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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.
