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du Conseil de l'Union européenne*

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Discours de

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du Grand-Duché de Luxembourg
au nom de l'Union Européenne

Speech by

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on behalf of the European Union

Seul le texte prononcé fait foi
English version translated from
French original

Un principe bien établi par la Déclaration et le Programme d'Action de Vienne est que tous les droits de l'homme sont universels, indissociables, interdépendants et intimement liés. De ce fait une importance égale doit être donnée à la réalisation des droits civils et politiques ainsi que des droits économiques, sociaux, culturels. L'extrême pauvreté et les catastrophes humanitaires peuvent avoir des effets désastreux sur la stabilité et la jouissance de certains droits vitaux. Conscients de ce fait, l'Union Européenne et ses États membres assument ensemble plus de la moitié de l'aide internationale au développement. Une stratégie efficace de réduction de la pauvreté doit cependant aussi passer par la participation démocratique de la population aux prises de décisions, la bonne gouvernance, l'Etat de droit et le respect des droits de l'individu.

Dans notre lutte pour le respect des Droits de l'Homme, nos Gouvernements sont efficacement aidés par la société civile et la presse. Ceux qui informent, observent et dénoncent les abus, parfois au risque de leur propre intégrité physique, méritent notre respect et notre appui. Des entraves à leur travail sont des entraves au respect des Droits de l'Homme. L'Union Européenne se félicite du rôle que jouent les ONG à la Commission des Droits de l'Homme. Nous maintiendrons un dialogue suivi avec ces organisations afin d'améliorer encore la transparence des activités de nos Gouvernements et de cette Commission.

Monsieur le Président,

En tant que valeurs universelles, les droits de l'homme peuvent être porteurs d'union plutôt que de divisions. Au-delà des passions et débats souvent animés, peu d'autres institutions que cette Commission ne peuvent symboliser aussi bien la communauté de destin propre à toute l'humanité. J'espère que ses travaux seront guidés par un esprit d'humanisme au service des droits élémentaires de chaque individu.

Je vous remercie.

English translation

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

Allow me to address you on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia* and the countries of the stabilisation and association process and potential candidates Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro align themselves with this declaration.

May I congratulate you, Mr Chairman, on your election to the Chair of the 61st session of the Commission on Human Rights and wish you well in the performance of your duties. In the important and delicate task before you, you can count on the unconditional commitment to human rights of the European Union, which I am representing before the Commission.

May I also, Mr Chairman, welcome to her new position our High Commissioner for Human Rights, Ms Louise Arbour. Her diplomatic skills, perseverance and long experience will be of the greatest use to us in our joint efforts for a world more respectful of human beings. With the post of High Commissioner for Human Rights once again being held by a woman, I have no need to reiterate the importance attached by the European Union to gender equality and women's rights. This is an aspect which I know Ms Arbour to be keenly aware of.

Mr Chairman,

We can see in everyday life how far we still are from full application of the Universal Declaration of Human Rights, throughout the world and within each of our societies. By making human rights a basic value enshrined in its founding texts, the European Union is applying internally the standard that also guides it in its external action and dialogue with other countries.

Respect for individual liberties will never become unshakably established in any of our countries. We have not seen the end of arbitrary behaviour, absolutism and subhuman treatment. They can resurface in the fairest and most peaceful of societies in response to a chance crisis or threat, or more insidiously as a result of our laxity in the face of violations of the most elementary rights. The European Union is well aware of its own imperfections and of the risks of xenophobia, racism and intolerance besetting our European societies. Together with its partners in the Council of Europe, the European Union has established an effective, mandatory legal framework for ensuring observance of human rights. I can assure you of our unflinching political resolve to continue along that path.

Achievement of universal and individual human rights is not only the responsibility of each and every one of us but also our joint responsibility towards mankind, which we represent

* Croatia continues to be part of the stabilisation and association process.

in both its diversity and its shared ideals. By means of the many thematic and country initiatives which we submit to the Commission on Human Rights, the European Union has taken on that responsibility, which is not lightly borne.

Because human rights are a value shared by all of mankind, the European Union feels duty-bound to give individual consideration to the situation in all countries of the world, so as to pass comment without favour, give warning without bias and discourage any temptation to encroach upon human beings' rights. At times, worrying situations leave us no choice but to point the finger at the most serious violations. However, the European Union never forgets that discrete, critical dialogue can provide strong encouragement to persevere in improving observance of human rights.

In the interests of our aims, which we share with this Commission, we are guided by a desire for ongoing effectiveness:

- if, in a particular case, our present open, direct criticism serves its exposing or deterring purpose, our future approach may favour dialogue, remaining critical but discrete and encouraging;
- conversely, our use of dialogue, encouragement and discretion should in no way be seen as wavering or as foreclosing the option of naming and shaming.

Mr Chairman,

Like any human undertaking, this Commission's work is open to improvement. The European Union promises to play an active part in the debate set off by the High-Level Panel's report, in order to have the Commission's potential fully exploited. The idea of making CHR membership universal or, in the longer term, turning the CHR into a Human Rights Council is an interesting one, worth considering in the broader context of United Nations reform. If we really mean to make championing and upholding human rights one of the UN's main objectives, we must provide the High Commissioner's Office with the necessary financial resources, as advocated by the High-Level Panel. As to the idea of an annual report by the High Commissioner on the situation of human rights worldwide, the European Union would regard this as a further basis for country resolutions, while also making for better monitoring of the implementation of past resolutions.

The European Union supports the idea of fuller integration of the human rights aspect throughout the United Nations system, particularly in Security Council debates. The Panel's report implicitly recognises that human rights violations pose a major threat to peace and security. The European Union would point to the importance of human rights in prevention and welcomes the Panel's adoption of the principle of responsibility to protect, since large-scale human rights violations call for an active response from the international community.

Mr Chairman,

The temptation to infringe the rights of the weak is omnipresent. It thrives best in crisis situations. The international community has set itself limits in warfare. In any conflict,

non-belligerents must not find themselves in a lawless area in which the civilian population caught up in armed fighting is left unprotected.

Armed conflicts are not the only crises in which compelling security requirements may become the top priority, taking precedence over individual liberties.

The campaign against terrorism, in which the international community has been collectively engaged over the last few years, requires us to be very vigilant. In its global scale, the problem of terrorism is a new one. It affects us all and challenges even those of us who thought themselves free from any temptation to infringe human rights. Seeking to evade debate would be the wrong answer. Despicable and unspeakable as terrorist crimes may be, they cannot justify any qualification of the rule of law or the Geneva Conventions. Our societies governed by the rule of law must not stoop so low as to try and wage war on evil by evil means. We would lose the moral authority that vests us with the power to judge and punish those who commit terrorist acts. Ways of reconciling respect for human rights with combating terrorism can only be found by together, without fear or favour, considering the root causes of terrorism. Addressing the sources of terrorism does not reflect a slack or permissive attitude. On the contrary, it has a key part to play in eradicating the problem.

The subject of terrorism leads me on to reiterate the importance we attach to an outright ban on all forms of torture. There can be no exception to our opposition to such abuse by human beings of their fellow human beings.

The most irreparable abuse of state authority is the practice of killing by law. The European Union welcomes the worldwide trend towards abolition of capital punishment. This is a textbook example of voluntary restriction of state sovereignty as against individual rights. Our own experience in Europe shows that universal discontinuation of capital punishment can only be brought about gradually. We exhort all countries at least to impose a moratorium as a first step towards full abolition and also to abolish the death penalty, without delay, for the mentally handicapped and for those below the age of majority at the time of commission of the offence.

I should also like to mention another of the European Union's priorities, our support for the work of the International Criminal Court, a key means of putting an end to impunity and preventing crimes against humanity. The European Union renews its call for ratification of the Rome Statute and for full upholding of its universality and integrity. Those who share our human rights ideals but are reticent about full accession to the International Criminal Court should recognise the deterrent effect of that permanent judicial authority.

Whoever the culprits and victims, whatever the circumstances, any human rights violation always involves an abuse by the strong against the weak. It would therefore be wrong of me not to refer in this Commission to the efforts to be made to protect the weakest of the weak: children. Faced with the numerous violations of children's rights both in everyday situations and in armed conflicts, our indignation is not an adequate response. Let us shake off our uncertainties and take action, in children's best interest.

It is a well-established principle under the Vienna Declaration and Programme of Action that all human rights are universal, indivisible, interdependent and interrelated. The same importance must therefore be attached to achievement of civil and political rights and of economic, social and cultural rights. Extreme poverty and humanitarian disasters may catastrophically affect stability and enjoyment of some vital rights. Realising this, the European Union and its Member States together provide over half of all international development aid. However, an effective poverty-reduction strategy also requires people's democratic involvement in decision-making, good governance, rule of law and respect for individual rights.

In campaigning to have human rights respected, our governments are effectively assisted by civil society and the press. Those who observe, report and expose abuses, sometimes thereby endangering their own physical safety, deserve our respect and support. Obstruction of their work obstructs respect for human rights. The European Union welcomes the role played by NGOs in the Commission on Human Rights. We shall keep up a constant dialogue with such organisations, for the purpose of further increasing transparency in the work of our governments and of this Commission.

Mr Chairman,

As universal values, human rights can make for unity rather than division. Looking beyond the fierce passions and lively discussions often aroused, few institutions can symbolise as well as this Commission the common lot of all of mankind. It is my hope that its proceedings will be guided by a spirit of humanism working for the elementary rights of every individual.

Thank you.
