

Commission on Human Rights
55th session

Statement

of the Head of the Delegation of the Czech Republic

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Madam Chairperson, Madam High Commissioner, Excellencies,
distinguished delegates, ladies and gentlemen,

Since it is the first time that I take the floor on behalf of the Czech Republic, allow me, Madam Chairperson, to congratulate you on your election and express my conviction that under your wise guidance this Commission will have a positive outcome. May I also extend my congratulations to the other members of the Bureau.

Madam Chairperson, it is, indeed, a great honour and pleasure for me to address this distinguished audience on behalf of the Czech delegation. As we all know, the agenda prepared for the 55th session of the Commission on Human Rights is very ambitious both in terms of its scope and complexity. It demonstrates very clearly the central importance of the question of human rights for the whole system of the United Nations - from its very beginning after the World War II to the present moment, when humankind is preparing for the new millennium. However, it also points to the great responsibilities of all members of the Commission on Human Rights today, when concrete problems emerging in various parts of the world are put on its agenda.

About a year ago, the President of the Czech Republic, Vaclav Havel, delivered a speech here in Geneva, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights. Allow me to remind you of some of his ideas:

Fifty years ago, the Universal Declaration was born as a fruit of the special climate after World War II. There is no doubt that this document has passed the test of time successfully. It was the political attitude based on the principle of human rights that helped to see the light at the end of the tunnel and to overcome the bipolar division of the world. After the dramatic change in Europe in the late eighties, it has become increasingly clear that what mankind needs in our multipolar, multicultural and in globalized world, is certainly not a "postmodern" relativisation of all values that paves the way to a "clash of civilizations", nor imperialistic efforts to impose one's own set of values on others, but a consistent and active global human rights policy based on the principle of their indivisibility and universality.

And here comes the question: What actually are human rights? What is the real content of this concept which, - in Havel's words - is supposed to serve us "*as a valid and globally respected, instrument, holding up a mirror to the misery of this world: a universal standard with which we can constantly compare the actual state of affairs?*" The answer is: It is that which we all can share and which constitutes the basis of our human dignity.

Let me again quote from Vaclav Havel's speech:

"The deepest roots of that which we now call human rights lie somewhere beyond us, and above us; somewhere deeper than the world of human covenants - in a realm that I would like, for simplicity's sake, describe as metaphysical."

In his search for the philosophical meaning of the concept of human rights, Havel draws a parallel with the religious systems and comes to the conclusion that what makes the whole concept of human rights so plausible, is ... "*the same (deeply rooted) fundament - the same call for humility before that which is around us and above us, for decency and for solidarity; ... the same emphasis on our responsibility for the whole world.*"

Then he asks another challenging question:

"If a better future for this world lies in the realm of spirit, of moral order, and of a renewed sense of responsibility for this world, who but the United Nations should be the one to restate this again and again?"

Without going into any elaborate and sophisticated arguments occupying the minds of contemporary philosophers, I want to repeat once more these simple ideas presented here a year ago by our president - ideas based on our own experience of the world, which brought Charter 77 into existence during the dark years of the totalitarian regime. This should clarify some of the positions the Czech delegation will be taking during this session. To be more prosaic I could also say, that our positions are based on international documents, regulating the relationship between the individual and the state. They include above all the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and the European Social Charter.

Ladies and gentlemen, let me now bring my arguments down to earth and turn to a more practical level. Whatever the results of the on-going dialogue on the concept of human rights for the 21st century, it seems evident that the solution of all problems emerging in this field should always begin at home. Those who want to be regarded as serious and reliable participants in the international endeavours to promote the cause of human rights in the world, have to pursue, on the one hand, active domestic human rights policies and, on the other, accept international scrutiny and possible criticism from others.

This is, in a nutshell, the point of departure adopted by the Czech Government. We are well aware that our country finds itself in the midst of a dramatic process, unprecedented in many respects, and that the situation of human rights in the Czech Republic is not perfect. This can be explained partly by the difficult legacy of our past, partly by the difficulties and shortages of the Czech policy of transition. These shortcomings, however, - especially in the sphere of the protection of the rights of ethnic minorities (Roma being the most painful human rights debt today) - offer us, paradoxically, a unique opportunity. They can be used as a strong impulse to launch an active and broad-minded human rights policy. knowing very well how difficult it is not only to make the necessary changes in our legal system, but also to succeed in the struggle against the various surviving prejudices - we all know that old habits die hard and mentalities change slowly - we really sincerely appreciate any form of international cooperation in these matters.

One more aspect of our understanding of human rights has to be emphasized. From the times of Charter 77 we know very well that the crucial human rights problem is the communication between the governmental agencies and the intermediary bodies of civil society; that not only domestic or constitutional framework are at stake here, in, sometimes more or less friendly and synergetic, sometimes passionate and quite difficult, but always useful debate. I believe we all agree that the internationalization of human rights represents the main achievement of the process which started with the emergence of the system of the United Nations. The essential element of this change is also a new communication between the representatives of governments of the member-states in the international arena, and those who decided to

contribute to the human rights debate as the pioneers and champions of the international politics from below.

As I stressed earlier, we are determined to follow this principle also here, on the soil of the UN Human Rights Commission, for many reasons, one of them being our own historical experience. Part of this experience is the awareness that the respect for human rights is not some sort of self-evident pattern of behaviour, but a value deserving to be fought for and defended, a value worth of risk. The years of lack of freedom and oppression in our country have taught us to have a high regard for all expressions of open criticism of such situations on the part of the international community. They were a source of strength and inspiration for all of us who hoped for a change or were involved in its achievement. As this prompts us to stand up without hesitation in defence of those who are finding themselves in the same situation that we experienced quite recently. In this respect we want to adhere to our principles, although we realize that our steps in this direction may not always be rightly understood or universally accepted.

I would like to use this opportunity to point out that the Czech Republic intends in no way to assume the role of a universal arbiter in matters of human rights or to usurp the right to judge the situation elsewhere in the world from the position of his own excellence.

Ladies and gentlemen, by focussing your attention to the basic outlines of our concept of human rights, I attempted to prompt a better understanding of the standpoints we are going to present during this session. We are genuinely concerned with the state of human rights in many parts of the world. In one particular case, the Czech Republic has decided to take up a special initiative.

Allow me to underline that this decision was accepted after a thorough scrutiny of all pros and cons involved. In the end, we have decided stick to the principles. As I have told you this decision, which may be misinterpreted by some, stems from our own experience.

Ladies and gentlemen, by proposing a country-oriented resolution, the Czech Republic is definitely not trying to create a spirit of confrontation. On the contrary, the concept of human rights we believe in, aims at enhancing and promoting an open and sincere communication. Our ideal is a genuine international dialogue and the common search for common values. We sincerely believe that this is the only approach which can help to secure global peace at the beginning of the coming millennium and gives us good hope for our unknown future.

Thank you for your attention.