. Those rights are indivisible and interrelated. They are universal in character. Genuine peace cannot be achieved without due observance of all those rights including the right to food, employment, health, education and a safe environment.

8. The right to food is of primordial importance. Governments must make the production and distribution of food their primary concern. Without adequate production of food and equitable distribution any human rights system will collapse.

9. Also, peace, fragile as it is, must be based on social justice, adequate economic progress and the right to self-determination. It is, therefore, the duty of the Governments of all nations to create international and national conditions in which the inherent dignity and worth of the human person are truly respected and the individual human being is given the possibility to develop his or her potential to the fullest with special attention paid to women, children and also disabled persons whose rights have been traditionally undervalued. Political systems based on genuine democratic participation by all are best able to ensure that aim. In that context the legitimate rights of indigenous peoples must be fully respected.

10. As we enter the twenty-first century it is time to give a new impetus to the vision enshrined in the Charter of the United Nations for a world of peace and justice. Such a world must be based on observance of human rights and the achievement of economic and social progress. In this context the important role which non-governmental organizations have to play in that regard must be recognized and supported.

Annex II

MESSAGE DATED 14 JUNE 1993 ADDRESSED TO THE WORLD CONFERENCE ON HUMAN RIGHTS BY HIS EXCELLENCY THE PRESIDENT OF THE POLISH REPUBLIC, MR. LECH WALESZA, NOBEL PEACE PRIZE LAUREATE 1983

I wish to express my gratitude for the invitation extended to me as a laureate of the Nobel Peace Prize to participate in the World Conference on Human Rights. I am not able to come to Vienna in person. I wish to assure you, however, that my heart and thoughts are with you.

The idea of the Conference is particularly close to me. During years of struggle with systemic totalitarianism I learned the respect for values basic in the life of every human being and every nation. My road to freedom is the road of peace. Solidarność - a social movement, under my leadership, achieved victory, without bloodshed. It started in a peaceful manner great changes in Europe. Today Poland is free.

Others have drawn their conclusions from our experience. Nevertheless, we should keep reminding ourselves of this, especially in times when some politicians tend to believe in the power of guns rather than peaceful negotiations. The tragedy of Yugoslavia exemplifies the terrible consequences of such thinking. We, the laureates of the Nobel Peace Prize, have a moral right and obligation to speak about this loudly. To remind and to warn. To appeal to world opinion. To thrill people's conscience.

Human rights cannot be an empty word, a promise without delivery. After all, respect for human rights constitutes the very basis of democracy. I am convinced that only through dialogue can one solve the difficult problems of the contemporary world.

At present, all citizens of free Poland enjoy equal rights. Nobody is discriminated against. These principles are reflected in the Charter of Rights and Freedoms which upon my initiative is being prepared. This draft constitutional law is based on the principles of respect of the independence and dignity of every human being. The Charter sets the limits of the will of the majority in a society of free people.

As President of a State which follows the road of peace I am obliged to build a future free from violence, prejudice and hatred. This is a challenge we are bound to accept before both history and the present.

I am convinced that the Conference will give hope to those nations where human rights are violated, where human dignity is being trampled.

(Signed:) Lech Walesa
