The UN-sponsored World Conference on Human Rights was held in Vienna 14-25 June 1993, with the mandate to look at how well human rights are protected and promoted at the national, regional and world level. Basic questions were asked, though not necessarily answered. How pluralistic is the world society when it comes to fundamental values concerning the dignity of the person? Are we living in a world society governed by a single and coherent vision of justice and fairness or in a world of a multitude of legal systems and values?

These days there is a “Vienna plus 20” conference in Vienna to review the advances of the past 20 years and perhaps set some guidelines for the future.

As with all large UN conferences, the basic work for the 1993 Vienna Conference was carried out in a Preparatory Committee working on and off for several months in Geneva, for the most part by government representatives to the UN Commission on Human Rights with the usual representatives of Non-governmental organizations (NGOs) in consultative status such as myself. The main tensions in the preparatory phase as well as in Vienna was between NGOs and governments, not between the member state representatives who are used to writing in “UNese” — a style which lacks all fire and is general enough to be finally accepted by consensus.

There were three main tasks for the Vienna Conference:
1) to reaffirm the universality and indivisibility of human rights as set out in the Universal Declaration of 1948,
2) to sharpen the focus on current problems such as ethnic tensions and religious extremism, problems which were less clear in 1946-47 when the Universal Declaration was being written,
3) to review the human rights structures and mechanisms of the UN so as to be able to deal more adequately with current situations and to respond more quickly to new problems when they arise.

The World Conference was not designated to look at the human rights problems of specific countries. While some NGO representatives attended the World Conference to focus attention on specific cases, these efforts were marginal to the aims of the Conference and generally unsuccessful except for a last moment drive led by the states of the Islamic Conference to mention the then ongoing conflict in Bosnia.

That the human rights set out in the Universal Declaration are universal, indivisible and inter-related is an article of faith on which all the UN human
rights activities hang. As with all articles of faith, it is difficult to prove, but if one weakens the keystone, the whole arch will fall. The universality and indivisibility of the rights set out in the Universal Declaration had come under attack in the mid-1980s from two sources. The first was a western — largely US — attack on economic, social, and cultural rights. This was a reflection of domestic US neo-liberal ideology which maintained that the state should play no role in the economic and social sphere. The US policy was not followed even by other Western states and was largely muted by US representatives at the UN after a few ritual sentences.

The second source was more fundamental and came from Third World countries which were calling for human rights to be seen in the historical and cultural context of each country or civilization. China, India, and some countries of the Islamic world, in particular Iran, had stressed this position. While many Third World countries were reluctant to follow this reasoning, few were willing to oppose it openly.

Thus the re-affirmation in the Final Declaration of Vienna that all human rights are universal, indivisible, and interdependent was more than a ritual statement but rather an important consolidation of all the UN’s work. The Final Declaration of the World Conference was much better than many of us who participated in the preparatory process feared. The merit rests with a very small number of diplomats and UN Secretariat members who were able to keep “grace under pressure”.

The sharper focus on current problems in 1993 was especially evident when dealing with questions of women, of children and of education for human rights — topics getting extensive attention in the Final Declaration. The place these issues received is largely due to NGO activities during the preparatory process.

Advancing the rights of children and youth has made the most progress in the 20 years since the Vienna Conference. This is in part because few governments want to be seen as anti-child. NGOs cooperated for the fundamental framework of the Convention on the Rights of the Child and then on three areas to advance the welfare of children:
1) to combat exploitive child labour,
2) to prevent the use of child soldiers in situations of armed conflict,
3) to limit cross-frontier trafficking of children, often for sexual exploitation.

Progress in the field of the application of the rights of women has been uneven. Many issues concerning women have received attention from both government representatives and NGOs. However, the application at the national and local level is uneven. I have worked on the issue of Female Genital
Mutilation since 1975 — the UN International Year of Women — so I am sensitive to the slowness of efforts sometimes covered by the term of “traditional practices”. Over the last 50 years, it is estimated that about 10 percent of the world’s female population has already been mutilated in this way in childhood.

The review of the human rights structures and the mechanisms of the UN was the aim which received the least adequate attention, largely because few government delegates had an intimate knowledge of the UN mechanisms and the bureaucratic difficulties. Shortly after the Vienna Conference the post of the Director of the UN Human Rights Division was transformed into a High Commissioner for Human Rights. From my observations, the change had little practical impact on the working of the Secretariat, but it may have increased the weight of the position when dealing with national governments.

In June 2006, the UN Commission on Human Rights was transformed into a slightly smaller — from 53 to 47 members — Human Rights Council, making it a principle organ on the organigram. When the UN Charter was being drafted in the early months of 1945, no one expected that human rights would come to play such a large role in the UN’s work. The UN Charter signed at San Francisco was structured around three key bodies: the General Assembly, the Security Council, and the Economic and Social Council. Every activity, largely carryovers from the League of Nations days, which did not have an obvious place elsewhere, was put as a subsidiary body of ECOSOC: women, statistics, narcotics, population, human rights. Each resolution passed in a subsidiary body had to be presented and potentially debated in ECOSOC before being sent on to a committee of the General Assembly. This procedure allowed governments which had failed to prevent a resolution in the Commission on Human Rights to gather support to block the resolution in ECOSOC or to delay it by sending it back for further study in the Commission on Human Rights. The need to have a resolution debated in ECOSOC could delay a Commission on Human Rights resolution for six months — a fatal delay in some cases of pressing matters.

Now resolutions move directly from the Human Rights Council to a committee of the General Assembly. Governments have also learned how to block human rights resolutions in the General Assembly, but, at least, the new procedure has cut out one step whose function was, in practice, to slow things down. In the transformation of the Commission on Human Rights to the Human Rights Council, the governments in writing the new rules of procedure were able to limit the capacity of action of the NGOs. Thus I have a rather negative view of the change. Oral statements by NGO representatives have now been cut to two minutes, so I have been tempted to start with an American popular expression “Mr Chairman, if I may have two minutes of your time…”
A lasting issue, raised at Vienna in 1993 and which has continued to be a crucial if little discussed issue is the relation between the laws of war as set out in the Hague and Geneva Conventions and human rights standards. Current wars and armed ethnic conflicts with civilians as prime targets have brought to the fore the question of the laws of war (also called humanitarian law or human rights in times of conflict). Usually the respect for the laws of war has been seen as the task of the International Committee of the Red Cross and refugee laws as the task of the UN High Commissioner for Refugees. While all are in Geneva and cooperate with the High Commissioner for Human Rights, their work has been in practice separate. Issues of humanitarian law are rarely raised in the Human Rights Council. It is not clear to me how the integration of provisions to protect people from suffering will work in practice, but this important issue needs to be raised clearly.

As Navi Pillay, the UN High Commissioner for Human Rights said at the start of the Vienna plus 20 Conference “We can justly celebrate a number of important landmark agreements — new mechanisms to promote and protect the human rights of women, minorities, migrant workers and their families and other groups. Vienna opened the door to stronger UN human rights mechanisms, including an expansion in the number of Special Procedures.”

What is true in the list mentioned is that each issue that has advanced in human rights protection has also been taken up by other parts of the UN system, such as migrant workers by the ILO and women by a number of different programs indicating the need for a multi-focus but coordinated approach.

Human rights protection and promotion remain key priorities for many NGOs. It would be wrong to overlook the real progress made. Critical, informed, and realistic support for the work of the UN in the human rights field is needed. We can all have a minor celebration of the work undertaken, but we must not celebrate with so much white wine in the Vienna Woods as to forget the long road ahead.