

REPORT

54TH Session On UN Commission On Human Rights

The UN Commission on Human Rights (UNCHR) concluded its 54th session in the last week of April. The 54th session of UNCHR was special in many ways. The session coincided not only with the Fiftieth anniversary of the Universal Declaration of Human Rights, but also with the five-year review of the follow up to the World Conference on Human Rights. The commission was attended by governmental, inter-governmental and NGO representatives of the member countries of UN. The participation of leading citizens of the world in the deliberations of the Commission clearly indicated that the World community was seriously pursuing the Human Rights agenda, so meticulously set out by the UN. The Commission, after the World Conference on Human Rights in Vienna in 1994 has accelerated its efforts in implementing the conventions and treaties on Human Rights. The fact remains that the support for the Declaration of Human Rights adopted at the conclusion of the Vienna Conference has increased, and there is a growing concern for the observance of Human Rights the world over. Be that as it may, as observed by UN Secretary General, Kofi Annan in his opening remarks of the Session, that 'human rights violations remained a widespread reality which the world had not been able, nor in some cases willing to stamp out'. The reasons for the gap between rhetoric and reality were complex, but they must be addressed if the vision contained in the Declaration was to be realised, he added. However, as pointed out by several governmental and non-governmental organisations, the efforts of the UNCHR will bear little fruits unless states across the World were prodded to ratify the Conventions and Treaties on Human Rights. It is ironical that some states have partially ratified the UN agenda on Human Rights and some states have been dithering even to sign the basic convention on which rests the structure of the Human Rights regime, i.e.: The Convention on Civil, Political and Cultural Rights. This Convention has a great bearing on the systems of governance. Kofi Annan rightly remarked that the international community had yet to absorb fully the implications of the link between democracy, development and human rights. According to him, the link, stressed by the World Conference (Vienna), had been demonstrated that sustainable development was impossible without the full participation of the people; that it was impossible in the absence of full human rights, he further added.

Jacob Selebi (South Africa), who was elected as Chairman of the 54th session of UNCHR, was very candid in his remarks on the functioning of UN mechanisms. He said that the record of the Commission during the last 51 years was quite impressive, and the Commission should feel proud of its achievements in the field of standard setting and monitoring of human rights. However, wars, conflicts, ethnic strife, rights abuses and poverty continued to rob men and women of their dignity and worth. He observed that some states were clearly not respecting any of the mechanisms of the Commission, while for some others certain mechanisms did not deserve any respect.

The observers of the deliberations of the UNCHR and Sub-Commission on the Protection of the Minority Rights have been witnessing that some states have been pursuing their own political agenda in these commissions. The experts and states representatives have been drawing the attention of the Commission towards this problem time and again. The experts maintain that this

exercise has been diluting the focus of the Commission and even generating disillusionment among the members and experts. As is evident from the proceedings of the Commission for the last half a decade, this is true of most of the South Asian states in general, and the state of Pakistan in particular. Taking advantage of its proximity to OIC, Pakistan has been perpetually raking up the issues, which are essentially bilateral in nature, and (mis)using the foras to its political and diplomatic advantage. This trend, if not controlled, is bound to bear its adverse impact on the functioning of UN Commission of Human Rights. The Chairman of the 54th session, Mr. Selebi was right when he appealed to all delegates, Member states and observers that the Commission should not be used to advance political agenda and engender confrontation, but to promote a genuine spirit of cooperation towards the realisation of all human rights. He also proposed a review of all the mechanisms, from the sub-commission to the working groups to the special proceedings.

The special feature of the 54th session of the UNCHR was a discussion organised by the Centre of Human Rights on the Bench Marks of Human Rights. The discussion was chaired by the Chairperson of UNCHR, Mary Robinson. The presentations by the experts were illuminating and they indicated the expanding universe of human rights regime. This perception is further reinforced with more and more time being given to the deliberations on Right to Development and the demands for including poverty alleviation programmes as a part of human rights.

The UNCHR has come a long way in sensitising the states on human rights of the individuals. Having concentrated on the states, UNCHR is now confronted with a new phenomenon of use of mercenaries and role of non-state armed groups. These new categories are throwing a new challenge to the realisation of human rights and UNCHR will have to deal with it sooner or later. Merely passing the resolutions will not do. The Commission will have to devise the mechanism in meeting with this challenge to human rights.

The UN recognition to the human rights of minorities – religious, ethnic and linguistic has found expression in establishing UNCHR Sub-Commission on Prevention of Discrimination and Protection of Minorities. The working groups and special rapporteurs are constantly engaged in looking into the problems of minorities and prescribing mechanisms to include these groups as equal partners in political and economic mainstreams of societies. The human rights regime has been laying great emphasis on respecting, protecting and promoting the plurality in states. However, UNCHR has to strike a fine balance between protection of minority rights and promoting pluralisation in societies. Any attempt at over emphasising on any one particular aspect is bound to disturb the balance and result in conflict. This aspect deserves special attention.

[Courtesy: Asian Affairs, London, April, 1998]