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Notice to Members

Members will find annexed for their information the text of an article from 'The Times' of 26 January 1977 concerning the United Nations and human rights, in particular the United Nations Commission on Human Rights.

DIRECTORATE GENERAL FOR COMMITTEES
AND INTERPARLIAMENTARY DELEGATIONS

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WHY THE UN NEEDS MORE MUSCLE TO GUARD HUMAN RIGHTS

by

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The United Nations has no independent existence: warts and all, it is what we make of it. It is up to us to make it work. Progress requires informed and constructive criticism from public opinion, the press and specialist organizations applying pressure to governments in all parts of the world. In no UN field is reform more overdue than that of human rights, where widening public awareness of abuses will no longer tolerate double standards, selective hypocrisy and stonewalling by cynical tactical alliances.

Constructive work in this field has hitherto been easiest to achieve when specialist bodies get away from politics and tackle specific problems such as narcotics, slavery and torture. Similar working-groups might next look at, for example, the treatment of detainees and the rights of mental patients.

It is too easy, however, merely to condemn abuses. The harder but more important task is to analyse their causation, and above all to work to prevent recurrence. Some effective means of enforcement for international agreements is crucial if the UN is not to be damaged by the dashing of expectations raised by the idealist words of covenants and declarations.

In this policy I suggest it is both morally and tactically desirable to emphasize the individual responsibility of those such as torturers who violate human rights. The UN should remind people of the Nuremberg ruling that a plea of higher orders is no defence, and begin to keep a register of those alleged to be guilty, with the intention eventually of bringing them to trial. This approach of indicting individuals rather than whole nations can make it easier for a government to reform abuses without losing its own face. An international inspectorate of prisons should also be started, perhaps initially through the Red Cross. Reliable information is the essential oxygen of human rights: the new UN university in Tokyo could act as a centre for data, with eventually a UN satellite television and radio network overcoming individual countries' censorship.

In the United States Congress, Mr Donald FRASER recently succeeded against government opposition in getting legislative amendments passed which now compel the State Department to report on the human rights record of governments which receive United States aid, so that Congress can stop assistance to those whose records are indefensible. Other UN member countries should do likewise - starting with the British Government. The United Kingdom should also set up without delay a non-governmental specialist group to monitor the implementation of the human rights provisions of the Helsinki agreement, in readiness for the reconvened meeting this summer in Belgrade.

The work of the UN Human Rights Sub-Commission itself gradually evolves a little farther each year. Last August in Geneva, we succeeded in moving the focus on from the previous preoccupation with apartheid, Zionism and Chile, to condemnation - building on the precedent of the investigation of Chile - of what I termed 'Chile-like practices' in Argentina, Uganda and elsewhere. Annually the number of complaints of human rights violations that the sub-commission receives has increased dramatically: rising from 9,134 in 1974 to 30,691 in 1975 and 54,510 in 1976.

The importance of this work, not just for those who are oppressed but for the UN itself, lies in the fact that it is one of the few means whereby ordinary people throughout the world have direct access to their international organization; there is therefore the responsibility that there will be commensurately widespread disillusionment if it fails to be effective. I suggest the following reforms are most urgently required:

- The present procedure of considering complaints at an annual three-weekly session is far too slow. Not only the facts become obsolete, but some victims could also be so before their case is examined. More frequent meetings coupled with some emergency machinery, if not almost continuous sessions, are necessary.
- The confidentiality with which the work at present is cloaked is misguided, except where complainants request it for their own safety. Pressure upon Pinochet became effective because of widespread international criticism, not through keeping secret the evidence or condemnation of what was happening in Chile.
- Each accused government should have an opportunity to be questioned verbally before the sub-commission.
- Some continuing machinery should be developed which would monitor condemned situations, following-up progress in rectification and studying any lessons for the future.
- All the members of the sub-commission should serve - as judges do - in an independent capacity, and should not be employees of their government.
- The United Nations Human Rights Division itself must be strengthened. One of the more dramatic sessions at the sub-commission last year took place when I discovered that the official record of our debate had been selectively reedited so that all the criticisms of two countries - the Soviet Union and the German Democratic Republic - had, by a strange coincidence, mysteriously disappeared. Wherever else history may be rewritten I feel it is important that it should not be at the United Nations; it would be instructive for a full inquiry to search out how this selective censorship took place.
- In the longer term, we must work for an effective United Nations High Commissioner for Human Rights or an international Human Rights Tribunal. It is a lack of relevance to ordinary men and women which is the principal present weakness at the United Nations; a form of world ombudsman could help to provide this democratic dimension, and revive the spirit of the United Nations whose original Charter commences with the words, 'We, the peoples of the world ...' not 'We the government ...'. No one understands the problems, particularly of enforcement. But the efforts made to defend themselves before the sub-commission by Argentina, Turkey, the USSR and Chile give encouragement by showing that every type of government is sensitive to criticism. The recent exchange of Mr BUKOVSKY is further proof of the power of public opinion.

It would be fatal for human rights if they ever become either a football of superpower politics, or an enclave of the minority of rich white countries. Perhaps the key problem of the world today is to reconcile the civil and political rights of individuals with the poorer majority's priorities of economic and social rights and responsibilities. The United Nations cannot abolish sin, nor change human nature. But it can make progress in safeguarding human rights with the consciousness that a failure to do so will put an unnecessary premium on violence.

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