

VIENNA DECLARATION AND PROGRAMME OF ACTION + 20

20 years ago the global community unanimously reaffirmed its commitment to human rights through the adoption of the Vienna Declaration and Programme of Action.

Building on the Universal Declaration of Human Rights, the VDMA recognized that the promotion and protection of human rights must be a matter of the highest priority for both states and the international community. It envisaged a strengthening of human rights norms and institutions at the national and international levels, and recognized the critical role that human rights defenders have to play in the realization of fundamental rights and freedoms.

Twenty years on, these two pillars – strengthening human rights systems and supporting human rights defenders – remain at the core of ISHR’s mission. In this special VDMA + 20 edition of the Human Rights Monitor, we’ve asked 20 human rights defenders, advocates and experts to reflect on the impact of the VDMA and the implementation challenges that remain.

Bill Barker - former Australian diplomat, and now independent human rights consultant, who played a leading role in developing and conceptualizing National Human Rights Action Plans

Charlotte Bunch - Founding Director and Senior Scholar of the Centre for Women’s Global Leadership, Rutgers University

Andrew Clapham - Professor of Public International Law at the Graduate Institute of International and Development Studies, Geneva and Director of the Geneva Academy of International Humanitarian Law and Human Rights

Heather Collister - Human Rights Officer with the International Service for Human Rights and an expert on LGBT rights

John Fisher – ARC International’s representative in Geneva, Switzerland, to facilitate NGO engagement with UN human rights mechanisms

Professor Michael O’Flaherty - Chief Commissioner of the Northern Ireland Human Rights Commission, Director of the Irish Centre for Human Rights at the National University of Ireland, Galway, and a Member of the United Nations Human Rights Committee from 2004 to 2012.

Michael Ineichen – Manager with the International Service for Human Rights and an expert on UN human rights mechanisms and systems

Sheila B. Keetharuth - the UN Special Rapporteur on the situation of human rights in Eritrea, and former Executive

Morten Kjaerum - Director of the European Union Agency for Fundamental Rights (FRA), former Director of the Danish Institute for Human Rights, and former Member of the United Nations Committee on the Elimination of Racial Discrimination

Ian Martin - Special Representative and Head of the United Nations Support Mission in Libya (UNSMIL) from September 2011 to August 2012, and former Secretary-General of Amnesty International

Vitit Muntarbhorn - Professor at the Faculty of Law, Chulalongkorn University, Bangkok, former UN Special Rapporteur and former Board member of the International Service for Human Rights

Lucia Nader - Executive Director of Conectas Human Rights, a leading human rights NGO focused on the realization of human rights in the Global South

Eleanor Openshaw – Human Rights Officer with the International Service for Human Rights and an expert on women human rights defenders

Dmitrina Petrova - founding executive director of The Equal Rights Trust and former member of the Bulgarian Parliament

Mary Robinson – former President of Ireland, former UN High Commissioner for Human Rights, President of Mary Robinson Foundation- Climate Justice and Chancellor of the University of Dublin.

Sir Nigel Rodley, KBE - Professor of Law at the University of Essex, Member of the United Nations Human Rights Committee, and former UN Special Rapporteur on Torture

Sima Samar - Chair of the Afghanistan Independent Human Rights Commission, and former Minister of Women's Affairs in Afghanistan

Chris Sidoti - international human rights consultant, Board Member of the International Service for Human Rights, and former head of the Australian Human Rights Commission

Arnold Tsunga - Director of the Africa Regional Programme of the International Commission of Jurists

Clement Voule - Manager with the International Service for Human Rights and an expert on African human rights systems and defenders



BILL BARKER

Amid the tension and politics of the Vienna World Conference, there was also a willingness on the part of many states to encourage practical measures that would lead to genuine improvements in human rights observance. One such initiative was Australia's push to get countries to commit to some positive action within their jurisdictions through the mechanism of a 'national human rights action plan'.

The concept recognized that no country has a perfect human rights record and that each country must start from its own actual political, cultural, historical and legal circumstances. The idea was that, instead of defensively resisting change, governments should be able to say, 'Yes, there are things we need to do. It may take some time to solve all problems but the important thing is to make a start.'

Since 1993, some 35 countries have either adopted or worked on national action plans. Some have produced successor plans that aimed to build on earlier efforts. They include countries large and small, developed and developing, from all parts of the world. They include Brazil, South Africa, the Philippines, Ecuador, Indonesia, Kenya, Sweden, China and New Zealand. Australia has just released its third plan.

Human rights action plans have probably promoted modest progress in many of the countries concerned, though it is unlikely that plans have, of themselves, produced major changes. They have undoubtedly promoted awareness of human rights, including among government officials who previously may not have taken rights into consideration. In some cases, they have invigorated civil society. Inevitably, there has also been an element of public relations in many of the plans, though this is not always a bad thing. It is likely that countries will continue to develop action plans, among other measures aimed at practical implementation of human rights standards.



CHARLOTTE BUNCH

The Vienna World Conference on Human Rights was the tipping point in the recognition of women's rights as human rights. Before Vienna, feminists who sought this recognition were often dismissed as annoying or ridiculed when we sought human rights support for abuses like domestic violence, gang rape, or forced pregnancy.

In the two years leading up to Vienna, women campaigned in the global South and North to show why gender based abuses were the equivalent of other human rights issues and sought to demonstrate this through a variety of regional and global actions, including lobbying at regional preparatory meetings. Hearings were held where women testified to such abuses in their lives and how they fit the human rights paradigm. This culminated in the day long Vienna Tribunal on Women's Human Rights which many government delegates as well as human rights activists credit with opening their eyes to the importance of women's rights abuses. The VDPA affirmed women's rights as full universal rights and opened the door for major work to integrate women and gender based abuses into human rights theory and practice.

In the two years after Vienna, the UN General Assembly adopted the Declaration Against Violence Against Women and the Human Rights Commission appointed its first Special Rapporteur on Violence Against Women, its causes and consequences which have led to the development on a rich field on human rights standards regarding VAW.

Over the past 20 years, the office of the High Commissioner for Human Rights and its mechanisms and human rights organizations have made considerable efforts to integrate gender perspectives into many other human rights issues. Ground was broken with the establishment of the International Criminal Court when the Women's Caucus got gender based persecution and a gender quota for judges included in the founding statute. Many advances in human rights over the last two decades

reflect growing gender awareness in areas like sexual violence in conflict, maternal mortality, and sexual orientation and gender identity.

While Vienna was a vital step forward in recognizing women's rights as human rights, many challenges remain in taking this awareness to effective action against such violations. Few governments pay more than lip service to these obligations. The political will and resources needed are sorely lacking. Impunity for violence against women still rages. Action on socio-economic aspects of sex discrimination languishes as does realization of most socio-economic rights. Backlash against women's claims to sexual and reproductive rights still blocks the realization of women's rights. Attacks on women's human rights defenders have increased as women are taken more seriously as agents of social change.



ANDREW CLAPHAM

For many of us at the Vienna Conference the experience was famously articulated by Susan Marks as something between a nightmare and a noble dream. Twenty years on some of the issues that kept us up all night have faded from significance. But other issues have had an enduring influence and shape our present work. For example, the Declaration included universal recognition of the right of all states and organizations to raise issues related to the behaviour of any state. This has changed the perception of the rule concerning non-interference in the internal affairs of states. I have built in this development into my teaching and writing. The relevant sentences read 'The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community.'



HEATHER COLLISTER

The growing visibility of the NGO movement in recent decades has been accompanied by an increase in attacks aimed at deterring NGOs from exposing human rights violations. Often those attacks are condoned or even orchestrated by States.

The failure of States to protect in these instances undermines the call in the VDPA which urges that NGOs 'involved in the field of human rights should enjoy the rights and freedoms recognised in the Universal Declaration of Human Rights, and the protection of the national law'.

ISHR is particularly concerned at the increasing level of attacks that defenders face when they engage with UN or regional human rights systems. These attacks have included media smear campaigns and death threats often from government officials. The reaction from the human rights systems has been weak, and States have not been held accountable to their obligation to protect. This failure from the human rights systems undermines the very standards they seek to promote.

The call for protection in the VDPA must be seen as not only a call on States but also on the human rights systems, to step in and ensure that States are fully assuming their responsibility to protect, and that human rights defenders are able to fully and freely cooperate with the UN and regional human rights systems.

Nevertheless, the world has changed as women's rights are taken more seriously as human rights and more women all over the world today are standing up for their rights. The Vienna conference and VDPA played a key role in advancing this human rights revolution.



JOHN FISHER

Vienna, 1993. As a young human rights defender, taking the floor at a UN meeting for the first time, I underestimated how controversial sexual orientation and gender identity issues would be. As soon as I said the words “lesbian” and “gay”, the room erupted in chaos, journalists crowded to take photos, and delegates swarmed the speakers’ desk.

One face stands out from the crowd. A nervous middle-aged man took my hand and, with tears in his eyes, said: “Thank you. That’s the first time I’ve heard those words spoken aloud at the UN”. Then, with an anxious look over his shoulder, he was gone. From a brief glance, I could see that he was wearing a government badge.

Twenty years later, much has changed. The Human Rights Council recently adopted the first-ever resolution on sexual orientation and gender identity, mandating a report from the High Commissioner, and a plenary panel discussion. Secretary-General Ban Ki-moon recently declared:

“It is an outrage that so many countries continue to criminalize people simply for loving another human being of the same sex. These laws must go.”

Still, there remain States who would twist the words of the VDPA to give them the exact opposite meaning than intended. Instead of the “universality” of human rights, these States speak of “universally recognised” human rights, seeking to exclude those they do not recognise. They invoke the principle of non-discrimination, then explain why it does not apply to LGBT people. Appeals to “traditional values” are increasing, substituting cultural relativism for universal standards.

The 20th Anniversary of the VDPA is rightly a celebration of this historic instrument. We must also take the occasion to reject revisionist interpretations designed to restrict the equal application of human rights to all.



MICHAEL O’FLAHERTY

The VDPA, in its implementation, marked a key moment in the history of the human rights movement. Take the story of national human rights institution (NHRIs)s. They were not invented at Vienna but they did receive a transformative injection of authority and status that, in turn triggered an astonishing growth worldwide. The VDPA, in its own words reaffirmed, “the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education in human rights”. It was on the basis of these words that the UN High Commissioner for Human Rights, with strong support of the Australian and other governments, identified the establishment of NHRIs as a top UN priority. Mary Robinson and subsequent High Commissioners then oversaw the delivery of support for the setting up of NHRIs across the regions, including in such post-conflict situations as Northern Ireland, Afghanistan, Sierra Leone and Timor Leste. Relying on the words of the VDPA, the UN always insisted that the new bodies be compliant with the Paris Principles. Thus was set the trajectory whereby NHRIs today constitute one of the most important actors for the promotion and protection of human rights at the national level.



MICHAEL INEICHEN

The distance travelled since Vienna shows that a combination of visionary leadership and incremental change pays off. Pursuing that path, progress that is unthinkable today may well be accepted as the bedrock of international human rights protection 20 years down the line. The World Conference on human rights and the VPDA has laid many of the foundations of today's international human rights framework, in both an institutional and a substantive way. It brought the acceptance that no State could hide behind the otherwise sacrosanct principle of non-interference to shield itself from scrutiny of its human rights violations and challenges, and that on the contrary the promotion and protection of human rights is a legitimate concern of all actors in the international community. On a substantive level, the recognition of the universality, indivisibility and interdependence of all human rights set out a key aspiration by the international community at that time.

In Vienna, expecting that every country should send a high-level delegation to Geneva and respond to questions in the previously strictly domestic area of human rights would have been qualified as visionary at best but more likely as a severe form of delusion. Twenty years down the line we all take the universal periodic review (UPR) for granted, and instead express outrage at an exceptional case of non-cooperation. Despite its short existence, the UPR has developed into one of the premier avenues for human rights defenders to hold their governments to account, and for States to review their peer's human rights record from a more or less critical perspective. As such, it is the institutional embodiment of the VDPA's affirmation that universal human rights do not stop at frontiers, and every society can progress towards better enjoyment of human rights for all.

However, we must not stop at the relative advance presented by the UPR, but need to demand far more results from the institutions we have built together. For a start, the Human Rights Council must start to seriously address human rights violations in a more effective way, and make meaningful recommendations to address them – as it is mandated to do.



SHEILA B. KEETHARUTH

The Vienna Declaration and Plan of Action (VDPA) are milestones in united efforts to give human rights and fundamental freedoms their due place in today's world. They represent a reference point in my work, providing grounding for arguments to advance human rights in practice, more particularly the rights of children, indigenous people and women.

1993 is a landmark year – with the acceptance that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. Consequently, while researching, reporting and carrying out advocacy on violence against women in Africa, they proved to be a useful tool, as one could recall that they supported the creation of a new mechanism, that of the Special Rapporteur on VAW at the global level.

Additionally, coming from the NGO background, paragraph 38 of the VDPA contains a crucial recognition regarding the role that NGOs play “in the promotion of all human rights and in humanitarian activities at national, regional and international levels”. Since then, while NGOs have been able to slowly carve their rightful place, it is still of concern that many human rights defenders across the globe pay a heavy price, sometimes with their lives, for doing their work. This is unacceptable in light of the VDPA, for these documents provide valuable inspiration, while setting out concrete steps to be taken for the protection and promotion of human rights and fundamental freedoms.



MORTEN KJAERUM

When we all met in Vienna for the United Nations World Conference on Human Rights in the summer of 1993, there was a high level of curiosity exploring the new international agenda after the end of the Cold War. Among the many delegates was a small group of representatives of national human rights institutions. This little group of national human rights institutions representatives symbolises what the Vienna conference was about: bringing human rights from the law books and international politics to the every day life of people.

The Vienna Conference represents a milestone in the struggle to mainstream human rights into the legislative processes, the work of courts, and the actions taken by the police and other officials. The national human rights institutions are key instruments in this process. In 1993, there were less than 10 such institutions worldwide; today, there are more than 100. And in a sense, the European Union Agency for Fundamental Rights (FRA) is to the EU what the national human rights institutions are to the countries.

We have come a long way as regards the human rights accountability at the national level; the next challenge is to build a similar understanding of accountability at the local or regional levels. This is where people live and where human rights first and foremost shall be respected, protected and fulfilled.



IAN MARTIN

Those of us who made the creation of the High Commissioner for Human Rights our central objective for the World Conference on Human Rights did so out of an analysis of the weakness of the United Nations human rights system: "Facing up to the failures", as Amnesty International put it. With the support of two Secretaries-General, successive High Commissioners have done much to take human rights towards the centrality which the Charter demands. The greatest advance has been the extent to which OHCHR has taken human rights protection beyond the committee rooms of Geneva and into the field, sometimes within and sometimes separately from peace operations. But the Report of the Internal Panel on United Nations Action in Sri Lanka presents the UN system with another moment when failures at all levels, including most lamentably of the Human Rights Council, must be faced up to. In the years ahead, Member States must be willing to mandate and fund effective human rights presences in the field, OHCHR must be ready to deploy them professionally, and the entire UN system must recognize that human rights protection is a shared responsibility.



VITIT MUNTARBHORN

The Vienna World Conference on Human Rights and its Action Programme: A Qualified Success ?

I attended the World Conference (at the time I was UN Special Rapporteur on the Sale of Children) and witnessed the adoption of the consensus document in the form of the Vienna Declaration and Programme of Action. That document created many ripples which are still felt today. First, at the conceptual level, the document acknowledged that while the world can bear in mind regional and national "particularities", it is the duty of States to promote and protect human rights and

freedoms. In other words, if there is a conflict between those particularities and the universality of human rights, it is the latter which must prevail. Vienna also interlinked between human rights, democracy and development.

Second, the document opened the door to new human rights institutions and mechanisms. The possibility of establishing the post of UN High Commissioner for Human Rights was agreed upon at Vienna. This would be accompanied by the setting up of an office to take over from the previous UN centre for human rights. The document also opted for new human rights mandates such as UN Special Rapporteur on violence against women. It went further by advocating the need for regional and national human rights institutions. The latter has inspired the setting up of many national human rights commissions in the Asia-Pacific region.

Third, the Vienna Programme of Action concretised substantively human rights on several fronts. Most famously perhaps, the notion that “women’s rights are human rights”. It raised the profile of child rights, the rights of persons belonging to minorities, the rights of persons with disabilities, freedom from torture, the concerns of other groups, self determination, and the importance of human rights education.

Yet, Vienna was not an unqualified success. The term “indigenous peoples” was rejected, and the wording in the text has an “S” missing from it, alias “indigenous people”. This was due to the fact that some states did not wish to use the term “indigenous peoples” to avoid possible linkage with the rights of peoples to self-determination. Conservative states introduced a qualification to freedom of expression by subjecting it to national law. NGOs were prevented from effectively accessing the governmental conference, even though they had their parallel meeting nearby.

The lesson from Vienna is also that whatever Programme or treaties we have at the international level, the crunch is the implementation of human rights comprehensively at the national level. Given that we have to deal with power and its nexus with human rights, it is imperative to build checks and balances to prevent abuse of power and promote accountability, as well broad public participation in the realization of human rights. Worldwide, eternal vigilance is thus the key.



LUCIA NADER

Twenty years after the adoption of the VDPA, it is crucial to rethink its value and its importance in the current new global order. If, in 1993, the aim of the VDPA was mainly to stress and reinforce the universality and interdependence of rights, today our objective is also to build a truly universal movement to fully implement those rights. In a multipolar world, with the (re) emergence of new powers and players in the international field, we have in our hands an unprecedented opportunity in this regard. In order to respect and promote human rights, traditional powers should be more open to new approaches to the enforcement of rights and emerging powers need to show a true commitment in protecting those same rights nationally and internationally. This will only be possible with the consolidation of an equally truly global, effective and diverse civil society human rights movement. A movement where stronger organizations would be working worldwide, with a multiplicity of strategies but towards the same goal: dignity and freedom for all. A movement where strategies are thought beyond borders and concrete actions are taken on the ground with a cosmopolitan perspective.



ELEANOR OPENSHAW

The VDPA contributed to the formal recognition of NGOs as key players in the promotion of human rights at international, regional and national levels. Over the last twenty years space for NGOs to engage in human rights mechanisms has opened up considerably. The UPR-Compilation of civil society reports as one of the formal sources of documentation in a state process

speaks to this. NGO video statements were shown for the first time in 2012 during Human Rights Council sessions as a means to bring voices otherwise unlikely to be heard directly, into the discussion.

To ensure access to those that advocate on the full range of human rights, processes to enable NGO engagement need to be shielded from political bias or interference. State questioning of the legitimacy of NGO participation in different human rights mechanisms continues to occur. Recent steps to exclude NGOs from high-level meetings if a State expressed an objection to their participation show a worrying trend. Simple discrimination has also informed whether NGOs are allowed full access to a mechanism – as the example of the African Commission’s denial of observer status to a coalition working on rights associated with sexual orientation and gender identity shows. Limiting participation in this way can exclude the very people who need the support of the mechanism the most.

The VDPA underlined the importance of dialogue and cooperation between governments and NGOs. The processes of monitoring, reporting and crafting recommendations within the human rights mechanisms is a key opportunity for such dialogue to take place. Increasing and safeguarding NGOs’ access to human rights mechanisms will enable them to contribute to that dialogue as part of their role in pressing for the respect of human rights.



DMITRINA PETROVA

The Equal Rights Trust (ERT) promotes equality in the holistic spirit of the Vienna Declaration, which represented a major attempt to unify the field of human rights and to integrate human rights with other public goods. The Vienna Declaration asserted the principles of universality, indivisibility and interdependency of all human rights. We take these principles seriously, intertwining equality in all human rights issues. Our approach is expressed in the 2008 Declaration of Principles on Equality.

In respect to equality, the key element of progress in the last 20 years is the trend towards overcoming the fragmentation in the protection from discrimination. However, this is work in progress: the field of equality is still a patchwork, with many gaps and inconsistencies. The holistic approach of the Vienna Declaration is not sufficiently articulated and operationalised and is poorly understood within the human rights movement. This has generated much tautological or circular nonsense in attempting to describe the interrelatedness of rights.

Currently, while the rights to equality and non-discrimination are recognised as central and cross-cutting, they are scattered throughout the system of treaties, declarations and authoritative interpretations. Within the international human rights architecture, there is a need to upgrade the framework to reflect the rich concept of full and comprehensive substantive equality of participation enshrined in the Vienna Declaration; adopt better legal definitions of discrimination; fill the gaps and harmonise the levels of protection; and better integrate equality principles in the work on all human rights. In November 2011 the Council of Europe endorsed the Declaration of Principles on Equality. The same should happen at the UN Human Rights Council, stimulating UN member states to follow these principles in adopting domestic legislation and policies.



MARY ROBINSON

There are two aspects I would like to highlight. The first is the VDPA’s emphasis on human rights as indivisible, interdependent and interrelated. This helped me greatly during my time as UN High Commissioner for Human Rights in countering the notion that human rights were a Western construct, and in reinforcing the importance of economic, social and cultural rights.

The second, not surprisingly, is the VDPA recommendation to the UN General Assembly that it establish the post of High Commissioner for Human Rights, which that body duly did in Resolution 48/121. I had the honour to serve as the second High Commissioner, starting my term on 12th September 1997. In July of that year a new UN reform package had been agreed, which, among other things, merged the pre-existing UN Human Rights Centre and Office of High Commissioner of Human Rights (OHCHR) under the High Commissioner, and positioned OHCHR as a member of the four newly established executive committees on peacekeeping, humanitarian affairs, development, and economic and social issues, to ensure that human rights were 'mainstreamed' throughout the UN System. These changes enabled OHCHR, from a very weak base, to become the thought leader on protection and promotion of human rights which it is today.



NIGEL RODLEY

I was privileged to attend the Vienna Conference in my capacity as UN Commission on Human Rights Special Rapporteur on the question of torture. It provided the first opportunity for the Commission's 'special procedures' to meet as a group. That meeting was background to the Declaration and Programme of Action's (DPA) call for the strengthening of the 'system' of special procedures, including through periodic meetings. This, in turn, led in 1994 to the first of what would be annual meetings and effectively institutionalized the system.

Various provisions address the universality of human rights and fundamental freedoms, the most lapidary of which simply states: 'The universality of these rights and freedoms is beyond question.' This (for the UN) untypically pithy sentence has not yet put paid to claims that human rights are regionally and culturally specific, but it remains an important statement for those seeking to rebut that spurious and corrosive claim.

Several DPA paragraphs express concern about impunity of human rights violators as an obstacle to the enjoyment of human rights. The DPA, adopted exactly one calendar month after the Security Council established the International Criminal Tribunal for the Former Yugoslavia, may well have been a step in a process that brought the millennial development in 1998 of the Rome Statute of the International Criminal Court.



SIMA SAMAR

This year, we all celebrate the 20th anniversary of the Vienna Declaration and Plan of Action, while progresses have been made in promotion and protection of human rights and democracy in different parts of the world. When the plan was being adopted, during and after the conference in Vienna, the people of Afghanistan were suffering from most cruel human rights violation under the Taliban and international terrorist groups.

Since 2002, in Afghanistan some achievements in promotion and protection of human rights have been made. A strong legal frame work and national mechanism including the establishment of the Afghanistan Independent Human Rights Commission for monitoring, promotion and protection of human rights are the examples achievements in a conflict country. Some other achievements are the ratification of or acceding to important international human rights instruments such as CEDAW, CRPD and ICC.

In contrast, there are enormous remaining challenges. To be free from fear, enjoy the basic human rights, equality and living in full dignity, Afghan people especially women has to continue their struggle. In this regard, I would like to call upon the international community to continue their support to Afghanistan's people in order to achieve peace with justice and live with dignity.



CHRIS SIDOTI

The Vienna World Conference was a human rights market place where for the first time every human rights concern was articulated and heard, a unique gathering of all sectors, groups and interests, governments, international and national bureaucrats and people. It was easy to be enthralled and easy to be cynical. Great fun ... but what good could possibly come out of it?

The cynicism was easy. The conference took place at three distinct levels, with a minimum of interaction among them. The top level (literally, because it was physically above everything else in the convention centre) was the VIP level where presidents and prime ministers, ministers and senior UN officials made pious statements about their commitment to human rights. Beneath it, literally in the bowels of the convention centre, was the drafting committee where diplomats and a few expert others worked away around the clock, in incessant session during the second week of the conference, to negotiate and agree on the Vienna Declaration and Programme of Action. Then all around these rooms was the market place where NGOs and others advocated and argued.

In spite of it all the Vienna Conference produced the VDPA which, 20 years later, can be seen as the landmark achievement that it was not seen as at the time. For me four specific components are critical developments in human rights law and practice.

First, the VDPA put an end to any legitimate argument about the relationship between human rights and cultural or traditional values, declaring "All human rights are universal, indivisible and interdependent and interrelated". Argument persists, of course, as we see each year in the Human Rights Council, but it is no longer legitimate.

Second, the VDPA provided the basis for the new position of High Commissioner for Human Rights. This position has transformed the UN's attitude towards human rights and led to the recognition of human rights as one of the three pillars of the UN.

Third, the VDPA endorsed strong, independent national human rights institutions in every State. In the 20 years since the Vienna Conference, the number of NHRIs has increased more than fivefold.

Fourth, the VDPA endorsed national human rights action plans as mechanisms for each State to set its own human rights priorities and adopt its own mechanisms and programs for the implementation of international human rights obligations. The practice since then has been mixed but NHRAPs continue to hold promise for better promotion and protection of human rights, especially when reinforced through the Human Rights Council's Universal Periodic Review process.



ARNOLD TSUNGA

I grew up during a time when Zimbabwe and others, notably Namibia and South Africa were still colonies. The African continent was in a mode of fighting for the right to self-determination for all African countries. It was a compelling, self-evident and noble fight. Self-determination in itself was viewed to incorporate the possibility of greater enjoyment of all other human rights. The ideology of the struggle for independence incorporated notions of the right of everyone to enjoyment of fundamental human rights and freedoms including the full participation in the civic and political affairs of the country notwithstanding race, creed, religion, sex or tribe. The independence struggle was also meant to free marginalised groups from the yoke of economic and social repression and restoring their right to land ownership in their communities.

In 1980 we were euphoric when we got our independence. We took democracy and human rights for granted. I went into private legal practice to make money. However the euphoria of independence turned into a nasty dream with a serious spike in

systematic human rights violations at a national scale from the year 2000. Earlier violations had taken place in Matabeleland with absolute impunity. The trigger for human rights violations at a national scale was the fear by President Mugabe and his people to lose political power. After 14 years of practice I started representing victims of political repression. Lawyers like myself who were representing people with causes unpopular to the regime began to be identified with our clients' causes. We became targeted for persecution. I was abducted and tortured in 2002 for representing the opposition. Instead of breaking me, I decided to devote my full energy and professional skills to protecting and promoting human rights. This has been the most fulfilling professional experience for me, representing over thousands of victims of violations and networking with hundreds of human rights defenders globally.

The lesson learnt is that we need to avoid well-recorded and documented historical pitfalls of the euphoria and excitement of independence quickly giving way to internal repression by your own people. Many post independent African states know that oppression by a foreigner is oppression and is painful. It is abominable. Far too many Africans know also that oppression by a fellow African (brother and sister) is not just oppression. It is betrayal and oppression in one. It is much more painful and much more abominable. Let us not take human rights for granted. Let us enforce the VDPA. It is urgent.



CLEMENT VOULE

The VDPA recognises the important role that regional mechanisms can play in promoting and protecting the universality of human rights and encourages their development. Yet a decade later the controversy surrounding the adoption of the ASEAN human rights declaration highlights the problem posed by regional arrangements that legitimize regional particularities at the detriment of international standards. The ASEAN declaration was widely criticized by defenders, including the UN High Commissioner for Human Rights, for conditioning the protection of human rights to notions of public morality, national and regional specificities. The provisions of the VDPA in this respect are as relevant today as they were at the time of their adoption.

In order to remain true to the VDPA, the universal application of human rights must continue to be the cornerstone of cooperation between the UN and regional systems. The UN has an important role to play safeguarding international standards and regional mechanisms must abide by them.