Promotion and Protection of Human Rights

Item 69 (a) Implementation of human rights instruments

Chairperson,

The South African delegation has noted the observations made in the report of the Secretary-General on the importance of the effective implementation of the United Nations human rights instruments in the promotion, protection and fulfilment of all the universally recognised human rights. As it will be recalled, the mandate of the erstwhile Commission on Human Rights, which now devolves in the Human Rights Council, is “to promote, protect and fulfil all the universally recognised human rights and fundamental freedoms, as well as to contribute significantly to the elimination of their violation”.

Additionally, the Vienna Declaration and Programme of Action underlines that human rights are the legitimate concern of the international community. In this regard, my delegation subscribes fully to the proper contextualisation provided for in the UNGA resolution 60/251, namely, that violations of human rights in any part of the world should be addressed in a context that does not lead to politicisation, double standards and selective targeting.

The effective implementation of human rights instruments is primarily the responsibility of States at the national level. States are under obligation, in terms of human rights treaty law to submit periodic reports to the United Nations Human Rights Treaty Monitoring System outlining their implementation of these instruments. States are also under obligation to ensure maximum protection against human rights violations and, in those cases where violations do take place, to provide adequate remedies to victims. More importantly, States must ensure that perpetrators of human rights violations are appropriately punished in order to ensure non-recurrence and zero tolerance on impunity.

My delegation recognises that some of the human rights instruments have become literally moribund and obsolete and therefore require to be updated in order to fill the substantive protection gaps which may exist in this regard. The 1948 Genocide Convention, the 1951 Refugee Convention and the 1965 Racial Discrimination Convention are
examples thereof. The contemporary violations in these thematic areas are such that they are not provided for in the said instruments. It is therefore imperative to note the differences between implementation of the current instruments on the one hand, and the requisite need for the United Nations Human Rights System to constantly engage in processes that would ensure that new instruments responding to modern day violations are produced as complementary instruments.

It is also vital that the United Nations Treaty Monitoring Bodies are fully resourced to carry out their mandates effectively. In this regard, States should (a) withdraw reservations to these instruments, particularly those who defeat the purposes and objects of such instruments, (b) make the requisite declarations recognising the competence of the Treaty Monitoring Bodies to receive complaints by individuals or groups of individuals who claim violations or denials of their rights within their jurisdictions, (c) submit reports to the treaty bodies as provided for in the relevant treaties, and (d) contribute financially to the work of the treaty bodies.

South Africa has for the past several years followed the ongoing initiatives aimed at treaty body reform. We believe that this process should continue to its logical end and must not be undermined. It is also vital that the reform process is cognisant of the provisions of the relevant treaties.

The South African delegation wishes to urge the United Nations Human Rights System as a collective to respect the letter and spirit of the Vienna Declaration and Programme of Action on the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, and that the two core human rights covenants be placed on par as well as treated with the same emphasis and on an equal footing.

In this regard, South Africa is deeply committed and invested in strengthening the Universal Periodic Review (UPR). We are equally committed to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the United Nations treaty body system.
Item 69 (b) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Chairperson,

With 2013 marking the twentieth anniversary of the Vienna Declaration and Programme of Action, we support the call by the Secretary-General in his Report on the Work of the Organisation to member states and relevant stakeholders for a renewed commitment to fulfilling their human rights commitments and responsibilities.

We recall the adoption of the Vienna Declaration and Programme of Action in June 1993 by the World Conference on Human Rights as a landmark achievement in which all human rights were confirmed as universal, indivisible, interdependent and interrelated. With the placement of the principle of non-discrimination at its core, the Vienna Declaration and Programme of Action resonated strongly with South Africa's own transition from apartheid to democracy. Since the establishment of constitutional democracy in South Africa, the policies of the South African Government have been underpinned by fundamental human rights principles, values and freedoms. This includes a strong commitment to the values of human dignity, the achievement of equality, equity and inclusiveness, and the advancement of human rights and fundamental freedoms, non-discrimination, non-racialism and non-sexism.

The Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable right. It is fundamental to South Africa's engagement of the international community and the United Nations system. It is integral to the efforts of developing states to realise their economic, social and cultural rights on an equal footing with civil and political rights.

The global financial crisis has had a negative impact on the fulfilment and enjoyment of fundamental human rights, especially for vulnerable and marginalised members of society. It has also impacted negatively on the socio-economic development objectives and aspirations of developing countries. We therefore encourage member states to prioritise the promotion and protection of all economic, social and
cultural rights without discrimination, in addressing the challenges associated with the financial crisis.