

HUMAN RIGHTS

Upholding Human Rights: from intentions to actions

Summary of the conferences and discussions on Saturday, September 20, 1997

Chair:	Mr. Charles A. Rodríguez President of the Senate of Puerto Rico
Vice-chair:	Mr. Raymond Brouillet Vice-President of the National Assembly of Québec
Speakers:	Mr. Hélio Bicudo Member of the Chamber of Deputies of the Federative Republic of Brazil Madam Balbina Herrera Arauz Member of the Legislative Assembly of the Republic of Panama Mr. Ricardo Hormazábal Sánchez Senator of the Republic of Chile
Secretary:	Mr. Michel Bonsaint National Assembly of Québec

Mr. Hélio Bicudo is a Member of the Chamber of Deputies of the Federative Republic of Brazil. He holds a degree in law from the University of São Paulo. During his career as an attorney, he has instigated many commissions of inquiry relating to Human Rights. He represented Brazil at the second United Nations Conference on Human Rights in Vienna in 1993. Reelected in 1994, he became Vice-President of the Committee on Human Rights of the Chamber of Deputies, and then its Chairman during 1996. Since 1995, Mr. Bicudo has been President of the Independent National Court Against Child Labour and a founding member of the Commission for Justice and Peace of the State of São Paulo.

The history of humanity has shown us that the constitutional entrenchment of Human Rights is not sufficient to guarantee their respect. The defence of Human Rights and the rights of peoples must be conducted on the basis of a worldwide awareness-building. Their respect cannot be fully assured by States, which in handling accusations of Human Rights violations, find themselves in the position of being both the judge and one of the parties. Seen in this light, the sovereignty of States in the area of Human Rights can no longer be invoked.

We have been witnessing an ongoing internationalization of Human Rights; this has been the case since the adoption of the *Universal Declaration of Human Rights* by the United Nations, in 1948. We must now reflect on the scope of international law in this area. In addition to the need to ensure the physical protection of citizens on an international scale, it is necessary to create international mechanisms to foster the promotion and protection of their rights. Among these, we must provide for the possibility for citizens to bring their own cases before international judiciary organizations. The decisions that would be made there should however be binding, and not limited to mere expostulations of principles.

Finally, globalization must not be perceived only in economic terms. It is a question of recognizing the interdependence of all rights. The United Nations World Conference on Human Rights, held in Vienna in 1993, clearly underlined the right to development; the protection of this right, especially in developing countries, is the foundation of democratic rights. It is in a context favourable to the respect of Human Rights that any steps toward economic integration must be taken.

Mr. Bicudo therefore proposed that the parliamentarians recognize that the right to development is a universal right, that all citizens are entitled to security, and finally that the creation and more widespread formation of parliamentary committees on Human Rights are fundamental actions for the maintaining of justice.

Madam Balbina Herrera Arauz has been a Member of the Legislative Assembly of the Republic of Panama since 1989. From 1994 to 1995, was President of the Legislative Assembly of Panama and in 1994, was Vice-President of the Latin-American Parliament. She studied at the Master's level at the Faculty of Economics of the University of Panama. Madam Herrera Arauz was named one of the 100 most remarkable women in the world in 1995, at the United Nations Fourth World Conference on Women in Beijing, China.

From the viewpoint of the promotion and protection of Human Rights, economic openness is an opportunity to instigate a new dynamic that would recognize the existence of a link between economic integration and the respect of Human Rights. Over and above matters of principle, economic agreements must be accompanied by effective mechanisms in order to ensure, in practice, that a new process relating to the respect of Human Rights, based on more just social development, is indeed initiated.

Madam Herrera Arrauz considered that parliamentarians must take the necessary initiatives so that the respect of Human Rights is driven by a policy of dialogue and discussion between the different groups in society, while taking into account the cases specific to certain countries and certain social sectors. The legislative power, by virtue of its democratic nature, should intervene with the other powers so as to ensure the respect of Human Rights in the current context of economic transformations. Poverty — and as a result, food and education — is the main problem on which parliamentarians in Latin America must concentrate, since the persistence of these problems threatens to undermine fundamental rights. In a context of globalization, mechanisms of cooperation and reciprocity should also be provided, bearing the stamp of solidarity between developed and developing countries.

Most particularly, parliamentarians must also take into account the situation of women in a context of economic integration. In this regard, it would be important for parliamentarians to take immediate measures, such as: to put forward innovative ideas through legislation; to devote greater resources to the sectors where the participation of women is important; to enhance increased participation of civil society in the design of development plans; and to include a section dealing with the status of women, in an upcoming Parliamentary Conference of the Americas.

Mr. Ricardo Hormazábal Sánchez is a Senator of the Republic of Chile. He studied at the Faculty of Law of the University of Chile. In 1973, he was elected Deputy for the first district of Santiago and later participated in the organization of the first demonstrations against the military government of

General Pinochet. In 1987, he finished second behind Patricio Aylwin for the position of President of the Christian Democratic Party with 40% of the votes. Until 1989, he was President of the Confederation of Banking Unions of Chile, the second largest union organization in the country.

Human Rights arise out of the very nature of individuals; they are based on natural rights. This is why, rather than to dwell on the relevance of these rights, it is better to emphasize their recognition and respect.

According to Mr. Hormazábal, Latin America is going through a period of moral reconstruction, and the mandate given to democracy still continues to be tinged by the transition from authoritarian regimes toward democracy. In this regard, parliamentarians must use all means of action made available to them in order to create a culture of respect of Human Rights and individual freedoms, to play a more active role in the debates and in the ratification of agreements and treaties dealing, among other things, with the rights of workers and the protection of the environment, and enhance their participation in the national and international debates.

Parliamentarians must make those who violate Human Rights politically accountable and at the same time promote the legal standards that favour the respect of these rights. The actions of parliamentarians must not be limited to simply analysing the economic impacts of a globalization of markets devoid of morals. Indeed, social relations must not be driven by economic activity alone. They must instead be subordinated to transcendent principles. Democracy, which remains the best system through which to guarantee the respect of Human Rights, becomes a reality only when it succeeds in keeping separate, although interdependent, the political, economic and moral powers. The links between politics and trade must be broken so as to make way for institutions in which the strength of power and the strength of reason and justice will be reconciled.

SUMMARY OF DISCUSSIONS

The ratification of the conventions and treaties relating to Human Rights must be encouraged. What specific roles can parliamentarians play in order to ensure that the necessary measures are taken in the area of socioeconomic and cultural rights? Some parliamentarians considered the instigation of a parliamentary committee on Human Rights in all Parliaments of the Americas.

One delegate pointed out that in order for treaties to be effective, it is essential for States to recognize the international courts as the holders of the necessary jurisdiction to judge the rights of their citizens. In his view, Parliaments must also to recognize this jurisdiction — and by the same token, indicated that the governments of the United States and Canada have shown reluctance in this regard.

Another participant pointed out that the dignity of the human being must be guaranteed. This must be reflected at all levels of the administration of justice, namely in police behaviour, in the conduct of trials and in conditions of detention. In certain Latin American countries, the good administration of justice is closely linked with the elimination of drug trafficking, economic development and the building of wealth.

The State must never use violence in the area of the administration of justice. Any sentence aiming to suppress a criminal offense must be determined by an independent tribunal, in accordance with the rule of law. In addition, any person facing accusations must be brought to trial as expeditiously as possible. In certain countries in Latin America, the time spent in prison awaiting trial is sometimes longer than the sentence applying to the offence.

It was also pointed out that the development and respect of Human Rights necessarily depend on popular education. In this regard, parliamentarians have the responsibility to foster better access to education for all of their citizens.

Some participants considered that the political authorities must not submit themselves to the diktat of economic power with regard to the respect of Human Rights. It is important to break the links between the political and economic powers, so that the needs and rights of the population — not those of the economic elite — are at the centre of the governmental concerns.

During the debates, it was also pointed out that the parliamentarians must still concern themselves with promoting the freedom of movement of citizens, the improvement of the status of women — particularly access to education and family violence —, as well as with the conditions of detention of accused persons and with the right to decent and salubrious housing.