



لتظلّ الشعلة وهّاجةً - 保持火焰永不熄灭

Entretenons la flamme - Keep the flame alive - Не дать огню погаснуть

Que no se apague la llama

16th plenary meeting, 22nd of June 1993

World Conference on Human Rights

Vienna, 14-25 June 1993

16th plenary meeting, 22nd of June 1993

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The term “indigenous peoples” is used throughout these records of the plenary meetings of Conference.

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Agenda Item 9. General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further the progress in this area and ways in which they can be overcome.

Agenda Item 10. 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.

Agenda Item 11. Consideration of contemporary trends and new challenges to the full realization of all human rights of women and men, including those of persons belonging to vulnerable groups.

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.

YOUSSOUF, Diagana (President), spoke in French:

I declare open the 16th meeting of the World Conference on Human Rights. I call on Mr. Roman Gotsiridze, Vice Prime Minister of the Republic of Georgia. You have the floor, Sir.

GOTSIRIDZE, Roman (Georgia), spoke in Georgian:

Keywords: GEORGIA - FINANCIAL AID - ETHNIC CONFLICT - MINORITIES - SELF-DETERMINATION - NEIGHBOURING STATES - UN. High Commissioner for Human Rights

Distinguished Mr. Chairman, ladies and gentlemen,

As the representative of Georgia, I have the privilege to speak my own language, which is one of the most ancient languages of the world. We consider it one of the essential rights to speak one's own native language. On behalf of our delegation, I would like to thank the government and the people of Austria for organizing this Conference. We also thank the Secretary-General Boutros Boutros-Ghali at whose initiative this Conference has been organized.

It is essential that the world community hear the voices of the human rights defenders, thus, developing the path towards the universal enjoyment of human rights.

Distinguished Mr. Chairman,

Collapse of the economy in the nations emerged on the ruins of the former Soviet Union has resulted in the extremely heavy burden for the people who are at the edge of starvation. This is an infringement of universally recognized human rights, namely, of social and economic rights.

The economic situation in Georgia is that of a deep crisis. International organizations, which offer the economic assistance linked to the conditions, totally ignore the situation of the poorest groups of the population. As the result, the basic rights of these groups cannot be met.

A grave economic situation in the nation adversely affects the human rights and its internal political stability. It is a source of political conflicts that often grow into ethnic conflicts. However, this factor is not properly considered when efforts to solve all these problems are made. At the same time, in many cases the priority principles of granting assistance to this or that nation by the international organizations seem to be unclear and vague.

One cannot fail to see that the deterioration of the economic and social situation in a nation leads only to its further destabilization. As a result, preventive measures necessitate allocation of additional material and financial resources, which, in turn, considerably exceeds the sums of money needed to prevent such crisis.

That is why it is essential that international organizations, while extending the economic assistance to nations in a critical economic situation, work out criteria and preferences on the basis of the following principle. Assistance should come before the disaster and not after. Preventive measures in such cases are much cheaper.

It is also essential to bear in mind that in solving conflicts material assistance can be a much more efficient means than a direct military intervention.

Problems are further complicated by the fact that the violators of human rights are not the state itself but the illegitimate armed factions, which are beyond the government control of a newly born state. However, the international organizations put the blame for these violations on the government. Thus, consequently punishing the population.

The events of the recent years made it essential to develop urgent and long-term measures for either a timely prevention or solving the ethnic conflicts in the newly emerged states. These are the conflicts that are shaking the entire world today. These are the conflicts that are a threat of new large-scale wars in the region and beyond.

Today, there are no mono-ethnic states without ethnic, linguistic and religious minorities different from the majority of the population. No doubt, the rights of these individuals and groups should be defended and they, first and foremost, should enjoy equal rights and freedoms. Besides, they should have the right to preserve and develop their ethnic culture, national and religious identity and the ability of self-expression.

At the same time, it is obvious that the minorities cannot have the right to create a state of their own. Such a step endangers the territorial integrity of a given state and is the major cause of an ethnic conflict. It is well known that the international law recognizes the right to self-determination of only colonial peoples and peoples under foreign occupation and domination.

These very criteria are ignored by some non-governmental organizations, whose activity, on the whole, we appreciate. Some of these NGOs are actually helping the national extremism and separatism, thus, directly or indirectly instigating the ethnic conflicts.

At the same time, we should properly assess the role of the neighboring states, both on the positive and the negative basis. Sometimes their activity poses a serious threat to the newly born state. Under the pretext or under the claims of ethnic and sometimes national protection these states interfere in the

internal affairs of the newly born states. Other measures taken by these states include economic, material and financial blockades.

Sometimes such states even have territorial claims. A big threat to the national independence is represented by the mercenaries who, pretending to act under the idealistic approach, are actually the hired soldiers. It is strange to hear that sometimes a state whose citizen wage a war on a territory of a neighboring states pretends not to be aware of what is going on.

At the same time, a special responsibility lies with the state, the so-called Mother State. We should envisage a situation where a state would determine itself the status and the rights of the minorities and the majority. Georgia traditionally has defended the rights of the linguistic and religious minorities. The situation, which is very complicated now, has been inherited from the Soviet period; that is why we have such a difficult situation now. Very often, we should think about the preferential regime not towards the Soviet era minorities but to the majority as well. It is well known that during the Soviet period some minorities in the territory of Georgia were in the privileged position. As I already said, while defending and promoting the human rights of minorities we should not forget about the rights of the majority of population.

Special responsibility lies with the organs and people who are the leaders of the minorities. A not balanced approach to these problems will result in very complicated situations. That is why we should always make sure the minorities are aware that their rights and freedoms are absolutely equal to those of the majority of population.

The openness of the state to any international inspection and investigation is a real guarantee of enjoyment of human rights for all. Despite the existence of a very large number of NGOs and international organizations, we think that the most proper place to analyze and take measures to solve these problems is the United Nations, which has accumulated a rich experience. It is clear that the prime role in this process should be played by the Centre for Human Rights.

We also support the idea of establishing the post of the High Commissioner for Human Rights. We think that the necessary resources for this purpose should be provided. Only this way can we achieve something.

I thank you for your attention.

YOUSSOUF, Diagana (President), spoke in French:

I thank His Excellency Mr. Deputy Prime Minister for his statement. Now I give the floor to Her Excellency Madame Khadijatu Yayah Mansaray, Head of Delegation of Sierra Leone to the World Conference on Human Rights. Excellency, you have the floor.

YAYAH MANSARAY, Khadijatu (Sierra Leone):

Keywords: HUMAN RIGHTS MONITORING - INTERNATIONAL OBLIGATIONS - DEVELOPMENT - DEVELOPING COUNTRIES - FINANCIAL ASSISTANCE

Thank you, Mr. President.

Mr. President, Excellencies, ladies and gentlemen,

My delegation welcomes the opportunity of taking the forum in the second World Conference of Human Rights, twenty-five years after the convening of the first Conference in Teheran in 1968.

Mr. President,

The convening of this Conference at this particular time corresponds with the various winds of change and their ramifications on mankind on the eve of the 21st century. We, therefore, would wish to pay deserving tribute to those whose persistent efforts have made our presence here today possible to discuss a way forward in charting a more committed path towards the full implementation of fundamental human rights as we embrace the various challenges of our times.

My delegation would, therefore, like to recognize with deep appreciation, the outstanding performance of Mrs. Halima Embarek Warzazi whose diplomatic skills as Chairman of the Preparatory Committee sailed us through the difficult negotiating process to this Conference.

We equally express our gratitude to Mr. Ibrahima Fall who as Secretary-General of the Conference mobilized the necessary expertise that enlightened us and helped us to focus on the subject of this Conference.

Most importantly, we want to express our indebtedness to Secretary-General Mr. Boutros Boutros-Ghali whose vision for global peace and security as contained in his *Agenda for Peace* presented to the Security Council, was a forerunner to this Conference as it highlighted the non-military aspects of security based on social development, promotion of human rights and democracy and promotion of confidence building measures in the prevention of conflict particularly among members of the same sub-region.

Mr. President,

The purpose of the United Nations as set out in Article 1 of the Charter includes "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." Since the adoption of the Universal Declaration of Human Rights in 1948, an impressive array of UN human rights instruments has been drafted and ratified by a large number of states, all in a bid to give effect to this provision of the Charter.

International instruments such as the International Covenant on Economic, Social and Cultural rights, the International Covenant on Civil and political Rights, the Convention on the Rights of the Child and the Convention against Torture have translated peoples' aspirations into a comprehensive body of international law. Various mechanisms have also been put in place for the monitoring of the effective implementation of these instruments, and public awareness of the protection of human rights has been stepped up.

Mr. President,

This Conference is expected to review general compliance with human rights standards to date, examine ways and means of further protecting and promoting human rights and also consider ways of improving the existing United Nations mechanism and enhancing regional as well as national institutions for the promotion and protection of human rights.

The end of the cold war filled many with expectations of the emergency of an international climate conducive to the peaceful enjoyment of human rights. This is turning out to be a mirage. Contrary to expectations, it has brought out in its wake burning new issues such as devastating and well-known factors of conflict in the past as xenophobia and ethnic cleansing, which if not instantly addressed will assume destructive dimensions. Debates have been raging on the issue of the existence or otherwise of linkages between development, democracy and the universal enjoyment of human rights, the degree of importance to be attached to civil and political rights on the one hand and economic, social and cultural rights on the other. These and a long list of other pressing human rights issues are all expected to be addressed come the final day of this Conference.

Mr. President,

In his report on the work of the Organization, the Secretary-General of the United Nations recognizing the link between human rights and development noted that "human rights are an essential component of sustainable development. Sustainable development is not possible without respect for human rights." He further added that "human rights are meaningless in an environment of poverty and deprivation." These are well articulated points to which my delegation fully subscribes. There is, however, an ongoing debate focusing on the last assertion by the Secretary-General which the Sierra Leone delegation wishes to address.

The question as to which of the two sets of human rights - civil and political or economic, social and cultural - must precede the other needs to be properly put and debated. While my delegation acknowledges and supports that this Conference would lead to resolving such an issue, we, nevertheless, wish to reiterate the need for the Conference to acknowledge that any advance towards the pursuit of civil and political rights should have a corresponding and even a fundamental drive towards the enhancement and guaranteeing of the rights to economic and social development since these two sets of rights are mutually reinforcing. Equating human rights with only political liberties and ignoring the provisions of the International Covenant on Economic, Social and Cultural Rights would amount to ignoring the social foundations on which all human rights rest. It is our simple proposition that political and civil rights in the context of the most degrading condition of poverty, deprivation and human misery is meaningless and palpably grotesque.

Mr. President,

Peace and stability both at the national and international levels require a fair balance of all the elements that compose human rights. Human rights and fundamental freedoms as proclaimed and elaborated in the various international instruments would be of no value if the majority of humanity remains hungry and strapped in poverty.

Mr. President,

The Tunis Declaration adopted by the regional meeting for Africa on November 6, 1992 unequivocally provided that "the universal nature of human rights is beyond question, their protection and promotion are a duty for all states, regardless of their political, economic or cultural systems." It would be unfortunate and unfair if this Conference would be used as a means of pressurizing developing countries into accepting western standards of human rights particularly as conditionality for the granting of development assistance as has hitherto been the case. We wish to take this opportunity to remind the international community especially those who have conveniently forgotten that human rights should be predicted on the recognition of the equality of all nations of the world.

This Conference, Mr. President, should take a cue from the current emphasis being placed by the Secretary-General of the United Nations on preventive diplomacy to particularly strive to re-orient the previous emphasis on the promotion and protection of human rights towards the prevention of abuse by addressing the fundamental causes of such violations. It is only in this way that we can ensure the effective enjoyment by all of their internationally recognized rights and freedoms.

From all indications, this Conference is certain to mark the beginning of a new era in the promotion, protection and prevention of abuse of human rights. While congratulating, once again, all who have made this august gathering possible, I would wish to express my government's sincere appreciation to the Austrian government for its generous offer to host this Conference.

I thank you.

YOUSSEF, Diagana (President), spoke in French:

Thank you. I now give the floor to His Excellency, Mr. Julio Linares, Minister of Foreign Affairs of Panama. Excellency, you have the floor.

LINARES, Julio E. (Panama), spoke in Spanish:

Keywords: CHRISTIANITY - PANAMA - GOVERNMENT POLICY - HUMAN RIGHTS VIOLATIONS - SELF-DETERMINATION - SOVEREIGNTY - LATIN AMERICA - DEMOCRACY - DEVELOPMENT - TERRORISM

Mr. President, ladies and gentlemen delegates, representatives of non-governmental organizations, ladies and gentlemen,

On behalf of the people and the government of Panama, may I, Mr. President, congratulate you and the President of this Conference for your well-deserved election. I am convinced that your statesmen qualities will contribute to the success of this Conference. Finding myself in this city that is bathed by the legendary Danube, crowned by woods that has been a source of inspiration, to walk through its streets and squares abundant in historical traditions, to contemplate buildings that gave rise to the so-called architecture of the Rhine, to recall Strauss in his hometown and Beethoven, Brahms, Mozart and Schubert, who though were not born here wrote some of their best love works in Vienna, all this fills me with pleasure and joy. For all this, Mr. President, hold me in debt to the Austrian people and government as well as for the warm and fraternal hospitality that they are giving us.

The Organization of the United Nations was quite right in choosing this ancient capital of the German section of the Holy Roman Empire in which to hold the World Conference on Human Rights. From the first centuries of the Middle Ages, it was here that an international Christian law became to be outlined, applicable to a Christian community of nations whose highest spiritual authority

was the pope and whose highest temporal authority whose highest spiritual authority was represented by the Pope and, in the temporal order, by the Emperor of the Holy Roman Empire. This international Christian law which was extended gradually to the states of the eastern and northern Europe until it was consolidated from Scandinavia the Iberian Peninsula and from the British Isles to Russia. It is no exaggeration, therefore, to point to the Papacy and the Holy Roman Empire, which had Vienna as its capital, as "the backbone of the European political system during the Middle Ages", and I trust that this Conference will make Vienna the backbone of human rights.

As I said at the 21st General Assembly of the Organization of American States, we cannot speak of international peace and security based on justice if the fundamental rights and freedoms of a man are not respected. For this reason, my government considers that its duty and a point of principle is to respect human rights despite the very difficult circumstances following the restoration of democracy in Panama and feels that it is its duty to create the necessary conditions for these rights not to be violated. For this reason, on 6 February 1990, in other words, a mere 17 days after President Guillermo Endara Galimany took over the presidency of the Republic, I invited the Inter-American Commission on Human Rights to visit Panama. Fourteen days later, I contacted the Inter-American Court of Human Rights with its headquarters in Costa Rica, informing it that the Republic of Panama recognized the jurisdiction of that court enabling it to deal with human rights violations that may take place on our territory.

From that time onwards, full respect for life, liberty and security of person, freedom of expression, freedom of assembly and movement, the separation of powers, a fair trial, the privacy of one's home and correspondence and other private documents, rights which were frequently violated by the military dictatorship, all these contributed in no small measure to vouchsafe the obedience that both government and governed owe to human rights and fundamental freedoms for all. Furthermore, during

our ministerial administration, the Legislative Assembly adopted the Inter-American Convention against Torture and is at present considering four other conventions.

However, none of this means that Panama, as far as human rights are concerned, can rest on its laurels. Far be it from the truth. The overcrowding in our prisons prevents, for example, that our penitentiary system responds to the principles of security, rehabilitation and social defense that the Constitution demands. The slow pace of the legal procedures is, furthermore, a constant source of frustration and disappointment for a people that twenty-one years of arbitrariness, corruption, despotism and insouciance began to clamor not only for justice but also for freedom and democracy. I note, however, with pleasure, that a new prison center is currently in the last stage of construction, so that once completed it will contribute to improving the situation of the inmates.

Human rights and fundamental freedoms are not products of a generous concession by the state or its authorities. They are inherent to the human person by reason of their human condition as such, whatever their political, social, racial, religious or other condition, they are, therefore, inseparably linked and must be recognized and respected. The fact that they are inherent to the human person also gives these rights and freedoms a universality and indivisibility that must be strengthened at this World Conference.

If all of this were not enough, it should also be borne in mind that the effects of constant violations of human rights and fundamental freedoms, in terms of their effects, do not only attack the person whose fundamental rights and freedoms have been violated. They also threaten institutional stability, the constitutional order and the rule of law, because the person whose human rights and fundamental freedoms are ignored, tends towards rebellion, in the least of cases, to private revenge, to the law of Talion, an eye for an eye and a tooth for a tooth. Respect or disrespect for human rights and fundamental freedoms must, therefore, be examined not only as an issue that affects individual interests, even though the human person is the recipient of those rights and freedoms. It must be examined in a much broader dimension: as an issue that affects social interests or those of society in general. For this reason, most of the rebellions and fratricidal struggles have had their origin in the disregard of human rights and fundamental freedoms to the detriment of important sectors of the population, disregard frequently generated by the lack of democracy, by the non-existence of the rule of law, by extreme poverty and by social marginalization.

Since I have referred to an absence of democracy, I note with concern that in the work of the Drafting Committee of this Conference, a text such as this can be produced on the matter of self-determination as the "inalienable fundamental right of all peoples by virtue of which each people freely determines its destiny, without any external interference or colonial domination or foreign occupation." And I note this with concern because, although it is true that self-determination should never be affected by foreign interference, nor colonial domination, nor by foreign occupation, it is equally true that as the Delegation of Panama stated in the Drafting Committee referring to certain criteria that I presented at the 20th General Assembly of the Organization of American States, when I referred to sovereignty. Sovereignty, and this applies equally to the principle of self-determination, is not only or can be jeopardized by acts carried out by third states. Sovereignty, and the same can be said, I repeat, of the principle of self-determination, is and can also be violated by acts that come from the nationals of a given state when these nationals setting themselves above the will of the people, as has taken place in many dictatorships that have existed, they ignore precisely the principle of self-determination of the peoples and violate human rights. This is the case because the power of the people comes only from the people.

When a dictatorship disregards the principle of self-determination or that of popular sovereignty, which takes place when people are deprived of their inalienable right to adopt the form of government that best suits their interests, their sovereignty is being violated just as well as the principle of self-determination is violated because the state's power to act does not derive or emanate from the people: it derives and emanates from the one or those who hold power without any more legitimacy - if one could speak of legitimacy - than that which is given by the force of arms. On the other hand, when a

dictatorship disregards human rights, it deprives the inhabitants of the state or, what is the same, the people, from the sovereignty and self-determination, of the rights that every state must recognize to the human persons by their mere condition as such. In our America, unfortunately, the sovereignty of the Latin American States as well as the self-determination of their peoples has not only been violated by third states. It has also been jeopardized by the nationals themselves, since Latin America has produced a plethora of dictators and dictatorships without God nor law.

Mr. President,

The global nature of this Conference makes it my duty to be brief. This deprives me from referring to important matters related to human rights and fundamental freedoms that are currently being considered and analyzed. I cannot, however, conclude without even recalling that one cannot speak of human rights because this would be utopian to do so where there is no democracy; and that without human rights and without democracy the cultural, political, social and economic development is unattainable. Or has only the value of a chimera. Human rights, democracy and development constitute and must always constitute the trilogy of progress and wellbeing for the peoples who strive to build and maintain their institutions within a framework of social justice so that a just peace and peaceful justice prevail over the contradictions that vested interests and the lack of moral barriers cause in the world today.

Nor can I conclude without mentioning one of the most cowardly crimes because of the way they are carried out, cruel because of the results they produce and infamous because of the innocent victims they leave, and which, paradoxical as it may seem, has not in a few cases turned into conductors of supposed national liberations to those who resort to him to satisfy their moral, political or religious deformations. I am referring to terrorism that, despite the fact that it frequently threatens the life and physical integrity of people, and which the action of governments has unfortunately not been able to control. Terrorism, wherever it comes from, is and must continue to be an international crime punishable and reprehensible for all civilized conscience. In this virtue, duty to humanity must be considered to motivate and support the United Nations Organization as well as any other international body, in all the efforts it makes to repress it. Only in this way will we be consistent with the moral values and with the legal assets whose protection inspired this Conference and which brings us together here.

Mr. President,

For human rights to be always respected, we must make of them more than a culture, we must make them a daily habit, and this is not an easy task. But this task, however difficult it may be, must be undertaken and must involve, I am convinced, the family and the school. Let us commit ourselves promptly to undertake and carry it out for in this way alone will we be at peace with God when we have stability in our democratic institutions and the existence of the human person, as a being created in the image and likeness of the Supreme Creator.

Thank you, Mr. President.

YOUSSOUF, Diagana (President), spoke in French:

I thank you, Mr. Minister, for your statement. Now I give the floor to the Honorable Minister of External Affairs of Mauritius His Excellency Mr. Paul Raymond Berenger. Excellency, you have the floor.

BERENGER, Paul Raymond (Mauritius):

Keywords: CULTURAL PLURALISM - DEVELOPMENT - UN. Security Council - UN. Centre for Human Rights - UN High Commissioner for Human Rights - SPECIAL RAPPORTEURS - WOMEN - INTERNATIONAL COOPERATION - TECHNICAL COOPERATION

Mr. President,

It is with a deep sense of urgency and commitment that I take the floor in this august gathering to voice the feelings and position of my delegation on the important issue of human rights. We have come here to state in as clear terms as possible that the vital issue of human rights, their protection and promotion, to our mind, must remain one of the primary concerns of us all, individuals, governments and non-governmental organizations alike. But first, allow me the pleasant duty of congratulating you upon your election to the Presidency of this historical Conference. "Historical" is a word used excessively and, therefore, often misused, but I think this gathering over which you have been presiding is truly historical in its importance, in its aims and in the hopes, it has aroused throughout the world and more especially in the hearts of those who are oppressed and martyred by benighted tyrannies.

Mr. President,

Let me also echo the wish of previous speakers that success should be allowed to crown our Conference. The success of this Conference would constitute a significant step forward in mankind's march towards the realization of man's foremost aspirations - freedom and dignity.

Mr. President,

It is still in our power to ensure that this Conference be remembered as a landmark in the development of the universal concept of human rights. Our objective should be that it should be remembered as a positive landmark. The end of the cold war provides us with the singular opportunity to do this. Let us not waste that opportunity.

Indeed, we need to remind ourselves of the responsibility that lies on our shoulders as plenipotentiaries of our respective governments to bring our deliberations to a fruitful and exemplary conclusion. We owe it to ourselves, to our children and to posterity to reaffirm in no unclear terms our infallible conviction in the lofty ideals and objectives that distinguish the Universal Declaration of Human Rights as a historical document. We owe it equally to our representatives in Geneva who have put in long and arduous hours during the various Preparatory Committee meetings to try and bring out a consensual draft declaration as, indeed, we owe it to the three regional meetings that have preceded this Conference and out of which have issued the Tunis, San José and Bangkok Declarations.

Mr. President,

Let me state in the most unambiguous manner possible that the primary subject of this Conference is the rights of the individual, the protection of the human person and the respect of his dignity. Let us, therefore, strive collectively to avoid the collision course that we appear thus far to be riding on. It is a fact that we face daunting obstacles, some of which are of a fundamental nature arising as they do from differences in perceptions based on religion, philosophy or culture. Let me repeat, we owe it to ourselves and to future generations to address these obstacles in earnest, in good faith and with mutual trust eschewing acrimony and moral arrogance.

No state, no system may claim to have the monopoly of interpretation of human rights values or to have discovered the ultimate model than can be imposed by prescription universally. Likewise, it is clear that a defensive, restrictive attitude or one of self-righteous high-handedness cannot help us achieve our aims. But, Mr. President, if anything, this Conference has thus far unfortunately served to

sharpen the focus on the conceptual divide that continues to characterize our approach to human rights, our perception of human rights. What we need now and even more after the clamors of this Conference would have settled down is the pursuance of an honest dialogue as opposed to individual rhetoric, a sincere desire to progress onto common grounds as opposed to rigid retrenchment on individual positions. It is only thus that we will be able to further the aims we all share and promote the values that are truly universal. Therefore, Mr. President, whatever be the conclusion of this Conference, the struggle for the furtherance of human rights must go on.

We think, Mr. President, that the debate that pits universality against national specificities is a false debate. Human rights cannot be denied on account of these specificities. We hail from a country that is pluri-ethnic, pluri-cultural, pluri-religious. On the exiguous area that constitutes Mauritius peace and harmony prevail. Democracy and development have flourished in tandem. We have given ourselves a legal system that has elements drawn from a number of different and distinct systems. Yet, we have forged a Mauritian culture to which every Mauritian owes allegiance, loyalty and affection.

Mr. President,

The point I wish to make here is that if in a small country like ours a multiplicity of races and religions coexist, we fail to perceive how people of different cultures could be subject to different regimes of human rights. Culture elevates the human being, and no culture can be deemed inferior in comparison as to cause people of that culture to be unfit to enjoy the same quantum and quality of human rights as people of other cultures.

Human values are common to mankind. We strongly believe that no religion or culture or philosophy denies the intrinsic worth of the human person or the need for the individual to be protected from arbitrary arrest, torture, summary or extra-judicial execution. Indeed, no national particularity or circumstance can justify such atrocities.

Culture breeds peace and harmony and these two factors along with the enjoyment of fundamental freedoms and basic human rights create the appropriate terrain for development.

Mr. President,

As I have said, we face formidable obstacles and the last thing we need is to invent imaginary ones. For some time now, we have watched with dismay, verging onto despondency, the time and resources wasted on the needless controversy aroused by divergent perceptions around the subject of the right to development. The issue has also been raised as to whether development assumes priority and has to be achieved at the expense of human rights. For us, the issue does not arise: development goes hand in hand with the enjoyment of fundamental freedoms and human rights; human rights are necessary for development and, indeed, the full enjoyment of human rights is part and parcel of development. The human being, after all, is at the centre of development and, therefore, the denial of human rights is not consonant with development. The right to development is fundamental and every state owes this fundamental right to its citizens. The international community should be duty bound to assist in creating as favorable a climate as to enable the achievement of development.

The primary obligation of ensuring development, however, rests with the individual states and an essential condition for development to take place is good governance. That is a system that allows the citizen to enjoy his social, cultural, political and economic rights. History has witnessed and continues to record the catastrophic fall of systems that have purported to achieve development with total disregard or at the expense of human rights.

Let this Conference, therefore, Mr. President, toll the bells for those systems that persist in their retrogressive approach to human rights.

We, in Mauritius, attach the highest importance to the promotion and protection of human rights, and we strongly believe that violations of these rights are utterly reprehensible and unacceptable and have to be addressed by the international community as a matter of urgency. We favor placing human rights very high on the list of priorities of the United Nations system. In this respect, we believe that a more transparent and democratic United Nations and, in particular, a restructured and democratized Security Council will be better equipped to address itself to the issue of human rights. Human rights violations have been known to constitute a threat to international peace and security. Any action as deemed appropriate by a democratized and transparent Security Council to remedy human rights abuses and violations will be difficult to be dismissed by those guilty of such malpractices as having a distinctive political bias. No motive of this sort could be imputed to such a revitalized Security Council. Indeed, it will become impossible to challenge the stands taken by the Council in the safeguard and promotion of human rights as an equitably represented international community would be involved in its decision-making process.

Similarly, the Centre for Human Rights, which I wish to commend for its exemplary dedication, has to be provided the means, both material and human, for the further strengthening of its action. I should like here to express my delegation's appreciation to Professor Ibrahima Fall for the relentless efforts he has deployed in the run-up to this Conference.

Mr. President,

The Mauritius delegation supports the proposal for the establishment of the position and office of a UN High Commissioner for Human Rights. We will equally support the appointment of a UN special rapporteur on violence against women at the Commission on Human Rights.

The United Nations Charter, Mr. President, guarantees the sovereignty of states, and this same Charter places the promotion of human rights as one of its priorities. As it is the human being that is the subject of human rights, it is but natural that the Member States of the United Nations system should react when people are deprived of human rights whatever be the borders within which these human rights breaches take place.

Mauritius does not consider that expressions of concern for human rights violations in whichever country they happen is interference in its internal affairs especially when that state displays an arrogant disregard for the basic human rights and fundamental freedoms of its people.

It is a fact that regimes guilty of gross violations of human rights have unabashedly tried to muster support against condemnation of their reprehensible acts in the name of appurtenance to the same regional bodies or on account of similar geographical groupings. Mauritius believes that expression of solidarity with such guilty states would amount to complicity and, therefore, has made it its official policy not to display any such kind of unhealthy solidarity. Likewise, Mauritius will continue to condemn states that are found to be guilty of applying double standards in their approach towards other states where human rights problems exist. Uniformity of approach and honesty of purpose are of paramount importance when dealing with the human rights issue. The condemnation of the human rights situation in any country should not be used and, indeed, be seen as an excuse simply to exert pressure on that country for political reasons. We must ensure that any pressure exerted or action taken against that country in that given situation is motivated solely by the need to restore the fundamental freedoms and rights to its people. And before any action is taken, it is important that an assessment based on a certain number of parameters be carried out. In Mauritius, Mr. President, the government bases itself on three fundamental criteria while deciding on the policy to be adopted in respect of a country with a human rights problem. Allow me to enumerate those criteria:

Firstly, we aim to obtain the up-to-date facts surrounding any given situation of human rights violations or abuse in the country concerned.

Secondly, we take stock of the declared intention of the government concerned to take remedial action or otherwise.

And thirdly, whether there is, indeed, perceptible action along the lines of the declared intention which could be termed as progress.

For we also believe that we should encourage countries that are honestly trying to redress their human rights record. Our sincere hope is that we shall not have to devote much time and effort to defend whatever progress in human rights has been achieved up to now. Let us not forget the new challenges to the enjoyment of human rights by one and all. My country, Mr. President, is very much concerned with the upsurges of xenophobia, racism, terrorism and religious intolerance in their most barbaric forms. Our concern is still greater when we consider the fact that these upsurges are happening in places where human rights were up to now held in great esteem. It seems that there is now no place where we can relax our vigilance in the struggle to protect human rights.

Mr. President,

We hope that the debates here will at the end be fruitful and will be beneficial to the cause of human rights. However, this Conference will be much more meaningful if at the end of the day we come out with a concrete plan of action. In fact, we will not have achieved much if a solid programme of practical measures is not taken as a follow-up to this Conference.

There should be a plan for the reorientation of the international system towards the rights and needs of the individual. International cooperation should be geared to secure development in an atmosphere where people can really enjoy it, an atmosphere where peace and justice prevail. To achieve all this, Mr. President, the international community must help the peoples of the world to accede to good governance through democratic processes and to the necessary accessories of an independent judiciary and a free press. Assistance must be provided for people to acquire the minimum education necessary to understand their rights as Human beings and the necessity to set up a policy where these rights will be protected. Of course, this does not mean that assistance towards purely economic development should be neglected.

When all is said and done, Mr. President, the prevention of human rights violations and, indeed, the protection and promotion of human rights rest with governments. Let us pledge ourselves to this end while of course not losing sight of the fundamental duties of the citizen towards his fellow-being and to the community he thrives in.

One fundamental duty of each government of this world is to ensure that there is no discrimination whatsoever based on sex, class, creed or color in the social, cultural, economic and political rights of its citizens. It is our duty to see to it that all laws or practices that exist in our respective countries, which discriminate against women and children are speedily repealed. To that end, I appeal to all governments to accede to the various international conventions that seek to eliminate all forms of discrimination against women and promote the rights of the child.

Finally, Mr. President, let me pledge here the support of my delegation to all endeavors that seek to make of this Conference a success. Mauritius is wholeheartedly committed to the cause of human rights. We will, therefore, continue to adopt a positive and progressive attitude towards the promotion of human rights. Our commitment is profoundly anchored in our common and shared philosophical beliefs and moral values. These beliefs and values have been confirmed empirically by our decades of experience in democracy and nation building.

I thank you, Mr. President.

YOUSOUF, Diagana (President), spoke in French:

I thank you, Mr. Minister, for your statement. I should now like to give the floor to His Excellency Mr. Rashid Alimov, Minister of Foreign Affairs of Tajikistan. Excellency, you have the floor.

ALIMOV, Rashid (Tajikistan), spoke in Russian:

Keywords: TAJIKISTAN - CIVIL WAR - POST-CONFLICT RECONSTRUCTION -
NATURAL DISASTERS - DEMOCRACY - UN High Commissioner for Human Rights

[Spoke in English]

Thank you very much.

[Spoke in Russian]

Distinguished Mr. Chairman, distinguished ladies and gentlemen,

In participating for the first time in the World Conference on Human Rights, one finds oneself more and more to be a part of a single, multifaceted, often-contradictory family that inhabits the same home, the planet Earth.

It is obvious that in this home there are many problems common to all who reside there. We are all witnessing that the number of these problems, their scope and significance over the past twenty-five years has not decreased but, on the contrary, increased.

Civil and armed conflicts that bring pain and suffering to people, force them to leave their homes and property, to become refugees; pollution and sometimes even destruction of the environment; food shortages and famine in certain parts of the world; destructive natural disasters and catastrophes not only prompted by the natural elements but often by the human activity – all this and much more that complicates the life of a human being, unfortunately, are the realities of the end of the 20th century.

To this should be added the worldwide spread of such forms of antisocial conduct as terrorism, violence, crime, distribution and use of drugs, political assassinations, abductions and disappearances, hostage taking, coercion and torture.

For the citizens of the Republic of Tajikistan, who are taking their first steps on the path towards the independent development, the aforesaid are not just abstract concepts but the harsh reality of the past 1992.

Exactly a year ago, my small mountainous country located in the very heart of Central Asia was plunged in the abyss of civil conflict by the politicians who were eager to come to power via anti-democratic, violent and armed means. Its flourishing valleys with fertile lands and hardworking farmers were drenched in blood. Twenty thousand lives claimed the fratricidal war that lasted for about six months. Over half a million of people became refugees or internally displaced persons in their land and beyond. Direct losses sustained by the national economy amounted to approximately 350 million American dollars.

It was a year of a national tragedy and drama, bitterness and suffering of the civilian population - children, mothers, the aged.

It was a time of anarchy and legal chaos, of flagrant human rights violations masked by slogans of revolutionary expediency.

It was a crime against a human being, against his most supreme human right - the right to life.

It was a time of difficult decision-making when the people had to choose the future of their country: to live in a society based on values and realities of a long-bygone medieval past or through struggle, through sacrifice and hardship to build an independent, democratic, constitutional secular state.

The People's Deputies of the Republic of Tajikistan with the support of their constituents made the choice in favor of a democratic future for their country. The Extraordinary XVI session of the Supreme Soviet held in November 1992 was a watershed in the life of the sovereign Tajikistan proclaiming respect for human rights, rule of law, democracy as the objectives of the Republic's development.

Today, Tajikistan is going through a new phase in its history characterized by a gradual transition of the society from a state of armed conflict to the restoration of the collapsed national economy, recovery from the destruction of the unprecedented national disaster that struck the country in spring this year. All of this incontrovertibly hampers the society and stands in the way of its normal development.

Nonetheless, despite the heavy legacy of the bloody civil conflict, the government of the Republic of Tajikistan has made vigorous efforts to stabilize the situation, to restore law and order and protect the human rights in the country. The invaluable in this context is the role and significance of the Member States of the Commonwealth of Independent States, primarily of the Russian Federation and Central Asian Republics.

In a short time, the fratricidal war was ended. Most importantly, the escalation of an internal local conflict into the regional one has been thwarted. The institutions of governmental power were strengthened, the judicial system and the protection of public order began to work. The process of returning of the refugees to their places of origin is under way, albeit slowly. Positive changes are noticeable in the political, social and economic spheres of the society. Intensive work has begun to align national legislation with international requirements for human rights and freedoms.

The next step is the adoption of a new constitution that will become a solid foundation on which to build a truly democratic Republic of Tajikistan.

Wherein, we are aware that Tajikistan in the past did not have democratic traditions. Democracy, as everyone knows, cannot be achieved overnight. Each state must take its own path towards democracy. Blind copying of existing models and their artificial transfer onto an unprepared soil can only produce the opposite effect, turn into legal nihilism, permissiveness, ochlocracy.

At the same time, no one doubts that the absence of legislative and political freedoms, totalitarian and authoritative methods of government and imposition of a political uniformity will inevitably lead the society into economic and social stagnation.

We are convinced that we must move ahead towards democracy because only with the help of democracy will we be able to preserve our nationhood, bring back peace and prosperity to the Tajik land and create a system for the protection of human rights regardless of any political, philosophical or religious beliefs, of gender, race, language and ethnicity.

There is nothing in the country's legislative acts that in any form infringes upon the rights and freedoms of citizens. Naturally, this does not mean that the existing legislation is flawless and that the mechanism for its implementation is well established.

We do have a clear understanding of the fact that much has yet to be done to achieve international human rights standards. But we are ready to persistently follow along that path in spite of objective and subjective difficulties of the social, economic, spiritual, cultural and even psychological nature.

The government of Tajikistan, despite a large number of unresolved problems including in the field of human rights inherited from the recent past, is ready to cooperate to resolve them with the national and international organizations. We view this as a support of the efforts of the constitutional bodies of the Republic in creating dignifying living conditions worthy for all members of our society.

Allow me to take this opportunity on behalf of the President of the Supreme Soviet Republic of Tajikistan Emomali Rakhmonov, of the government of the country to express our deep gratitude to the Secretary-General of the United Nations, His Excellency Mr. Boutros Boutros-Ghali for his constant attention to the problems of Tajikistan and his active involvement in their resolution.

We address our sincere thanks to the states and international organizations that have assisted and that continue to provide assistance and support with the provision of food, medicine, baby food and clothing to citizens of Tajikistan who are the victims of the armed conflict and of the deleterious natural disaster.

We regard these efforts as an important element of international humanitarian cooperation and an effective factor for preventing possible social explosions.

At the same time, we consider that those guilty of inciting armed conflicts must be held accountable before the law regardless of where they are geographically located. In developing a system for monitoring over ensuring the rights of victims of armed conflict, in our view, it is important to ensure the inevitability of punishment of the inspirers and organizers of these very conflicts.

Distinguished delegates,

It is obvious that today human rights and freedoms have gone beyond the purely internal competence of the state, became a subject of international concern.

We support those who consider that human rights cannot be defined solely by the nature and level of development of a given society. They are indivisible and the obligation to protect them must be respected unconditionally. In this regard, of course, an emergency mechanism of the United Nations is necessary for a speedy response to specific situations arising in connection with flagrant and massive human rights violations. It seems that a possible form of this mechanism could be an office of the High Commissioner for Human Rights whose establishment is extremely timely.

We should like also to hope that the Conference would take an important step in rendering assistance to countries that have recently thrown off the shackles of totalitarianism and have embarked upon the path of democratization. Not the mutual accusations and claims, not a monopoly on truth, but dialogue, serious polemics, purposeful educational activities would make it possible to understand each other's existing systems of values, national and political traditions and to find mutually acceptable options for solutions to emerging issues within the framework based on the respect of these values and traditions.

In other words, the one-sided accusatory approach to ensuring human rights issues should be changed into a two-way street. Most importantly, as we see it, the issues of democracy, human rights - of everything related to the humanitarian sphere - should become a real study and familiarization with the values that each nation, all of humanity, has developed. Only in this way, in our opinion, will unconditionally benefit each country, the international community as a whole and, of course, the human being himself, whose interests should be subordinated to the development of the society.

The present World Conference on Human Rights will undoubtedly make an enormous contribution to consolidating the principles of the Universal Declaration on Human Rights multiplying the efforts of the world community to ensure a life for all people that would meet the requirements of freedom and dignity and foster the physical, mental, spiritual abilities of a person, his social wellbeing. The people

of Tajikistan with centuries of history and, we are sure, with the democratic future are prepared to make its contribution to this noble course.

Thank you for your attention.

YOUSOUF, Diagana (President), spoke in French:

I thank you, Mr. Minister. I give now the floor to His Excellency Mr. Kelebone Maope, Minister of Justice and Human Rights, Law and Constitutional Affairs of Lesotho. Excellency, you have the floor.

MAOPE, Kelebone (Lesotho):

Keywords: LESOTHO - GOVERNMENT POLICY - DEMOCRACY - ELECTIONS - DEVELOPMENT - TECHNICAL COOPERATION - WOMEN - CHILDREN - SOUTHERN AFRICA

Mr. President,

My delegation wishes to join with those who have congratulated you on your appointment to this important office of presiding over this World Conference on Human Rights, which is being hosted twenty-five years after the World Conference held in Teheran in 1968.

My delegation further wishes to express its gratitude to the government and people of Austria for hosting this significant Conference.

The World Conference comes at a crucial time when wars and conflicts continue to devastate many parts of the globe further aggravating the violation of human rights.

The timing is equally important as it coincides with the international community's undertaking to promote democracy by assisting in the establishment of legal, administrative and technical infrastructures essential for the holding of free and fair general elections in many countries of the world.

Mr. President,

Lesotho firmly adheres to the principle that democracy is an essential condition for the full and effective enjoyment of all human rights and is a *sine qua non* for genuine and sustainable development.

We, in the Kingdom of Lesotho, have after twenty-three years of undemocratic rule established a democratic government through the holding of general elections in March this year for the election of members of the National Assembly, which is one of the two Chambers of Parliament. All sixty-five seats in the Assembly were won by the Basotholand Congress Party (BCP) whose veteran leader, Dr. Ntsu Mokhehle, became Prime Minister.

The election generated tremendous popular interest despite negative forecasts by doomsday political analysts. Seventy-two percent of registered voters cast their votes. The Basotholand Congress Party captured seventy-five percent of the votes, followed by Basotho National Party that won twenty-three percent. The next major political party obtained one percent of the vote.

The election was characterized by peaceful conduct by a patient electorate that was clearly determined to restore popular government to itself and to overcome and defeat all obstacles to democracy.

The general election of March 27 1993 was without doubt both a great achievement for Lesotho and a major political breakthrough in its history as well as a positive step in the process of a genuinely and

democratically elected government that will not only be accountable to the people but will also fulfil its obligation of protecting the rights of those people.

Mr. President,

The holding of the general election is an achievement, which might not have been possible without the assistance of the international community and that assistance must be acknowledged. The election was observed by some one hundred and thirty international observers from some thirty countries and organizations. These observers were coordinated by a representative of the United Nations sent to Lesotho specially for that purpose. The United Nations Organization, through its Centre for Human Rights in Geneva, had earlier supported the democratization process by assisting in the drafting of the electoral law and by conducting voter education and popular awareness of human rights. The activities of the United Nations in Lesotho relating to the democratization process were very successful indeed.

We also appreciate the role that non-governmental organizations have played in Lesotho in the process of democratization, the enhancement of the legal status of women and the rights of the child. Other forms of assistance to our process of democratization came from individual states and international organizations.

In acknowledging this assistance, my delegation wishes to express the hope that the United Nations community will continue to support the efforts of Lesotho to consolidate democratic rule in that country. Sustainable democracy is important once the electoral stage is over. This in itself requires the strengthening of all social institutions including the capacity of legal and judicial institutions. The Tunis Declaration adopted at the regional meeting for Africa in Tunis in preparation for the World Conference on Human Rights and later adopted as a UN resolution at the 49th Human Rights Commission session constitute the corner-stone for the strengthening of democratic institutions and infrastructure dealing with the administration of justice and respect for human rights.

Against this background, let me reiterate that in the wake of such democratization process it is perhaps imperative for the international donor community to assist the developing countries in the creation of the necessary conditions that will enable the full enjoyment of human rights, which include the right to development as established and adopted by General Assembly resolution 41/128 of 4th December 1986.

Mr. President,

The democratically elected government of Lesotho upholds the promotion and the protection of the right to development as only a socially, spiritually and mentally healthy person can contribute to the development of the country.

In this connection, let me mention that through such assistance the developing countries would also be able to bridge the economic gap that is caused by the debt deficit that impedes the development process and thus the process of full realization of particularly economic and social rights.

Mr. President and distinguished delegates,

The establishment and strengthening of national infrastructures constitute a pre-condition for sustainable development and a guarantee for the improvement of economic, social, cultural and living conditions. The technical and advisory services requested from the United Nations Human Rights Centre as entailed in our statement to the 49th United Nations Human Rights Commission session call for the promotion and protection of human rights through training of legal officers, government officials and non-governmental organizations involved in promoting and protecting human rights. Dissemination of human rights information and distribution of relevant documentation is also considered important especially in the teaching of human rights.

Permit me at this juncture, Mr. President, to mention that in 1992 Lesotho ratified the African Charter on Human and Peoples' Rights, the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights.

Common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights provides for the right of all people to self-determination, the freedom to determine their political status, and freely pursue their economic, social and cultural rights as a fully embracing framework for respect of all human rights.

My delegation firmly believes that promotion and protection of human rights should be based on objectivity, impartiality, non-selectivity and indivisibility and wishes to draw the attention of this august assembly that unless it is guided by these principles in its deliberations it will instead act as a constraint to the fulfillment of the humanitarian obligation of the international community.

Mr. President,

The new constitution of Lesotho in Chapter 2 on protection of fundamental human rights and freedoms provides for the elimination of all discriminatory laws. While the Constitution upholds the application of customary law to all persons subject to it, the improvement of the legal status of women, eradicating their perpetual minority will be redressed by government. Ratification of the Convention on the Elimination of all Forms of Discrimination against Women is soon to be undertaken and will be followed by the revision of all laws that act as an impediment to the social and economic advancement of women.

The participation of women in the development process including women at grassroots level is notably increasing. There have emerged women's organizations which are educating and conscientizing women on their rights.

Lesotho as a State Party to the Convention on the Rights of the Child, acknowledges the efforts of UNICEF in promoting the rights of children as reaffirmed by the World Summit for Children. The establishment and implementation of National Programmes of Action as a machinery for addressing the institutional and legislative enhancement of the rights of the child is ongoing.

Children are a future generation that must be developed and nurtured as they will shoulder development responsibilities.

In this connection, Mr. President, my delegation has noted with concern the report of the Special Rapporteur on the sale of children and is saddened to observe the growing rate of the sale of children in many parts of the world including child prostitution and child pornography.

Mr. President,

Let me conclude by referring to the Southern African region that is currently going through a disastrous economic phase as a result of the chronic drought that has drastically affected the countries of this region.

In appreciating the financial and material drought relief contribution from the EEC, UNICEF and others, which has almost alleviated the problem of food shortage in these countries, let me, however, bring to the attention of this assembly that in Lesotho children continue to die from malnutrition as a result of acute protein deficiencies. Politically, we see encouraging developments in the region. In Angola, we welcome the recognition of the government of Angola by the United States of America and earnestly hope that a suitable and permanent solution of the Angolan crisis will be found through the ongoing peace talks between the government of Angola and UNITA under the leadership of Portugal and the United States.

In Malawi, the referendum process has come to a successful end, and the people of that country, we hope, will soon be going for multi-party elections.

In South Africa, the long and bitter liberation struggle of the people of South Africa has at last reached a turning point whereby former adversaries are forced by historical circumstances to sit across the negotiating table and address the situation. However, it is painful to observe the slow pace at which the negotiation process is proceeding. This calls for close monitoring of the South African situation by the international community as the situation reflects a potential danger that could undermine the process.

It is highly imperative, therefore, that an election date be agreed upon soon in that country between all the parties concerned in order to avoid continuous human suffering, bloodshed and destruction of property.

In conclusion, Mr. President, we sincerely hope that the outcome of this Conference will bring about lasting peace and make this world a better place to live in for all mankind.

I thank you, Mr. President.

YOUSSOUF, Diagana (President), spoke in French:

I thank you, Excellency, for your statement. I now give the floor to His Excellency Ricardo Castaneda, Permanent Representative of El Salvador to the United Nations. Excellency, you have the floor.

CASTANEDA, Ricardo Guillermo (El Salvador), spoke in Spanish:

Keywords: HUMAN RIGHTS PROTECTION - DEVELOPMENT - EL SALVADOR - GOVERNMENT POLICY - HUMAN RIGHTS IN ARMED CONFLICT - POST-CONFLICT RECONSTRUCTION - UN High Commissioner for Human Rights - STREET CHILDREN - WOMEN - PERSONS WITH DISABILITIES

[Spoke in French]

Thank you very much.

[Spoke in Spanish]

Mr. Deputy Secretary-General of the United Nations, Mr. President of the World Conference on Human Rights, members of the Bureau, delegates, representatives of intergovernmental organizations and non-governmental organizations,

First of all, Mr. President, may I congratulate you on behalf of the government of the Republic of El Salvador and its people, for the honor of presiding this World Conference on Human Rights. Your wisdom, your human qualities and your professional expertise will, I am sure, assure our success. Allow me also, Mr. President, a fraternal and respectful greeting from Dr. José Manuel Pacas Castro, who was unfortunately unable to attend this Conference.

Mr. President,

This World Conference of Human Rights is being held in the context of a holistic view of individuals in all their dimensions as a leading protagonists and beneficiaries of national and international efforts.

Since the International Conference on Human Rights held in 1968 in Tehran until today, the system of international human rights protection has been improved as a consequence of the general conviction

that the promotion and enforcement of these rights represents a core point around which must be built the activities of states and international organizations.

Conference has the supreme responsibility of considering and readjusting in the light of new international trends, the instruments and mechanisms that exist, the instruments and mechanisms to promote and protect human rights and fundamental freedoms of our peoples more effectively and efficiently.

There is a historic need for a renewed document to protect these rights, in a holistic development of the human being. The different regional meetings held within the framework of the preparatory work for this Conference have represented invaluable fora from which substantive contributions on the matter have emerged.

The link between peace, development and democracy has been an initiative of transcendent importance to interpret an unquestionable reality that affects the full exercise of human rights.

El Salvador considers that the asymmetry that stems from the North-South relations constitutes a serious obstacle that hampers the holistic development of poor countries. The disadvantageous conditions of international trade, the imposition of economic restrictions based on political criteria, protectionism and the effects of the external debt are some of the factors that have a negative impact on the creation of the appropriate conditions to uphold the basis of a genuine human development.

In fact, the right to development has become a basic and innovative element for the promotion and effective exercise of human rights, so we hope that this concept will be duly complemented by actions and concrete mechanisms intended to overcome the obstacles that inhibit the effective enjoyment of these rights.

We consider that international cooperation should be converted into an effective mechanism not only to strengthen the relationships between states but principally to help the unilateral efforts that developing countries may take.

International, economic, technical and financial assistance and cooperation granted in ample and sustained manner would enable our countries to confront the structural problems with a better perspective thereby favoring the creation of the appropriate climate to promote the enjoyment of human rights in general and of the economic, social, and cultural rights in particular.

We cannot deny that during the time of the cold war, consideration of human rights took on ideological and political shades, which in general terms denaturalized the human ability to deal with other interests.

Now, that the confrontations of the cold war have disappeared, we should redirect our activities in this matter bearing in mind the aims and purposes that promoted the creation of the international system for the promotion and protection of human rights.

Therefore, the promotion and exercise of these rights should represent an ethical imperative and a legal obligation that all members of the international community must responsibly share.

Mr. President,

The promotion and exercise of human rights has today taken on a new dimension and new scope. In effect, the state was traditionally considered to be the body whose purpose was to ensure the compliance and respect for human rights within its territory. However, our experience has shown that the state is not alone in the obligation to respect human dignity and its inherent rights. Therefore, there is a committed responsibility for all sectors to promote and protect human rights.

The new reality of El Salvador and the fight to consolidate peace and national reconciliation impose on all sectors of our society the moral obligation to work together and constructively to defend and promote human rights.

Today in El Salvador, there is a national commitment to contribute in a permanent and continuous manner to the improvement of human rights institutions and machinery,

Mr. President,

For the government of El Salvador, the holding and the outcome of this Conference have a special interest and relevance because of our determination to strengthen the enforcement and protection of these rights not only nationally but regionally and globally.

This willing commitment has been reinforced by the end of the armed conflict and the achievement of peace in El Salvador.

Mr. President,

The new human rights reality that exists in El Salvador has been acknowledged in recent resolutions from the Human Rights Commission on and the United Nations Security Council.

The achievements and progress obtained in the matter constitute irrefutable proof of the determination and commitment that inspires us to continue deploying every effort in order to ensure the dignity of the human being and the common good of all our population; and at the same time, to prevent and eradicate any types of behaviors or actions that would be detrimental to human rights.

Through the constitutional reforms that have emerged from the peace process, in order to promote the consolidation of the democratic process, we have created a form of Ombudsman as an autonomous and impartial entity. This institution reflects the most advanced criteria in the international doctrine in this matter: and with the purpose to contribute even more to the promotion and protection of human rights, an additional body has been created, the presidential commissioner for human rights.

El Salvador, in its firm determination to reconquer peace and to ensure democracy in which the rule of law is truly in force and human rights are respected, has designed mechanisms that deserve to be known in this Conference because they represent a contribution, with the support of the United Nations, to the history of the international protection of human rights.

The first substantive agreement reached during the negotiations initiated by the government of El Salvador following a mandate given freely by the people of the country with the cooperation with the other party to the armed conflict was the agreement on human rights known as the San José Agreement of the 26th of July 1990. In that document priority was given to the protection of human rights during armed conflict. By virtue of that agreement, it was decided to establish the United Nations verification mission to monitor human rights, which was later integrated into ONUSAL, whose scope and power was unprecedented in terms of international protection of human rights.

ONUSAL is a human rights mission created within the context of a peacekeeping operation, reason for which it was assigned to the Security Council. This is a rather innovation because from the administrative point of view it has not answered to the Centre for Human Rights but to the highest organism in charge of maintaining international peace and security.

Also, the terms of reference of ONUSAL in matter of human rights were exceptionally broad. As a point of fact, it was authorized to determine the state of human rights in El Salvador and to adopt recommendations that it deems appropriate to promote and defend these rights. It is authorized to receive communications and complaints; to freely visit any premises or any establishment without prior notice; to set up offices anywhere on the national territory; freely and privately interview any

individual, groups and members of entities or institutions; collect in the ways that it deems appropriate any information that it considers relevant; and report regularly to the Secretary-General of the United Nations.

This innovative approach has not been without its difficulties in application of its mandate. We are talking here about observation and monitoring institute. The government considers on the whole that the balance is a positive one, and this experience may well be of interest to other states.

Mr. President,

The end of the armed conflict offers an opportunity to consolidate social peace in El Salvador, and this requires a timely generous national and international cooperation effort that contributes to promoting economic and social stability. We trust that many countries represented here fully understand the difficulties of this stage.

Nevertheless, we must express our serious concern about the absence of offers for cooperation and assistance that many countries committed to providing to us, particularly within the framework of national reconstruction, which has greatly hindered the complete implementation of planned programmes and projects.

Mr. President,

We are delighted to express our deepest gratitude to the Secretary-General of the United Nations, to those bodies and organs of the system and to the United Nations Observer Mission in El Salvador (ONUSAL), for the support and assistance we have received in the matter of human rights, as well as for the interest demonstrated in the context of the Salvador peace process. I should also like to express our particular gratitude to those friendly countries that were able to understand, in their true dimension and scope, the efforts that we have been making in building a more democratic society solidly based on the full enjoyment of human rights.

May I refer to other additional items of particular interest to my country that are before this Conference.

Within the initiatives presented for the creation of new bodies, of particular interest is a High Commissioner for Human Rights. The government of El Salvador would like to state that this is a positive idea, but it should be the subject of analysis, so that this initiative accurately responds to the expectations and needs that have created it.

El Salvador considers that at this particular point in history it is crucial to look at human rights from a preventive and innovative approach. Human rights, which is a synonym for peace, have taken on a concrete and hopeful dimension through education.

In effect, it is through the educational process that human rights can take root in the individual and collective consciousness of our people.

In this sense, El Salvador gives great importance to the inclusion in national education programmes of the teaching of human rights.

The success of the peace process in El Salvador has merited the attention of UNESCO to be the first host country of the World Programme for the Culture of Peace. Therefore, we wish to educate ourselves to face the challenge posed by the decision taken by El Salvador to live in harmony and peace.

This Conference is the appropriate place to invite on behalf of the government of El Salvador all countries present to participate in the first international forum on education and a culture of peace to be held in El Salvador at the beginning of 1994.

On the other hand, we wish, Mr. President, to express our concern for the children of the world, particularly for the children who have been abandoned, the street children, and extend to them the hope that this forum will adopt the necessary measures to defend and protect them so that the provisions found in the Convention on the Rights of the Child can be implemented, which we hope will be ratified by all countries, members of the United Nations.

We would also like to point out that while there has been a positive development during the last years in terms of importance of the role of women in the state and society, we must acknowledge that there is deep discrimination still practiced against women in many countries of the world.

It is for this reason that this Conference should speak out more vigorously in favor of the recognition of the rights of women; of recognition of their participation in the national life with equal opportunities and the eradication of all forms of discrimination and exploitation, in regard to which we share the criteria adopted in the regional meeting for Latin America and the Caribbean held in San José Costa Rica from 18th to the 22nd of January in 1993 concerning the recommendation to this forum on the promotion of the pertinent international instruments.

Another of the most sensitive and urgent aspects that needs resolution and which has not been given due attention is the lack of opportunity for people with disabilities to integrate into social life and development.

We welcome the final document of this Conference including a precise reference to disability, and that measures are concretized in the action plan; but we consider that given the end of the decade for the people with disabilities, this Conference should adopt a conclusion to draft an international convention guaranteeing the rights of these people and ensuring thereby that disability is another situation in which life can be fully expressed.

In the case of El Salvador, we point out that the number of disabled persons increased considerably during the armed conflict, which is now fortunately at an end. This has required the preparation and implementation of rehabilitation and reintegration programmes for these people into civil and productive life in our country within the framework of national reconstruction.

In this sense, the delegation of El Salvador would like to formally formulate a vehement appeal to those countries, members of the international community represented here, to contribute technically and financially to the efforts that are being deployed by the government of El Salvador in this matter.

Mr. President,

In conclusion, I should like to express our most warm congratulations to the Secretary-General of the Conference for his bold efforts in preparing and organizing this great event. We also extend our congratulations to the entire staff contributing so valiantly to the work and success of this Conference. Particularly, I should like to express our gratitude and thanks to the people and the government of Austria for the kindness and the extraordinary hospitality that we are enjoying in this beautiful and cultured capital of Austria.

Thank you, Mr. President.

YOUSSOUF, Diagana (President), spoke in French:

Excellency, I thank you for your statement. I would like now give the floor to His Excellency Dr. Fasil Nahum, Minister, Special Advisor to the Prime Minister of Ethiopia. Excellency, you have the floor.

NAHUM, Fasil (Ethiopia):

Keywords: ETHIOPIA - GOVERNMENT POLICY - ERITREA - SELF-DETERMINATION - JUDICIAL INDEPENDENCE - TREATIES - HUMAN RIGHTS ADVANCEMENT

Thank you.

Mr. President, Excellencies, ladies and gentlemen,

On behalf of the Ethiopian delegation and on my own behalf, I wish to extend my warmest congratulations to the President on his election as President of this historic Conference on Human Rights. I am confident that under his wise guidance this Conference will conduct its deliberations to a successful conclusion. I wish also to thank the government and people of Austria for their generosity and hospitality in hosting this historic Conference.

Mr. President,

Ethiopia is deeply conscious of the paramount importance of the agenda of this august body. Forty-five years after the adoption of the Universal Declaration of Human Rights and twenty-five years after the last meeting held in Teheran to assess the impact of the Declaration on the enjoyment of human rights by humanity at large, it is, indeed, fitting and proper that this august body assess the achievements and failures so far with respect to the enjoyment of human rights by all and go on to chart the way into the 21st century.

Much of humanity today finds itself unfulfilled, alienated, oppressed, starving, sick and dying. The degradation of the environment, the acute shortage of food and over-population, the unresponsive political and socio-economic orders, the continuous and losing battles with old medical scourges and brand-new illnesses baffle humanity at the same time as we see paradise, like a mirage, around the corner.

When all is said and done, would it come as a surprise to anyone that the man and woman in the street, the slum, the ghetto, the hospital, the prison or the battle-field, assuming that he or she has been made aware of such efforts, would think of all the efforts to promote and protect human rights and fundamental freedoms as anything more so far than a few droplets of water in the wide sandy desert of human existence? In other words, in the field of human rights, the 20th century has been weighed in the balance and has been found wanting. We have not even begun to scratch the surface problems of the rights of humanity, which are growing larger and becoming ever more acute with each passing day. More, much more will have to be accomplished before the scales of the balance will tip in favor of human rights. We have to strive to reach the critical mass beyond which the momentum of achievement becomes irreversible for humanity finally to enjoy its rights. But it is no difficult prediction to state that such achievement would not be possible in the remaining years of this century.

So, what is to be done? Can our war-hardened spirit of the 20th century begin to collect the moral and material items necessary for the building of the temple of human rights by the next century and the next generation? In other words, do we have the necessary courage, sustainable will, rationality and profound wisdom to embark on such a mission of destiny to work for irreversibly clothing humanity with its rights? This vital question has first be answered, and the answer has to come from the depth of our collective being. Only if the answer is a resounding "yes" can we then embark on our mission to begin to translate the will into action.

Mr. President,

Before embarking on any action, two paramount truths have to be fully realized and always kept in mind. First, that "Humanity is one" and second, that "All problems are inter-linked". The approach to human rights has to be contextual rather than merely textual. The universe of the problem to be tackled

is not necessarily confined or limited to existing piece-meal prescriptions. Rather, it is the whole gamut of needs that would have to be fulfilled to make man's life on earth one full of dignity. Necessarily the "prisoner of conscience" and the "prisoner of poverty" have to be equally considered. The right to potable water is as much a right as the freedom of expression.

It should also be stressed that the subject to which human rights refer is humanity in toto. No part of humanity, no segment of society can be disqualified or considered less qualified for any reason whatsoever in the enjoyment of human rights. To provide for the enjoyment of rights by someone at the cost of trampling of the rights of someone else is the denial of rights to humanity. The 20th century has seen the rise of great men who led their communities to greater enjoyment of their various human rights. Out of the collective experiences of the Ghandis, the Martin Luther Kings and the Mandellas of the century, let us fervently hope that men and women of vision will soon arise to see "Humanity as One" and to lead the whole of humanity into the green pastures of comprehensive human rights and a life of dignity, peace, prosperity and happiness.

Mr. President,

In as much as this is an important World Conference on Human Rights, allow me at this juncture to say a few words on the human rights situation in Ethiopia after the end of seventeen years of military dictatorship. The Transitional Government has been in power for less than two years. And what has taken place in these two years can best be characterized as the establishment of genuine peace and human rights in Ethiopia. The demise of the repressive military regime in May 1991 and the establishment of the Transitional Government have heralded the dawning of a new era in the history of the country in which respect for human rights and fundamental freedoms has become the basis for building the new democratic Ethiopia.

The single most important result of the assumption of power by the Transitional Government so far has been the achievement of peace and stability. After decades of bloody fratricidal wars, peace has finally reigned. One major bone of contention had been the Eritrean issue. This issue has finally been peacefully settled through a referendum that has created the new sovereign state of Eritrea. The holding of the referendum was based on the recognition of the principle of self-determination of peoples - a cornerstone of the Transitional Charter of Ethiopia.

The Transitional Charter, the supreme law of the land for the transitional period, having in its first article enshrined the Universal Declaration of Human Rights went on to affirm the right of self-determination of peoples. Pursuant to the Charter, numerous proclamations have been issued whereby various rights have been concretized. Direct voting has resulted in the establishment of regional governments with wide ranging federal powers. Thus, a federal system has become operative in Ethiopia.

It is important to underscore that the federal setup is an outcome of the principle of self-determination of peoples. In Ethiopia where over seventy big and small ethno-linguistic groups live, each with its own language and culture, the federal setup reverses the age-old system of domination based on gender, religion and feudal relationships that had existed. With the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child my government is making all feasible effort to uplift the conditions of women and children in the country. It is with a new spirit of determination that all of this is being aggressively tackled thanks to the new atmosphere of peace and stability ushered in by the new Charter.

The freedoms of association, speech and movement that the Charter provides for has resulted in political and socio-economic activities hitherto unknown in the country. From the one-party dictatorship of the recent past many political groups have emerged. Independent newspapers and magazines are flourishing. When one includes the freedom of assembly and peaceful demonstration, it is astounding to notice how many different concerns and ideas are being expressed in the society - a

society that only yesterday was doomed to repeat official dogma. Thus, the Transitional Charter certainly has provided for a breath of fresh air after the past stifling political climate.

In the economic field, the changes have been equally spectacular. A war economy that was also burdened by the discernibly unproductive and wrong policies of a command economy is now geared towards a free market economy. The forced collectivization, the market fixing, the central planning of minute agro-industrial details as well as the government monopoly of production of goods and services are all being rapidly privatized, liberalized. The degradation of the environment, the natural drought and the man-made disasters that led to a significant portion of the populace to starve and to beg for its daily bread are all being seriously tackled with very encouraging results. Since the country is rich in natural resources the immediate potentials in agriculture, industry, mining, trade, tourism are obvious and the improvement in the standard of living of the people is being realized progressively.

With respect to law and justice, Mr. President, the society has been suffering under the atrocities and other extreme human rights abuses committed by the dictatorial military regime over the past two decades. It is only fair and just to bring the perpetrators of such atrocities to justice. To this end an independent judiciary has been established and the rule of law is being implemented with all the substantive and procedural legal safeguards that are internationally recognized. In addition to independent tribunals and non-retroactive criminal law, the due process that includes an open trial, written charges, the submission of evidence, the right to defense council, the right to cross-examination and appeal is in place. The law also includes release on bail and the writ of *habeas corpus*. Prison conditions, which have been of sub-human standard in the past, are being carefully examined and systematically upgraded to correspond to international standards. The overall outcome in the area of law and justice will not only have a therapeutic effect on the many families visited by personal tragedies over the decades in Ethiopia but firmly lays the ground for the exercise of the rule of law in society.

The various international instruments relating to human rights, which are the aspirations and standard of behavior that the international community has endorsed are under careful examination by the Council of Representatives. In this connection, my delegation is happy to inform this Conference that Ethiopia has recently acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Mr. President,

I am also happy to tell you that while this Conference has been in session, the Convention against Torture and Other Cruel or Degrading Treatment or Punishment and the Additional Protocols to the Geneva Conventions of 1949 have been ratified by Ethiopia. The African Charter on Human and Peoples' Rights is under active consideration and together with other international human rights instruments will soon be acceded to thus clearly showing the path the new Ethiopia has chosen to follow with respect to human rights.

With regard to regional cooperation, Ethiopia is playing a positive role in our region. In this connection, Ethiopia's foreign policy based on good neighborliness, non-interference in internal affairs and mutual respect of peoples is already bringing tangible results.

We are hopeful that all the peoples of our region will come to share a greater life of peace and dignity and fully enjoy their human rights and fundamental freedoms.

Mr. President,

With the end of the cold war international relations have dramatically changed. The basis for inter-state relations have become cooperation instead of confrontation. Peace is, indeed, taking root, and freedom is on the march with peoples, nations and nationalities exercising their rights to self-

determination. Authoritarianism and dictatorship are making way for democratic governance strengthening the mechanisms for the protection and promotion of human rights.

The convening of this Conference is long overdue especially when seen in light of the major changes taking place on the international scene. The unfolding of many events since the Teheran Conference compels us to pause and think of new approaches to the protection and promotion of human rights.

In this connection, it is imperative to reiterate the widely expressed concern over the tendency to compartmentalize and adopt a selective, subjective approach to address human rights issues. Such an approach would not serve the full enjoyment of these rights. Rather, the promotion of human rights should be based on universality, indivisibility, objectivity, impartiality and non-selectivity. It goes without saying that human rights are interrelated and interdependent. The realization of economic, social and cultural rights cannot be dissociated from the effective enjoyment of civil and political rights.

The relationship between development, democracy and the universal enjoyment of human rights is increasingly being realized by the world community. Moreover, human rights are widely recognized as essential components of sustainable development. It will be difficult to speak of respect for human rights and fundamental freedoms without alleviating poverty and underdevelopment. In this regard the implementation of the Declaration on the Right to Development of 1986 is of paramount importance for the full realization of human rights as a whole.

Mr. President,

In conclusion, let me express my full confidence that this august Conference will deliberate on the important issues before it and come up with appropriate recommendations, which ensure the further protection and promotion of human rights and fundamental freedoms.

I thank you.

YOUSSOUF, Diagana (President), spoke in French:

I thank you, Excellency, for your statement. I would like now give the floor to His Excellency Dr. Salifou Sylla, Minister of Justice, Keeper of the Seals of the Republic of Guinea. Excellency, you have the floor.

SYLLA, Salifou (Guinea), spoke in French:

Keywords: HUMAN RIGHTS PROTECTION - GUINEA - GOVERNMENT POLICY - YOUTH - WOMEN - HEALTH - SIERRA LEONE - LIBERIA - DEVELOPMENT - UN High Commissioner for Human Rights

Thank you, Mr. President.

Mr. President,

Allow me to extend to you the sincere congratulations of my delegation on your brilliant election to the Presidency of the second World Conference on Human Rights. Our congratulations go out also to the other members of the Bureau. It is also a pleasure for me to extend to this august assembly the warm greetings of my government and the best wishes for success that the people of Guinea express for the work of this Conference.

My delegation should like to express its gratitude to Madame Halima Warzazi of Morocco who presided with competence and dedication over the preparatory work for our Conference.

May Mr. Ibrahima Fall find here the expression of our satisfaction for the quality of the organization of these meeting.

My delegation warmly thanks the government and people of Austria for the friendly hospitality given to our delegation.

Mr. President,

We have every reason to be hopeful. First of all, because the Conference of Vienna has achieved unanimity of all political wills in recognizing that human rights are the measure of all universal values.

Also, because the present Conference is taking place one quarter of a century after the Conference of Teheran, at a time when all of the humanity is seizing the flame of democracy to consume the obsolete political and social regimes. With the end of the cold war and the disappearance of the East-West divide, a new era is opening its doors for humanity harboring the hope.

In this new context, all peoples and nations in search of prosperity and peace have understood that a respect for human rights is not only an essential component of this but also is *sine qua non* condition for a sustainable development.

This general awareness has placed the issue of human rights at the heart of internal discussions within the states as well as in the heart of international relations.

In this connection, the elaboration of the international human rights law has largely contributed to bringing these rights into the field of international affairs and customs. Important steps have been taken in the promotion and application of the principles governing the human rights.

This is a powerful symbol because henceforth-specific action to protect human rights is based on legislation.

Now that we have decided to come together to assess how far we have come and to examine the future, it seems essential to ask ourselves what are our priorities today.

My delegation considers the three priorities must mobilize our continued action to promote human rights:

Firstly, prevent human rights violations: in this perspective, the international community should be capable of identifying situations that could lead to human rights violations and take preventive action.

The development of communications and exchanges has made it possible and easy to collect, centralize and use information to fully understand complex situations and be able to propose appropriate solutions.

Secondly, strengthen the protection of vulnerable groups, namely women, children, the elderly and disabled.

Thirdly, forge a human rights culture through teaching, education and information.

To this end, we must eliminate in the international practice any selective requirement for respect of human rights. Indeed, human rights violations must be denounced and condemned regardless of the country where they are committed. Moreover, it is inadmissible that for reasons of interest one should shut one's eyes to the violations in one country whereas other countries are subjected to pillory.

Neither the reasons of the state, nor the economic conditions can now justify human rights violations. The respect of these rights is a binding obligation of the states, of the civil society and of the individual.

Mr. President,

Allow me briefly to describe our experience in Guinea.

On the basis of the landslide election of 28 September 1958, the people of Guinea putting an end to colonization proclaimed the independent sovereign Republic on October 2, 1958. They endowed themselves with the constitution and opted for a unitary state that is a democratic, secular and social state. They chose the model of government for people, by people and for people.

All these concepts and the provisions of the constitution indicate the willingness of the people of Guinea to build a state of law. But progressively violations of the constitution led to the establishment of political preeminence to the detriment of primacy of law. The use of a plebiscite referendum enshrined definitively the supremacy of the single party over the state. Thus, instead of a submission of the state to law, it is the law that is adapted to the requirements of political preeminence to establish a party state to the detriment of the aspirations of the individual.

On April 3, 1984, the seizure of the power by the army inaugurated a new historical era, whose objective was the construction of a state of law.

Two priorities, therefore, emerge:

First, reconstruction of the structure of the society on a democratic basis with the corollary of the primacy of law with a view of establishing political, economic and social justice in the framework of decentralization aimed at making effective the participation of people in the administration of public affairs.

Second, the withdrawal of state from certain sectors of activities and the stimulation of the private initiative on the basis of free enterprises.

To achieve these two objectives, the people of Guinea adopted on December 23, 1990 a fundamental law that in the framework of a presidential regime enshrines the separation of powers, the rule of law, political pluralism and decentralization.

To consolidate the rule of law, the fundamental law establishes the control of constitutionality of laws and the legality of the administrative acts. This control is within the jurisdiction of the Supreme Court.

The reality of political pluralism is manifested by the existence of 42 political parties and a multitude of associations and private press organs, which reinforces the freedom of expression and plurality of opinion.

A National Communications Council ensures equal access of all parties to public press organs such as radio and television.

The election through universal suffrage of community counselors initiated the consolidation of an effective participation of the populations in the exercise of power.

The growing number of NGOs and the impact of their activities on socio-economic development of the country stimulates the participatory movement of the people and favors their access to the most appropriate techniques and inputs to improve their living conditions and production systems.

Additionally, the Republic of Guinea ratified all international and African conventions related to human rights including the Convention on the Rights of the Child.

Moreover, the action to protect vulnerable groups, namely women, children, the elderly and the persons with disabilities is at the heart of my government's concerns.

The situation of young people who account for 70 percent of the population of Guinea is a priority. Efforts are being made to reduce the rates of mortality and morbidity and to stamp out illiteracy.

Against this background, the reform of the educational system begun in 1984 made it possible to provide greater access to education, professional training for teaching staff, depoliticize the education and adapt it to the requirements of developing a free society.

Donors support this effort and finance seminars on human rights in order to create a true civic culture integrated in the education curricula.

The school enrolment rate, which was 28 percent in 1984, rose to nearly 40 percent in 1992. The number of school infrastructures has proliferated.

Guinea pays special attention to dropouts, non-enrolled and rural youngsters. In that connection, particular emphasis is increasingly placed on the education and promotion of social measures in favor of young girls.

Promulgation of the new land code has opened excellent prospects for women by creating conditions for access to land ownership, obtaining credit and inputs. Elaboration of the family code will promote family planning, fight against levirate marriage, excision and all types of traditional practices that violate the physical integrity of women.

In the health sector, remarkable results have been achieved thanks to the generalization of the primary health care, access to drinking water and essential medications, and the expanded programme of vaccination. It should be noted that Guinea is part of the model countries in the implementation of the Bamako initiative on primary health care.

Thus, the number of primary health care centres has increased from 48 to 250 in 1992, the rate of infant mortality, which was 160 per 1000 in 1987, dropped to 148 per 1000 in 1991 and to 139 per 1000 in 1992, the maternal mortality rate was in the order of 9 per 1000 in 1984 and declined to 3 per 1000 in 1992.

In the struggle against the rural exodus, the government encourages and supports the NGO activities in the establishment of social health and educational services and the increasing of the number of the water points.

The democratization that is underway in my country will enter its decisive phase with the legislative and presidential elections scheduled for the last quarter of 1993.

Forty-two political parties are vying for a political office.

To ensure the implementation of the principle of legal opposition and fair competition, the government of the Republic of Guinea has called upon its bilateral and multilateral partners to organize electoral operations in transparency.

In this framework and for the sake of coordination, the government and the United Nations system have designed project GUI/93/010, which is aimed at training polling officers, financing the equipment necessary for the smooth conduct of elections as well as the presence of impartial observers.

Mr. President,

I cannot let this opportunity to slip away without, once again, drawing the international community's attention to the tragedy that has painfully affected the brother countries of Sierra Leone and Liberia. A civil war of rare atrocity decimates the Liberian people compelling hundreds of thousands of people to flee into exile. Today, daily massacres have given this war the dimensions of a genocide. I am

dismayed to note that as we speak about human rights, a heavy silence envelops this tragedy. My country has received over 600,000 people, 60 percent of whom are children, 30 percent are women, all in a state of total destitution. The government of the Republic of Guinea, in cooperation with the United Nations system and humanitarian institutions, has designed and implemented a protection policy, which primarily targets children and women.

I would like to invite the international community to urge the parties to the conflict and to exert on them all appropriate influences to put an end to this tragedy. Because there is no other solution than a dialogue and consultation to return to peace and normal constitutional life.

Mr. President,

In the Republic of Guinea, we believe that there is an organic link between human rights, democracy and development. In this regard, we consider that the state of underdevelopment must not justify the failure to observe the respect for human rights. The changes that take place in the developing countries attests to this.

But we must ask ourselves: is not the first of all human rights the right to life?

Then how can all these expostulations on the merits of respect for human rights not seem chimerical to a person who is on the brink of death or on the verge of survival?

That is why we affirm that the problems of human rights must be approached globally, from the civil, political, economic, social and cultural points of view. What can we say about countries strangled by debt, who cannot ensure the operation of the administrative structures and for whom the hope of development is still uncertain? We must fear that the texts recognizing and guaranteeing all human rights will remain only theoretical because they do not apply to their current conditions.

In our view, the willingness to ensure the respect for human rights must be accompanied by an improvement in the economic situation of these countries and a reshaping of international economic relations in a more just direction.

Mr. President,

During the last session of the United Nations General Assembly, the Secretary-General had proposed in his report a study to explore the possibility of entrusting the Secretary-General and the expert human rights bodies to the bring the attention of the Security Council, with appropriate recommendations, to massive human rights violations.

Such a mandate, in view of my delegation, is an integral part of the concept of preventive diplomacy.

My delegation, therefore, considers that in this period of globalization and regionalization of problems and situations affecting the lives of states and of peoples, one could accept an impartial intervention by the United Nations based on largely recognize standards to dispel the misunderstanding and strengthen peaceful coexistence.

My government concurs with those who believe that human rights standards are applicable in internal legal systems. But we must ask ourselves against whom the international action should be undertaken, should it be undertaken at the state level? Or at the level of citizens? In that case, is there not a risk of interference in internal affairs?

Let us not forget that in principle each state is entitled to take sanctions against violations against the rule of law in its territory. Another aspect deserves to be taken into account: the state may set up a legislative and judiciary machinery that is indispensable for the protection of human rights and it may not master certain phenomena, such as prejudice of a racial, ethnic or religious nature. Everything that leads to discrimination and implies a limitation in the applicability of legal standards. The repression

by laws and courts proves to be inadequate, it is necessary to touch the hearts and minds of people to change the most deeply rooted convictions. To this end, in Guinea, with the support of bilateral multilateral partners and certain NGOs, the government has organized a number of awareness-raising seminars for political parties, the police and the press.

Mr. President,

With respect to the possibility of establishing one or two bodies, which would assume all the functions of the committees on the implementation of the legal instruments relating to human rights, my country considers that the regrouping could help constitute an early warning system and a rapid response system.

Furthermore, the establishment of a post of High Commissioner on Human Rights does not raise any objection in principle on the part of my government.

Nevertheless, my delegation hopes that before we proceed to this, a number of questions should be clarified, *inter alia*:

Why have the numerous mechanisms and institutions set up within the United Nations, regional and sub-regional organizations not produced the desired results? The creation of a new office will it remedy the existing shortcomings?

Mr. President,

If we have gathered here today, it is because the thirst for democracy, peace and prosperity of our peoples is the dynamics for building a better world. The results of our work should serve to consolidate and accelerate the process of democratization in order to give a new impetus to the economic recovery of poor countries.

With the signature of the Convention establishing the economic community of African states, one could well say that regional cooperation will bolster the development of African states, which have understood that there can be no economic and social prosperity without an effective enjoyment of human rights and without quality of life that is consistent with human dignity.

I thank you.

[Change of President]

AL-AWADHI, Abdul Hamid (President), spoke in Arabic:

Thank you. I now give the floor to Mr. Carlos Peyrat Ortiz, the representative of Paraguay.

[Spoke in English]

Excellency, you have the floor.

PEYRAT ORTIZ, Carlos Ramon (Paraguay), spoke in Spanish:

Keywords: PARAGUAY - POST-CONFLICT RECONSTRUCTION - GOVERNMENT POLICY - ELECTIONS - INDIGENOUS PEOPLES - PERSONS WITH DISABILITIES - WOMEN - CHILDREN - TECHNICAL COOPERATION - HUMAN RIGHTS MONITORING - UN High Commissioner for Human Rights

Greetings to the President of the World Conference on Human Rights, I congratulate him on his appointment to the Chair of this transcendental event on behalf of the delegation of Paraguay, and I express on behalf of the Paraguayan delegation our gratitude to the people and the government of Austria for the initiative of hosting this Conference, for their kindness and their hospitality and for the exemplary organization of this meeting so that it will meet the expectations of all those present.

Paraguay is proud and happy to participate in this summit after moving forward over the last four years since the day when Paraguay recovered its freedom after the overthrow of a long dictatorship characterized by gross and systematic violations of human rights.

Little is known about the multiple and substantial changes that have taken place in this island in the midst of the South American land of its long, with a long and tragic political history that has known genocide and that has been marked by two international wars, civil wars and circumstances that determined the governments that systematically violated the most elementary of rights of people.

But we have recovered the freedom of expression and reclaimed the most elementary rights that for so many years have been denied us, all this has been molded into a new national constitution, so from now on, we are inexorably set upon the path democracy.

Institutions such as that of ombudsman have been created to carry out the effective practical implementation of the exercise of fundamental rights with a mechanism to ensure that these rights are accessible to all inhabitants and all people through the claims that will be collected by the ombudsman.

The non-governmental organizations of Paraguay have not only played a very constructive role in our transition process, first and foremost they represent a trajectory of commendable struggle over the dark and difficult years. We conclude a period of transition with recent general elections held on the 9th of May last to elect the president, vice president, parliament and governors with the presence of international observers from all regions who confirmed the civic and participatory spirit of the people of Paraguay developing the entire electoral process in completely orderly conditions.

To the post of chief justice of the country was elected the engineer Juan Carlos Wasmosy who, as soon as the results were known, immediately committed himself to consolidate democracy and respect for human rights, in order to conclude the task undertaken by the current government, for which he sought the support of all political and social sectors of the country as well as an effective and timely international cooperation.

Mr. President,

I will point out amongst those items that we consider priority the importance of promotion and dissemination of international human rights instruments. Their incorporation into the current legislation of a state serves no purpose if the inhabitants of that state are not familiar with them. To illustrate this statement in terms of a posthumous tribute to whoever was bold enough to disseminate and promote human rights and the form of a real resistance movement, I mean the human rights award that was given at the end of 1992 by the international Secretariat of Jurists for democracy to the President of the Commission on Human Rights of the Senate of Paraguay, Senator Carmen Casco de Lara Castro; and I request on her behalf and through her a hard tribute for all of those who have fought for freedom and human rights.

I should also like to point the action of a highly representative organization in terms of solidarity, the Church Committee, which alongside other international organizations and nongovernmental organizations develops regular human rights outreach and dissemination activities by making the instruments known by the best possible means to the greatest number of individuals.

Mr. President,

It is timely to welcome the declaration of the International Year for the Indigenous Peoples and accede to the fervent appeal to the governments to take measures to ensure the respect for our indigenous brothers.

In Paraguay, which is officially a bilingual state, we have an indigenous population that represents only 3% of the total population whose traditions, culture and customs are to be respected and the development of their ethnic identity must be guaranteed. To this effect, our new national constitution dedicates a chapter in which it is acknowledged that they are cultural groups that existed before the formation of the state of Paraguay and respect for all their rights is guaranteed.

In line with this position, Paraguay will ratify the ILO Convention 169 as recognition of these people and thereby acceding to the International Year for the Indigenous Peoples.

Mr. President,

We equally point out the situation of the people with disabilities committing ourselves to a firm and determined support for the preparation of an international instrument that guarantees them the full enjoyment of their rights not only civil and political rights but also economic, social and cultural rights. The most important measures adopted in my country for this sector include inter alia the creation of a welfare association and support for whose non-governmental organizations whose renowned dynamism and initiatives are much appreciated, such as workshops to prepare and design programmes for the people with disabilities that we have been holding since 1991.

The reality of Paraguay is amply demonstrated by the insertion into a specific article of our new national constitution of the rights of special persons: "The family, society and states shall guarantee that exceptional persons will receive healthcare, education, recreation, vocational training to ensure their complete social integration, they shall be entitled to the full enjoyment of the rights that this Constitution grants to all inhabitants of the Republic with equality of opportunity in order to compensate their disadvantages."

Mr. President,

The recognition of discrimination against women, of violence against women, is a priority issue especially in developing countries where the equality is further accentuated.

The basic principles that guide the action in Paraguay ensure that women's organizations receive a new type of recognition, developing alternative practices and training and organizational participation, creating conditions to elevate the civic and political position of women.

In Paraguay, we have created a Secretariat for women with a ministerial rank, which will begin its function in the recently elected government. One of its main purposes will be to address the present situation of women, particularly the peasant women, many of whom are the only breadwinners in the family with nowhere to go for channel their needs and claims.

In recent decades, Paraguay has set itself amongst the countries of highest growth in Latin America, but this does not translate into human development. Over a third of the population, which is 4.5 million is under the age of thirteen; the preschool population is approximately 850,000 and children between the ages of seven and twelve are 650,000; therefore, one of the major concerns of my country

is both from the health and educational perspectives. This is an excellent opportunity to take a clear-cut position on the problem that affects the world today and that certainly affects half of the world's population.

Mr. President,

We consider of major importance the technical cooperation and international assistance in the field of human rights. For countries such as ours, it is essential to ensure the definitive advent of democracy through respect of human rights for which one should be working towards a new generation imbued with these fundamental rights and precepts leaving behind the authoritarianism that was the norm during the decades of the totalitarian governments.

Therefore, it is necessary to consider the requests submitted by countries taking into account the historic moments in which they stand so that cooperation is effective and timely.

Without any doubt, this leads us to consider the current mechanisms that exists within the framework of the United Nations to make this cooperation more effective and to review the various items assigned to it for human rights, not necessarily to ask for more resources or more contributions from all the States Parties but rather to prioritize this area over others, which perhaps today need greater focus than they did in the past.

The international moment at the time is clearly sensitive and awakens to the recognition of the indissolubility of the concept of democracy, the rule of law and human rights, which must conclude in an objective action as part of the Magna Carta in all countries without exception and in the consciousness of every person, for which my delegation recalls the suggestion of the Polish Ministry of Foreign Affairs to the Secretary-General to develop a "human rights agenda" that would have a truly practical value at this when words without action should be discarded.

Mr. President,

It is timely to reaffirm the commitment that Paraguay assumes at this conference to continue the work started in the progress of human rights at the national and international levels since the advent of democracy.

The morality and ethics are values of these principles that do not depend on state political priorities, on economic conditions, cultural stratification, which may relativize them; they are universal values and must be given an international priority treatment, they transcend the internal scope of the national and require the creation of an international court of human rights, as a consequence of the attentive and careful analysis of the own structure of international organizations.

The same treatment within the United Nations should also be given to the consideration of the creation of a High Commissioner, which my delegation supports converting direction of the Centre for Human Rights into a body that ensures greater efficacy and monitoring of the overall human rights situation with specific functions of coordination and prevention.

It is necessary that the words expressed here silence, once and for all, the mingled noise of guilty artillery and innocent crying that is happening so close to us and right at this time, which is destroying an entire people in the most incredible and unpunished genocide, and a little farther, and in many parts of this planet of the Sun of Shadow: hunger, anguish, intolerance and fear have imposed the silence and deny the rights.

Mr. President,

The work is completed, the difficulties are assumed, obtaining the official and non-governmental participation and replies so positively developed under your presidency, all this lights the hope of

solidarity in a world willing to finally acknowledge the human being not as a permanent confrontation, not if we were not of one mankind, but as parties in search of constructive ways that would bring every one of us to exercise all human rights and fundamental freedoms through the international cooperation.

All those of us who participated in whatever way in this Conference are duty bound not to defeat its purpose and my delegation expresses its gratitude and its willingness to cooperate in the success that we all hope for.

Thank you, Mr. President.

AL-AWADHI, Abdul Hamid (President):

I thank His Excellency for his statement. I now give the floor to His Excellency, Mr. Mahamadou Diarra, Minister of Human Rights and Relation with the Institutions of Mali.

[Spoke in French]

Excellency, you have the floor.

DIARRA, Mahamadou (Mali), spoke in French:

Keywords: MALI - GOVERNMENT POLICY - SOCIALLY DISADVANTAGED PERSONS - MINORITIES - DEVELOPMENT - RACISM AND RACIAL DISCRIMINATION - UN High Commissioner for Human Rights - BOSNIA AND HERZEGOVINA

Thank you very much.

Mr. President,

I should like to start by extending to you the congratulations of the Malian delegation for your brilliant election to the presidency of the World Conference on Human Rights. I should also like to express to the authorities of Austria the recognition of the people and government of Mali for the organization of this present meeting and for the warm welcome my delegation has received.

Mr. President,

Since the adoption of the Universal Declaration of Human Rights in 1948, the United Nations system and Member States have continuously made efforts to promote and protect fundamental human rights. These efforts led to the establishment of important legal instruments covering a large range of human rights.

However, despite the international adoption of numerous conventions, we have been witnessing for a long time serious human rights violations such as colonial practices, racist policies such as the apartheid, various forms of dictatorship and totalitarianism.

However, the adherence of a great number of states to the international instruments on human rights and the aspiration of peoples to greater liberty did contribute to the improvement in national legislation and to the promotion of non-governmental organizations defending human rights and of protection mechanisms.

In addition, the profound changes over the last few years on the international scene have been such as to bring about a collective awareness of the need to promote and protect human rights.

This development was marked by a triumph of the ideals of democracy throughout the world.

Also, Mr. President, the convening of a World Conference on Human Rights under the auspices of the United Nations in order to assess the progress that has been made and the obstacles encountered, deserves to be welcomed.

Mr. President,

My country, Mali, has always expressed its attachment to human rights and rights of the citizens as defined by the United Nations Charter, the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights. However, the monolithic system that existed nevertheless constituted a certain obstacle to the implementation of the fundamental principles of human rights.

However, since the 26th of March 1991, the people of Mali has laid the foundation of a genuine democracy with the installation of a complete multiparty system and a construction of the state of law.

To this end, the new Constitution adopted by the referendum in February 1992 makes the protection of human rights an essential principle of the internal and external policies of the Republic of Mali. Its first section is entirely to this question, it recognizes and guarantees *inter alia* the right to life, liberty of individual, freedom of movement, free choice of residence, freedom of press, right to work and to social security, to housing, to leisure, to protection of women and children, to assistance to people with disabilities. In addition, to ensure better protection of the rights of the accused persons, the Article 9 of the Constitution provides for the intervention of a lawyer starting with the preliminary investigation.

However, Mr. President, the concerns of the government of Mali in the field of human rights are not limited to the adoption of legislative provisions. It also concerns in particular their effective application. To this end, important measures indicating a break with the former system have been taken.

Thus, at the institutional level, we may note the creation of the Ministry on Human Rights responsible for conducting the general policy of the government in promoting and protecting human rights. By the same token, there are various non-governmental organizations defending human rights, in particular, the Malian Association for Human Rights, the Association of Malian Jurists, Youth Action Association, the Action Committee for the Rights of the Child and Women.

On a judicial level, the abolition of the Special Court of State Security, an exceptional jurisdiction whose attributions and competencies have now fallen to common law jurisdictions. Here, it must be noted in particular the creation of a Constitutional Court guaranteeing fundamental rights of individuals and public freedoms.

Furthermore, the Malian authorities are at present rereading the penal code and the code of penal procedure in order to ensure a more humane treatment of the criminal cases.

Mr. President,

The activities of the Malian authorities in the field of human rights does not lose the sight of the situation of vulnerable groups such as women, children, ethnic minorities and people with disabilities. Women comprise 51 percent of the Malian population and play a considerable role in society and in production. Despite their representation, they remain poorly educated and absent from the decision-making processes. This is why the Malian legislators in order to free women from legal and social constraints recognized married women as having full civil capacity and able to carry out business activities without her husband's authorization. In addition, a Commissariat for the promotion of women has been just set up by the government, which, thus, encourages the establishment and development of activities of numerous NGOs, some of whom are here with us.

Mr. President,

My country has played an important role in drafting and adopting the Convention on the Rights of the Child. As you know, Mali co-chaired the historic Summit on Children held in New York in September of 1990 and also hosted a number of inter-African meetings on child development, which led to the adoption of a declaration known as the Bamako Declaration. This shows the importance that my country pays to the protection and healthy development of children.

In this sense, it has implemented a set of plans and programmes whose objectives are a significant reduction in the mortality, immunization of children, up to the age of six against fatal diseases, control of AIDS, development of primary health care on the basis of the Bamako initiative and finally the improvement of the school attendance rate of children in general and of girls in particular.

Mr. President,

My delegation would also like to provide a testimony here on the issue of the rights of minorities, noting that Mali, facing in the northern part of its territory with problems of the Tuareg minority, favored consultation and dialogue, which led to the signature on the 11th of April 1992 of a national pact that creates propitious conditions for protection of fundamental rights and particular interests of populations in the regions concerned. To this effect, Mali welcomes the adoption by the General Assembly of the United Nations in December of 1992 of the Declaration on the Rights of Peoples Belonging to National or Ethnic, Religious and Linguistic Minorities.

Mr. President,

The conquest of freedoms is, nonetheless, a constantly renewed struggle. Also, the statement I have just made as to the progress achieved and the efforts made in the field of human rights in Mali should not hide the obstacles we continue to face as well as ways of overcoming them.

Indeed, the effective exercise of many rights remains hampered by the low level of schooling and training of our populations, by the weight of tradition and customs without forgetting the scarcity of public resources. It is our view that the only way of achieving new progress in this area is to change the way people think, to make people more aware through training and information on rights, literacy campaign, in short, the implementation of a programme to promote a human rights culture with the support of non-governmental organizations and international organizations.

Mr. President,

I should like now to share with this august assembly a number of major concerns of Mali in the field of human rights.

First of all, as one of the least developed countries in the United Nations system, Mali has a particular interest in the concept of the right to development. To this end, I wish to stress that Mali does not believe in the theory according to which there can be no respect and promotion of human rights in a situation of generalized poverty. Admittedly, a minimum of economic conditions is necessary to ensure the implementation of human rights, but this cannot hide the obligation to protect human rights by the public authorities. Human rights are universal, indivisible and interdependent. Their respect is an obligation for all.

Along these lines, undeniable progress has been made in the last few years on the African continent as to democratization and promotion of human rights. But this process must necessarily be accompanied by a substantial increase in the level of economic and social development. The latest figures on economic poverty, health situation and illiteracy in the report of the Centre for Human Rights constitute a challenge to international solidarity at a time when the world production is sufficient to cover the needs of the planet. In this regard, Mali would like to reaffirm its attachment to the Declaration to the Right to Development proclaimed by the General Assembly of the United Nations in its resolution 41/128 of the 14 December 1986. At the end of this Conference, the bases of the

effective realization of the right of development must have been created. The affirmation of new principles in international economic relations, the fight against poverty, solutions to the debt problem and the social dimensions of structural adjustment must be reflected in concrete measures.

Secondly, Mali also remains concerned by the emergence of new forms of racism, discrimination and intolerance. Also, my delegation strongly condemns the wave of xenophobia against migrant workers in certain developed countries, the odious practice of ethnic cleansing in Bosnia and Herzegovina and religious extremism. This Conference must seriously consider the means of dealing with these new forms of racism, which constitute not only violations of human rights but also cause tensions and conflicts among peoples. Mali endorses the appeal made by during this Conference to the Security Council to take the necessary steps to stop the genocide in Bosnia and Herzegovina, particularly in Goražde.

This conflict, in our view, clearly poses the need for a change in the United Nations system in the protection of human rights in particular by paying more attention to respect for human rights in peacekeeping operations.

In this sense, the creation of a High Commissioner for Human Rights could help strengthening the international system for promotion and protection of human rights. However, my country recommends that deeper and more comprehensive studies were conducted on this subject.

Mr. President,

I should like here to welcome the invaluable contribution of NGOs in the defense of human rights and in particular in the process of democratization. It is important to grant them the place they deserve within the United Nations and to help them strengthen their actions. The same goes for the Centre for Human Rights whose resources must be increased in order to allow it to accomplish its task and to attain its objectives of training and public awareness.

Mr. President,

Before concluding, I should like to stress the total commitment of the people and the government of Mali in building democracy and a state of law, the only guarantors of effective application of human rights.

I thank you.

AL-AWADHI, Abdul Hamid (President), spoke in French:

I thank you, Your Excellency.

[Spoke in Arabic]

I now give the floor to His Excellency Mr. Louis Chimango, Minister of Finance and Head of Delegation of Malawi to the Conference.

[Spoke in English]

Sir, you have the floor.

CHIMANGO, Louis Joseph (Malawi):

Keywords: MALAWI - GOVERNMENT POLICY - ELECTIONS - JUDICIAL INDEPENDENCE - UN. Centre for Human Rights - UN High Commissioner for Human Rights - WOMEN - CHILDREN - PERSONS WITH DISABILITIES - DEVELOPMENT

Mr. President,

I bring to you greetings from Malawi. We have confidence in you and in your Bureau. We trust, therefore, that you will lead this Conference to a successful conclusion.

Malawi has just come out of a most historic process. I am referring to the National Referendum, which was held on the 14th June - barely a week ago. The purpose of that referendum was to enable the people of Malawi to choose a system of government, either to continue with the one-party system or to revert to a multiparty system of politics. The bold decision by His Excellency the Life President, Ngwazi Dr. H. Kamuzu Banda, to hold the referendum was little understood by many people.

I am now pleased to report that the process was successfully implemented. Malawians streamed to polling stations in their thousands and exercised their democratic right. They cast their vote in a referendum whose process was observed by international media and by some 200 international observers. The official count revealed that 63 percent of Malawians who voted opted for a multiparty form of government.

This success is owed in part to the cooperation, support and assistance, which we received from the United Nations system and from a number of cooperating partners. The United Nations preparatory mission on "The Conduct of a Free and Fair Referendum" made recommendations in November 1992 and again in February 1993, the effect of which was to guarantee success of the exercise. All points of disagreement were resolved within the National Referendum Commission in which were represented both sides of the Referendum question. More than that, and in keeping with Malawi's longstanding policy of contact and dialogue, Malawians themselves are talking to one another and resolving problems affecting them and their country.

The Life President had established the Presidential Committee on Dialogue to discuss and consult on issues that are of concern to the people. To date, a number of meetings have been held with the Public Affairs Committee that consists of representatives of some church groups, some business and professional interests. The intensity of the consultations demonstrates the faith that exists and obtains in working together on the country's future. This is the context in which the National Referendum initiative must be understood and appreciated.

In the name of my delegation, I wish to inform this assembly that the Malawi government accepted and respects the choice that the people made. The follow up to this landmark decision by the people was broadcast to the nation by Head of State, His Excellency the Life President, Ngwazi Dr. H. Kamuzu Banda, on the 17th June 1993. I quote below the relevant paragraph of this announcement:

The (follow up) programme of events for the government will include a continued dialogue between the multi-party advocates and the Presidential Committee on Dialogue. The relevant provisions of the Malawi Constitution will be repealed by Parliament, hopefully, within a month, to allow for the existence of other political parties, and a timetable will be agreed upon for a general election where all the new political parties and the Malawi Congress Party will be competing for votes. It is my hope that the general elections would be held within a year.

In the same announcement, the Life President also stated that the Malawi government will undertake in parallel a review of the constitution and existing laws to take into account some human rights

concerns where these have been raised. There is no denying the complexity of this undertaking and it is government's intention, therefore, to consult extensively with the country and to seek assistance from all possible sources including from the Centre for Human Rights.

Malawi appreciates the encouragement she has received from governments and international bodies, which have kindly remarked on the exemplary manner in which the referendum process has been conducted. I am grateful to the Commonwealth Secretary-General, for example, for the press release that was issued on the 16th June 1993 welcoming the successful conclusion of the referendum and congratulating the government and people of Malawi on the calm and peaceful manner in which the democratic will has been expressed. Malawi also received a congratulatory message from the government of the United States of America, for which I am also grateful.

At the Consultative Group Meeting for Malawi and donors in Paris last year, Malawi reaffirmed our belief in and commitment to human rights and good governance. We emphasized that Malawi is signatory to the Universal Declaration of Human Rights and stated that this is actually enshrined in the preamble to our Republican Constitution. Malawi is also signatory to the African Charter on Human and Peoples' Rights. Over and above this, Malawi has acceded to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child.

Mr. President,

Our commitment in the field of human rights has been even more displayed in the last twelve months. Despite sacrifices we have had to make in implementing structural adjustment programmes, despite the hardships imposed by a most excruciating drought that we have just gone through and despite the adverse social and economic impacts of hosting more than one million refugees, Malawi did not abandon its will in this respect. She stayed the course.

It is not necessary to detail the measures that the government of Malawi implemented since July 1992. Suffice it to record that in the area directly affecting civil liberties, the Preservation of Public Security Act has been amended to provide for the establishment of a Detentions Review Tribunal to be headed by a High Court Judge. Any detained person may now challenge a detention order by bringing his or her case in an open trial before the High Court. In the very few cases where this would breach national security, recourse may be had to the Tribunal.

Since July 1992, also, important amendments have been made to the Forfeiture Act to allow due process. In addition, some nineteen or so independent newspapers have established themselves taking advantage of government's wish to encourage an open press. Our judiciary remains independent as is testified by a proliferation of cases and judgements that emphasize individual freedoms and accountability in the official processes. The International Committee of the Red Cross has visited and inspected all our prisons and is advising government on improvements to prison conditions. Government has also made it clear that it does not condone harassment or torture.

The Malawi government has, therefore, manifested a strong will and demonstrated tremendous capacity in the field of human rights and freedoms. Correspondingly, it is the duty of the international community to encourage and to support this process. The flow of aid would help accelerate that process and facilitate the necessary dialogue. I have listened to the impatient pleas delinking the aid from the political conditionality. Whatever the case may be, it is important that the development partners and ourselves, developing countries, continue to talk to each other in a spirit of understanding and mutual respect.

Mr. President,

The Malawi government lends its support to proposals that have been made to strengthen and increase the operational capacity of the Centre for Human Rights. There is a need for the United Nations budgetary provisions to allocate adequate funding in order to deal with the world's human rights

concerns. We strongly support increasing the resource base of the Centre from its present allocation of one percent of the United Nations regular budget to a more realistic and meaningful level.

Secondly, we emphasize that the existing United Nations institutions and related services for the promotion and protection of human rights must be strengthened. We, therefore, welcome the proposal for the establishment of the United Nations High Commissioner for Human Rights. We also, in this regard, welcome proposals to streamline and strengthen some of the existing international mechanisms in order to implement efficiently the Plan of Action that is to come out of Vienna.

Malawi also believes that the that the proposal to establish a high-profile position of High Commissioner for Human Rights may lead to possible intrusions and interferences with the sovereignty of Member States and the conduct of their internal affairs. Appropriate safeguards should, therefore, be put in place to take care of these worries. My government would perceive the person to occupy this post, if it is to be established, to be distinguished, of high caliber and integrity and possessing political credentials to enable him command the respect of the Member States and the international community. To be effective in carrying out a clearly defined mandate he must have the kind of support that will be backed by the necessary resources.

Malawi is committed to the promotion and protection of the rights of women, the rights of the child and the rehabilitation of the disabled in order to lead a normal and productive life. The necessary institutions and mechanisms are already in place in my country but we need more resources and technical support in order to expand and strengthen them; and to implement the many programmes and activities that are involved.

Finally, I would like to emphasize that Malawi, which is land-locked and in the category defined by the United Nations as least developed, considers the right to development to be a matter of vital importance and a matter of immediate concern. Malawi's economy is almost entirely agricultural and its exports are mainly in commodities. We suffer from negative terms of trade particularly due to low international commodity prices. This has created a vicious cycle that has led to country's heavy external debt burden, under-employment and virtually standstill investment possibilities despite enormous investment potentialities. This negative framework must be prioritized and must be included in the Plan of Action in order to achieve the right to sustainable development.

Finally, Mr. President, Malawi hopes that this World Conference will contribute in a meaningful and practical manner to the realization of the economic, social and cultural rights to the development of the world's poor and marginalized people and states.

I thank you, Mr. President.

AL-AWADHI, Abdul Hamid (President), spoke in Arabic:

I thank the Head of Delegation for his statement. I now give the floor to Mr. Tuala Kerslake, Secretary, Justice Department of Western Samoa. Sir, you have the floor.

KERSLAKE, Tuala D.C. (Western Samoa):

Keywords: DEMOCRACY - DEVELOPMENT - SAMOA - GOVERNMENT POLICY - DEVELOPMENT - UN High Commissioner for Human Rights - INTERNATIONAL COURTS AND TRIBUNALS

Mr. President, Excellencies, distinguished delegates, ladies and gentlemen,

Talofa and greetings,

Mr. President,

May I on behalf of the government and people of Western Samoa extend to you and the people of the Republic of Austria our warm greetings and our appreciation for the excellent preparations for the Conference and for extending to us generous and warm hospitality in this beautiful city of Vienna.

Western Samoa on the first day of this month of June 1993 celebrated the 31st anniversary of its independence. It was a time when we reflected on our struggle for self-determination. It was a journey not without its difficulties but we were determined that self-determination is fundamental and an inalienable right of our people. It is our human right to be in charge of our affairs. The United Nations shared our view and assisted us.

Our Constitution, which is the result of years of dialogue between our leaders, the advisors and our people through the process of *Soalauipule* -deliberations in order to obtain consensus - guarantees for our people their human rights and fundamental freedoms. These rights are universal and indivisible. We also recognize that their observance and promotion should be encouraged by cooperation and consensus.

Mr. President,

We believe in a strong and inalienable interrelationship between human rights, democracy and development and recognize their mutual contributions to sustain and nurture each other. We subscribe to a holistic approach that ensures that people are central to development, democracy and human rights.

Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems.

When we attained independence, it was the will of our people that our members of Parliament be elected by our *Matai*, our chiefs and orators, the leaders of our families. Thus, we had *Matai* suffrage. In 1990, our people decided through a national referendum to extend the vote to those who have attained the age of 18. Our general elections in 1991 were held on that basis. This was the freely expressed will of a people to determine their own political system. It was a decision not taken in haste or upon outside pressure. It was a decision of a people taken after due dialogue, after due consideration and deliberation taking into account our social and cultural systems.

Our system of government is, thus, comprised of a Head of State, a freely elected Parliament, an Executive elected by that Parliament and an independent judiciary.

Mr. President,

Development is a basic human right. We believe in sustainable development. Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The relationship between development and democracy is an essential condition for the full and

effective enjoyment of human rights. We need to recognize that human rights and democracy are meaningless in an environment of poverty and deprivation. For many developing countries meeting the basic needs for food, shelter, education and health remain a daily struggle. Thus, in such situations, civil and political rights have little meaning without their social and economic underpinning.

There is now the urgent need for the international community to take into account the practical linkages between development and democracy in order that human rights are fully enjoyed. Opportunity should be given to the developing countries to shape their own political, social and economic institutions, which reflect their own traditions and values. Development assistance is essential to this process but it would be ill advised for the donor to incorporate conditionality and link development to the observance of human rights.

Violations of human rights must not be condoned but selective approaches by donor countries or agencies will not be conducive to the promotion of human rights.

Human rights, democracy and development apply to all people. The equal enjoyment of human rights and fundamental freedoms must be ensured for all segments of the population without discrimination. This means that the needs of women, minorities, indigenous peoples, the disabled, the aged, the weaker and underprivileged sections of our societies must be an integral part of socio-economic development and the political process.

The government of Western Samoa has recently created a Ministry of Women Affairs, provides financial assistance to non-government organizations working with the disabled as well as establishing the Office of the Ombudsman. These are concrete actions in its efforts to promote and protect human rights.

Mr. President,

This World Conference is the second global conference since the adoption of the Universal Declaration of Human Rights in 1948. It provides us with the opportunity to review and assess progress since then and to reflect on the effectiveness of the United Nations methods and mechanisms and make recommendations.

The United Nations Secretary-General has observed that both the principles and the practices of human rights are under stress. He has recently stated that:

This is a time for serious discussions, for quiet diplomacy and step-by-step problem-solving.... This is a year for dialogue.

Dialogue is crucial in the promotion and protection of human rights. It is important that avenues for dialogue must always remain open. It must also be recognized that human rights education is an integral part of this dialogue as well as the continual assessment and evaluation of the United Nations methods and mechanisms.

Mr. President,

What is needed now is a thorough study to review and make recommendations on the existing United Nations human rights machinery. There is the need for better coordination of existing institutions, machinery or procedures to ensure there is focus and to prevent duplication as well as to assess the impact of strategies and policies on the enjoyment of human rights.

The focal role of the Centre for Human Rights should be strengthened with adequate resources made available for it.

The proposals for new institutions like the international human rights court as well as a High Commission of Human Rights need fuller and comprehensive study before its implementation. The

role of the commissioner needs to be defined and the feasibility of a world court needs to be determined.

In conclusion, Mr. President, I would like to convey the heartfelt thanks and gratitude of the government of Western Samoa to the Secretary-General of the United Nations and the Secretary-General of the World Conference, and all the members of staff for their hard work in the preparation of this Conference.

Thank you.

AL-AWADHI, Abdul Hamid (President):

I thank Mr. Kerslake for his statement.

[Spoke in Arabic]

I now give the floor to His Excellency Mr. Sayed Salman Gailani, Deputy Prime Minister, Minister of Foreign Affairs of the Islamic State of Afghanistan.

[Spoke in English]

Excellency, you have the floor.

GAILANI, Sayed Salman (Afghanistan), spoke in Dari (Farsi):

Keywords: AFGHANISTAN - ARMED INCIDENTS AND CONFLICTS - ORPHANS - INTERNATIONAL COURTS AND TRIBUNALS - YUGOSLAVIA - BOSNIA AND HERZEGOVINA - PALESTINIANS - KASHMIR

In the name of God, the Merciful and Compassionate.

Mr. President, distinguished delegates, ladies and gentlemen,

It is a matter of great pleasure for me to speak on behalf of the people and the government of the Islamic State of Afghanistan at this august Conference held in the historical city of Vienna. While congratulating you on your election as the President of our Conference I would like to extend my profound gratitude and that of my delegation to the UN authorities and the people and government of Austria who have historical relations with my country for the warm hospitality and excellent arrangements for the convening of this Conference.

I am fully confident that the present Conference inaugurated by the inspiring speeches of His Excellency Dr. Thomas Klestil, President of the Federal Republic of Austria, and His Excellency Boutros Boutros-Ghali, Secretary General of the United Nations, will play its prominent role in fostering the protection and promotion of human rights throughout the world.

The delegation of the Islamic State of Afghanistan has come from the war-stricken city of Kabul to the beautiful city of Vienna to attend this auspicious Conference. We recall with bitterness that as a result of the military aggression of the former Soviet Union our country got severely destroyed, its economic and cultural achievements razed to the ground and the people of Afghanistan got martyred, disabled, widowed, orphaned and subjected to immigration, exile and imprisonment as well as to physical and mental torture.

Mr. President,

During the fourteen years of aggression and war in Afghanistan the international community witnessed gross violations of human rights of the people of Afghanistan by the occupying forces as well as the immense human and material losses inflicted on the people of Afghanistan. As one and a half million martyrs, some two million disabled and over five million refugees are painful consequences of war in the country.

Likewise, the national economy of Afghanistan as one of the least developed countries suffered heavy losses. As a whole, production centres, irrigation systems, roads, telecommunication networks, school and hospital buildings were partially or completely destroyed and also the war had irreparable negative effects on social and cultural values of the Afghan society.

All these criminal acts were committed in violation of all human rights standards, especially those enshrined in the 1949 Geneva Conventions to which the occupying power was a signatory. The evil consequences of long war and the existence of over ten million mines all over the country pose serious threats to the lives of Afghans, which bring death and disability to tens of Afghans by every passing day. Hundreds of thousands of children were disabled and orphaned and other thousands of Afghans including children have been taken outside the country, their fate is not known and this is a matter of serious concern to us. Continuous efforts are being made by the government in order to create favorable living conditions and education and rehabilitation facilities for disabled and orphans of war. Furthermore, the government of Afghanistan calls upon the international community, particularly members of the Commonwealth of Independent States to sincerely cooperate in determining the whereabouts of missing Afghans and their return to their homeland as called by the decision of the 47th session of the UN General Assembly.

Mr. President,

Taking into account the existing problems of the transitional period in our country and despite some instances of violation of human rights by a number of irresponsible armed groups, which are the unpleasant manifestations of the complicated political and military situation in the country, I would like to invite your attention to the fact that the Afghan society has enjoyed historical traditions of respecting human rights. Accordingly, the Islamic government from the first day of its establishment declared a general amnesty and adopted a number of legal measures to ensure public order and respect for human rights. Also, by issuing decrees based on the existing laws of the country, the Islamic State of Afghanistan obliged the legal and judicial authorities to undertake strict measures aimed at preventing any act of violation of human rights. However, it is understandable that the complexity of the internal situation as well as external factors on their part have created certain hinderances in observing human rights in Afghanistan.

Today, fundamental rights and freedoms of all Afghans including freedom of press, freedom of establishing associations and political parties, right to travel from and to the country, right to employment, etc. are guaranteed. Likewise, the government makes extensive efforts to enable Afghan women to enjoy their rights and creates better opportunities for them. The government hopes that the existing problems concerning women's rights would be gradually solved and favorable conditions be created for their effective participation in the political, economic and social life of the society.

Mr. President,

Having briefed you on the current state of affairs in my country particularly in the sphere of human rights, we are of the view that urgent humanitarian and economic assistance as well as advisory services would further improve the situation of human rights in Afghanistan. As in the past, we are expecting that the international community will not spare its assistance in this respect.

Mr. President,

In recent years, profound changes have taken place in the world as well as in relations between states. Such changes ensure more active involvement of the United Nations in addressing the acute international problems. We are witnessing the beginning of positive changes in the activities of this organization. We believe that the overall understanding of the global problems such as war, continuing critical economic situations of the developing countries, environment, human rights, poverty and hunger, population explosion, etc. the international community is facing, oblige us to take a precise and objective attitude towards them and make equal efforts and emphasis for their solutions. In view of the above goal and emphasis on the lofty human values enshrined in the international human rights instruments it is natural to have an objective approach towards the protection and promotion of human rights and take into account all its dimensions. Therefore, it is necessary to place equal emphasis on respecting civil and political rights as well as economic, social and cultural rights including the right to development. Persisting on the principle of objectivity we are strongly against any policy or position calling for protection of human rights or ignoring their violations based on certain political or ideological purposes.

While supporting the United Nations role in improving human rights situation in the world, we hope that this organization, by expanding its activities and effectiveness at regional and national levels, will further enhance the protection and promotion of human rights within its existing mechanism and in close cooperation with the regional and national organizations and institutions. In this respect, rendering advisory services to national institutions would be very important.

Mr. President,

Afghanistan strongly supports the decision of the United Nations for establishing an international tribunal for prosecution and punishment of the perpetrators of recent crimes committed in the territory of the former Yugoslavia and feels it is necessary that such measures shall acquire a permanent and universal character.

Mr. President,

We stress, once again, that the international community has the obligation to stop immediately the ongoing genocide and massacre of the innocent people in Bosnia and Herzegovina, which acquires ever brutal and harsh dimensions with every passing day. Negligence under any pretext is unpardonable and can have dangerous regional and international consequences. The present Conference does have the duty to fulfill its role in ending the present barbaric situation in Bosnia and Herzegovina.

Likewise, the current tragedy in the occupied Palestine and flagrant violations of human rights by the occupying forces must be brought to an end. The right of Palestinians to self-determination and the establishment of an independent Palestine State must be respected.

Regarding Kashmir, we wish that the situation would improve there and the issue be settled in accordance with the United Nations resolutions and the Simla Agreement.

Finally, Mr. President, I would like to repeat my sincere wish for the success of this Conference, as it is expected, and hope the Conference would make its contribution to better protection and promotion of human rights throughout the world and create favorable grounds for further international understanding and cooperation so that the people of the world enjoy better living condition that human beings deserve.

Help comes from God!

Thank you for your attention.

[Change of President]

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank His Excellency for that statement. I now give the floor to His Excellency Ambassador Orlando Marville, Head of Delegation of Barbados to this Conference. Excellency, you have the floor.

MARVILLE, Orlando (Barbados):

Keywords: HUMAN RIGHTS PROMOTION - DEMOCRACY - BARBADOS - GOVERNMENT POLICY - BOSNIA AND HERZEGOVINA - UN. Centre for Human Rights - UN High Commissioner for Human Rights

Mr. President,

I wish, first of all, through you to join those delegations who have congratulated Dr. Alois Mock on his election by acclamation to the presidency of this important Conference. The delegation of Barbados appreciates the fine facilities provided and is happy to be here at what, though not now perceptively so, will be a meeting that will have a determining effect on the future of human kind. We may be hearing conflicting statements now but out of that conflict must rise a consensus that is crucial to our survival as individual enfranchised citizens of this planet.

Secretary-General Boutros Boutros-Ghali evoked the principle of universality of human rights. We, in Barbados, believe in this principle; however, at present, unfortunately the only universality that we can observe is that of global imperfection in the matter of human rights. We have listened to a series of distinguished speakers each lauding the efforts of his or her own country. Among these were countries whose leadership yesterday represented the oppressors and whose leaders today are advocates of respect for human rights and for democracy. Also among these are countries who only a generation ago could not fully subscribe to all of the civic and political rights they now proselytize. And, indeed, among these were also those who sought to make excuses. The common factor was that those who sought to make excuses, the not so long converted and the very recently converted, were all here to respond to the clarion and universal call for the respect of all human rights. I say all this because it has been fashionable to select those rights each country wanted to defend on the one hand and to accuse other countries on the other of not observing these rights. We need, Mr. President, to go beyond this and recognize the right to development as well as the right to practice one's religion, to realize that the right to vote is meaningless without the right to education, to acknowledge that the right to food and shelter are as important as freedom of the press and equality before the law; and to accept that all human rights are interrelated and indivisible. Most of all, Mr. President, it must be recognized that there is no point talking about human rights unless the subject is put in the context of democratic government. That is why in Latin America and the Caribbean representative and constitutional government is a *sine qua non* for participation in the regional system of relations between states.

Mr. President,

I did not propose to talk of the efforts of my own country until provoked by a comment from an earlier speaker who said words to the effect that no separate regime for Asia and the South should be envisaged as if Asia and the South were some undifferentiated hole of darkness and the North and, if I may coin a new region, Mr. President, the North-East, were some shining fields of light. There are shadows and light everywhere. Most of us have skeletons that rattle feverishly in our human rights closets: these are shadows. Almost all of us are aware of these skeletons and have real plans to deal with them: these are areas of light.

Let me dwell for a moment on the areas of light of Barbados. We have had a continuous parliamentary system for 354 years. The Oistins Accord of the earliest period of this Parliament has been repeated in spirit and phrase in more famous documents that have followed it. We have a democratic tradition, which precedes that of many a country of the North and the North-East.

In the practice of government, we have clearly separated the powers of the courts from those of the state. No one, therefore, fears arbitrary arrest or being prevented from exercising his or her civic, social and political rights. Our government has always since independence, spent more than sixty percent of its budget on education, health and other areas linked to the welfare of its citizens. We have elements of all the world's races without distinction in their rights. We have Muslims, Jews, Catholics and many known brands of Protestants as well as Hindus and a few other religious groups. They are all free to practice their faiths and between them there is little or no friction. We have gone even beyond this to create an Ombudsman to serve the individual where the state's power may be abused.

I say this, Mr. President, not as a boast but to let those who doubt it know that there are bright areas of light in the South and to let those who speak with new enthusiasm lend historical perspective to their discourse. Our light, I should add, is not at all different from that which shines in most of the Caribbean subregion from which I come.

If we look for a moment at the question of historical perspective, we should perhaps chide the pessimists among us who claim that human rights abuses are at their worst today. My delegation would not deny the total disregard for such rights in Bosnia and Herzegovina and elsewhere in the world at this moment. What is also true is that human rights abuses are now better monitored and publicized than ever before. Less than fifty years ago in this continent, which now hosts us, there was war and brutality of a scale that would have made it difficult specially to note the horrors like those in Bosnia and Herzegovina today. Less than thirty years ago in some countries Blacks and women were disenfranchised to such an extent as to make apartheid seem less hostile than we now accept it to be. In my own hemisphere, tremendous advances have been made in the past decade in the observance of human rights and representative democracy. Much of this progress is due to the excellent work of the Inter-American Commission on Human Rights and the Inter-American Court. In such a process, Mr. President, strong regional institutions are invaluable.

To historical perspective we should perhaps add historical responsibility. The end of the cold war saw the emergence of new democracies. However, we should recall that the cold war had as one of its seminal features the creation of small wars in countries other than those fostering the "cold" hostility. Several of those small wars have left human rights sores that will take years to heal. My delegation's view is that it is the historical responsibility of those who were the leading prosecutors of the cold war to look to those sores with a view to healing them. My delegation sees this process as having already begun in Somalia and Cambodia but we feel it must continue in a vast number of other countries still affected. Let me mention here the sterling contribution of NGO's who have been the real human rights watchdogs throughout the world. They have taken great risks to obtain the truth and have been responsible far more than governments for the gradual growth of a human rights culture.

In concrete terms, Mr. President, my delegation would like to see the Human Rights Centre in Geneva strengthened. We would like to see the Centre strengthened in order for it to be able to provide more assistance to institutions dedicated to respecting human rights in countries around the world, to help the governments work towards the improvement of the civic, political, economic and social rights of their citizens especially in the poor new democracies of the South whose conversion goes almost unnoticed.

My delegation strongly supports the appointment of a Human Rights Commissioner on the basis that his or her mandate is to be the supervision of all human rights not just a selected few. My delegation would prefer such a Commissioner to come from the South so that any eventual criticism he or she should make of a state from the South could not be dismissed as from the other side and also because of his or her intimate relationship with the South, its problems and its aspirations. He or she must, however, first of all be totally dedicated to all human rights. As long as children die of hunger or are trafficked or women are raped in the indecent name of ethnic cleansing or, indeed, on any other pretext whatever, as long as discrimination on the basis of sex, race, origin or religion occurs or the freedom of expression is stifled, as long as development is not recognized as a universal right or adult men or women are prevented from voting in their own country, as long as human beings freeze to

death for lack of shelter or prisoners are tortured to obtain information or simply to destroy them, and as long as indigenous peoples continue to be displaced, disenfranchised and eliminated, such a Commissioner must be prepared to act without fear of the large and mighty or, indeed, of the small.

In conclusion, Mr. President, I would wish to return to the message of hope that my delegation would wish to bring to this Conference. The great Czech writer, statesman and inveterate fighter for democracy and civic rights Vaclav Havel wrote the following in an article entitled "Planting, Watering and Waiting:"

I thought time belonged to me. This was a great error. The world and history are ruled by a time of their own, in which we can creatively intervene but never achieve complete control.

We have seen here presidents, prime ministers, foreign ministers and ministers of justice and other dignitaries come to address this Conference. Their presence here and the dialogue, which has ensued, are like the sowing of a seed. This was the process of planting. We must continuously intervene creatively to fashion our diverse thinking into a common statement of purpose. This will be the watering. If we persist with this watering our wait should neither be long nor in vain.

I thank you, Mr. President.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank His Excellency for his statement. I now would like to call on His Excellency Mr. Olegario Pires Tiny, Minister of Justice, Labor and Public Administration of Sao Tome and Principe. You have the floor, Your Excellency.

PIRES TINY, Olegario (Sao Tome and Principe), spoke in Portuguese:

Keywords: SAO TOME AND PRINCIPE - GOVERNMENT POLICY - TECHNICAL COOPERATION - HUMAN RIGHTS PROMOTION - DEVELOPMENT - SOLIDARITY

Mr. President, Mr. Secretary-General, distinguished delegates, ladies and gentlemen,

I should like to congratulate you on behalf of my government and on my own behalf on your election, distinguished Mr. President Alois Mock as well as Mr. Ibrahima Fall, the Secretary-General of this Conference, responsible for guiding this august assembly. I am sure that your excellent qualities will enable us to achieve the results desired by the delegations here present.

I would also like to congratulate your close collaborators as well as the participants in the Conference and to express to them our satisfaction to be present at this meeting in which we discuss the very important topic of our time: human rights.

Our thanks also go to the Austrian people and government for the warm welcome and hospitality that they have extended to us.

Mr. President,

The Democratic Republic of Sao Tome and Principe is in constitutional terms a state of democratic law. The government that I have the honor to represent here, in compliance with Article 12 of the political Constitution, fully adheres to the fundamental principles enshrined in the United Nations Charter and of the Organization of African Unity and in particular in the Universal Declaration of Human Rights.

Indeed, since the first free, fair and direct legislative and presidential elections were held in the country in January and March 1991 and since the establishment of new institutions much has been done in the area of human rights. The citizens of Sao Tome and Principe today, man or woman, feel free in an open, pluralist and tolerant society of great political and social stability.

In connection with the constitutional provisions concerning the fundamental human rights of the citizen, it is required indicatively that new legal frameworks have been created, establishing appropriate conditions and guaranteeing the exercises of human rights.

Despite the fact that we have not yet formally adhered to certain international instruments for the protection and promotion of human rights, we already in our internal law and in our daily practice apply them with persistent regularity, and this is by the choice of the new government and not the outside pressure, nonetheless, this is not something that has been set up without difficulties and obstacles.

How not to experience difficulties in a less developed country marked by the 500 years of colonization and 15 years of political repression by a monolithic and authoritarian post-independence regime, with the population of 120,000 people, where the GNP per capita is approximately 300 US dollars, the external debt is 230 million dollars. At present, there is a structural adjustment programme that is applied rigorously but it is necessary in a country where economic and social difficulties are the everyday reality. The government, for the lack of the financial resources, has to face immediately the social consequences of the structured adjustment programme, notably the degradation of the living standards of the population, in spite of the considerable efforts and the results obtained in the policy of economic and financial stabilization and structural reforms through privatization of the production systems and private investments, both national and foreign, currently in progress.

Mr. President, ladies and gentlemen,

During the last two years in Sao Tome and Principe, much has been done by the government but there is much still to do.

The consecration, promotion and guarantee of human rights, in our understanding, are the fundamental option of the government in each country and also depends on the level of requirements of the populations.

Once that policy option is adopted in juridical and normative terms, it is necessary to create through instruments, means and the creation of objective and subjective conditions necessary for their effective implementation. This would make it possible to ensure that this choice is selected in a more normative way.

There is no doubt that, in the essential, the decision in the field of human right is the prerogative of the national political power. In a country like ours, there are enormous technical difficulties with regard to the implementation of these objectives, in particular, with regards to work, information and training, our public services and the society in general, with the special emphasis on vocational training, training of trainers and training of judges, here we come to the field of technical assistance, similarly to what happens with almost all areas of our development.

This results in the first major difficulties for my country, because here the limits of governmental action are defined through the use of resources that are proper to it. For this purpose, we requested and have obtained the necessary support from the Centre for Human Rights. However, due to the lack of speed required by national needs and authorities, probably due to the numerous requests that are simultaneously addressed to the Centre of Human Rights and for the lack of financial resources the Centre is not in a position to act in full conformity with their duties.

Mr. President, Mr. Secretary-General, distinguished delegates, ladies and gentlemen,

We would like to evoke this time another difficulty that concerns the promotion and guarantee of economic and social rights.

As you know, the debate in this area has not been peaceful. Quite the contrary.

Although we consider that the promotion of these rights depends, first of all, also on political options, these being determinant for the delineation of a correct policy and the respective strategy for action, in the short, medium and long term, it will not be news to anyone to state that those who are not - and this is the case of the majority of developing countries - in acceptable conditions to foresee reliably with the necessary retreat, to conduct and control with security, having the necessary elements, of a human, statistical and financial nature, the development of their society, very naturally acceptable to conduct, with the desirable and optimal coherence, the promotion and guarantee of human rights in the economic and social sphere.

However, we believe that if we are not in a position to fully achieve these rights, we should fight for as much as reasonably possible without losing the sight of the optimum conditions when these can be fully achieved.

The government of San Tome and Principe considers, in any event, that a human being as an agent and proper recipient of all development activities. It sees a human being as an inseparable unit having to enjoy the fullness of the rights that are inherent to him starting with the right to life without ignoring the plethora of other rights already mentioned here. And the human being, in the essence, is the same everywhere, regardless of the latitude, race, political and religious convictions and culture. Let us take a look at this hall where almost all the countries of the world are represented, the most diverse cultures, languages and religions and draw our conclusions: despite the differences and specificities, there is a single and same reality - a man or a woman, a human being. All lacking freedom, social justice, food, housing, water and energy, employment, in short, lacking the human dignity. If human beings are equal above all the specificities throughout the universe, their social coexistence must also obey those principles that are common to all. These rights, regardless of where they are located and because they are inherent to him, never, but never, should be withheld by arbitrary and authoritarian reasons and forces.

Mr. President,

Our conviction and our experience today attest to us that outside the context of democracy there is no point in talking about the promotion and guarantee of human rights because the fundamental minimum is ignored: the right to life and freedom.

However, ladies and gentlemen, we cannot forget that it is not enough to formally adopt democracy, nor have a political will to do so. Much more is needed, especially in a country where poverty, misery, unemployment and hunger are raging, the people, men, women and children do not live in democracy, but they also need food, education, work and benefit from health services. Achieving such goals permanently requires levels of development that are incompatible with the reality and with the resources available in the developing countries in general.

It is in this area, therefore, that the international solidarity gains special prominence. As a complement to our resources and if correct rules and measures of good and rigorous management of nationally available means and factors are adopted, it is essential that the international community play its extremely important role correctly and timely. The international solidarity, within the framework of the right to development that must be clearly recognized by the international community, must provide financial and other means to help governments to achieve the happiness and wellbeing of their peoples.

This constitutes, Mr. President, alongside the essential national management measures, a *sine qua non* condition for a Conference such as this one - it should be stressed that this is very important to

achieve the main objectives, that is, the progressive realization, perhaps slow, of the fundamental rights of the human person.

Mr. President,

At a time when the reversal of the terms of trade continues to persist to the detriment of the developing countries, when more than ever poverty, desolation, and diseases such as malaria, tuberculosis and AIDS are raging in our countries, it is time to dare and give the qualitative jump towards assistance to the underdeveloped countries. We are in the end of the 20th century and we have a duty to make all human rights in the world a reality.

In our view, to make human rights effective one must set up a monitoring body within the United Nations. This question, however, evokes another one: the need for democratization of the international legal system. The persistence of the unbalanced system that we know today, which is based on the power of the strongest to the disadvantage of the poorest countries enabling the application of disparate, partial criteria for the recipients of the measures in general thus creating the feeling of what is conventionally called double standards, the persistence of such a system is not and, therefore, will not be admissible in moral and legal terms.

At the end, Mr. President, distinguished delegates, ladies and gentlemen, a commitment and an appeal. I will declare on behalf of the government of San Tome and Principe the commitment to combat, to the fullest extent possible, all forms of discrimination against men, women and children and on the other hand to promote and guarantee the actions already in progress and, to the fullest extent possible, the effective realization of human rights in Sao Tome and Principe. We count on the support of the United Nations system, bilateral partners and all non-governmental organizations wishing to participate in our development process.

Our modest appeal is addressed to all participants at this Conference, and we wish to place greater emphasis on the values that unite us and there are more of them as compared to those that differentiate us. That we would be able meet the consensual commitments in order to make the 21st century a happier century in the lives of our peoples are the wishes that I express here.

Thank you for your attention.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank His Excellency for his statement. I call on Mr. Henryk Sokalski, Coordinator of the International Year of the Family. Mr. Coordinator, you have the floor.

SOKALSKI, Henryk J. (Coordinator of the International Year of the Family):

Keywords: FAMILY - INTERNATIONAL YEARS - FAMILY RIGHTS - PARENTS - PARENT-CHILD RELATIONS

Mr. President, distinguished ladies and gentlemen,

Views of human rights are themselves evolving. Today, we have to go beyond narrow, legalistic interpretations of human rights.

These words, addressed to this World Conference by the Secretary-General of the United Nations assume special topicality in the context of the family, whatever its definition, form or concept.

1994 has been proclaimed by the General Assembly as the International Year of the Family. Throughout recorded history and in different parts of the world, many diverse types of families have existed displaying pronounced variations in their structures. Consequently, the kinds of interpersonal

relationships within the family differ both among and within national societies. This diversity is a faithful reflection of the cultural pluralism that constitutes societies and must be respected as the grass-roots basis of democracy.

Relationships within families, as those within societies, continue to be affected by the perennial dichotomy between the individual and society, between individualism and collectivism, between the rights of the individual and those of the family as a collective social unit. There has been general agreement that the individual rights of family members and the achievement of equality between men and women both within families and the society at large are of paramount importance. The power of the family should, therefore, be limited by the basic human rights of its individual members.

Also fundamental to the notion of family seems to be a dichotomy between the presence of the repressive, hierarchical structures of family life and the absence of a sense of moral obligation, awareness and solidarity concerning others' needs and rights; the dichotomy between power and control on the one hand and the equal and inalienable rights of all family members on the other.

Life in a repressive family, which has no respect for the rights of the individual, can be an experience even harsher than functioning in a repressive society. Both are unacceptable. A balance must be struck that defines and revitalizes the character of the social contract. In some parts of the globe, parents feel totally powerless to deal with their children and unable to provide the kind of direction to assure them a meaningful place in a sometimes harsh and rapidly changing world. In others, parents exercise total control over children, without regard for their rights, exercise this power in horrifying displays of human cruelty.

As a general principle and in practice, the state should offer to families a respect for their ability to self-govern and recognize the autonomy of the family unit. This is essential to our concept of families and to the principle of empowerment. The boundaries of the family should not, however, provide refuge for the scourge of domestic violence, the abuse or neglect of children, the systematic and abhorrent subjugation of women or mistreatment of the elderly, persons with disabilities or other members with special needs. When a family rests at or descends to the point where the basic human rights of individual members are endangered by others within the unit, the costs to the greater society and the individuals involved cannot be measured in any currency. When poverty is allowed to become so extreme that parents mutilate their own children to make them more successful as beggars in the street, we have all somehow failed. When a child takes his or her life in desperation and in fear, something important dies in all of us. When rape becomes an implement of warfare and utter humiliation in an attempt to destroy the individual and families, the perpetrators are tearing our notion of justice into pieces. There is clearly a place for the intervention of the state in the lives of families. That obligation rests on the states' commitment to the protection of the basic human rights of all members of society. To paraphrase John Donne, no one is an island, entire of itself; every one is a piece of the continent, a part of the main. Our family of nations is the main but it cannot be healthy as long as any families, as the basic social group, are haunted by the specter of disrespect for duly established international human rights standards.

Most family issues are, therefore, human rights issues. Family's welfare, its ability to fulfil its basic societal functions and its support by the society and the state are major elements in achieving human rights. Every person has the right to have a family; establishing a family of one's choice is a fundamental freedom. Everyone has the right to dignity and respect for one's private and family life. Families have the right and responsibility of organizing their way of life freely taking into account the best interests of each of their members. Parents have the basic right to determine freely and responsibly the number and spacing of their children as well as to have access to the knowledge and means necessary to enable them to exercise this right. The equal rights of men and women must be realized in the family if they are to be embedded in society. Indeed, efforts to build a just human society based on the principles of human rights and democracy can succeed only when the principles are learned, practiced and respected in the basic unit of society.

The International Year of the Family is around the corner. Impressive preparations have been taken up in many countries and by many partners. The numerous concerned organizations and specialized agencies of the United Nations system have just issued a joint inter-agency statement on IYF, underscoring its relevance to their work. In my capacity as Coordinator for the International Year, I appeal to all the participants in this historic Conference: join actively the preparations, observances, and follow-up of IYF. As an important basic step towards realizing universal human rights, let us strive to build the smallest democracy at the heart of society - the family.

I thank you very much.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank Mr. Sokalski for his statement. I now give the floor to Dr. Abdel Aziz Al-Nadjdi, Advisor to the League of Arab States, on behalf of the Secretary-General of the League. You have the floor, Sir.

AL-NADJDI, Abdel Aziz (League of Arab States), spoke in Arabic:

Keywords: ISLAM - HUMAN RIGHTS PROTECTION - LEAGUE OF ARAB STATES - TREATIES - SELF-DETERMINATION - PALESTINIANS - ISRAEL - SANCTIONS - BOSNIA AND HERZEGOVINA - MIDDLE EAST

Thank you.

In the name of God, the Merciful, the Compassionate.

The President of the World Conference on Human Rights, the Secretary-General of the UN, the Secretary-General of the Conference, the distinguished Heads of Delegations, brothers and sisters,

May the peace and blessings of God be upon you.

It is, indeed, my pleasure to convey to you the greetings and best wishes of His Excellency Dr. Ahmed Asmat Abdel-Meguid, the Secretary-General of the League of Arab States, and, indeed, his best wishes of success to your Conference. He would have wanted to be present and to participate in this important international Conference were it not for prior commitments. It is my pleasure to address you on his behalf.

Mr. President,

The divine laws have respected man and have affirmed his dignity and his right to live on an equal footing with other human beings. Islam, the seal of such divine laws, has reaffirmed the need to protect human rights, calling for the life of stability for men, rejecting injustice, tyranny, racism and fanaticism, believing in right, in justice and peace.

Mr. President,

The international community may have not devoted the necessary attention to human rights up to the First World War, but the Charter of the United Nations of 1945 in its very preamble affirmed its belief in rights for men and women, equal rights for large and small nations, the rights of peoples to live in peace and in relations of good neighborhood. Then came the Universal Declaration of Human Rights in December 1948 affirming the Charter and becoming the cornerstone of humanitarian international law and the embodiment of the determination of the international community to establish the foundations of human rights. The General Assembly of the United Nations ever since 1977 has called upon the regional organizations and groups to spare no efforts to devote the necessary attention to human rights. The response was immediate and positive.

The League of Arab States has given the greatest priority to the issue of human rights with the establishment of the Permanent Committee on Human Rights in 1968. It has also taken the necessary measures to set up a special department to deal with issues of human rights in 1991 as well with related issues such as the Arab Charter of Human Rights, the Arab Convention for the Rights of Refugees, development, indebtedness, human rights and Israeli violations of human rights in the occupied Arab territories.

The Arab states have participated very effectively in the 3rd Preparatory Meeting for this Conference held in Geneva in September 1992. Therein, the Arab position was expressed and it is based on the progress made in the field of human rights as well as a study of the obstacles that stand in the way of further progress and the need to adopt effective measures to implement human rights criteria; especially the criteria that are related to putting an end to foreign occupation and the practical implementation of the rights of peoples to self-determination and the defense of human rights and basic freedoms by all possible means.

Mr. President,

Undoubtedly, the United Nations by organizing this World Conference for Human Rights being held in Vienna today is reaffirming the tremendous importance given by all the peoples of the world to human rights and calling upon the international organization to assume its responsibility by establishing the foundations of human rights throughout the world. The effort that has gone into the preparation of this Conference is, indeed, commendable. In this respect, allow me to inform you of the fact that the Arab position vis-à-vis the agenda of this Conference was approved by the Council of the League of Arab States in its 98th session in April of this year.

I can sum it up as follows:

To determine the obstacles that stand in the way of further progress in the field of human rights ever since the adoption of the Universal Declaration and the adoption of the necessary effective measures to implement the criteria and the protocols and conventions of human rights particularly concerning foreign occupation as a gross violation of human rights and also the implementation of the resolutions of the Commission on Human Rights that does look upon such foreign occupation as a main obstacle to the right to self-determination.

Secondly, the application of the rights of the peoples to self-determination particularly the peoples subjected to foreign occupation and foreign domination.

Thirdly, to reaffirm the implementation of human rights in accordance with the principles of international law and the United Nations Charter while respecting national sovereignty and territorial integrity and not to use human rights as a pretext to intervene in the internal affairs of states.

Fourthly, global application of the international criteria avoiding double standards and selectivity and also to promote the role of the UN in the field of protection of human rights.

All this affirms the Arab position and promoting international collaboration in this field.

Mr. President,

The League of Arab States was expressing its concern at the circumstances in the occupied Palestinian territories as the result of the escalation of Israeli practices against the Palestinian citizens. We would like to affirm that the economic blockade imposed upon the West Bank and the Gaza Strip increases the sufferings of Palestinian people and leads to further violence and counter-violence. We view such Israeli practices as being similar to the practices of the Serbs and the Croats against the Muslims of Bosnia and Herzegovina. They are an obstacle to the peace negotiations, be it in the Middle East or in

the Balkan areas. That is why the international community must put pressure to impose respect for the resolutions of the international community and the provisions of the international law.

This Conference is, indeed, a test for all of us because it is being held at the time of great international changes and the appearance of a new international order, where the superblocks are emerging clearly, where there is no place for individual states living on the margin. These changes have led to unjust practices in certain regions of the world including the Middle East being one of the first regions suffering from inhuman practices against the Arab citizens in the West Bank and the Gaza Strip and the occupied Syrian Golan and the southern parts of Lebanon as a result of the practices coming from Israel's refusal to implement resolution 425 of the Security Council and refusal the return of the deported who are suffering very difficult conditions; also their refusal to implement resolution 799 of the Security Council adopted unanimously in December 1992.

Mr. President,

Your task is tremendous and we do hope that your Conference will adopt constructive resolutions on all issues on its agenda so that it may become a beacon towards the welfare of humanity and a safe harbor for humanity at large.

In conclusion, Mr. President, I cannot but express my heartfelt thanks to the Austrian government and people for their hospitality and for hosting this historic Conference and for the efforts they have undertaken to ensure its success.

My thanks also go to His Excellency the Secretary-General of the United Nations for a very good preparation of the Conference and to the Secretary-General of our Conference and all those who have contributed to the success of this Conference.

Thank you for your attention. I wish you all every possible success. May God guide your steps and support you in your efforts to ensure the welfare and stability for humanity. May the peace of God be upon you.

Thank you, Mr. President.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the Secretary-General of the League of Arab States for that statement. I now call on Ms. Ivanka Corti, distinguished President of the Committee on the Elimination of All Forms of Discrimination against Women. You have the floor, Madame.

CORTI, Ivanka (UN CEDAW), spoke in French:

Keywords: WOMEN - GENDER-BASED DISCRIMINATION - TREATIES - CEDAW - INTERNATIONAL OBLIGATIONS

[Spoke in Spanish]

Thank you very much.

[Spoke in French]

Mr. President, even in his absence - Mr. Secretary-General of the Conference, Excellencies, ladies and gentlemen,

I would like to thank you for giving me this opportunity to speak, and I must add that it is an honor for me to represent here the Committee for the Elimination of All Forms of Discrimination against Women, who authorized me to represent it at this World Conference.

In all the countries of the world, whatever their degree of development, whatever their ideological orientation, the stereotype based on gender and discrimination against women have historically characterized all aspects of interpersonal relations at all levels of society.

The fundamental purpose of the United Nations since it was founded in 1945 has always been to root out either the attitudes that create this inequality or the conditions that contribute to its maintenance.

A decisive step taken by the United Nations in this direction was when the General Assembly in December 1979 adopted the Convention on the Elimination of All Forms of Discrimination against Women, an extremely comprehensive and detailed treaty, which in its articles urges governments to promote anti-discriminatory practices directed specifically against women throughout the world. This is the only document in the international law that deals with the rights of women and the elimination of discrimination against them.

The Convention in its preamble recalls that:

that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.

In order to follow up the implementation of the Convention and encourage states to continue to eliminate *de jure* and *de facto* discrimination in the different areas of public and private lives of women, the Committee was created known under the name of CEDAW.

There were twenty recommendations produced by the Committee, for the briefness of time I will not quote but one recommendation. The recommendation number 19 on violence against women, where the Committee noted that the gender-based violence compromises and nullifies the enjoyment of individual rights and fundamental freedoms by women as general principles of international law or specific conventions related to human rights and constitutes discrimination in the terms of Article 1 of the Convention.

Traditional attitudes that make a woman an object of submission by assigning to her a stereotyped role perpetuate the widespread use of violence coercion particularly within the family.

The Committee also recommends that the violence against women in the armed conflicts or civil, national or international wars often causes trafficking in women and sexual abuse against them and requires specific measures of protection and repression.

It is the opinion of the Committee that the civil, economic, cultural and political rights of women should be guaranteed in an equal manner and that the promotion of one of these categories should never prevent a given state to promote or protect the others. No pretext or cultural prejudice, or prejudice in terms of custom or religion, nor extremism of any kind should act as an obstacle to the guaranteeing for women the full enjoyment of their inalienable individual rights.

CEDAW, however, draws most particularly the attention of this Conference to the issue of reservations made to the Convention. The Convention is a human rights treaty with the greatest number of reservations emitted by states.

The Committee believes that some of these reservations are questionable as to their compatibility with the objectives and purposes of the Convention. The reservations, moreover, nullify the rights therein protected by the Convention, and CEDAW recommends to the States Parties to review their reservations and see whether they are not in contradiction with those expressed with regards to other human rights conventions and to regularly review them to determine whether they are still necessary and timely or, if not, to withdraw them.

The Committee also considers it necessary for the states to consider the possibility of raising objections to reservations of other states where appropriate.

As regards its own competences and the effectiveness of its work, CEDAW is engaging to study the possibility of elaboration of an optional protocol to the Convention, to amend Article 20 of the Convention to allow the Committee enough time to fulfil its obligations, to ensure that the Secretariat of the Committee is provided by both the Centre for Human Rights and the Division for the Advancement of Women, and to take the necessary measures to ensure adequate resources both human and financial to enable the Committee to function.

The Committee attaches the most particular importance to the ever-increasing activity and contributions of the NGOs in the field of the protection of women's rights as well as of the information and dissemination of the Convention and defense of human rights in general.

Mr. President,

It is not by chance but with a very precise intention that I left for the second part of my statement to underline the first recommendation of CEDAW, that is to say the recognition of universality, of the interdependence and indivisibility of human rights.

Twenty-five years have passed since the first Conference on Human Rights and the Teheran Proclamation. Despite the considerable evolution of the world community since then and marked, among other things, by the triumph of the idea of democracy over totalitarianism, the human rights standards as far as women are concerned have not yet been effectively applied to compensate for the disadvantages, discrimination and injustices they suffer merely due to the fact of belonging to the other sex. If we examine and judge the Teheran Proclamation on universality, we must find that respect for universality has failed. The reason for this general failure lies, among other things, in the refusal to recognize and understand the nature of the systematic subordination of and discrimination against women. There is a lack of will in all societies of the world to recognize that this subordination and discrimination is outright violation of human rights.

We must note that poverty is increasing disproportionately among female populations and it is right that we speak of the feminization of poverty. Illiteracy is especially prevalent among women. They are the only human beings who in some countries do not have the right to inheritance, to own land or to have credit. Due to the lack of the right to adequate nutrition, appropriate health services or family planning, on average 500,000 deaths among women registered per year and how many more from malnutrition. They carry the burden of the elderly or disabled by tradition or by destiny. It is rightly recognized that the child must be protected in the integrity of his rights - but the woman - the mother is the first protector of these rights and it is to her first that we must ensure the enjoyment of all her rights so that the child can also benefit from them.

One of the objectives of this Conference is to consolidate democracy. The Convention establishes that democracy is an equal sharing of power among men and women. But now even in the most developed countries in this sense, recourse is made to temporary measures, that is to say, positive actions provided for in Article 4 of the Convention to try to achieve this goal.

The Convention or its interpretation from an updated and feminine perspective provides for the protection of all of the above-mentioned rights.

Many states invoke traditions, customs, religious laws, which prevent them from fully implementing the Convention. The Committee has always tried to engage in a constructive dialogue with states. The states and this Conference must understand that seeking to eliminate the discrimination against women does not constitute interfering in the internal affairs of states but an effort to advance the progress, the wellbeing of the half of population of each state. In other words, to make them to respect the fundamental rights of human being to which they pledge before this historic assembly.

Experience of CEDAW shows that where there is a political will of the states to move towards recognizing all of the rights of women by crossing the barriers of custom and religion, we succeed in doing so. We are well aware that these obstacles take a long time dying away, but at the close of the 20th century we cannot justify certain traditional practices, which nullify the elementary right to physical and mental health of women. Traditions and customs are not static ethical values. They have evolved in all continents and in all countries throughout the centuries.

In thanking you, Mr. President, and in conclusion, I must add that the extraordinary and impressive mobilization of women's NGOs in this Conference has unanimously called for the application of the Convention and its articles. Regional documents from Tunis, Strasbourg, San José, Bangkok, Scandinavian countries, London and specialized agencies underlined the importance of recognizing equality of rights between men and women and the need to fight the discrimination from which they still suffer. It is encouraging novelty that almost all governments that we have heard recognize the importance of promoting women's rights. It is also a novelty that the women are no longer considered a social or vulnerable group but the other half of the population of each country.

The challenge of this Conference also lies in the recognition of women as full citizenship in their rights. Otherwise, we risk discovering too late the price to be paid for a historic decline.

Thank you very much, Mr. President.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the distinguished President of the CEDAW. I now give the floor to the distinguished Representative of Committee for the Restoration of Human Rights throughout Cyprus. You have the floor, Madame.

TOUMAZOU, Argyro (Committee for the Restoration of Human Rights throughout Cyprus):

Keywords: HUMAN RIGHTS - PRINCIPLES - HUMAN RIGHTS ADVANCEMENT

Mr. President, distinguished delegates, NGO representatives,

I feel it is a great honor for me to be able to speak on the universality, indivisibility and interdependence of human rights. I would like to express my thanks to Conference Bureau for enabling me on behalf of the Committee for the Restoration of Human Rights throughout Cyprus to address the plenary session in this historic World Conference on Human Rights. Its aims reflect the need of individual human beings and of mankind as a whole to be given the chance of achieving a better protection of human rights by regulating their actions and ordering their lives in accordance with principles and institutions provided by universal reason.

This final standard of conduct cannot be attained without the recognition and adoption of the universality of all human rights, civil and political and cultural, social and economic the respect of which is envisaged in the Universal Declaration of Human Rights of 1948 and the respective UN Covenants of 1966. This final standard of conduct is embodied in the principles of the rule of law and the principles of the natural justice. It is these principles that the Committee for the Restoration of Human Rights throughout Cyprus has been set up to uphold in the face of incongruities and violations

laying and threatening to carry on designs against the lives, liberties and properties of men and women in my country.

We believe, therefore, that every effort should be exerted to reaffirm, strengthen and enforce these principles. In this way, a firm link between the juridical and physical reality may be provided so as to ensure the logic of the law based upon the logic of facts.

The following are some of the most important of these primary principles:

- The principle that every person is a bearer of rights and obligations;
- the principle of the separation of powers, legislative, executive and judicial;
- the principle of the legality of the administration;
- the right to a public hearing in the determination of civil rights and obligations or of any criminal charge by an independent and impartial tribunal established by law;
- the principle of equality, entailing that all power and jurisdiction is reciprocal, no one having more than another and that there is no superiority or jurisdiction of one over another, equality being the equal right of every man to freedom without being subject to the will or authority of any other man;
- the rights of life, liberty and property are not alienable by contract;
- no state should deprive any person of life, liberty and property without due process of law;
- no man is his own judge; justice is the constant will to give to every man his own;
- a man's property is the work of his hands and the labor of his body;
- a lawful title on property is acquired by contract made with the consent of the parties or by virtue of the provisions of a law enacted by the legislative body established with the consent and authority of the majority;
- usurpation cannot confer upon any one a lawful title on property; propriety is natural antecedent to government, which does not give it but regulates it to the common good. Every man is born with propriety in the just acquisitions of his industry. Therefore, no ruler can deprive men of their propriety unless it is in the execution of justice of such as forfeit it;
- the liberty of man in society is to be under no other legislative power, but that established by consent according to the trust put in it;
- nobody can give more power or transfer more right than he has himself;
- liberty is not license to restrain the rights of others without their consent or trust;
- rules and institutions peculiar to any one race cannot be inconsistent with rules of general application common to the legal needs of all human beings;
- no one is to be subject to the caprice of another,
- nor excluded from the benefits accruing from his membership of society;
- no one should be excluded from the benefits of freedom and the rule of law or the benefits of justice and equity;
- the end of the law is not to abolish or restrain, but to preserve and enlarge freedom.

The above list of principles is not exhaustive but indicative of the legal postulates essential for justice and equity, freedom and democracy, peace and security. They are the legacy of great thinkers, philosophers and jurists.

Their beginning dates back to the time of the Pythagorean and Stoic philosophers, the founder of the latter being Zeno of Kitium in my country. In the hands of the Romans, they were crystallized into rules of positive law and from them they were received in the civil codes of Europe, one such code is the General Civil Code of Austria of 1811. These codes enshrine three fundamental rules: freedom of contract, inviolability of property, and the duty to compensate another for damage due to one's fault.

In a form binding the legislator, many of these principles in the notion on natural rights were put on record in written constitutions for the first time in America and France in the 18th century and later everywhere where government by consent of the governed made its impact felt.

And then the judicial review of statutes followed as it was realized that if the rights declared to be natural were to be effectively secured against those most likely to violate them, something more was necessary than formal recognition in a legislative document, however solemn.

The next important step was to safeguard basic human rights and fundamental freedoms in the international instruments of the United Nations...

Fernando ARIAS-SALGADO (President), spoke in Spanish:

May I point out to the distinguished representative that you have five minutes to deliver your statement. Your time has run out. Please conclude as soon as possible. Thank you.

You have the floor, please conclude.

TOUMAZOU, Argyro:

Mr. President,

The world community is now entering a new threshold. Let me express the sincere wish that this will take it nearer the ideal of government by laws than government by men.

Thank you, Mr. President.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the distinguished Representative of the Committee for the Restoration of Human Rights throughout Cyprus for that statement and for having kept to time allotted to her statement. I now give the floor to Her Excellency, Mrs. Shirin Aumeeruddy Cziffra, President of the Permanent Council of the French-speaking Peoples representing the Technical Cooperation and Cultural Agency. You have the floor, Madame.

AUMEERUDDY CZIFFRA, Shirin (Agence de coopération culturelle et technique), spoke in French:

Keywords: DEVELOPMENT - CULTURAL PLURALISM - WOMEN - CHILDREN –
REGIONAL COOPERATION – INTERNATIONAL COOPERATION - FRANCOPHONIE

Mr. President, Your Excellencies, ladies and gentlemen,

Allow me, first of all, to congratulate, through you, the Secretary-General of the United Nations for the courageous and promising initiative that allows us to gather in Vienna in order to call once again the world-wide attention to the place of human rights and to encourage the mobilization of all our countries.

I would like to express our thanks to the Secretary-General of the Conference, Mr. Ibrahima Fall, whose persevering and enlightened action is the best guarantee of the success of our work.

I, therefore, have the honor to speak here, at the heart of your debates, on behalf of the Agency for Cultural and Technical Cooperation and the Permanent Council of the French-speaking Peoples, which I chair. For the Francophonie, the ACTC is the intergovernmental agency responsible for the application of our cooperation programmes under the aegis of the Permanent Council emanating from the Conference of Heads of State and government of the countries who share the use of French.

I should like to say that this Conference bringing together at present 47 countries spread over five continents has devoted in recent years an important and growing part of its efforts to support the democratization process, to promote human rights and to consolidate the rule of law.

We want to include these actions in an open and generous conception of human rights based on the universal value of democracy. Thus, since their 3rd meeting, in Dakar in 1989, the Heads of State noted that the development of human dignity and respect for human rights were an aspiration common to all their states and represented fundamental objectives for the entire international community. They agreed to underline that the human rights are an integral part of international relations and that they must, in order to be respected, be based on effective international monitoring mechanisms.

The Conference of Heads of State and Government, which will hold its 5th meeting in Mauritius, the island of Mauritius, my country, next October, has chosen a particular theme of Human Rights and Development. This is linked to a concern which is at the heart of your debates but which also echoes the Declaration that it adopted at its 4th session in Paris by affirming the faith of the participants in democratic values based on respect for rights of minorities and of fundamental freedoms, by also affirming their conviction that the greater participation by peoples in their development requires the free exercise of these freedoms and the advent of the rule of law.

The aim is to encourage the promotion of a pluralist political culture based on reciprocal tolerance and respect for regional, ethnic, religious and cultural diversity. Such a spirit of tolerance is to be illustrated first of all on a basis of each individual.

I would like to stress here that this is a new area of thinking to which we will be profoundly attached. It is for this reason that the first topic that will illustrate the next Summit of the French-speakers in Mauritius concerns precisely the unity in the ethnic and cultural diversity.

As to the rights of women, Mr. President, I do not think you will be surprised to know that I attach particular importance to them.

The role of women is unanimously considered to be essential and decisive in the development of our societies.

The World Conference of the United Nations on Women, which opened in Mexico in 1975, was the first to shed new light on this path affirming the principle of equality of men and women, which you wished to confirm.

The Beijing Conference is expected greatly, but I hope that already Vienna could be an important stage in this struggle; reaffirmation of the rights of women, here, as an integral part of human rights would allow women throughout the world to continue their progress more easily.

For us in the French-speaking world, despite our great geographic, ethnic and socio-cultural diversity, we are very attentive to this fact because women already play an indispensable role in family and social balance by becoming at the same time - informed, trained and respected - they will constitute an invaluable asset, a real factor of progress for our societies.

The 4th Conference of Heads of State or Government held in Paris in November of 1991, also wished to associate the community of the French-speaking world to the follow-up to the world declaration in favor of children noting with satisfaction the World summit in New York for children last year and stressing the importance that they attach to the conclusions of the summit, the Heads of State, thus, agreed to reinforce their cooperation with respect to the adoption of specific and concrete measures designed to meet particular needs of children. They, thus, decided to convene a conference of French-speaking Ministers responsible for children to adopt a strategy for the implementation in the French-speaking world of an action plan adopted at the World Summit for Children: this will be held in one month in Dakar to deal with this very important issue for the solidarity and future of our countries.

From these lines of action emerges the very spirit of our multilateral cooperation, a space of solidarity founded on the attachment to common values and on the use of a shared language while respecting the cultural identities of each of our countries, but also a space for North-South dialogue and, increasingly, for that of South-South.

To turn these objectives into acts, the Heads of State and Government have launched a strategic project in the form of a specific programme centered on the law in the service of development and democracy that guarantee the exercise of fundamental rights. This approach, which is first of all concerned with the support for improving the conditions for the exercise of justice, the rule of law in order to ensure that it is strong and independent, has also looked towards new orientations and policies in the field of human rights presently being considered in the international community in order to carry out this mandate.

To meet this mandate the French-speaking cooperation is based on requests that have continuously increased a number in recent few years, made directly by Member States.

This is how it deployed, and will continue to do it in an even more accentuated manner, the actions that are particularly relevant to the essential areas, which are: training, in particular, training of judges and auxiliaries of the justice; documentation through bibliographic assistance to the judicial process, through a support programme for publications and the publishing of national legal instruments as well as creation of a national and judicial databases and finally through the implementation under the International Assembly of French-speaking Parliamentarians of a support project for parliamentary documentation; and also through information, public awareness and consultation by promoting, in particular, translation into national languages of international instruments in the field of human rights and support for the initiatives of reflection and exchange on these subjects in the form of conferences and awareness campaigns.

The support to electoral process underway in many states was also provided at the request of the states themselves in various forms. Over and beyond sending electoral observers, we wish to commit ourselves further to assistance in preparation for these elections. The needs are enormous in this area and for all of us involved in this particular area we have to work together.

Our ambition, Mr. President, is clearly nourished by a broad consultation. The aim is to ensure that the real needs of our countries are better taken into account through the exchange of our common experiences. It is in the same spirit that we initiated the extension of our consultation to the international level. I wish, therefore, to stress to you how much the French-speaking community wishes to be increasingly present in international bodies in order to share its specific experiences with the rest of the United Nations. But also, in order to be of service to international bodies and to ensure the implementation of their programmes. We have been very successful in the area of the environment since the preparation for the Rio Summit. As to human rights, we have already made the commitment and we need to harmonize our efforts.

These are, in fact, the same issues that we share knowing that democracy and development are closely and that we must reject any "mechanical" concept that might privilege one over the other. We are, however, all aware that this approach, the only realistic one, will require from the international community an increased effort accompanied by the definition of new rules.

There is, therefore, more than a simple dialectic movement, we see the emergence of a real synergy between the activities undertaken by the United Nations and the efforts undertaken by the community of the French-speaking world. In this, I need but refer to the work already done at our consultation meeting held in Libreville to ensure a more determined advance in preparations for this World Conference: many objectives have brought us close together, such as the principle of universality of human rights, that of their interdependence, whether one refers to economic, social, cultural, civil or political rights, and also the principle of the sovereignty of states, even if they are recognized as

having duties as well as rights in this area and finally the principle to which we all aspire, that is the right to development.

But I will not give you this panorama of our objectives without adding that we will have to solicit, to support our action plans, not only our main partners, that is governmental structures in our 47 member countries, but also the major international specialized institutions such as AIPLF (International Assembly of French-Speaking Parliamentarians), which I have already mentioned, IDEF (International Institute of Law of the French-Speaking Countries), AUPELF/UREF (Association of Partially or Wholly French-Language Universities-University of French-Language Networks) as well as socio-professional associations and inter-governmental organizations in the area of human rights because we have a long history of working with NGOs and IGOs. I should like to pay tribute to all of these non-governmental organizations for their actions already underway, the importance of which is of the utmost significance and which constitute an invaluable way of intervention of the public powers, in particular in term of awareness and information.

We are aware, Mr. President, of the magnitude of the task before us, which will require on a daily basis full mobilization of human and financial resources in the framework of a partnership at all levels of multilateral and international cooperation.

We, therefore, hope that this partnership, that these synergies will be fruitful and that they will still develop yet more in the future to ensure the further development of our respective countries. We also wish to support the spirit of your commitment in pursuing these fundamental objectives, to which we have, for our part, broadly adhered and without which there could not be total success.

I thank you for your attention.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank Madame Shirin Aumeeruddy Cziffra for her statement. I now call on Dr. Bent Sorensen, member of the Committee against Torture. You have the floor.

SORENSEN, Bent (UN. Committee against Torture, Council of Europe Committee for Prevention of Torture):

Keywords: UN. Committee against Torture – EUROPE - TORTURE AND INHUMAN TREATMENT - TREATY-MONITORING BODIES - INTERNATIONAL OBLIGATIONS

Mr. Chairman, Your Excellencies, ladies and gentlemen,

On behalf of the United Nations Committee against Torture, the so-called CAT, and also the Council of Europe Committee for Prevention of Torture - also called CPT, I have the great honor to address you.

My statement will deal with the following subjects:

Point one, universality and the special problems of torture in that regard.

Point two, the status of the two Conventions on Torture - United Nations' and the Council of Europe. And in this connection the draft optional protocol to United Nations Convention and the United Nations Voluntary Fund for Torture Victims.

And finally point three, the recommendations from these organs and the draft final document.

Point one – universality as point of departure. All human rights are universal and claims of relativism can never justify violations of human rights under any circumstances. That goes for torture also. Not

only in the way that torture as a violation of human rights is universal. Unfortunately, there is also another kind of universality. The acts of torture are the same all over the world.

It is the same persons who are the target for governmental torture. It is the politicians, journalists, leaders of ethnic groups, of trade unions, of students. To simplify it, exactly the persons who fight for human rights, as examples: those present in this building at this moment, both NGOs, journalists downstairs and the States Parties delegations upstairs.

The methods of torture are the same all over the world, both the physical and the psychological. And, therefore, the symptoms, the after-effects are also the same: the torture survivors cannot sleep, they lose their identity, their self-respect, their dignity. They feel shame and guilt. They cannot function anymore.

And that is exactly the aim of governmental torture in the modern world: to make it impossible for those who protect, who fight for human rights, to function.

Of course, these acts affect not only the target person but also his or her family and friends, and, in the end, the whole society is held in a grip of fear and political oppression.

One cannot have a dictatorship without torture and not a real democracy with. For that reason, freedom from torture is the key human right. It is necessary to get rid of torture otherwise the strong persons cannot act for the other human rights.

There exists an arsenal of possible interventions in this universal fight against torture. All are important but I will limit my talk to the Committees I represent today. Probably the Committees could become the main factor in this fight.

So, point two - the status of Committee against Torture (CAT), one out of the six Human Rights Treaty Bodies under the United Nations.

Of the 183 states under United Nations only 72 have ratified the Convention and only 30 States Parties adhere to Article 22 that gives an individual right to communication of complaints.

An energetic and concerted effort should be made both during this World Conference and after to encourage the 111 states that have not yet done so to become parties to the Convention including our Articles 20, 21 and 22.

The 42 states, which have ratified the Convention but have not declared in favor of the provisions in Articles 20, 21 and 22 should do so.

If less than half of the states in the United Nations have ratified it is very difficult to talk about universality.

In contrast to this, 23 - and that is all the "old states" - out of 27 have ratified the Council of Europe's Convention for Prevention of Torture, the CPT.

The United Nations Committee against Torture - CAT - is functioning well. It has the duty to examine the means and methods by which the States Parties have implemented the Convention in the national legislation and also the functioning in daily practice. Besides, we receive individual communications but have only received nine up to date.

The European Committee, the CPT act by inspecting places where persons are detained by the state authorities against their will. The systems have existed for three and a half years and have proved to be very efficient.

Consequently, there ought to be general support of the ideas expressed in the draft optional protocol to CAT aiming at introducing a similar inspection system on a global basis. The technical details are still under discussion.

United Nations Voluntary Fund for Torture Victims has existed for a little more than ten years. In spite of this, the budget is very limited, around \$1.5 million dollars per year. Luckily enough more and more countries are enjoying democracy. But that creates the paradox that the demands on the Fund are becoming bigger and bigger. The torture victims, the torture survivors as they themselves prefer to be called, have always been there but now they can be identified and rightfully they demand redress, compensation and rehabilitation.

Point three - most of the recommendations from the mentioned organizations can be found in A/CONF.157/PC/62/Add.3, that is recommendations from the Committee against Torture, A/CONF.157/TBB/4, that is a paper from the United Nations Treaty Bodies, and in E/CN.4/1993/23/Add.2, that is about the Voluntary Fund, the so-called Istanbul Declaration.

I will be very, very short:

In the final document there is a chapter on torture, anyway, until this afternoon it was still in brackets. It is placed under the heading *Equality, Dignity and Tolerance*.

Please remove the brackets, not the words. Torture is by far the worst violation against human dignity and the act of torture is a threat to equality and tolerance.

Torture is a threat to democracy. It is our sincere hope that the act of torture is eradicated as early as possible and at the latest before year 2000.

It is possible.

It is up to you to do it.

During the Second World War, the Norwegian poet Arnulf Overland wrote a poem, which has been translated into English by the late Danish poet Elsa Gress. Allow me to end by quoting it - it gives advice to us all:

You must not sit in your cozy pad,
Saying: "Those poor people, how very sad"
You must not bear with such calm of mind

The injustice that doesn't your own self find.
With my dying breath I shall rise and cry.
You are not allowed to forget and walk by.

Thank you for your attention.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank Mr. Sorensen for his statement. I now call on the distinguished representative of Amnesty International. You have the floor.

GITARI, Joseph (Amnesty International):

Keywords: HUMAN RIGHTS PROTECTION - UN High Commissioner for Human Rights - HUMAN RIGHTS MONITORING - INTERNATIONAL OBLIGATIONS - DEVELOPMENT - NON-GOVERNMENTAL ORGANIZATIONS

Mr. President, ladies and gentlemen,

When the United Nations was born out of the ashes of the Second World War, the protection of human rights was one of the priorities for the international community. The Universal Declaration of Human Rights placed the defense of human rights at the centre of the quest for a peaceful just world. Twenty-five years ago, the Proclamation of Teheran declared that the Universal Declaration "constitutes an obligation for the members of the international community." A powerful and unequivocal commitment to respect all the rights enshrined in the Universal Declaration. Yet, it is a commitment that is broken every day in every region of the world.

In the past two and a half years alone, while this Conference has been in preparation, Amnesty International has learned of at least 2,200 disappearances; 4,000 people who have been executed and 7,500 sentenced to death; over 4,400 people known or believed to have been imprisoned for the non-violent exercise of their rights; and we have launched more than 2,000 urgent appeals on behalf of people feared to be victims of torture, death in custody or at risk of their lives or personal integrity.

Mr. Chairman,

This Conference will fall short of its goals if it does no more than reaffirm core human rights principles such as universality, indivisibility, interdependence and international responsibility - principles on which the objectives of this Conference were based and which ought not, in any event, to be in dispute. The outcome of the Conference must be an agenda for action with a clear timeframe, defining responsibilities for implementation and means for evaluation and follow-up.

Mr. Chairman,

Amnesty International believes that one essential element of an action programme is to reform and revitalize the UN's mechanisms of protection. We are calling for a special Commissioner for Human Rights - a high-level UN authority with the capacity for speedy and independent action in urgent situations, able to coordinate the UN's activities that impact on human rights, able to ensure that human rights are at the core of all the UN's programmes and generally to give greater weight and profile to the human rights programme within the UN system. A large number of speakers here have expressed support for a Human Rights Commissioner but we urge the Conference to be clear about the essential characteristics of this post. We must ensure that the Commissioner has a flexible, authoritative mandate that is really capable of confronting the failures of the UN system in protecting human rights. At the same time, the existing mechanisms must be reinforced and provided with all the necessary resources to carry out their valuable work effectively and efficiently.

Mr. Chairman,

Action at the UN level is not enough - the outcome of this Conference ultimately will be judged by the real impact on the lives of billions of men and women who yearn to recognize themselves in the decisions we shall be taking in their name. We have heard very little so far from governments about concrete domestic measures to protect human rights. As an absolute minimum, governments should commit themselves to ratify the core human rights treaties and undertake an independent national review involving all sectors of civil society of the extent to which human rights obligations are met and indicating what further steps will be taken at the national level to secure respect for all rights.

This Conference is also about forging a new relationship between different kinds of rights and recognizing that development and respect for human rights are bound together - hunger and want threaten the enjoyment of human rights as much as repression and violence.

Mr. Chairman,

Our voice is only one of many. NGOs representing a diversity of cultures, religions, special interests and different traditions have repeatedly stressed the same themes, most recently in the recommendations of the NGO Forum, which preceded this Conference. It is all the more deplorable, therefore, that NGOs have not been taken seriously in this process and that their full participation in this Conference and its preparatory process has been such a contentious issue. Nor, Mr. Chairman, do we accept the charge that NGOs are unrealistic in their expectations. Is it unrealistic to call on governments to ratify the treaties that they themselves have adopted? Is it unrealistic to call for an end to the killings, disappearances and torture that violate the most fundamental norms of the international community? Mr. Chairman, is it unrealistic in the world today driven by conflicts to call for an effective rapid response mechanism? Further, is it unrealistic to call for human rights to be a central objective and distinct component of conflict resolution activities of the UN when the UN Charter itself explicitly recognizes the linkage between universal respect for human rights and peaceful and friendly relations between states? Is it unrealistic to call for further measures to protect women, children, indigenous peoples, minorities and other groups from further abuses? Is it unrealistic to expect governments to pay equal attention to all rights and to formulate development strategies founded on respect for these rights? Mr. President, is it unrealistic to call for the basic minimum resources from the regular UN budget to enable the human rights bodies to do what they have been mandated to do and to provide each new mandate with the necessary staff and funds to carry out the tasks that governments have requested?

Finally, Mr. President, we have not given up hope but we are also acutely conscious that time is short. The challenge remains - we have yet to see if it can be met at this Conference and how history will judge the contribution of the governments gathered here to the struggle for human dignity and fundamental rights.

Mr. Chairman, ladies and gentlemen, we thank you for your attention.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the distinguished representative of Amnesty International for his statement. I give the floor to the representative of the International Confederation of Free Trade Unions. You have the floor.

WHITE, Robert (International Confederation of Free Trade Unions. Human and Trade Union Rights Committee):

Keywords: TRADE UNIONS - ILO - TRANSNATIONAL CORPORATIONS - EXTREME POVERTY – HUMAN RIGHTS DEFENDERS - SPECIAL RAPPORTEURS – WOMEN - HUMAN RIGHTS MONITORING - UN High Commissioner for Human Rights

Thank you, Mr. Chairperson.

It is a great honor to address this Conference on behalf of working people. The International Confederation of Free Trade Unions, which I have the privilege to represent today, groups together 164 national trade union centers in 117 countries representing over 113 million workers and their families.

Mr. Chairperson,

Work is a major human activity. Workers come from all races and nations on earth. We have come here expecting that the Conference will reaffirm the universality and indivisibility of human rights and underscore the vital link between democracy, development and human rights.

Our expectations are far from utopian. The world trend today is towards economic integration and political disintegration. It is hard to imagine a more dangerous combination of forces. The promotion and protection of human rights is essential to the universal pursuit of bread, peace and freedom.

Without the tolerance that accompanies the universal and systematic application of international standards of human rights there is little prospect of global political stabilization.

To give real meaning and effect to fundamental human rights it is often necessary to associate with others to exercise them. Freedom of association is essential to the practical pursuit of all other human rights.

Mr. Chairperson,

The link between trade union rights and other human rights is not an abstract concept.

As a recently published ICFTU survey notes, last year alone, 260 trade unionists were murdered while exercising their human rights. Most of them died in circumstances, which implicated the state. They were women and men who vitally cared about their families, their co-workers and their communities.

Last year alone more than 4,500 trade unionists were arrested and imprisoned for trade union activity. They joined the ranks of thousands more who in recent years have been subjected to disappearances, torture, arbitrary detention and other forms of repression. The survey demonstrates that violations against trade unionists have actually increased.

This carnage must stop. If genuine democratic development is to be achieved and if the world is to approach anything like social justice, the ability of free trade unions and other non-governmental organizations particularly human rights NGOs to operate independently from interference by the state, employers, or other institutions is essential.

The historic inter-relationship between fundamental human rights and trade union rights was first acknowledged by the international community with the establishment of the International Labour Organisation in 1919 and then followed with specific references in the UN Declaration and related instruments.

We believe the time has come to more completely integrate the human rights work of the International Labour Organisation into the overall UN system. I would urge other delegations here to join my own country, Canada, and others in ensuring that this is done.

Initiatives to marginalize and weaken the ILO led by employer organizations - initiatives that have been picked up by some governments including western governments - must be brought to an end. The motives behind such attacks are based on simple greed. Those mounting them believe that if international labor standards are weakened, profits can be increased. We cannot allow the international human rights agenda to be set by such considerations.

Mr. Chairperson,

I think we should be clear about the fact that this same philosophy of greed and profit maximization is at work in this forum. What else can be meant when a country puts forward the view that the universality of human rights is an obstacle to progress and then goes on to describe progress in exclusively economic terms? Those who have the most to gain by weakening universality are the huge transnational corporations that will be better able to exploit human beings without having to face either national or international scrutiny or regulation.

Economic tensions between North and South unquestionably exist.

It is legitimate to demand an end to the tragic abandonment of the North of those living in abject poverty and misery in the South. Similarly, there must be room in the global village for cultural diversity if people are to coexist in peace and dignity.

However, cynical attacks on the principle of universality by those hiding behind sovereignty are borne of fear. They are intended to preserve the *status quo* and prevent human progress.

And what is the *status quo*?

It is a situation where there are some very rich groups of people living within poor countries and some very poor groups of people living within rich countries. The *status quo* is a situation where wealth is becoming more and more concentrated both within and between countries. It is a situation where cultural family situations are often savagely exploited by transnational enterprises operating in notorious exporting zones using child labor and exploiting young women workers.

The *status quo* permits unspeakable acts of violence against women - simply because they are women. And the *status quo* is the continuing violation of human rights on the basis of sexual orientation, which in some states includes the death penalty for being gay or lesbian.

The *status quo* is world poverty. The ICFTU joins the representative of the Committee on Economic and Cultural Rights in urging the Conference to address this theme in the Conference declaration. Over the past two decades, neo-liberal economic policies pursued by governments and the international financial institutions have been relentlessly attacking the ability of the state to guarantee even the most basic economic, social and cultural rights. This must be exposed for what it really is - an attack on fundamental human rights.

There is no shortage of ideas to advance human rights. The issue today is whether or not there exists a global political will.

Mr. Chairperson,

In seeking to move humankind beyond the *status quo*, we would like to commend the following course of action to this Conference:

We recommend:

That the Conference reaffirm the principles of universality and indivisibility of human rights referring specifically to trade union rights as an integral part of human rights;

That the Conference request the UN Commission on Human Rights, in consultation with the ILO, to establish mechanisms to monitor violations of the human rights of trade unionists;

That the Conference call for the appointment of a special rapporteur on violence against women and other violations of women's rights;

That the Conference propose universal ratification of the International Covenant on Economic, Social and Cultural Rights and the drafting of an additional protocol;

That the Conference calls for the adoption of an optional protocol on torture;

That the Conference call for the ratification of all major international human rights instruments by all states by the year 2000;

That the Conference call for the establishment of a high Commissioner for Human Rights;

That the Conference call for the urgent adoption of a declaration on the protection of human rights defenders;

And finally, that the Conference propose the adoption this year of a declaration on the rights of indigenous peoples;

As humankind proceeds towards the 21st century, all of us, through this Conference, have an obligation to ensure that the agenda for human dignity moves forward. Along with other non-governmental organizations represented here, the International Confederation of Free Trade Unions is dedicated to this idea.

Thank you very much, Mr. Chairperson.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the distinguished representative of the International Confederation of Free Trade Unions for his statement. I give the floor to the representative of Asian Cultural Forum on Development. You have the floor.

MUZAFFAR, Chandra (Asian Cultural Forum on Development):

Keywords: INDIGENOUS PEOPLES - COLONIALISM - BOSNIA AND HERZEGOVINA

In the name of God, most Compassionate, most Merciful.

Mr. President, brothers and sisters,

Peace be with you.

It is significant that this World Conference on Human Rights is being held in 1993, the Year for the World's Indigenous Peoples. The tragedy of indigenous peoples is the truth about human rights. For the indigenous peoples of the world - especially of the Americas - were the first victims of colonial domination, violence and extermination.

Domination, whatever its guises, was and is the greatest threat to the human rights of human beings everywhere.

In the case of the indigenous peoples of the Americas, colonial domination expressed through the wrath of war and the ravages of epidemics reduced a highly cultured population of a 100 million to a mere 10 million within a century of Columbus' voyage. It was the cruelest cultural genocide in human history.

Colonial power also subjugated the magnificent civilizations of the Chinese, Indians, Africans, Arabs and Turks amongst others. In the course of a 100 years, from 1815 to 1914, it wiped out 50 million men, women and children in the colonial South. Indeed, within the first half of this century, Western colonialism destroyed every one of the rights, which came to be eulogized in the Universal Declaration of Human Rights of 1948. This is why the greatest human rights struggle of this century was undoubtedly the struggle of millions and millions of colonized people to free themselves from the yoke of colonial oppression.

Since the Universal Declaration of Human Rights, the colonial power of the past has resurrected itself in new forms of domination and control, more subtle and more sophisticated but no less destructive and devastating. A global system has emerged, which allows superpowers and superstates to wage wars, occupy foreign territories, invade alien lands, impose economic sanctions, usurp natural

resources, manipulate terms of trade, suppress industrial growth, thwart technology transfers, perpetuate crippling debts - with maximum impunity and minimum accountability.

It is a system, which because of its dominant pattern of development, will simply watch more than a 100 million children die from illness and malnutrition in the 1990s. It is a system, which because of its harsh debt servicing requirements, will allow 625,000 infants to perish every year in Asia, Africa and Latin America.

It is partly because of an unjust global system that apartheid has continued to exist for so long in South Africa - epitomizing as it were the apartheid in the global system itself. It is largely because of a global system, which legitimizes the monopoly of power by a handful of superstates, that five million Palestinians have been forced to endure so much pain and suffering for more than 40 years as they struggle to regain the dignity of a homeland. It is mainly because of the Machiavellian power play and deep-rooted religious prejudices of certain important states in the global system that Bosnia and Herzegovina can happen. The failure of European and Western governments to protect a small, peace-loving community yearning for freedom from senseless slaughter at the hands of a vicious aggressor will remain an indelible mark of shame on the brow of a civilization that has never ceased to preach human rights.

Bosnia and Herzegovina reveals the corruption and perversion of an immoral global system incapable of defending right against wrong. It is this system and the terrible injustices it perpetrates upon humanity and not just the nation-state and its violations of human rights, which should concern each and every human being on earth today. Let each and every one of us admit that the present unjust, iniquitous global system which has metamorphosed through 500 years of Western dominance is one of the major violators of human rights in the last decade of the 20th century.

This is why human beings everywhere should help forge a powerful people's movement against those structures, attitudes and worldviews, which perpetuate global dominance. Such a movement should strive for the democratization of the UN and its organs and agencies and the creation of new institutions and arrangements, which reflect the genuine aspirations of the entire human family. Let Vienna give birth to that global movement for global justice.

Dear brothers and sisters,

As we leave behind the most violent century in human history, as we enter a new millennium, let us pledge to work together for the human rights of all human beings everywhere. Let that pledge become the bond that unites humanity. Let our struggle for a just world be our promise to posterity. And if we want to keep that promise, let the word go forth from this place that we shall act now to protect the future of the children of Bosnia and Herzegovina.

Thank you.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank Dr. Chandra Muzaffar for his statement. I give the floor to the distinguished representative of the Helsinki Citizens' Assembly. You have the floor.

I give the floor to the distinguished representative of the Helsinki Citizens' Assembly.

LIU, Dimon (Puebla institute):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - ASIA AND THE PACIFIC - HUMAN RIGHTS PROTECTION - GOVERNMENT POLICY - SELF-DETERMINATION

Excuse me. Can I speak?

Fernando ARIAS-SALGADO (President):

Yes, Madame, you can.

LIU, Dimon (Puebla Institute):

Thank you.

Mr. President, distinguished representatives, ladies and gentlemen,

I, Dimon Liu, from Canton, China, speak on behalf of my organization the Puebla Institute, a lay catholic organization for freedom of all religions. My statement is supported by the NGO participants belonging to the Asia-Pacific NGO Coordination Committee, which represents more than 200 NGOs from South, East and South-East Asia as well as the Pacific region.

We, the peoples of Asia, reject the attempts being made by the governments of some Asian countries to undermine the emerging jurisdiction of international human rights law.

We reject, in particular, the statements in the Bangkok governmental Declaration which suggest that the Universal Declaration of Human Rights should be reformulated having regard to what they say as the national and regional particularities and various historical, cultural and religious backgrounds, that the enjoyment of civil and political rights be deferred until economic development has been achieved, that the doctrine of national sovereignty be revived to prevent the international searchlight from being focused on them, that the right of self-determination be narrowed to the scope and content it possessed 30 years ago, and development assistance not be used to promote human rights.

The Puebla Institute wishes to emphasize that:

1. The Universal Declaration of Human Rights represents in essence the doctrines of all religions, namely, respect for the dignity of the human being. The human rights, which are today universally recognized, are nothing more than the essential attributes of a human being. For example, that an individual ought to live, should not be arbitrarily detained, should not be tortured, are not exclusive to any particular culture. Nor does it make sense to argue that a person may hold opinions and express them, or associate with others and assemble with them, or move beyond the confines of his own home only if he lives in one region of the world and not in another. Indeed, which state can take pride in claiming that it prefers fake trials to real ones?

Mr. President:

2. A state does not require financial resources in order to respect the civil and political rights of its citizens. Indeed, the vibrant exercise of those rights and the continuing critical analysis of government decisions will contribute to the economic development of a country rather than hinder it. The link between authoritarianism and economic failure is too evident in many parts of Asia.

3. The activities of the Member States of the United Nations during the past four decades in formulating human rights norms, in expressing them in binding treaties and in establishing international human rights monitoring institutions are all becoming increasingly incompatible with the continuing application of the doctrine of national sovereignty. With the signing of the UN Charter 47

years ago, it was accepted by states then and since that how a government treated its own citizens was no longer its own exclusive concern and that the international community as a whole has responsibility for ensuring that human rights are promoted and protected everywhere.

Four, the right of self-determination is no longer confined to the inhabitants of non-self-governing colonial territories. It is now a right of the peoples including indigenous populations and ethnic, religious and linguistic minorities. All such peoples are entitled to freely determine their political status and freely pursue their economic, social and cultural development. It is the failure of governments to respect this right in all its diversity that has generated so much violence particularly in Asia. The continuing violence that accompanies claims to self-determination also demonstrates the urgent need for an effective international conflict resolution mechanism to which the people have access.

Mr. President,

The governments of Asia had always have their say. It is the people of Asia whose voices are being silenced. The international community must re-ensure that the people are heard in their homeland and in the world forums, most of all now at the World Conference on Human Rights.

We do hope that the governments present here move towards the institution of greater accountability and monitoring processes, that these processes have teeth, a specific timeframe, and are transparent for all to see.

Finally, Mr. President, I take this opportunity to thank the city of Vienna for accepting our proposal to commemorate the peoples from every region of the world, as exemplified by NGO participants here, by planting trees. May the spirits of these people fly in these trees – alive, green and vibrant - in this ancient city of Vienna.

On behalf of Puebla Institute and the people of Asia I thank you for your attention.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the distinguished representative of Puebla Institute. The Conference will have noted that I had given the floor to the Helsinki Citizen's Assembly but the representative of that institution was not present. I give the floor to the representative of International Planned Parenthood. You have the floor.

BOUZIDI, Mohamed (International Planned Parenthood):

Keywords: REPRODUCTIVE FREEDOM - WOMEN'S RIGHTS - FAMILY PLANNING - TREATIES

Mr. Chairman,

Thank you for giving me the floor to make statement on behalf of the International Planned Parenthood Federation.

At its founding in 1952, the International Planned Parenthood Federation adopted the human rights rationale as the cornerstone of its beliefs and programmes. IPPF's Constitution is perhaps the first international text that articulated this concept with the statement that that knowledge of planned parenthood is a fundamental human right. Currently IPPF advocates this human right in terms of reproductive rights and women's equality in more than 130 countries through family planning associations.

The human rights to family planning has since been enshrined in the 1968 Proclamation of the International Conference on Human Rights in Teheran, the World's Population Plan of Action, the UN

Convention on the Elimination of All Forms of Discrimination against Women and other international agreements.

In many parts of the world, the right to family planning is recognized both in theory and in practice but in many countries the obligation is often notional rather than practical due to a lack of resources or commitment to the concept of family planning. This applies even in countries where family planning is an acknowledged constitutional right.

In vast areas of the developing world, women are still struggling to sensitize their partners, societies and governments to the fundamental right to choose freely the spacing and size of their families. Even now as we speak, 300 million couples who have expressed their wish to practice family planning still do not have the means to enjoy this right. The number will double by the end of this decade. Of the 100,000 women who die each year due to pregnancy-related causes, 200,000 die from complications of unsafe abortion in desperate attempts to terminate unwanted pregnancies.

Mr. Chairman,

IPPF believes that human rights must be considered in their totality for each aspect impacts on another. The right to family planning is an inseparable part of the right to social, cultural, economic and political developments. Experiences from many parts of the world show that if one right is denied, progress will not be made in other areas.

Mr. Chairman,

IPPF considers that the right to family planning is, first and foremost, women's right. Denying this right to 50 percent of the world's population is immoral and inhumane. Unless women enjoy their right and choice in regard to children, their ability to ensure other rights will be inhibited. Similarly, they are less likely to take advantage of their right to control their own fertility if they are denied opportunities to have meaningful alternative rules to continual child bearing. This right includes women's access to information, education and reproductive health services.

Mr. Chairman,

IPPF urges the World Conference on Human Rights,

Number one, to encourage governments to protect the right of women to the enjoyment of the highest attainable standard of physical and mental health as affirmed in the International Covenant on Economic, Social and Cultural Rights and reinforced in the Convention on the Elimination of All Forms of Discrimination against Women. Their right to accessible adequate and quality healthcare includes their right to the widest possible choice of family planning and other reproductive health sources to maximize their health and wellbeing at all stages of their life.

IPPF also urges the Conference to protect women's rights to liberty and security as affirmed in the International Covenant on Civil and Political Rights by ensuring their free and informed consent to reproductive and health services.

Finally, Mr. Chairman, IPPF urges the Conference to prevent any kind of discrimination, abuse or coercion including forced pregnancy to ensure that motherhood results from free and informed choice.

Finally, Mr. Chairman, if we can guarantee the adoption of these principles human kind will have taken a great step forward in reaffirming its commitment to morality and humanity.

Thank you, Mr. Chairman.

Fernando ARIAS-SALGADO (President), spoke in Spanish:

I thank the distinguished representative of the Planned Parenthood Federation.

Delegates,

Our time has run out for this meeting. I, therefore, adjourn until tomorrow 10 o'clock.