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National Institutions for the promotion and protection of human rights

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It is their capacity to contribute substantially to the realization of human rights which makes independent Human Rights Institutions so significant. Democracy alone is no guarantee that the rights of all persons will be protected – as history clearly demonstrates. Nor is the constitutional entrenchment of human rights any guarantee that they will not be frequently and flagrantly violated in practice. But if there is an independent, autonomous National Commission or similar institution with a mandate and appropriate powers to monitor and protect human rights, the demonstrable deficiencies of Governments, constitutional „guarantees“ and often inaccessible court systems can be more effectively addressed.

First, National Human Rights Institutions can, by reaching so many, transform the rhetoric of the international instruments into reality for millions of people for whom the term „human rights“ has previously had no meaning at all.

Second, they can do this in a manner which is consistent with the standards prescribed in the international treaties, while accommodating constitutional peculiarities and the extraordinarily disparate challenges posed by local conditions and cultures – thus respecting ethnic, cultural, religious and linguistic diversity.

Third, they can do this in a more informed and sensitive manner than any regional or international body.

Fourth, they can do this without compromising a vigorous defence of the rights of minorities by reference to the whims of the sometimes overwhelming ethnic, linguistic or religious majority.

Fifth, they can contribute to and monitor the integrity of government reports to international treaty bodies – better reflecting the reality of human rights.

Sixth, they can provide constructive, well-informed criticism from within, which is frequently important in corroborating or balancing criticism from „foreigners“ – sometimes dismissed by Governments subject to criticism as based on ulterior or illegitimate motives.

For these and other reasons, independent National Institutions can enhance national stability and security – and thereby contribute to national development – whilst promoting and protecting human rights.