



INTERVIEW Mary Robinson

"Whatever I do, I will stay in human rights for rest of my life"

The first woman to be elected president of Ireland, Mary Robinson gave up her office to accept an appointment as the United Nations High Commissioner of Human Rights. A lawyer with a long-standing interest in civil liberties and women's rights, Robinson used her position as the Irish head of state to compel the attention of Ireland -- and the world -- to human rights issues ranging from civil strife in Northern Ireland to genocide in Rwanda. Since her appointment as United Nations High Commissioner for Human Rights by UN Secretary General Kofi Annan in June 1997, Mary Robinson has taken on the difficult challenges of her office without hesitation and has consistently stressed the need for action in the struggle to extend the full range of human rights to all citizens. Born on May 21, 1944, in the town of Ballina, County Mayo, young Mary Bourke was an outstanding academic achiever. At the age of twenty-five, armed with law degrees from both Dublin and Harvard, she became the youngest ever professor of law at Trinity College Dublin and went on to win a seat in the Irish parliament as a member of the Labour Party. She became a member of the English Bar (Middle Temple) in 1973. From 1969 to 1989, Mary Robinson was a member of Seanad Éireann, the Upper House of Parliament. She has also served on the Dublin City Council. With her husband Nicholas Robinson, Ms. Robinson founded the Irish Centre for European Law in 1988. She served as a member of the International Commission of Jurists (1987-1990). In December 1990, Ms. Robinson was inaugurated as the seventh president of Ireland. Among the numerous international activities relating to human rights in which she participated, Ms. Robinson served as Special Rapporteur to the Interregional Meeting organized in 1993 by the Council of Europe on the theme "Human rights at the Dawn of the 21st Century", as part of its preparation for the 1993 Vienna World Conference on Human Rights. She delivered the keynote address at the Council of Europe preparatory meeting for the Beijing Fourth World Conference on Women. Ms. Robinson was the first Head of State to visit Rwanda in the aftermath of the genocide there and made two further visits, the most recent to address the Pan-African Conference on "Peace, Gender and Development". While in Rwanda she met representatives of, and was briefed by, agencies on the ground, as well as by the United Nations Human Rights Monitors. She was also the first Head of State to visit the International Criminal Tribunal for the Former Yugoslavia, as well as the first Head of State to visit Somalia following the crisis there in 1992. Ms. Robinson received the Special CARE Humanitarian Award in recognition of her efforts for Somalia. Her humanitarian work as president, her background in human rights law, and her uncompromising pursuit of justice and equality made her a prime candidate for the position of United Nations High Commissioner for Human Rights. As High Commissioner, Mrs. Robinson is responsible for overseeing the human rights activities of the United Nations, including promoting universal enjoyment of human rights, responding to human rights violations, undertaking preventive human rights action, and providing education and assistance in the field of human rights. Taking every opportunity to speak out on human rights abuses as they occur, she has recently expressed urgent concern about conflicts in East Timor, Kosovo, Sierra Leone, and Afghanistan among others. One of the key priorities of the Law Desk of The Daily Star is to uphold and promote the cause of human rights. Law Desk is intensely following the developments of international human rights law with a Southern perspective in cooperation with 'Law Watch, A Centre for Studies on Human Rights Law'. On 12 November 2001, A. H. Monjurul Kabir, Law Desk Incharge of the Daily Star met the UN High Commissioner for Human Rights in New Delhi who was then on a tour to India. In an exclusive interview, Ms. Robinson spoke at length to Monjurul Kabir on diverse issues including the possible humanitarian disaster in Afghanistan, follow-up programmes of the World Conference against Racism, the increasing role of her office in the protection of global rights, importance of economic, social and cultural rights, protection of human rights defenders, and the proposed National Human Rights Commission of Bangladesh and the protection of minorities in Bangladesh. Excerpts:

The war on terrorism and the bombing in Afghanistan
Monjurul Kabir: What is the response of your office to the indiscriminate bombing of the civilian targets in Afghanistan in the name of war against terrorism? Does that comply with the standards of international humanitarian law?

Mary Robinson: Obviously it is important to combat terrorism but I am very concerned about civilian population. They have already suffered greatly from twenty years of conflicts, three years of severe famine and now there is a big humanitarian crisis there. And it is really very important that any military action be targeted and specific and does not injure or kill civilians and provide necessary access for humanitarian aid. The human rights principles that apply are the principles of necessity and proportionality. And they are quite strict principles. I think great

starting with stocktaking. The campaign will be launched on 10 December 2001. We will start stocktaking in Addis Ababa with the steps taken to implement the Plan of Action by the African countries. In Geneva, we will have a major focus on refugees and asylum seekers. We hope to work with the UNHCR. In New York, there will be a big focus on migrants. It is a very broad agenda. We will also be seeking information from governments, regional organisations, the NGOs worldwide as to what initial steps need to be taken. And then the next stocktaking would be on the International Day against Racial Discrimination on 21 March 2002. We will keep doing further stocktaking in every few months. The reason is simple; this is an incredibly important agenda for the world. We see a rise in xenophobia and intolerance. We see in western countries a rise in anti-Arab and anti-Muslim sentiments. And it is, indeed, very broad encompassing sentiments against the South Asians too. There is an exceptionally actual danger of this kind of broad fear and apprehension about Muslim population. I think, all of these need to be very carefully countered. We need more human rights education. We need more leadership.

Protection of human rights defenders

Monjurul Kabir: As you are underscoring the importance of leadership in human rights, I guess, you are well aware of the increasing risks the human rights defenders being exposed to all over the world for their devoted work. What steps your office has taken for the protection of human rights defenders?

Mary Robinson: Certainly the mandate of Hina Jilani, the Special Representative of the UN Secretary General on Human Rights Defenders is extremely important. We are seeking to give her maximum support from our office. As I pay visit to countries around the world, I am struck by the increasing pressure

and threats under which the human rights defenders work. The courage that many displayed in very difficult environment and circumstances is stunning. When there is bad governance, it becomes even more difficult for NGOs and human rights groups to work on.

Office of the High Commissioner for Human Rights

Monjurul Kabir: Your appointment as head of the UN Office of the High Commissioner of Human Rights in September 1997 was hailed by human rights groups, who genuinely believe that you would be able to transform the High Commissioner's office into a vital force for the protection of human rights worldwide. Why did you intend to quit your position as UN High Commissioner for Human Rights at the end of the first term in September this year?

Mary Robinson: Well, I did announce at the Commission on Human Rights last March that when I would complete my first term of four years, I would not be seeking a second term. Then, I was persuaded by the UN Secretary General to continue four further years. I will be continuing until next September. In the context of that, I did point out that the Office has a very important mandate but receives less than 2% of the annual UN budget. And that is still the case. Now for all the lip service paid to human rights, look at the allocation of budget for the office! We are more successful in getting voluntary funds from some governments and foundations. So, in fact, the Office of the High Commissioner now is in good order and better managed and more effective and is working well as a catalyst linking the regional organisations with the NGOs, National Human Rights Institutions (NHRIs) worldwide. So the moral is very high. I also recognise that now it is very difficult time, and it is very hard for me to predict the future.

Monjurul Kabir: You are recognising various funds and foundation as a potential source of funding for your office. The UN also starts working with a number of Trans-National Corporations (TNCs) and Multi National Corporations (MNCs). Many of them established human rights and/or social welfare foundation. But many TNCs and MNCs had a bad record of human rights; some of them are accused of serious violations of human rights. What is your policy on this critical aspect of human rights funding?

Mary Robinson: Corporate responsibility in the area of human rights is an important component of our work. It is necessary to ensure that the large Corporations accept that they do have responsibility; a responsibility towards employees to provide decent work in a non-discriminatory manner. They also have responsibility towards local communities and the whole environment in which they work. So there are two sides of it: they should positively uphold human rights; and they should not be complicit either directly or indirectly in violation of human rights. Also the role of corporations in conflict zones, their relation with indigenous people is crucial. The world of human rights used to be simpler: we used to say that states violate human rights. Now it gets changed, you have non-state actors including corporations who have to be considered as a

part of the whole picture. Where corporations do make a big effort, it has to be welcomed.

Economic, social, and cultural rights

Monjurul Kabir: How do you approach the traditionally neglected Economic, Social and Cultural Rights? Have you devised any scheme on the justiciability of these rights?

Mary Robinson: In the last few years since I was appointed United Nations High Commissioner for human rights, I have sought to emphasize the importance of economic, social and cultural rights and the right to development. Although these are less well known than civil and political rights, they are every bit as important in the struggle to realize universal human rights.

I am aware that Brian Burdekin of my office has invested quite a lot of time to facilitate the government of Bangladesh for establishing an independent National Human Rights Commission. Some of the human rights NGOs of Bangladesh whom I met recently are also keen to see the establishment of an independent National Human Rights Commission. Establishing a National Human Rights Commission is a long-standing agenda in Bangladesh and there should not be any more delay.

Why? Because so many of us take human rights for granted freedom of speech and religion, the right to a fair trial cannot flourish where people are deprived of access to food, to health care, to education. And that is the lot of millions of people in the world. The problems of marginalization, of extreme poverty, of economic and social imbalances both within and between countries, are for the most part getting worse, not better. Over a billion people, the majority of them women and children, live in extreme poverty. The economic crises in Asia and Russia showed how precarious some economic advances are. In sub-Saharan Africa incomes are actually lower than they were 30 years ago.

One of the remarkable achievements of the United Nations human rights program in recent years has been the emphasis given to the integration of human rights in the development process and in the sharpening of practical approaches to the realization of basic rights such as the right to food, health, education and shelter. Cooperation between my office, the United Nations Development Programme, the World Bank and specialized agencies has increased markedly. The Commission on Human Rights in Geneva has mandated Special Rapporteurs to look at economic and social fields such as education and foreign debt; independent experts have been appointed to report on such issues as extreme poverty and structural adjustment policies. All of these are indications that the historic imbalance between the two sets of rights is being corrected and that it is understood that all human rights must be

significant factors, which must be taken into consideration. Firstly, the institution has to be truly independent. Secondly, it must have appropriate mandate. Thirdly, it must have adequate funding with proper logistic support. And fourthly, it must have people with commitment and courage to withstand outside pressure from government and non-state actors. I am supportive of the NHRIs where the conditions are met. They have sustainability and outreach in human rights work. They can promote human rights education and awareness, they can look at issues of, for example, discrimination against girl child, education, poverty, HIV/AIDS, economic, social and cultural rights etc. Human rights cannot be ensured by purely being litigator in the courts of law, it needs more than that. I also recognise the very significant role of the human rights NGOs and if a national human rights institution has to work well, must have a very good link with human rights NGOs in the country, there must be a very good partnership.

Monjurul Kabir: 'Paris Principles' has been recognised all over the world as UN standards to be followed for establishing an effective national human rights institution. However the principles look outdated in the context of rapid development of human rights law and norms. Do you agree?

Mary Robinson: We always regarded the Paris Principles as the bare minimum that has to be followed for independent and effective functioning of a national human rights institution. Not all countries comply with the minimum. What we need to do is to go beyond that - to use good practices developed by various international and national institutions. Gradually we may formulate a new set of principles to be adopted by the UN General Assembly.

Monjurul Kabir: There has been a prolonged exercise in Bangladesh to establish a National Human Rights Commission in Bangladesh. The UNDP has already funded a project for about last five years to that end. But nothing has happened so far. Your office did take a keen interest on the establishment of a Commission in Bangladesh. How do you react to the non-action on the part of the government of Bangladesh?

Mary Robinson: Certainly, I am aware that Brian Burdekin of my office has invested quite a lot of time to facilitate the government of Bangladesh for establishing an independent National Human Rights Commission. Some of the human rights NGOs of Bangladesh whom I met recently are also keen to see the establishment of an independent National Human Rights Commission. Establishing a National Human Rights Commission is a long-standing agenda in Bangladesh and there should not be any more delay.

Rights of the minorities

Monjurul Kabir: Protecting the rights of the minorities is of immense importance. It has relevancy in our context too. What do you think?

Mary Robinson: Yes, it is extremely important. Some of the NGOs raised with me the issue of recent violence against minorities in Bangladesh. They said that the situation has worsened considerably in recent times. I see that the Government of Bangladesh has established a high-powered committee to examine the situation. Had the Bangladesh have a permanent National Human Rights Commission, they can accumulate a lot of information and knowledge of the situation and ways to ensure that issues such as violence or discrimination against minorities, violence against women and children can be tackled and addressed.

Human rights is everybody's responsibility

Monjurul Kabir: What can we do at individual level to promote and protect human rights?

Mary Robinson: Each of us, as individuals, share the responsibility of promoting human rights. Young people in particular, with their energy and enthusiasm, can contribute so much: by organizing public events to raise awareness of human rights and violations thereof; by making institutions aware of the importance of human rights protection and promotion; by working in local community programs directed to the protection of human rights; by participating in activities of human rights organizations; by promoting the organization of formal and non-formal education programs.

Monjurul Kabir: You were law professor turned politician. You headed your country and afterwards you became the High Commissioner. How do you see your transformation? Do you have anything specific in your mind after your present key responsibility?

Mary Robinson: I think, I am very lucky. I was elected president of Ireland in December 1990 and it was a time of rapid change and progress - progress economically and in terms of peace process. It was very challenging and fulfilling as well. After certain years, I felt that because it was a non-executive presidency, I probably pushed out the frontiers as much as possible. I could do it for another two or three years but not more. So, as it happened, this position became available and I accepted it. It is much more difficult job, at the beginning it was extremely difficult. When I took it over, the office was very demoralised. I have tried my best to recover the office from stagnancy. After this, whatever I do, I will stay in human rights for rest of my life. There is no doubt about that. And there is still a great deal of work to do.

Monjurul Kabir: Thank you Madam High Commissioner for your valued time and thoughts. Good luck with your daunting task of protecting human rights worldwide.

Mary Robinson: Thank you very much too. It is, indeed, a pleasure to meet you.



Mary Robinson, UN High Commissioner for Human Rights

Photo: Monjurul Kabir

attention must be paid to them and to any loss of civilian life. I am very worried about the situation currently in Afghanistan.

Monjurul Kabir: Apart from expressing concerns, what else your office has done so far to protect the civilian interests in Afghanistan?

Mary Robinson: What I have done is to openly express concerns about the possibility of any massacre of civilians or raping of women by both sides if territory changes hands. I have said this very publicly and I have also called upon those who can influence such as United States, Great Britain to ensure that the message goes out from top to the bottom. If there are massacre, rape of women, there will be no impunity for the perpetrators. These people will be brought to justice.

Monjurul Kabir: Taking advantage of the ongoing war against terrorism, many governments across the world are on a spree to enact harsher national security legislations and thereby posing clear threats to the civil liberties and fundamental human rights of the people guaranteed by so many national and international standards. Is your office aware of this sickening trend?

Mary Robinson: That is a concern. Security Council Resolution 1373, requires all countries to take specific measures to combat terrorism. It is also important to safeguard against any erosion of human rights standards which might flow as an unintended consequence of such measures. There is also no definition of terrorism and the concerns from a human rights point of view, is in the details of what governments do. There is a worry about the increasing tendency to clamp down on freedom of expression or legitimate dissent and to bring in measure that otherwise would not have been acceptable. We are seeking to monitor the way in which the states are addressing the combat on terrorism. We are trying to link with other regional human rights organisations such as Council of Europe, OSCE, OAU in Africa, and OAS in Latin America. We are also asking NGOs to be eyes and ears on the grounds. I was meeting the NGOs in South Asia yesterday (11 November) asking them to help us to assess in details the legislations that may have scopes for abuse. Of course, we are also trying to put forward the anti-discrimination agenda following the outcomes of the World Conference against Racism in South Africa. It is precisely the same concerns that are now raised around the globe after the September 11 incident. In fact, in this context, it has become even more important to promote the international anti-discrimination agenda and to ensure that this agenda is pursued in parallel with international action to combat terrorism.

World Conference against Racism

Monjurul Kabir: You were the Secretary General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. How do you plan to follow up the Durban Conference?

Mary Robinson: We are planning to have a very vigorous campaign



Mary Robinson, UN High Commissioner for Human Rights

Photo: Monjurul Kabir

equally championed and defended.

We will have a sub-regional conference of judges later this month in New Delhi, which I will be attending, on the justiciability of economic, social and cultural rights. The conference will look at national strategies. And we are doing that for each region. I was recently in Argentina, and we had a fruitful seminar there involving lawyers and judges looking at the justiciability of economic, social and cultural rights. We are looking at jurisprudence of many regions including the Inter-American experience.

National human rights institutions

Monjurul Kabir: Your office has put much emphasis on the establishment of national human rights institutions around the world. In some countries where the NHRIs are working, NGOs and human rights groups are highly critical of their performance. Any comment?

Mary Robinson: I think it is important to recognise that just because a national human rights institution has been set up in a particular country, does not mean necessarily that it works well. There are several very