

Human rights: the new consensus

Richard Reoch

Editorial Coordinator of *Terra Viva*, the independent newspaper
at the World Conference on Human Rights

It was the opening day of the World Conference on Human Rights, the largest gathering of its kind in history. Ambassadors from 171 nations were arriving at the imposing United Nations centre in Vienna, escorted in their limousines by armed Austrian motorcycle police.

On the other side of the world, Amancio Francisco Dias was having dinner with his wife and 10 children. Sugar cane was his life. The 4,000 other people who worked with him in the plantations had elected him President of their union. They were seeking protection of their basic rights: a decent standard of living and an end to the abuses that threatened them and their union.

As the World Conference began, the Secretary-General of the United Nations, His Excellency Boutros Boutros-Ghali was telling the assembled diplomats: 'May human rights create a special climate of solidarity and responsibility. May human rights become the common language of humanity.'

While Boutros Boutros-Ghali was preparing to speak, two gunmen, unknown to the outside world, were being sent to kill Amancio Francisco Dias. He was about to join the hundreds of union leaders and rural workers in his country who have sacrificed their lives for human rights. Said one: 'We're involved because of our ideals and we'll never turn back. Our roots are too deep for us to think of giving up the struggle. It is a question of honour, a matter of principle.'

On the doorstep of Amancio Francisco Dias' little home, the two gunmen appeared that night. They opened fire in his face at point blank range and assassinated him.

It had been a day that summed up the struggle for human rights. In its rhetoric and its reality it etched the essence of the challenge facing our civilization.

The idea for the World Conference on Human Rights emerged at the United Nations in 1989. Great changes were shaking the political order, sweeping away old regimes,

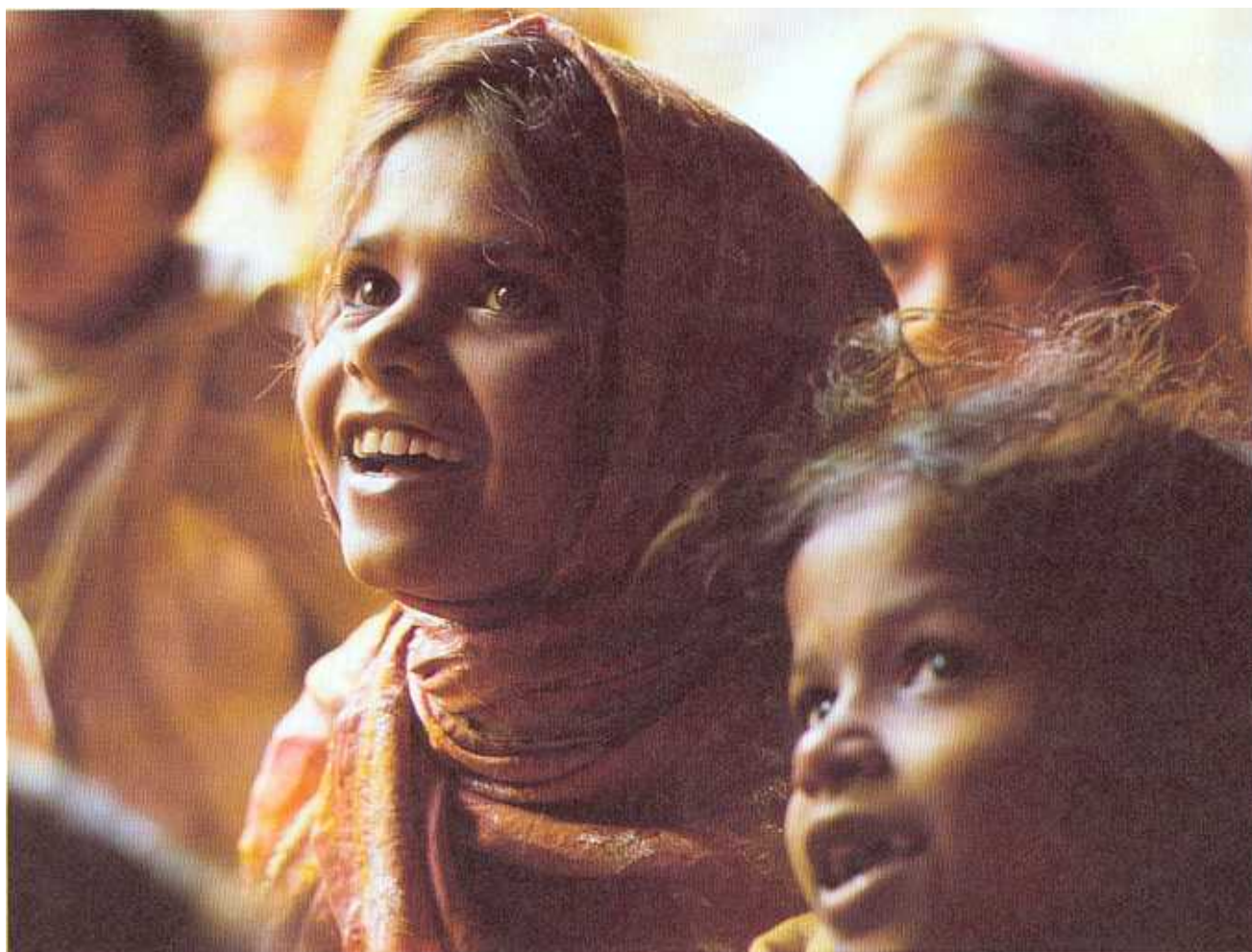
old rivalries and old obstacles. Autocracy was on the decline; democracy was in the ascendant. The time seemed ripe for a fresh look at human rights – to learn from the failures of the past and chart a way forward for the nineties and beyond.

By the time the World Conference opened on 14 June 1993, it promised to be the largest single gathering of governments and grass-roots human rights groups ever assembled. It had five main objectives:

- 1** review and assess progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights in 1948;
- 2** identify obstacles and ways in which they might be overcome;
- 3** examine the link between development and the enjoyment of economic, social, cultural, civil and political rights;
- 4** evaluate the effectiveness of UN methods and mechanisms;
- 5** recommend ways to ensure adequate financial and other resources for UN human rights activities.

To prepare for this demanding agenda there were three regional intergovernmental meetings between November 1992 and April 1993 in Tunisia (African Region), Costa Rica (Latin American Region) and Thailand (Asian Region). The Western and Other Countries Group of nations decided not to have a pre-conference meeting, objecting to a regionalized approach. However, the Council of Europe did organize a separate interregional meeting of human rights experts in Strasbourg. In this same period UNESCO organized a world congress on education for human rights and democracy.

Despite the importance of the objectives of the World Conference, preparations for the meeting did not go smoothly. A Preparatory Committee, charged with the task of paving the way for the conference, ran into serious trouble. Unusually strong disagreements began to emerge – on the content of the



MIKE WELLS/OFAM

The future of humanity depends on winning respect for human rights. The freedom from fear and want must be guaranteed worldwide

agenda and on the involvement of non-governmental organizations. By the end of April 1993, with less than two months to go before the opening of the main conference, there was still deadlock on the details of the agenda and only an extremely crude and disputed draft declaration for the conference.

Comparison with the Earth Summit in 1992, often known as the Rio Summit, is instructive. With all the enormous scientific, economic and political obstacles that were faced in Rio, the result was two international treaties on biodiversity and on climate, and a comprehensive action plan known as Agenda 21. Much still remains to put this into action, but at least it is a framework for future work.

By contrast, at the end of two years of preparatory meetings, all that was ready for the World Conference in Vienna was a draft of a final declaration, mostly consisting of general statements and alternative formulations enclosed within brackets to signify that no agreement had yet been reached.

Behind the lack of progress and the procedural wrangling lay profound issues at the heart of what was to be debated in Vienna. The questions ranged from determining what

the term 'human rights' really means through to establishing the relationship between human rights, democracy and development.

What are human rights?

To make sense of the disputes that surfaced in the run-up to Vienna – and the documents and declarations in this book – it is essential to establish the common starting point for the drama that unfolded. That starting point is a question: 'What are human rights?'

'Human rights', as the term is most commonly used, are the rights which every human being is entitled to enjoy and to have protected. The underlying idea of such rights – fundamental principles that should be respected in the treatment of all men, women and children – exists in some form in all cultures and societies. The contemporary international statement of those rights is the Universal Declaration of Human Rights.

The declaration covers two broad sets of rights. One set is known as Civil and Political Rights. The other set of rights is known as Economic, Social and Cultural Rights. In the words of the declaration, these two sets of rights aim to give all people 'freedom from fear and want'. Both sets of rights must be

FROM GULINGPAN/NGS



Children are among the most vulnerable people on the face of the earth and are frequently the defenceless victims of the most degrading abuses.

The protection of human rights should be accepted by all as a universal principle transcending all political, economic, social, cultural, legal, religious and civic systems to make it effective. It is the sincere wish of the Government of Antigua and Barbuda that the World Conference on Human Rights will achieve its objectives. I am pleased to be associated with *Human Rights – the new consensus* and may it represent a renewed thrust by the world community to focus its energies more intensely on promoting and defending the basic and fundamental rights of mankind everywhere.

**The Rt. Hon.
Vere C. Bird**

Antigua and Barbuda

protected as the 'foundation of freedom, justice and peace in the world'.

It is the responsibility of governments to protect the human rights proclaimed by the declaration. Under the heading of Civil and Political Rights, all governments are to protect the life, liberty and security of their citizens. They should guarantee that no-one is enslaved and that no-one is subjected to arbitrary arrest and detention or to torture. Everyone is entitled to a fair trial. The right to freedom of thought, conscience and religion and to freedom of expression is to be protected.

Under the heading of Economic, Social and Cultural Rights, all governments are expected to try progressively to improve the living conditions of their citizens. For example, they should try to guarantee the right to food, clothing, housing and medical care, the protection of the family and the right to social security, education and employment. They are to promote these rights without discrimination of any kind.

Many Northern governments, however, as well as the news media, have come to use the term 'human rights' in a very narrow sense, referring only to the Civil and Political Rights set out in the declaration. As a result the term 'human rights' is often broadly misused to mean only Civil and Political Rights and to exclude from consideration as a matter of rights, fundamental issues such as the right to food, health, education and social security.

This widespread misinterpretation of the term has resulted in charges that 'human rights' and the Universal Declaration itself consist of nothing more than 'bourgeois rights', or 'Western rights'. Some governments had begun to argue that the very

idea of universal human rights conflicts with the very specific characteristics of local or regional cultures and customs. Some argued that human rights must be recognized as different in different religious contexts. Some held that under the banner of protecting universal rights, Northern governments would continue to focus on Civil and Political Rights in their dealings with Southern nations while refusing to change financial and other practices that deny the Economic, Social and Cultural Rights of people in such nations.

The conventional wisdom had been that human rights were 'indivisible', meaning that respect for Civil and Political Rights could not be divorced from the enjoyment of Economic, Social and Cultural Rights. Expressed the other way round, authentic economic and social development could not exist without the political freedom to participate in that process, including the freedom to dissent.

Here too, views diverged. Some governments had argued that strict measures curbing political freedoms were necessary to get their economies going. Some argued that priorities must be established: what was the point of talking about the establishment of courts and reforming the prison system when the pressing issue was ending starvation and seeking relief from crippling foreign debt?

Stemming in part from the one-sided interpretation of the term 'human rights', the concept of 'development' had also come to be regarded as a human aspiration separate from the achievement of human rights, despite the fact that at least half the 30 articles of the Universal Declaration of Human Rights specify the Economic, Social and Cultural Rights which constitute the core of much of the world's development efforts.

The various international practices that had grown up as a result also gave rise to increasingly heated debates. These focused particularly on two aspects of international relations most commonly referred to in diplomatic jargon as 'conditionality' and 'the right to development'.

'Conditionality' is the relatively recent practice whereby wealthy Northern governments attach human rights conditions to the provision of development assistance to Southern countries. They may insist on the holding of democratic elections. They may insist on seeing other civil and political rights enforced. And if those conditions are not met, development assistance may be withheld.

'The right to development' was elaborated in the 1986 General Assembly Declaration on the Right to Development. It emphasizes the importance of Economic, Social and Cultural Rights and establishes that achieving these is both an individual and a collective

My Government and the people of Argentina are firmly convinced of the importance of the work being carried out by the UN and the regional bodies to protect human rights. We are confident that the UN High Commissioner for Refugees will take into account this special moment in the history of Latin America, and build a preventive system to solve the grave issues that affect certain countries striving to consolidate democracy. Argentina reaffirms its willingness to participate in achieving this goal: a step towards a world governed by essential human values.

IL.E. Carlos Saul Menem
President
Argentina

Development has now been recognized as a human rights issue. Many developing countries have been unable to expand or diversify their economies because of huge external debts

responsibility. States have the primary responsibility for creating national and international conditions favourable to the realization of the right to development. A range of Northern governments expressed deep-seated reservations about acknowledging this right since its effective implementation would challenge longstanding patterns of economic and political power.

The human rights backdrop

These issues were debated against a global backdrop of immense human suffering. It is governments who, in international law, are obliged to act as the protectors of universal human rights. In practice, they have acted as the violators and have failed as the guarantors.

Although the right to life, liberty and security of person is universally recognized, an estimated 120 million people have been killed in this century both in peacetime and in armed conflict as a result of government intervention, including tens of thousands sentenced to death or executed or who have 'disappeared' in over 60 countries in the last decade. The toll of economic injustice and deprivation is no less horrendous: 14 million children die every year before they reach the age of five.

Slavery is banned in international law. Yet some 200 million people are held in conditions amounting to slavery, including some 100 million children existing through

back-breaking labour, prostitution and begging, as well as adult bonded labourers and women forced into marriage below the age of consent.

Torture is another evil that has been internationally outlawed. But no amount of rhetoric can hide the fact that the torture and ill-treatment of prisoners in prisons, police stations or secret detention centres is reported from over 100 countries today. That is more than half the countries of the world.

Despite guarantees of freedom of expression and association, prisoners of conscience – people jailed solely for the non-violent exercise of their human rights – are held in more than 60 countries, that is one third of the member states of the United Nations. Estimates of the numbers of political refugees run to 14-17 million with between 12 and 24 million internally displaced people.

On the economic, social and cultural side, the figures are profoundly disturbing. Worldwide, nearly 140,000 under-fives die from the combined effects of hunger and disease every three days.

Over 100 million people were affected by famine in the opening year of this decade. More than a quarter of the world's people do not get enough food and nearly one billion go hungry. More than one billion people still lack access to safe water and nearly 1.5 billion people worldwide lack access to health services.





The appalling devastation of conflict around the world has made it imperative that governments create the national and international conditions in which human rights can be realized

Despite the established right to education, 130 million children lack access to primary school. Nearly one billion adults are illiterate, nearly 600 million of them women.

If the World Conference, and indeed all those committed to the long-term protection of human rights, were to change the course of history they were going to have to look these appalling facts in the face.

The way forward

Measured against the horrors of this catastrophic record of failure, the outcome of the World Conference could hardly be termed dramatic. But the Vienna Declaration, reproduced in full in Section 5 of this book, settled a number of key issues on the intergovernmental agenda. Beyond that, it marked a new phase in the collective energy of the non-governmental human rights movement.

The universality of human rights was reaffirmed. 'The universal nature of these rights is beyond question,' says the Final Declaration. The entire spectrum of human rights was endorsed, without division. 'All human rights are universal, indivisible, and interdependent and interrelated,' the Declaration says. Human rights were reaffirmed as including both civil and political

rights and the broader range of economic, social and cultural rights, as well as the right to development. This full conception recognizes, in the words of the Final Declaration, that: 'the human person is the central subject of development.'

'We can see emerging the makings of a fairly pristine document of principles,' observed the independent conference newspaper *Terra Viva*, 'one that will not disgrace its forebear, the Universal Declaration of Human Rights. We should never forget that this magisterial document was approved in 1948 by a UN membership that only numbered 50 plus and excluded China; whereas the Vienna one stands a chance of being approved by over 170 members, very much including China'.

Governments, however, were not the sole actors in Vienna. The community of non-governmental organizations (NGOs) was present in force. The final statement of the NGO Forum is included as Section 6 of this book. Taken together, the Vienna Declaration and the Statement of the NGO Forum have charted a course of action for governments and independent bodies. The key question is implementation. The action proposals are by no means as detailed as the Programme of Action adopted at the Earth Summit. A major question mark hangs over the resources yet to be devoted to these objectives. Primary responsibility rests with national governments whose very violations created the need for the conference. But, as with any such exercise, setting the standards must inevitably come first. Those were under threat before Vienna; they are no longer under attack in the same way. It is in that sense that Vienna secured a new consensus.

On that basis, therefore, it is possible to identify the goals set for the future. These would at the very least serve as a checklist for assessing the integrity of the governments that ascribed to them and of the international community that has committed itself to their achievement. How many more men, women and children will die unnecessary and atrocious deaths before we see these promises become reality is anyone's guess. If the death toll and the injustices are to stop, here in broad outline is what those who assembled in Vienna determined must be done:

- 1 The full range of human rights must be respected as the equal and inalienable birthright of all people. All people, regardless of their characteristics or social situation, must be understood to have the same fundamental rights. No one is to fall, at any time or for any reason, outside the circle of those whose rights are to be universally protected.
- 2 The achievement of development and

Unless systems of thought and government are based on respect for the full spectrum of the rights of individuals, they will remain abstract constructs and eventually disappear, often leaving behind them tragedies of catastrophic proportions. The Vienna Conference has deepened the understanding of the significance of human rights for stability, freedom, peace, progress and justice. It is my strong conviction that the adoption and implementation of human rights principles by nation states will create solid ground for unity and harmony throughout a world which is being transformed and is searching for new certainties.

**H.E. Levon
Ter-Petrosian**
President
Republic of Armenia

**Wars rage on every
continent, destroying
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people**

democracy must be based on universal respect for human rights and fundamental freedoms. This is essential if people are to determine their own political, economic, social and cultural destinies and to participate fully in their societies. This applies to all people and all societies and must be understood to embrace individuals and groups thus far excluded from the free and equal expression of human rights.

3 The process of development, which has to include the eradication of extreme poverty and the alleviation of the debt burden of developing countries, must become one of the highest priorities of the international community. This can only be carried out on the basis of a new pattern of global cooperation that meets the needs of both present and future generations.

4 The promotion and protection of economic, social and cultural rights must become subject to the same scrutiny and enforcement which can already be applied to civil and political rights. The first need is for a system of indicators to measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights.

5 Gross and systematic violations of civil and political rights are taking place on a vast scale. Every effort must be made to halt these abuses which include arbitrary detentions, torture, summary executions, and 'disappearances'. Every instance must be condemned and measures taken to end impunity for those

responsible.

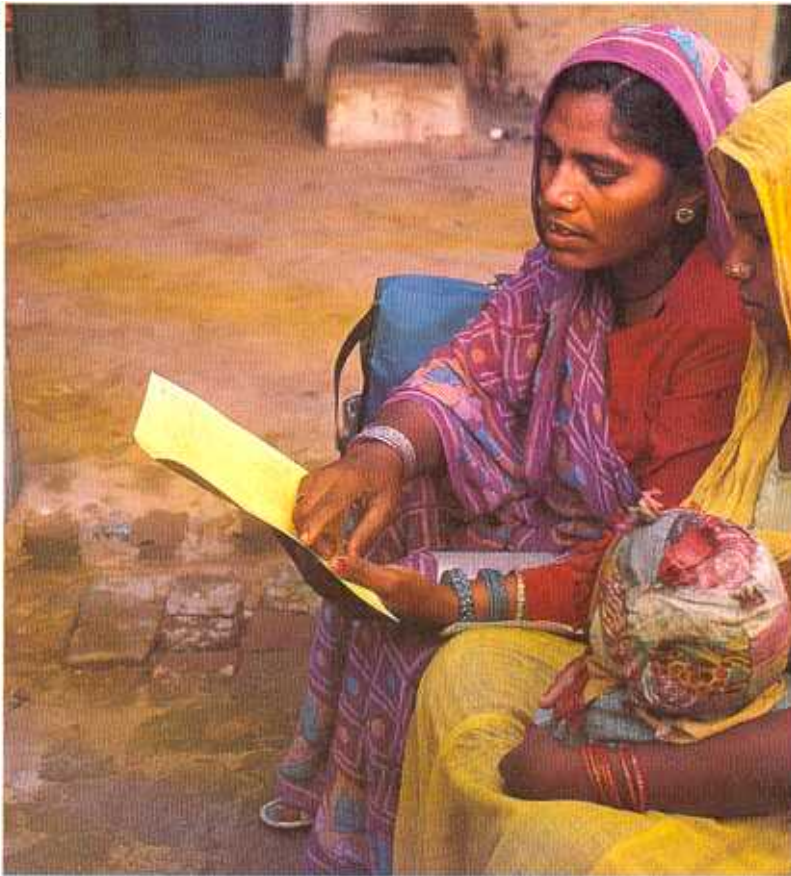
6 The protection of one set of rights must not be invoked as a justification for the denial or violation of other universally recognized rights. The promotion of social justice cannot be used to legitimize political persecution; nor may the rule of law be used as a basis for the perpetuation of economic injustice and social deprivation.

7 Discrimination in all its forms must be eliminated if people are to be able to exercise their inalienable rights and freedoms. Racism and racial discrimination, xenophobia and other forms of intolerance must be the target of major legislative and social programs to prevent these abuses, protect potential victims and create a global ethos of mutual respect between all members of the human family.

8 The rights of women of all ages, which have been denied on a massive scale worldwide, must be accorded full respect. This is a fundamental building block in the protection of the fundamental rights of all people everywhere. Action in a wide range of fields – legislative, economic, social, and educational – is needed to halt all forms of violence against women and to curtail their exploitation and harassment.

9 Children are among the most vulnerable people on the face of the earth and are frequently the defenceless victims of the most appalling violations of human rights. These abuses must stop and be prevented in future. This requires the adoption of the wide-ranging measures stipulated in the Convention





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on the Rights of the Child, in addition to special measures to come to the defence of victims such as street-children, those who suffer from economic and sexual exploitation, those in detention and those who have become refugees.

10 Minorities of all types must be protected so that their members can exercise fully and equally the rights to which they are entitled like all other human beings. They must have the right to develop their own culture, speak their own language, practise their own religion and participate on a basis of equality in the larger society in which they live.

11 The dignity and inherent rights of all those living in indigenous communities throughout the world must be accorded full protection through the law, social practice and international measures for their defence. Attacks upon their communities, their cultures and their economies, as well as the slaughter and gross ill-treatment of their people, must be ended and prevented from recurring.

12 Discrimination against people who are disabled must be eradicated. They must be enabled to exercise their fundamental rights and to participate fully in society.

13 Gross violations of human rights, including armed conflicts, are among the factors responsible for creating vast populations of displaced persons and refugees. All who are

forced to flee persecution must have protection for their right to seek and receive asylum in other countries. At the same time, the root causes that create refugee movements must be addressed.

14 Every State must have an effective system for investigating and redressing violations of human rights. A strong and independent administration of justice must be secured in order to sustain human rights, democracy and development. Ratification of international human rights treaties by all governments is also an indispensable part of the process of establishing a universal rule of law in defence of human rights.

15 Education in human rights must be treated as an essential contribution to the development of a global human rights culture. This requires the teaching and discussion of human rights in both the formal educational system in each country and informal channels of learning.

16 The role of non-governmental organizations in the defence of human rights must be openly recognized and accepted. The harassment and brutal attacks to which human rights workers are often subjected must cease.

17 Every State must consider drawing up a National Action Plan to examine what needs to be done in its country to improve the promotion and protection of human rights. This would reaffirm the responsibility of national governments for human rights protection and provide a nationwide framework for evaluating and proposing ways of improving each country's human rights record.

18 The mechanisms for protecting human rights at the national, regional and international levels must be strengthened and better coordinated. In addition to the creation of a United Nations High Commissioner for Human Rights, proposals include the establishing of an International Penal Court and strengthening the United Nations Centre for Human Rights.

19 The resources needed for intensified international human rights protection must be provided as a matter of priority. Funds are needed by the international bodies like the UN and by the regional bodies. Ultimately the money must come from the member states: it is governments that must make this commitment.

20 The responsibility for monitoring and ensuring respect for human rights must permeate all levels of human society. It is a human responsibility that transcends national and other boundaries. States must no longer seek to shield themselves from international scrutiny on the question of human rights; nor

Austria welcomed to Vienna the participants at the World Conference on Human Rights. The United Nations General Assembly decided to convene this Conference in order to deal with the crucial questions facing the international community in the field of human rights. It is my sincere hope that the Conference will make a significant contribution to the effective protection and promotion of all human rights throughout the world and to strengthening the mechanisms and the activities of the United Nations in that field.

H.E. Dr Franz Vranitzky

Republic of Austria

Ambassadors from 171 countries gathered in Vienna in June 1993 for the World Conference on Human Rights. The

governments to human rights will be determined, not by declarations, but by actions

can they be allowed to fail in their responsibility – which is entrusted to them on behalf of humanity as a whole – for the global defence of human rights.

This book and the aftermath of Vienna

This book is more than a record of a single conference. It attempts to set out the key issues in the many human rights debates surrounding the conference and to identify what emerged from that process.

Immediately following the conference, Heads of Government were invited to contribute statements personally endorsing the conclusions of the World Conference. Extracts from all messages received are included, regardless of any subsequent changes of government.

The UN General Assembly itself took immediate decisions on aspects of the Vienna Declaration. Of long-term significance was its decision in December 1993 to request the Commission on Human Rights to consider proposals and draw up a plan for a UN Decade for Human Rights Education. This book may contribute usefully to those efforts and serve as a tool for wider awareness of the objectives to be achieved by such a decade.

That same month, the General Assembly decided to create the long-delayed senior post of High Commissioner for Human Rights. This is the subject of Section 7 which includes the full text of the General Assembly resolution, adopted by consensus, and extracts from the major paper issued by Amnesty International calling for such an initiative.

But it is not governments, the United Nations and human rights groups alone that

affect the state of human rights in our society. International financial institutions and corporations in some respects have a more powerful influence than political institutions on the lives of millions. Following the World Conference, we invited a number of leaders in the corporate community to contribute articles on the responsibilities of international business in the promotion and protection of human rights. Although this was not a feature of the run-up to the World Conference, the Final Declaration embraced the right to development, clearly recognizing that 'a favourable economic environment' is a necessary condition for improved social equity. Commerce and industry will therefore have to play a vital role in the follow-up to the conference if the impressive ambitions for the future are to be achieved.

Similarly, it was to the world of business that we looked for support in order to make this publication possible and to enable many thousands of copies to be distributed free to governments, non-governmental organizations and educational establishments worldwide. To find sponsored corporate statements in a major publication on human rights may surprise some readers. Indeed, it is a ground-breaking initiative paralleling the effort to involve corporate leaders in the editorial content of the book. Significantly, a very high level of support was secured from business leaders in the South; in no instance did any of those who contributed financially or editorially seek to influence in any way any part of this publication.

We have attempted to bring home the contemporary human rights message through the many photographs and captions throughout the text. While they are drawn from every corner of the world, they come predominantly from the South. This reflects the reality at the World Conference, both on the part of governments and in the NGO Forum. It was the voices of human rights leaders from the Americas, Africa, Asia and the Middle East that passionately demanded that the rights of their peoples be respected. It was the Dalai Lama of Tibet who spoke for many when he declared: 'It is in the inherent nature of human beings to yearn for freedom, equality and dignity and they have an equal right to achieve that...Brute force, no matter how strongly applied, can never subdue the basic desire for freedom and dignity.'

Many of the photos are of women and children – a recognition of the new insistence that 'women's rights are human rights' and a solemn reminder that the dreadful consequences of the failure to protect human rights by past generations and our own must not be visited upon the next.

