

# Social Justice and Human Rights

Kanaga Raja

UN Human Rights Council began its ninth regular session on 8 September 2008, hearing amongst others the first public address by the new High Commissioner for Human Rights Ms Navanetham Pillay.

In her maiden speech to states attending the Human Rights Council, Ms Pillay, who took up her post as High Commissioner on 1 September, highlighted the need to tackle discrimination and inequality, and urged greater efforts to prevent genocide, which she described as "the ultimate form of discrimination".

Pillay, who is from South Africa, spent eight years as a judge on the Rwanda Tribunal and five years on the International Criminal Court in the Hague. She replaced Louise Arbour of Canada as High Commissioner.

In her address to the Council, Pillay said that the current year marks a series of important anniversaries which represent rallying points for the human rights community, as well as opportunities to galvanize others into action.

In this respect, she referred to the 60th anniversaries of the Universal Declaration of Human Rights and of the Genocide Convention; and the twin 10th anniversaries of the Declaration on human rights defenders and of the Guiding Principles on Internal Displacement, as well as the 15th anniversary of the Vienna Conference.

She noted that in today's world, globalization has sometimes run circles around national sovereignty. Moreover, the food crisis, as well as other emergencies including natural calamities, demonstrate not only the precariousness of national boundaries and the need for international solidarity, but also—and crucially—how abuses of one set of rights reverberate on other rights.

"Clearly, our challenge is to facilitate a common human rights agenda," she said.

The United Nations has recognized that development, security, peace and justice cannot be fully realized without human rights. "Our welfare rests on each and all of these pillars. Each and all of these pillars are undermined when discrimination and inequality—both in blatant and in subtle ways—are allowed to fester and to poison harmonious coexistence."

Recalling her personal experience in apartheid South Africa, and of human rights abuses that she has confronted firsthand, Pillay said that racial discrimination and gender discrimination, particularly when they are institutionalized or systematic and incorporate an element of State involvement, are entirely incompatible with the Universal Declaration of Human Rights and the United Nations Charter.

"In this context, allow me to welcome the progress achieved thus far in the lead up to the anti-racism review conference scheduled for April 2009 [the Durban Review Conference, a follow-up to the anti-racism conference held in Durban in 2001], and in particular the productive discussions of the two regional meetings in Brasilia and Abuja."

In respect of the concerns that have been voiced regarding this process as a whole, Pillay said that her starting point in addressing these concerns is to promote participation. "I accept that there will be diverging points of view among States and undertake to do everything I can to ensure that these differences are addressed in a constructive manner."

"I do not believe that 'all or nothing' is the right approach to affirm one's principles or to win an argument," she said, adding that Nelson Mandela had taught her that, far from

being appeasement, coming to terms with other people's experiences and points of view may serve the interest of justice better than strategies that leave no room for negotiation.

"The process will certainly benefit from active participation by all. Without that participation, the anti-racism debate and agenda will be impoverished. Let's not forget that diversity of opinions is often an inherent and welcome characteristic of relationships among peers," she said.

"We should be prepared to accommodate such diversity in the spirit of collegiality and respect. Should differences be allowed to become pretexts for inaction, the hopes and aspirations of the many victims of intolerance would be dashed perhaps irreparably."

For these reasons, she urged those governments that have expressed an intention not to participate in the conference to reconsider their position.

(While the High Commissioner did not mention any country specifically, media reports have indicated the United States, Israel and Canada as announcing their intention not to attend next year's review conference.)

Pillay expressed hope that all States take the opportunity provided by the review conference to give new momentum to the struggle against discrimination, xenophobia, intolerance and racism, and to bring into focus the need to implement the Durban Declaration and Programme of Action at the national level.

The High Commissioner also highlighted that gender discrimination remains a pressing concern. Such discrimination makes the Universal Declaration's promise an empty pledge for millions of women and girls. No effort should be spared to persuade countries to repeal laws and practices that continue to reduce women and girls to second-class citizens despite international standards and despite the specific commitments that have been made to throw out these laws and customs.

Pillay also said that "genocide is the ultimate form of discrimination. We must all do everything in our power to prevent it."

"We have to break the cycles of violence, the mobilization of fear, and the political exploitation of difference—ethnic, racial and religious difference," she said, adding that the Universal Declaration and the Convention on the Prevention and Punishment of the Crime of Genocide "grew out of the Holocaust, but we have yet to learn the lesson of the Holocaust, as genocide continues."

The establishment of the Council calls for the review of the relationship between the Council and the Office of the High Commissioner. Such exercise would contribute to reinforcing transparency, mutual cooperation and synergies in the work of the two bodies, while ensuring the independence of the office of the High Commissioner, said Cuba.

—*Third World Network Features*