

**SPEECH DELIVERED BY HON. J. AYIKOI OTOO,
ATTORNEY GENERAL AND MINISTER FOR JUSTICE
OF GHANA, TO THE HIGH LEVEL SEGMENT OF THE
61ST COMMISSION ON HUMAN RIGHTS:
THURSDAY, 17 MARCH, 2005, AT 14:15 HRS.**

Mr. Chairman
Madam High Commissioner for Human Rights
Your Excellencies
Distinguished Ladies and Gentlemen,

Please allow me at the onset, to congratulate the Chairman of the 61st Session and members of his Bureau on their election. We trust that under the Chairman's able and wise leadership, the Commission will come to a very productive end. I pledge the full cooperation of my delegation in that regard.

2. May I also convey our deepest appreciation to your predecessor, Ambassador Mike Smith and his team, who brilliantly conducted the affairs of this Commission over the past one year.

3. To High Commissioner, Madam Louise Arbour, who is participating in her first Commission, we extend warmest congratulations. It is our expectation that her excellent legal skills and professionalism will eminently serve the cause of human rights the world over.

Mr. Chairman,

3. This Commission is taking place at a very defining moment in our history. The Commission has come under attack by many critics who have doubted the efficacy and credibility of the Commission because of the over politicisation of its work. In its recent report, the High-level Panel on Threats and Challenges reserved some of its most scathing remarks for the Commission, due to its perceived failure to enhance the protection and promotion of human rights.

4. Nevertheless, it is the expectation of my delegation that this Commission would not rush into decisions on reforms, without a careful and comprehensive review of the Working Methods of the Commission and its Special Procedures and Mechanisms. A re-examination of the roles of the Sub-Commission and the Third Committee of the General Assembly in New York, as well as a search for the enhancement of the effectiveness of the Office of the High Commissioner for Human Rights will also be necessary. This is the only way to assure ourselves of a satisfactory outcome in any attempt at reforming this august body which still remains the pre-eminent UN body for the promotion and protection of all human rights.

Mr. Chairman,

5. The story of human rights in our contemporary world has been one of curtailing State power and expanding the horizons of liberty for men and women everywhere in the world. It is a titanic clash between those with deep and abiding faith in peace, freedom and justice, and those who place power and dominance above human values. The expanding human rights obligations to our citizens, are fast eroding State sovereignty and sovereign immunity. Another defining reality is the ever increasing range of crimes, deemed to be crimes against the entire human race, under the more recent International Human Rights Instruments.

6. Gross Human Rights abuses such as Genocide, Enforced disappearances and Torture have become international crimes punishable by all States. Pressures on dictators and repressive regimes need to be constantly sustained, if we are to guarantee for all peoples, true freedom and dignity. The message that must be sent out by this Commission to all and sundry is that “the human spirit can no longer be caged, it will soar as high as the eagle, the proud emblem of the country that I represent today, and break the chains that hold people down. Respect for human rights is now an unquenchable fire that will glow eternally”.

7. Today, our world is at its most hopeful and humane endeavours, to open the doors of democracy, development, progress and true peace, while opposing the forces of intolerance, unbridled ambition and hate. However, in spite of the achievements made through norm and standard setting by International Human Rights Law, the full contours of Human Rights Law have not yet been fully defined. Hence the need for continued work in creating complementary standards to address lacunae in the existing laws.

Mr. Chairman,

8. We in Ghana have drawn appropriate lessons from our recent history and we are working hard to strengthen our fledgling democracy. Since 1996, we have successfully conducted three democratic elections which were judged by international monitors to be free, fair and peaceful. The Government of His Excellency President J. A. Kufuor has committed itself to the promotion of good governance and the rule of law in Ghana. To expand participation in governance, new constituencies were recently created which resulted in the election of more Members of Parliament by the populace, to represent the interests of the electorate. It is noteworthy that more female MPs were elected in the December, 2004 elections.

9. We have also made an irreversible commitment to Multiparty Democracy in Ghana. Indeed, Ghana was among the first wave of countries that offered to be reviewed by the African Peer Review Mechanism, established under the Nepad to ensure democracy and good governance. The review has been completed and we are awaiting the report so that we could take the necessary follow-up measures.

10. In order to send strong signals to the perpetrators of human rights abuses in our country, and as part of our national healing and reconciliation process, we established a Truth and Reconciliation Commission to look into all cases of human rights abuses from Independence to date. The report of the Commission has been submitted to Government which will soon issue a White Paper and offer appropriate remedies to victims, within the limits of our national resources.

Mr. Chairman,

11. I am also happy to inform you that in the last three years, with the assistance of some friendly countries and donors, Ghana has been able to build its capacity and submitted its consolidated reports to three, out of the seven human rights treaty bodies. These are the Committee for the Elimination of all Forms of Racial Discrimination (CERD), the Committee on

the Rights of Child (CRC), and the Committee for the Elimination of All Forms of Discrimination Against Women, (CEDAW).

12. The Kufuor Administration is thereby signaling its readiness to fulfill its reporting obligations, assumed under the relevant International Human Rights Instruments. Such frequent reporting by States and consequent international scrutiny undoubtedly, help to check tyranny which creates despair, frustration and anger. These in turn, make our world a dangerous and volatile neighbourhood of great concern for peace loving peoples.

13. Holding states accountable for their human rights obligations which they have voluntarily assumed, is good for everyone. The protection of human rights is a shared responsibility for the international community, with practical consequences for how we live together in one global world where the rule of law prevails. We have a collective responsibility to build a universal culture of scrupulous respect for human rights and eliminate or minimize the culture of impunity. The world is now agreed that the promotion and protection of human rights reinforce democracy and democracy in turn, spurs on sustainable development.

Mr. Chairman,

14. The linkage between human rights and development is the reason why my delegation finds it deeply regrettable, that this Commission and the Office of the High Commissioner, have not yet been able to operationalise the Right to Development, which is meant to lift people out of poverty. It is our expectation that the duty of international cooperation as contained in the International Covenant on Economic, Social and Cultural rights, will be fostered through constructive negotiations, to speed up the process of poverty reduction.

Mr. Chairman,

15. I note that on 21 March, 2005, a side event will be held during this Commission, to commemorate the International Day for the Elimination of Racial Discrimination. This is a heart-warming piece of information for my delegation. Since the Durban World Conference Against Racism, Member States of this Commission have remained terribly divided over how to proceed with the fight against racism.

16. The two follow-up mechanisms to the Durban Conference i.e. the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group on Peoples of African Descent, have not made much

headway. The Working Group on Durban was given the task of identifying and working on complementary standards that will deal with lacunae in the existing laws, to enable us prosecute more forcefully, the crusade against Racism, Discrimination, Xenophobia and Related Intolerance. This mandate has not yet been fulfilled.

17. Even more troubling is the fact that the other Working Group on Peoples of African Descent, is struggling to survive, starved of much-needed resources. We certainly need an integrated strategy to fight the despicable scourge of racism, which is an artificial human construct devoid of any scientific, moral, social, cultural or legal justification. It is simply an insult to human intelligence and dignity. May I urge all of us to redouble our efforts to fight all forms of racism in our contemporary world.

18. Finally, Mr. Chairman, may I launch an appeal through this Commission, to our development partners. States that are firmly rooted on the road to democracy, good governance and respect for human rights need to be encouraged through what I might describe as "democratic dividend". Such tangible fruits for their efforts will spur others on to the road of democracy and respect for the rule of law. We must therefore, put money into

programmes and activities at the country level that consolidate the democratic and human rights gains in developing countries.

19. It is also not enough to complain about corruption and resource leakages from poor developing countries. We need to work collectively to refuse to create safe-havens for wealth stolen from poor countries which are often stashed away in banks in the developed world. Therefore, active steps taken to return such stolen wealth to the people to whom they belong, would be a significant step that will immensely contribute to the realisation of the right to development in our part of the world.

Mr. Chairman, Distinguished Ladies and Gentlemen, I thank you for your kind audience.

