

# Statement by Mr Jaime Gama / 56th Session of the Commission on Human Rights

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STATEMENT BY MR JAIME GAMA

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ON BEHALF OF THE EUROPEAN UNION

56<sup>TH</sup> SESSION OF THE COMMISSION ON HUMAN RIGHTS

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GENERAL DEBATE

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I have the honour to address this Commission on behalf of the European Union. The Central and Eastern European countries associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia - and the associated countries Cyprus, Malta and Turkey have expressed the wish to align themselves with this statement.

Let me start by congratulating you, Ambassador Simkhada, on taking over the Chair of the 56th Session of the Commission on Human Rights. I would also like to express the appreciation of the European Union for the work carried out by your predecessor, Ambassador Anne Anderson.

Mr Chairman,

The importance of human rights in the definition of modern foreign policy is an undeniable reality at the dawn of a new millennium.

The European Union firmly believes that the well-being of all individuals in the world should be of utmost relevance for all governments. As Secretary-General Kofi Annan recently said, "The State is now widely understood to be the servant of its people, and not vice-versa". We do not consider that human rights as a concept can be attached to any particular culture or geographical region. The respect for human rights is a legacy that we have the duty to preserve and to pass on to future generations, irrespective of place, ethnic origin, gender, religion or belief. In other words, we are speaking about universality. No country should be free to invoke sovereignty or interference in internal affairs to prevent the people under its jurisdiction from fully enjoying their human rights. It is the duty of the international community to monitor violations of human rights whenever and wherever they occur. It is also the duty of the international community to call upon the States where those violations are taking place to cease those practices and bring the perpetrators to justice.

A new perspective on human rights has developed in recent decades. It would be difficult nowadays to argue reasonably for a separation between civil and political rights and economic, social and cultural rights. Indivisibility, interdependence and interrelation are the key words when facing those two sets of rights. Progress in one set cannot be achieved without full respect for the other.

However, one should not think that nothing remains to be decided and achieved in the realm of human rights. As the world keeps moving, so we must redefine and deepen concepts and approaches. This effort is now under way within the European Union, as negotiations proceed for the drafting of a European Charter of Human Rights. We expect this Charter to encompass the many different contributions spread out in numerous other sources. What we are striving for is a comprehensive code of common values with the purpose of better protecting those who live in the European Union.

New challenges surface almost continually. If we choose the right path we may be able to draw most of the positive aspects from those challenges. Globalisation is a good example. Globalisation has been accused of being a strategy devised by the developed countries to hamper the progress in developing countries. This is a great way from the truth. But as something which is still in its infancy, globalisation's inherent risks and dangers cannot be denied. However, one should realise the advantages that a global planet can bring to improving the quality of life worldwide. The effect this could produce on a more sustainable society, where people are more knowledgeable about the full enjoyment of their human rights, can scarcely be refuted.

Mr Chairman,

The European Union considers the individual as being at the centre of its policies. As such, the promotion and protection of human rights are integral to peace and security, economic development and social equity. Protecting the individual is at the core of our death penalty policy. The European Union considers that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights and continues to strive for its universal abolition, or at least for a moratorium on executions.

Mr Chairman,

Tackling human rights issues should not be exclusive to the State structure. Administrations need to work in cooperation with civil society at large and with committed NGOs in particular. We praise the efforts made by NGOs all over the world to inform, monitor and denounce flagrant violations of human rights. We acknowledge their contribution in shaping policies more closely related to people's aspirations. We expect that their freedom of movement and expression is not hindered by any type of obstacle.

This continuous dialogue with NGOs has been helpful to promote more transparency in governments' activities in the European Union. Our policies should be accountable, and to that end people must be familiar with them. This is the main reason why the EU published in 1999 the first annual report on human rights. The European Union's human rights policies, priorities and practices are documented in this report, which is intended to foster a thorough debate.

The European Union is aware that the human rights situation in its Member States is not perfect. We do not consider ourselves to be above criticism and we do not rest on previous achievements. On the contrary, we are constantly seeking to improve our human rights mechanisms to avoid cases where the respect of a person's dignity might be endangered.

Mr Chairman,

The European Union continues to be actively involved in the review processes of the World Conferences of Copenhagen on Social Development and Beijing on the Rights of Women. We hope that the progress achieved in those Conferences can be enhanced in a spirit of cooperation and dialogue among their participants.

The European Union is also actively engaged in the European preparatory process of the World Conference on Racism, on the basis of the firm belief that the defence of the principle of non-discrimination should be at the centre of every country's understanding of human rights.

Mr Chairman,

This Session of the Commission on Human Rights will have to face a huge task. It is our responsibility to address the human rights violations that are taking place. In order to better accomplish this mission, it is of utmost importance to improve and rationalise the functioning of the Commission's mechanisms. The report of the Working Group on this issue, to be approved at this Session, reflects a compromise solution which we expect will contribute to more effective handling of human rights issues.

Mr Chairman,

The European Union will present initiatives and offer its comments under a number of agenda items dealing with thematic issues and country situations. Today, I would like to address a few particular situations.

People were shocked by the images coming out of East Timor last year. The situation demanded a strong reaction from the international community and this was achieved, inter alia, by the convening of a Special Session of this Commission. We took note of the recommendations of the International Commission of Inquiry and the Indonesian Commission of Inquiry regarding the violations of fundamental human rights and international humanitarian law perpetrated in East Timor. The European Union defends that those held responsible for human rights violations will be brought to justice.

The European Union remains concerned over the situation of the refugees and displaced persons in West Timor, and we strongly encourage the creation of conditions for their safe return and for the continued involvement of the international community in this regard.

The situation in Chechnya also demands our attention. Our public opinions are alarmed by reports of widespread human rights violations. A serious and independent investigation must be carried out without delay in order that those responsible can be brought to account. The European Union stresses the importance of an international presence in Chechnya and urges the Russian authorities to comply with their commitments and rapidly launch full and transparent investigations into alleged human rights violations.

The European Union is committed to the existing dialogue on human rights with China. We acknowledge progress made in fulfilling basic needs of the Chinese population. However, we remain concerned about the lack of progress still prevailing in other areas. The use of the death penalty, restrictions on fundamental freedoms, harsh sentences imposed on political dissidents, persecution of religious minorities, non-ratification of the UN human rights international covenants and insufficient cooperation with UN human rights mechanisms are relevant examples of fields where swift action needs to be taken.

Mr Chairman,

The European Union is convinced that at the end of this session progress will certainly have been achieved through the cooperation and efforts of all participants. We hope that this progress will be translated into effective improvement of the situation of human rights for all people worldwide.

Thank you, Mr Chairman.

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