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PROVISIONAL SUMMARY RECORD OF THE 37th MEETING

Held at Headquarters, New York,  
on Tuesday, 21 July 1998, at 3 p.m.

President: Mr. FULCI (Italy)  
(Vice-President)

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The meeting was called to order at 3.10 p.m.

COORDINATION OF THE POLICIES AND ACTIVITIES OF THE SPECIALIZED AGENCIES AND OTHER BODIES OF THE UNITED NATIONS SYSTEM RELATED TO THE COORDINATED FOLLOW-UP TO AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION  
(continued) (E/1998/60)

Mr. SHEN Guofang (China) said that the Vienna Declaration and Programme of Action comprehensively defined the international community's shared objective of protecting human rights and fundamental freedoms and stressed that the protection of human rights should be achieved in accordance with the purposes and principles of the Charter and relevant provisions of international law. While recognizing the universality of human rights, they required that activities aimed at promoting and protecting human rights and fundamental freedoms should take into account the significance of national and religious particularities and different historical, cultural and religious backgrounds. The documents also pointed out that all human rights were interrelated and indivisible and as such should be given the same emphasis. They recognized, moreover, that poverty and external indebtedness were stumbling blocks to the enjoyment of human rights and that the right to development was inalienable and an integral part of human rights and fundamental freedoms.

The major obstacles to the implementation of the follow-up to the Vienna Declaration and Programme of Action could only be removed through dialogue and international cooperation. Countries with differing social systems, ideologies, cultural traditions and levels of development naturally had different emphases in their promotion and protection of human rights. The adoption of presumptuous and arrogant approaches or the politicization of the issue harmed the cause of the protection of those rights. China was happy to note that in recent years more and more countries had conducted human rights dialogue on the basis of equality and mutual respect, a trend which the United Nations should seek to encourage.

The imbalance in United Nations human rights activities should also be redressed by placing greater emphasis on economic, social and cultural rights and the right to development. Of the more than 600 resolutions adopted by the

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Commission on Human Rights since the end of the cold war, only 40 concerned economic, social and cultural rights and the right to development. To the vast majority of the world's population, which lived in the developing countries, social, economic and cultural rights were just as important as political and civil rights.

Ms. MOTEETEE (Lesotho) welcomed the Council's selection of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action as the theme of the coordination segment of its substantive session of 1998. The World Conference on Human Rights had highlighted the critical importance of mainstreaming human rights concerns into the wide range of United Nations activities. In that connection, her delegation commended the remarkable work that had been done thus far by the Office of the United Nations High Commissioner for Human Rights. The General Assembly should provide the Office with the necessary human and financial resources for the effective performance of its work.

Lesotho, a least developed country, shared the view that greater emphasis should be placed on promoting the realization of economic, social and cultural rights and, in particular, the right to development. It also believed that the lack of economic development should not be used as an excuse for the suppression of human rights and fundamental freedoms and that the link between democracy, sustainable development and human rights should be fully reflected in United Nations policies and activities.

Mr. LE LUONG MINH (Viet Nam) said that the Vienna Declaration and Programme of Action constituted a set of accepted principles for action by the United Nations and the international community at large in the field of human rights. With regard to their implementation, however, the reality was that human rights could not be promoted in developing countries if people were deprived of their most fundamental right, namely, the right to development. Experience had shown that where excessive emphasis was placed on certain other rights to the detriment of economic rights and the right to development, only anarchy and violence prevailed. The international community, including the United Nations system, should therefore reaffirm the universality, indivisibility and interdependence of all human rights and make the right to development a central feature of development activities.

The enjoyment of human rights by the people of a country did not develop in

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a vacuum but was the result of a long historical process and failure to take account of the different value systems of countries and of the primary responsibility of each State for the implementation of human rights at the national level were impediments to the coordination of international human rights activities.

Women and children, who suffered most whenever and wherever human rights violations took place, deserved special attention and Viet Nam supported all positive steps aimed at implementing the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action and the Convention on the Rights of the Child. It also supported cooperation between the United Nations Children's Fund (UNICEF) and the Committee on the Rights of the Child.

He regretted the failure of the United Nations and other international organizations to respect the principles of objectivity and non-selectivity in their treatment of human rights issues. Selectivity and the targeting of certain countries for criticism were common practices at human rights forums. The experience of the previous decade had shown, however, that the cause of human rights was advanced when there was sincere dialogue and exchange. Viet Nam therefore welcomed the proposal of the High Commissioner for Human Rights to act as a bridge between the developed and developing countries.

Mr. SFEIR-YOUNIS (World Bank) said that, given the limited resources available, attention must be paid to three fundamental elements in coordinating activities for the promotion of human rights. First, the nature and scope of the choices made were determined by the value system of the society and, in that connection, the importance of economic and financial considerations inter alia could not be ignored. Structural changes would come only if all dimensions of human rights were embodied in the value systems on which societies based their economic decisions.

Once agreement was reached on the values that determined the choices to be made, particular attention must be paid to the institutional arrangements needed to implement those choices. Traditional arrangements needed significant improvement in many cases, since effective governance structures, justice systems, accountability and performance were lacking. New forms of institutional arrangements were being developed to keep pace with the expanding role of the private sector and civil society, whose participation in mechanisms

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for the protection of human rights was crucial.

Lastly, while the supply and demand aspects of human rights implementation were of major importance in assessing the human rights situation in a given country or region, it was also important to focus on key issues linked to existing systems of production and distribution. In many cases, the poor were unable to escape their poverty because the structure of capital accumulation and wealth creation was biased against those forms of capital which the poor were able to accumulate at a faster rate. Thus, if the production process itself perpetuated poverty, it would be practically impossible to find sustainable and cost-effective ways of implementing the right to development. It might therefore be necessary to assess existing styles of development to determine the extent to which some of them embodied disproportionate costs for purposes of the eradication of poverty and enhancement of wealth distribution in the society.

Mr. BHATTI (Pakistan) said that progress in the field of human rights had been mixed in the period since the Vienna Conference, but the creation of the post of High Commissioner for Human Rights was one of the most notable and visible achievements. In addition, the various mechanisms of the Commission on Human Rights, treaty bodies and working groups had helped to draw attention to human rights violations in various parts of the world and to promote respect for international human rights laws.

There had been chilling instances, however, many of them in recent memory, in which the United Nations system had proven itself incapable of preventing gross and horrendous violations of human rights. The tragedies in the Balkans and Great Lakes Region, for example, had exposed the failure of the United Nations system to develop an early warning mechanism. Early recognition of incipient human rights crises would enable the United Nations to coordinate its response and to take effective measures at an early stage to prevent worse tragedies.

The widening poverty in the developing world was another serious obstacle to the full enjoyment of human rights as well as a violation of human dignity. The international community and the developed countries in particular had a responsibility to help the world's poorest people to break out of the vicious cycle of poverty and under-development and the fulfilment of commitments for a more abundant flow of official development assistance (ODA) would go a long way towards achieving that objective.

Mr. BAMIALY (Democratic Republic of the Congo) said that, as a Member of the United Nations, the Democratic Republic of the Congo could not avoid its international obligations in the field of human rights. He wished, however, to respond to the statement made the previous week by the representative of Norway concerning the difficulties which the United Nations team of investigators had encountered in the Democratic Republic of the Congo.

It would appear that for the Norwegian representative observance of human rights in the Democratic Republic of the Congo was reflected mainly in the experience of the United Nations team investigating the alleged massacre of Rwandan refugees in Congolese territory, a matter on which the Security Council had already pronounced. Overlooked and unnoticed were the new Government's efforts in the field of human rights. A unit of the Office of the United Nations High Commissioner for Human Rights was already operating in the country with the collaboration of the Government, which had also established a Ministry of Human Rights. In addition, the Government had ratified a number of international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights. He called on the Council to strengthen the capacities of the unit of the Office of the High Commissioner so that it could cooperate more effectively with the Congolese Government in the elaboration and implementation of a national plan for the promotion of human rights and in the expansion of programmes and activities aimed at strengthening the nation's capacity to protect and promote them in the context of national reconstruction.

Mr. DISEKO (South Africa) said that the United Nations human rights programmes should be able to give early warning of abuses and make decisive interventions, as opposed to merely reacting to such violations. The programmes should be commended, on the other hand, for achieving a gender balance and equitable geographic representation; observance of human rights and gender considerations should cross-cut all United Nations activities. Moreover, the international community should provide assistance to all countries that were still in the process of establishing national human rights commissions.

Consideration should be given to the question whether the presence of human rights officers in the different agencies of the United Nations system encouraged a fragmented approach to human rights or strengthened a desirable system-wide approach. The establishment of regional offices should reinforce

cooperation between the Office of the High Commissioner for Human Rights and Member States at the grass-roots level, but he would like to see a more integrated and effective approach to field work.

The development of a system to evaluate the progress achieved in mainstreaming a gender perspective within the United Nations system was welcome, as was recent work on the issues of the rights of the child and children in armed conflict.

His delegation shared the High Commissioner's concern that economic, social and cultural rights and the right to development had been inadequately implemented, the increasing inequalities between North and South constituted a fundamental denial of the right to development. In South Africa the people had achieved the basic social and political rights but large areas were still mired in terrible poverty. The decision to establish an independent Expert on the Question of Human Rights and Extreme Poverty was therefore welcomed, as was the Secretary-General's report on the causes of conflict and the promotion of durable peace and sustainable development in Africa and its recommendations.

Mr. STAEBELIN (Observer for Switzerland), reviewing the progress made in the 50 years since the adoption of the Universal Declaration of Human Rights and 5 years after the Vienna Conference, pointed out that the major international human rights instruments had been ratified by a growing number of countries, a step toward making that ratification universal in accordance with the goal set at Vienna; the Centre for Human Rights and the Office of the High Commissioner had been merged; efforts had been made to strengthen United Nations human rights activities. The appointment of a Special Rapporteur on the right to education and an Independent Expert on the question of human rights and extreme poverty were evidence of the new intention to pay more attention to economic, social and cultural rights.

There was nevertheless room for improvement since the implementation of international human rights instruments often left much to be desired. Many reservations had been expressed concerning those commitments, some of which very clearly violated the spirit and purpose of those instruments. Since grave violations of human rights were still widespread, he was concerned by the decrease in the resources allocated to combat them.

He stressed the importance of integrating human rights protection with the activities of the United Nations system and strengthening cooperation and

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coordination in the human rights field to ensure the effectiveness of United Nations efforts. He therefore approved the Secretary-General's proposal to create human rights focal points not only at Headquarters but also in the field through the development of regional offices and projects. Women's rights especially must be promoted not only to comply with international instruments but also to ensure the improved economic and social development resulting from the full participation of women in education, social recognition and decision-making.

Recalling that democracy, development and human rights were interdependent goals and must be implemented together, he emphasized the need to improve coordination between the United Nations bodies active in the human rights field and those dealing specifically with development such as the Bretton Woods institutions, the World Trade Organization and the regional development banks. There must also be greater coordination within the United Nations system, with the High Commissioner playing the central coordinating role.

It was especially important to better coordinate the activities of the Special Rapporteurs with other mechanisms, especially the major committees. In addition, the concentration of human rights activities in Geneva would further improve coordination and allow for synergies between the High Commissioner and the many international and governmental organizations whose headquarters were in Geneva.

He pointed out that the protection of human rights required additional financial resources and deplored the decline in allocated funds. The increasing use of voluntary contributions from Member States was not a satisfactory solution because there was a risk of selectivity in those voluntary contributions and some urgent action could be neglected.

Finally, he noted that the Secretary-General wished to encourage greater participation on the part of civil society and stressed the useful role that non-governmental organizations could play in the human rights area. They had played a vital part in the closely related area of humanitarian law, in the complete ban on anti-personnel mines, as well as in the adoption of the statute of the International Criminal Court. In future non-governmental organizations should be even more directly involved in United Nations activities and allowed a greater role by Governments in the implementation of human rights instruments at the national level.



Mr. WIERUSZEWSKI (Poland) said that adequate budgetary, organizational and human resources, reinforced by strong political support, were essential to ensuring that the Office of the High Commissioner for Human Rights was appropriately equipped for its task. Furthermore, the issue of human rights should be an integral part of all United Nations programmes.

United Nations human rights mechanisms needed to be continuously adapted to developments. In recent years, the greatest challenge had been the violation of human rights in the context of armed conflicts. Human rights issues were now widely perceived as the underlying causes of crises and key ingredients of international efforts to find solutions to conflicts.

The Office of the High Commissioner for Human Rights should be capable of undertaking field operations at short notice in close cooperation with other United Nations agencies and other international and national organizations. Such operations should be viewed as an essential part of peacemaking, peacekeeping and post-conflict processes. Major institutional and capacity-building efforts were required to ensure the sustainability of peace-building activities; moreover, the strengthening of national institutions for the protection of human rights should be considered a priority during post-conflict periods.

Poland, like other Central and Eastern European countries, had had to cope with some difficulties in the area of the protection of human rights and freedoms during the democratization process. However, the new Constitution guaranteed a much greater measure of protection of such rights and freedoms; above all, the new Constitution recognized international treaties to be a source of binding law in the domestic legal system.

Mr. WIJAYADASA (Joint United Nations Programme on HIV/AIDS) said that the protection and promotion of human rights must be an integral component of all responses to HIV/AIDS and the Programme was working closely with its various partners to achieve that objective. It had organized the Second International Consultation on HIV/AIDS and Human Rights jointly with the United Nations Centre for Human Rights in 1996 and was in the process of establishing an inter-agency reference group on HIV/AIDS, human rights, ethics and law. It would also be undertaking a project on advisory services and technical assistance in the field of human rights under the aegis of the Office of the High Commissioner for Human Rights.

The HIV/AIDS epidemic had a special significance for women and the theme of gender was inherent in all phases of the work of the Programme. A holistic response to the problem of HIV/AIDS was only possible if it addressed the factors that created gender inequalities.

Several groups required special protection as they were disproportionately affected by HIV/AIDS. Usually such groups already suffered from a lack of human rights protection and from discrimination. For example, children infected with HIV or affected by the epidemic continued to suffer serious abuse in most countries. At the end of 1997, one million children under the age of 15 were estimated to be living with HIV and at least 8.2 million were classified as AIDS orphans. The Programme was giving special attention to the problem.

Mr. OCAZIOINEZ (Colombia) said that the Council's recommendations on how the United Nations system should coordinate efforts to implement the Declaration of Vienna and the Programme of Action should lead to a coherent and balanced integration of human rights into the system and a real link between human rights and the processes of democratization and economic development. An integrated approach to human rights should strike a balance between the protection and guarantee of civil and political rights, and economic and social rights.

The need to protect the human rights of vulnerable groups, including internally displaced persons, should also be taken into account and the Office of the High Commissioner for Human Rights should receive sufficient resources to enable it to carry out its multiple tasks successfully.

Colombia considered the international community to be its main ally in the effort to implement the government policy of protecting and promoting human rights in the context of the armed conflict that has plagued the country for the last 40 years. The presence of a representative of the High Commissioner for Human Rights was a very positive factor. The problem of internally displaced persons was a growing phenomenon and Colombia had increased its contacts with the High Commissioner's Office with regard to that problem. The existence of numerous internal conflicts throughout the world continued to require an active field presence of the United Nations to provide humanitarian aid to the victims and economic rehabilitation to countries in a post-conflict situation. The international community should ensure that the Organization provided an adequate response.

Mr. AFSHARI (Observer for the Islamic Republic of Iran) said that the system-wide rationalization and streamlining of human rights activities would lead to more efficient use of resources and improved interaction among the United Nations organs concerned on the one hand and between the United Nations system and Governments on the other. Implementation of the Vienna Declaration and Programme of Action should be undertaken in such a way as to ensure that economic, social and cultural rights would be addressed on the same footing with civil and political rights. He found the High Commissioner's emphasis on that point reassuring, commended her for her initiatives in the area of the right to development and urged her to see that the right to development was given a high priority.

He expressed concern that the full mandate of the Third Committee working group on mechanisms to ensure adaptation of human rights machinery to current and future needs, had not been fully implemented. The Secretary-General's reform package had called on the High Commissioner to undertake initiatives in that regard and he expected that the results of her efforts would be communicated to the General Assembly prior to the scheduled review and assessment of follow-up to Vienna.

He said that unnecessary duplication of efforts created an extra burden, financial and otherwise, on the United Nations and could lead to abuse of human rights for political gains by certain countries. He wondered to what extent the international community had given effect to the principles recognized in 1993, namely, that international cooperation in the field of human rights must be based on dialogue and transparency; that all human rights were universal, indivisible and interdependent, with due respect for historical, cultural and religious backgrounds; and that democracy, development and respect for human rights were interdependent.

He reaffirmed that the United Nations system must reassess its programmes with a view to rationalizing, streamlining and strengthening human rights activities. He also acknowledged the important role incumbent on the High Commissioner in coordinating that reassessment within the framework of the mandates of the United Nations entities involved and in accordance with the provisions of the Vienna Declaration and Programme of Action, and he wished her every success in that important undertaking.

Ms. SKELTON (International Movement ATD Fourth World) said that her

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statement was supported by the members of the NGO Committee on Social Development.

She recalled that according to the Vienna Declaration, extreme poverty was a violation of human rights. Since 1993, the United Nations system had sought to integrate human rights into the struggle against poverty, and more and more countries had included a human rights perspective in the relevant programmes or legislation. Since 1987, October 17 had been observed in many parts of the world as the international day for the eradication of poverty.

She strongly supported the Secretary-General's call for the inclusion of human rights as a major component in anti-poverty strategies. A human rights-based strategy for the eradication of poverty must ensure that the poor were not merely the objects of assistance by others, but the beneficiaries of the full package of human rights. She hoped that those priorities would remain at the forefront of the follow-up to and implementation of the Vienna Declaration and Programme of Action.

Ms. FITZPATRICK (International League for Human Rights) said that the Vienna World Conference had ushered in a new era of on-site operational human rights activities, led to the creation of the post of High Commissioner for Human Rights and stimulated new concern for the prevention of human rights violations. The High Commissioner and the Secretary-General had launched an initiative to mainstream human rights throughout the United Nations in accordance with the Charter of the United Nations.

Human rights violations were one of the earliest signs of instability that might lead to armed conflict and that fact must be recognized in preventive diplomacy efforts. Unfortunately, in the past, human rights had been isolated from the mainstream of United Nations activity. Since Vienna, however, observance of human rights had assumed its proper place as a central, cross-cutting objective of the United Nations and the Secretary-General's reform programme had recognized the need to include human rights in each area of the Organization's work.

She emphasized that human rights programming recommended by the Council must prevent violations, keep them from escalating into conflict and identify them candidly, whether the perpetrators were Governments or non-government actors. She deplored the silence regarding violations by a number of Governments, including Syria and China.

She believed that the High Commissioner and United Nations human rights programmes should have a stronger presence at Headquarters in New York, where they would have easier access to development and conflict resolution bodies. The recent increase in staff and level of representation had been a small step in the right direction but more was needed, including moving the High Commissioner's Office to New York.

Operational activities in the field also needed to be strengthened. The new bottom-up approach to human rights meant focusing on the empowerment of individuals by making them aware of their rights, giving them the ability to make choices and share in decision-taking, rather than simply taking instructions from Governments and international bodies.

Mr. AL-HARIRI (Observer for the Syrian Arab Republic) expressed indignation at the fact that the representative of the International League for Human Rights had mentioned his country by name in the context of human rights violations. He had been under the impression that the topic for the meeting was coordination of and follow-up to the Vienna Declaration and Programme of Action within the United Nations system, but the naming of specific countries was an attempt to politicize debate. There were guidelines for the participation of non-governmental organizations in the proceedings of the Council, and those guidelines should be respected. Failure to do so could lead to a review of the consultative status of the non-governmental organizations concerned.

The meeting rose at 4.55 p.m.