

Statement by Hon'ble Mr. Digvijay Singh, Minister of State for External Affairs and member of the Indian delegation, on Item 48: Fifty-fifth anniversary of the Universal Declaration of Human Rights, Item 117(d): Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action: Tenth Anniversary of the adoption of the Vienna Declaration and Programme of Action at the 58th session of the UN General Assembly on December 10, 2003

Mr. President,

My delegation is pleased to participate in the debate in plenary in observance of the 55th anniversary of the Universal Declaration of Human Rights and the 10th anniversary of the adoption of the Vienna Declaration and Programme of Action. At the outset, we would like to pay our homage to the memory of the former UN High Commissioner for Human Rights, the late Sergio Viera De Mello.

The Universal Declaration proclaims that human rights are rights inherent to man and are universal. Their universality presumes the universal brotherhood of humankind. The Declaration establishes a common standard of achievement for all peoples and nations. It sets the highest standards by asserting that all people are born free and equal in dignity and rights.

As a newly independent country, India was one of the few developing countries to participate actively in the drafting of the Universal Declaration. As India's delegate, the social worker Dr. Hansa Mehta, a disciple of Mahatma Gandhi, contributed substantially to the drafting of the Declaration, in particular in areas that deal with gender equality. The Universal Declaration served subsequently as a standard in the drafting of the chapters on fundamental rights in India's Constitution.

Mr. President,

The present debate provides us an opportunity to review the progress achieved in the implementation of the Vienna Declaration and Programme of Action and in living up to the ideals contained in the Universal Declaration. The Universal Declaration has evolved into international law through the elaboration of the two principal Covenants and the establishment of the human rights treaty bodies. The various Declarations and Conventions adopted over the past five decades have marked further normative elaborations of the specific elements of the Universal Declaration. The consensus at the conclusion of the World Conference on Human Rights held in Vienna in 1993 signalled

the development of the Universal Declaration in a programmatic, action-oriented manner. In many respects, the Vienna Declaration and the Programme of Action marked the broadest political consensus achieved in the area of human rights by the international community after the adoption of the Universal Declaration.

The recognition in the Vienna Declaration that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing values provides the foundation for a genuinely holistic conception of human rights. The purpose of all development is to promote individual human rights and social justice, or in the words of the Charter, "promote social progress and better standards of life in larger freedom". Development without democracy, social justice and respect for human rights can be neither lasting nor sustainable.

Article 22 of the Universal Declaration speaks of "national effort and international cooperation" for everyone to enjoy "economic, social and cultural rights indispensable for his dignity and free development of his personality". We feel that this is the area where the Declaration has been the most wanting in implementation and where the greatest challenges lie. It would be useful perhaps to analyse why this is so. Prescriptiveness comes easier and is less expensive than engagement. Only a universalisation of basic economic dignity can provide the foundation for any shared vision of universal human rights. It would be difficult to achieve universal observance of human rights among societies differentiated by gradations of affluence and want, surplus and despair.

The advocacy of human rights has been based upon an exaggerated dependence on the aspects of promotion and protection rather than enjoyment of rights. There has been a tendency to insist that all that is needed is to set in place a framework of laws. At the international level, this has meant an ever-increasing body of conventions, protocols and other legal instruments. Unfortunately, this approach does not address the question of how individuals acquire and enjoy basic human rights. It also differentiates between the civil and political rights on the one hand and economic, social and cultural rights on the other, placing the former on a higher pedestal than the latter.

Another challenge facing us today is the need to move away from selectivity, double-standards and partial approaches. We need to engage in an honest, self-critical appraisal of whether the international community has managed to effect genuine improvement in human rights through an approach characterised by the giving away of 'report cards' or by intrusive monitoring. Have countries been persuaded to improve their record of human rights simply because resolutions against them have been adopted year after year in Commission on Human Rights or in the General Assembly, often on political or non-human rights considerations? On the other hand, would not an approach based on dialogue, consultation and cooperation have a better chance of success, if success were to be judged by genuine improvement in the enjoyment of human rights by people of a country? We are convinced of the essential validity of the latter approach.

It is in this context that India stresses the importance that needs to be attached to national capacity-building in the area of human rights. The Office of the High Commissioner can play a highly supportive role in this regard. Technical cooperation

programmes by that Office could cover a broad range of activities from assistance in acceding to international human rights instruments and amendment of national legislation and putting in place a framework of administrative regulations and machinery for the purpose. Assistance can also be rendered for the establishment of national human rights institutions. Member States that have established such national institutions in accordance with the Paris principles could render technical assistance to fellow developing countries desirous of setting up their own national institutions.

Mr. President,

The Vienna Declaration calls on the international community to take the necessary steps to enhance cooperation to prevent and combat terrorism aimed at the destruction of human rights, fundamental freedoms and democracy threatening territorial integrity, security of states and destabilising legitimately constituted governments. Unfortunately, an understanding of the linkage between countering terrorism and promoting human rights remains mired in suspicion and misunderstanding. Terrorism constitutes, at the very least, a violation of Articles 3, [on the right to life] 19, [on freedom of opinion and expression] and 29 & 30 [on the duties of individuals and the rights of others] of the Universal Declaration. It challenges the principle of freedom from fear. As a violent expression of extremism, it represents a negation of every liberal value that sustains the concept of human rights. It is an invasion of the rights of others and denial of human rights to its victims. A selective response to terrorism is itself a challenge to the universality of human rights.

Mr. President,

At this meeting, we feel it is also important to underscore the role played by civil society, particularly non-governmental organisations, in the promotion and protection of human rights. National NGOs can play a crucial role in the protection and promotion of human rights within a country. Along with a vigilant media, they perform invaluable 'watchdog' functions.

Recognizably, the United Nations system occupies a significant place in the Vienna Programme of Action. Apart from the very useful role played by the Office of the High Commissioner, other component elements of the UN system can and should contribute to the practical enjoyment of economic, social and cultural rights as well as the right to development. Once again we would stress that it is important to ensure that the UN is not perceived as promoting a partial conception of human rights, namely one modelled purely on civil and political rights.

Mr. President,

Let us re-dedicate ourselves on this occasion to the implementation of the Vienna Declaration and Programme of Action. Let us also renew our commitment to live up to the ideals of the Universal Declaration.

Thank you, Mr. President.

[BACK TO TABLE OF CONTENTS](#)