

UN Commission on Human Rights

Riyaz Punjabi*

*Riyaz Punjabi is Visiting Professor CSSS; Jawaharlal Nehru University, New Delhi and (Hony.) Director, Centre for Peace Studies.

The 52nd session of United Nations Commission on Human Rights (UNCHR) concluded in Geneva, Switzerland, in April, 1996. The Commission thoroughly debated the status of Human Rights around the world.

The Themes

The themes of the Commission included the Realisation of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights in all countries of the world; the Declaration on the Right to Development; the Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation; Question of human rights of all persons subjected to any form of determination or imprisonment; Further promotion and encouragement of human rights and fundamental freedom; Measures to improve the situation and ensure the human rights and dignity of all migrant workers; The implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination; Status of the International Covenants on Human Rights; Effective functioning of bodies established pursuant to UN Human Rights instruments; Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; Rights of persons belonging to national or ethnic, religious and linguistic minorities; implementation of the Declaration of Elimination of all Forms of intolerance and of Discrimination based on Religion or Belief. The Commission also discussed the programme of Advisory Services in the field of Human Rights and deliberated upon drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms. The debate on Rights of Child was equally a special feature of the deliberations of the Commission.

Culture of Human Rights

It hardly needs to be emphasised that UNCHR is rendering pioneering services in sensitising governments, groups and individuals on human rights issues across the world. The discussions and debates on right to development, rights of women and children, rights of people to free speech and expression and the freedom to profess faiths and beliefs, reflect the genuine and sincere concern of the Commission to usher humankind into an era of equality, democracy and peace.

A deeper analysis of the movements of Human Rights reveals that it is essentially a part of the larger struggle for democratic movements in the world. A democratic socio-political environment positively provides the adequate guarantee for the protection of fundamental human rights. In this behalf, the report of Secretary General on the 'Support by the United Nations Systems of the

efforts of governments to promote and consolidate new or restored democracies' is highly relevant. The following excerpts from the report as contained in the UN General Assembly Document (A/50/332, dated 7th August, 1995), highlight the UN concern to strengthen the democratic social order, the world over:

“The United Nations system, in assisting and supporting the efforts of Governments to promote and consolidate new or restored democracies, does not endorse or promote any specific form of government. Democracy is not a model to be copied from certain states, but a goal to be attained by all peoples and assimilated by all cultures. It may take many forms, depending on the characteristics and circumstances of societies. That is why, in the present report, I do not attempt to define democracy but refer to democratization”.

Democratization

The report continues further, “By democratization, I mean a process by which an authoritarian society becomes increasingly participatory through such mechanisms as periodic elections to representative bodies, the accountability of public officials, a transparent public administration, an independent judiciary and a free press. It is inherent in this concept that democratization does not necessarily lead immediately to a fully democratic society. That goal may be attained only in steps, with an authoritarian society gradually becoming less so. The pace at which democratization can proceed is inevitably dependent on a variety of political, economic, social and cultural factors some of which, in a given society, may not be susceptible to rapid change.”

The Democratic Culture

The Secretary General's report maintains that promoting a democratic culture requires the fulfillment of certain conditions. The report provides:

1. Democratization processes in general will take root in a society only if a number of conditions are met. First and foremost, there must exist the political will – both at the government level and in the community of citizens at large – to move towards a more democratic approach to government.
2. Secondly, citizens in such a community must also be provided with the means to participate democratically in the decision – making processes of the society. Minimum preconditions in this regard would include the ability (a) to participate in free and fair elections; and (b) to associate freely and form political parties or movements, thus allowing a multiparty system or coalitions of parties and movements to develop; and (c) to enjoy full access to information including the resources of independent media.
3. Thirdly, the requirements are not, however, sufficient in themselves. Democracy cannot be based on forms alone if it is to function as an effective process, it requires a developed and articulate civil society, as well as a political culture of participation and consultation. Action by the United Nations can assist to put in place the institutions and mechanisms of democracy; but

experience has shown that action to strengthen the underlying culture of democracy may also be required.

Thus as is revealed by the above-mentioned excerpts of the UN Secretary General's report, the proper functioning of democratic institutions and observance of the norms and standards of Human Rights are the two sides of the same coin. The proper functioning of democratic institutions in a society would automatically ensure the observance of human rights standards and norms.

The New Challenge

The efforts of UNCHR in promoting the human rights' concern are quite laudable. The Commission is within its mandate in projecting the human rights violations in any part of the world. Thus, the agenda item "Question of the Violation of Human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries' forms a permanent feature of the agenda of UNCHR. However, a wider perception, particularly among the governments, is building up that this particular agenda item has the potential of misuse; and certain countries are being targeted by the rival countries not out of their genuine concern for Human Rights but to serve their strategic and political interests. In the 52nd Session of the UNCHR these sentiments were expressed by the representatives of some governments quite explicitly. This is not to suggest that this particular item should be scrapped or amended. However, some mechanism is to be devised to minimise the misuse of this particular item. It may be argued that such perceptions are bound to harm the genuine Human Rights movements across the world. Human Rights issues/concerns should not be allowed to be used as diplomatic offensives by the rival countries. Such exercises, if allowed with impunity, places the human rights activists in a vulnerable position, which at times puts their impartiality and integrity in jeopardy.

The ratification of Covenants and Protocols on Human Rights by the member countries is yet another challenge before the UNCHR. It is a curious fact that many countries which debate and discuss the Human Rights issues are not signatories to the important Covenants form the core of the Human Rights ideology and philosophy; particularly the Covenant on Civil and Political Rights is the fulcrum of the Human Rights movement. Therefore, UNCHR and its member countries should ensure that, at the least, the member countries of UNCHR are signatories to the Human Rights Covenants and Protocols, especially the Covenant on Civil and Political Rights.