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THIRD COMMITTEE

3rd meeting

held on

Wednesday, 23 September 1981

at 3 p.m.

New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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OF THE THIRD COMMITTEE

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The meeting was called to order at 3.10 p.m.

ORGANIZATION OF WORK

1. The CHAIRMAN drew attention to the proposed programme of work contained in the informal paper submitted by the Chairman which had been prepared by the Bureau at the Committee's request and had been circulated to members. In arranging the order of consideration of the items contained therein, the Bureau had borne in mind the priorities expressed by delegations at the Committee's preceding meeting, the traditional patterns followed in the Committee's work, the difficult question of documentation and certain administrative requirements, such as the mandatory deadline of 1 December for the submission to the Fifth Committee of all draft resolutions with financial implications (General Assembly resolution 34/401, para.13 (a)) and the schedules of various Secretariat officials. The Bureau had also sought to provide for a degree of flexibility, on the assumption that some items would require less time than others and that any extra time could be used, inter alia, for meetings of the Working Groups.

2. Referring to the programme of work itself, he pointed out that the first group of items, ~~namely~~ agenda items 74, 81 and 82, were those which the Committee usually considered at the beginning of its session. In connexion with item 82, he pointed out that the report of the Committee on the Elimination of Racial Discrimination was not yet available. However, he had been assured that the publication of that report would be given priority and that, in general, all the necessary documentation would be available when the relevant discussion began.

3. The Bureau had sought to include social items in the second group, in the hope that the Committee could deal with them in a coherent manner. All the relevant documentation was expected to be available by the necessary date.

4. The third group of items related to human rights. The report of the Human Rights Committee was a major document which was not yet available, but the Secretariat had been asked to ensure that it would be available by 22 October.

5. The fourth group included agenda items 73 and 79, which had been discussed together in the past. The fifth group included the two agenda items concerning women, namely, items 88 and 89. The order of consideration of those two items had been influenced both by the fact that the report of the Consultative Committee on the Voluntary Fund was not yet available and by certain administrative requirements.

6. The sixth group contained agenda item 83, which would be discussed alone. In that connexion, he drew attention to document A/C.3/36/L.1, paragraph 4, which referred to certain subjects dealt with in chapters of the report of the Economic and Social Council that were separate items on the Committee's agenda. He also drew attention to the fact that at the preceding session, delegations had been allowed to refer to documents listed under agenda item 12 when discussing agenda item 83 but had been required to submit under agenda item 12 all resolutions stemming from the report of the Economic and Social Council. He proposed that the same procedure should be followed at the current session.

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(The Chairman)

7. In connexion with the last group, namely, items 12 and 129, he pointed out that a number of delegations had requested that item 129 should be associated with the relevant chapter of the report of the Economic and Social Council. One advantage in placing agenda item 12 at the end of the programme of work was that the documentation problem might be solved by then; moreover, that item had given rise in the past to resolutions with financial implications, and it should also be borne in mind that more time was generally needed to discuss the Council's lengthy report.

8. One of the Bureau's main concerns had been to ensure that sufficient time was allotted for consideration of each agenda item. The programme of work was based on the assumption that the Committee would hold eight plenary meetings per week and that it would request additional time for meetings of its two Working Groups. In that connexion, he expressed the hope that any time available early in the session would be used for meetings of the Working Groups. The Working Group on migrant workers had held an intersessional meeting in May 1981, and priority had been given to the publication of the report of that meeting. The documentation for the Working Group on the rights of non-citizens had already been received, and it might be desirable for that Group to use any time available to begin its meetings immediately. Since the Working Group on the rights of non-citizens had a smaller agenda than in previous years, a large number of meetings should perhaps be allocated to the Working Group on migrant workers.

9. Mrs. HAILU (Ethiopia) proposed that the informal paper submitted by the Chairman should be adopted as the Committee's formal programme of work.

10. Mrs. WARZAZI (Morocco), referring to agenda item 86, said that, since a draft convention on the rights of the child had already been prepared by the Commission on Human Rights, the title of that item should refer not to the "question of a convention" but to the "draft convention" on the rights of the child. Moreover, while agenda item 87 (c) referred to the "elaboration" of a second optional protocol aiming at the abolition of the death penalty, no consensus had been reached in the Committee on the elaboration of such a protocol; agreement had been reached merely on the possibility of studying the idea of elaborating one. Accordingly, she believed that subitem (c) should not be included under agenda item 87.

11. Mr. MATELHAK (Yugoslavia) said that his delegation basically agreed with the proposed programme of work submitted by the Chairman. However, he was surprised at the fact that, four months after the intersessional meeting of the Working Group on migrant workers its report was still unavailable. He also supported the comments made by the representative of Morocco concerning the reference to the elaboration of a second optional protocol, which seemed to imply that consensus had been reached on such an undertaking. In conclusion, he asked whether delegations were expected to speak separately on each agenda item or whether they should make statements on each group of items.

12. The CHAIRMAN, referring to the wording of agenda items 86 and 87 (c), pointed out that the Committee was obliged to use the same wording as that used

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(The Chairman)

in the agenda adopted by the General Assembly. However, he drew attention to the annotated preliminary list of items to be included in the provisional agenda of the thirty-sixth regular session of the General Assembly (A/36/100), which, under agenda item 87 (c), reflected the point made by the representatives of Morocco and Yugoslavia in that connexion.

13. Referring to the comments made by the representative of Yugoslavia in connexion with the intersessional meeting of the Working Group on migrant workers, he agreed that the delay in the publication of the relevant report was unfortunate, but he had received assurances that that report, together with the report of the Committee on the Elimination of Racial Discrimination, would be given priority.

14. With regard to the question of how often representatives would be allowed to speak on the different items, he expressed the hope that, as in the past, delegations would speak on each group of items. However, a foot-note indicating that flexibility would be applied in that regard would again be added to the programme of work.

15. Mrs. BARISH (Costa Rica) said that her delegation attached the same importance to every item included in the programme of work. With regard to agenda item 87 (c), Costa Rica, which had been one of the first countries to sign the Optional Protocol to the International Covenant on Civil and Political Rights, would be very happy to sign and ratify a second optional protocol aiming at the abolition of the death penalty. In that connexion, she drew attention to the fact that the death penalty had been abolished in Costa Rica in 1883, at the initiative of the wife of the then president of the Republic.

16. In conclusion, she said that her delegation supported the programme of work contained in the informal paper submitted by the Chairman.

17. Miss TAKIEDDINE (Lebanon) endorsed the programme of work contained in the informal paper submitted by the Chairman and expressed appreciation for the effort involved in its preparation.

18. Mr. CALERO RODRIGUES (Brazil) also supported the proposed programme of work and stressed that, given the necessary flexibility and firm guidance, the Committee could surely conclude its work successfully.

19. Mr. RANGASHARI (India) associated himself with the statement made by the representative of Yugoslavia regarding agenda item 87 (c). In 1980 the General assembly had taken no decision on the substance of the matter and had agreed that it would be considered at the current session. A decision had yet to be taken on whether the matter would be discussed in the Third Committee. He hoped that when the issue was resolved, all delegations would have reached the same understanding.

20. The Chairman had stated that the Committee would hold as many meetings during the current session as it had done in 1980. He wondered whether those meetings included meetings of the two Working Groups, which he hoped would be convened at times convenient for all delegations. In 1980 the Working Groups had met mostly at night, and many delegations had been unable to participate.

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20. The CHAIRMAN assured the representative of India that the matter had been discussed in the Bureau. However, priority had to be given to plenary meetings of the Committee. In 1980 eight of the 12 meetings of the Working Group on migrant workers, five of the eight meetings of the Working Group on the rights of non-citizens, and seven plenary meetings of the Committee, a total of 20 meetings, had been held at night; during the current session the Bureau would endeavour to hold as few night meetings as possible.

21. With regard to the issues raised by the representatives of India, Yugoslavia and Morocco, he wished to draw attention to pages 271 and 275 of the annotated preliminary list of items (A/36/100), which clearly set forth the procedure to be followed.

22. Mr. VOICU (Romania) said that the informal programme of work accurately reflected the concerns of delegations regarding the order in which the items were to be taken up, and he hoped that the Committee would adhere to the provisional time-table. His delegation supported the suggestion that the draft programme of work should be published as the Committee's official programme of work. He also suggested that the subitems of item 12 should be listed in the official programme of work in order to ensure clarity. Furthermore, he hoped that the flexibility observed in 1980 would be retained, with each delegation given the option of making a general statement on a particular group of items or, if it so desired, making a separate statement on each item.

23. Mrs. EL-ALI (Syrian Arab Republic) said that the programme of work prepared by the Bureau was perfectly acceptable to her delegation.

24. Mrs. WARZAZI (Morocco) said that in taking up agenda item 87 (c), the Committee would in no way be considering the elaboration of a second optional protocol. The General Assembly had merely decided to consider the "idea" of elaborating a draft. She believed that that should be specified in the text of the programme of work.

25. The May 1981 session of the Working Group on migrant workers had simply faded away, and she therefore believed that before any decision was taken the Committee should bear in mind paragraph 6 of General Assembly resolution 35/198. That resolution invited the Secretary-General to communicate to Governments, to the competent organs of the United Nations system and to the interested international organizations the report and the preliminary draft convention to be drawn up by the Working Group at its intersessional meeting. She wondered how the Secretary-General could communicate a report that did not exist.

26. Mr. SVIRIDOV (Union of Soviet Socialist Republics) said it appeared that the Bureau had met the concerns expressed by delegations when it had drawn up the informal programme of work, which, on the whole, gave no cause for objections from his delegation. He did, however, note that in some groups the items bore no relationship to each other. His delegation would not object to the groupings, on the understanding that flexibility would be observed when the respective items were taken up. When preparing the final formal programme of work, it would be useful, he believed, to indicate how the Committee had operated the year before, so as to make clear that flexibility would be maintained.

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(Mr. Sviridov, USSR)

27. His delegation had noted that only 17 meetings had been scheduled for the first group of items, relating to racism and racial discrimination, while 21 meetings had been held on those items in 1980. He believed that in view of the growing significance of the issue and the attitude of South Africa, more meetings should be scheduled for items 74, 81 and 82. Furthermore, seven meetings had been scheduled for items 73 and 79, a number twice as large as the year before.

28. His delegation agreed with the representatives of Yugoslavie, India and others on the need to give priority to the meetings of the Working Group on migrant workers. The intersessional meeting of that Working Group had demonstrated the need for the speedy drafting of a convention to protect the rights of migrant workers and their families.

29. The CHAIRMAN said that in allocating 17 meetings for the first group of items, the Bureau had taken into account the fact that in 1980 that group had contained four agenda items, while currently there were only three. In 1980, there had been only one item dealing with improving the effective enjoyment of human rights and fundamental freedoms, while currently that subject was dealt with in two agenda items, 73 and 79, and it was for that reason that seven meetings had been scheduled. The Bureau had made provisions for more meetings than it believed necessary, so as to enable the Committee to operate with flexibility.

30. Miss MANGAZA (Zaire) said that her delegation fully supported the informal programme of work which had been drafted along lines similar to those of the 1980 programme. Her delegation could accept the inclusion of agenda item 87 (c) provided that the wording was amended in accordance with the suggestion made by the representative of Morocco. It had been stated in 1980 that the Sixth Committee was the most appropriate body to discuss that issue, and her delegation did not believe that the Third Committee had been given any mandate to discuss the abolition of the death penalty.

31. Mr. BA (Mauritania) said his delegation believed that the programme of work was an excellent one and had no objection to its being published as a formal document of the Committee. He did, however, feel that the points raised by the representatives of India, Yugoslavia and Morocco were pertinent, especially with respect to item 87 (c). The Committee had indeed been given a mandate to consider the "idea" of elaborating a second optional protocol, and not the elaboration itself.

32. The CHAIRMAN said that the President of the General Assembly had sent him a letter containing a list of items allocated by the General Assembly to the Third Committee. The wording used for item 87 (c) was merely the title of the report of the Secretary-General; accordingly, the wording in the programme of work would state that what the Committee would be considering would be that report. Page 275 of the annotated preliminary list (A/36/100) made the situation absolutely clear by stating that the General Assembly had "decided to consider at its thirty-sixth session the idea of elaborating a draft of a second optional protocol to the Covenant aiming at the abolition of the death penalty". The expression "report of the Secretary-General" was in the title of the agenda item, and the final formal programme of work would reflect that fact.

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33. Mr. ASANTE (Ghana) said that it would greatly facilitate the work of the Committee if the programme of work, when issued in its final form, would indicate clearly the date on which each document was to be published. With regard to night meetings, he said that members of the Committee found themselves over-extended during the General Assembly, and therefore it was important to keep such meetings to a minimum.

34. Mr. WALKATE (Netherlands) said that the programme of work as submitted was quite satisfactory and that it afforded the Committee the necessary flexibility of approach.

35. He hoped that the explanation provided by the Chairman in connexion with item 87 (c) would reassure those representatives who had questioned the wording of the subitem.

36. Mr. KOMISSAROV (Byelorussian SSR) said that, on the whole, his delegation was satisfied with the programme of work submitted by the Chairman in his informal paper; however, every effort should be made to preserve flexibility, particularly with regard to imposing time-limits on statements made in the course of the debates. In connexion with item 87 (c), despite the Chairman's clarification, his delegation felt that the situation was still unsatisfactory and that the relevant Secretariat services seemed to have exercised undue latitude in interpreting the intentions of the Committee.

37. Mr. WHYTE (United Kingdom) said that his delegation had no problems with the proposed programme of work. He agreed with the representative of Ghana that night meetings should be kept to a minimum. In the interests of making the best use of the time available, he suggested that the two Working Groups should begin their deliberations early in the session.

38. Miss NAGA (Egypt) said that her delegation would prefer to see item 86, on the rights of the child, discussed in the same context as the items on youth and those on the elderly and the aged and the World Assembly on Aging. However, it would not insist on such a rearrangement.

39. Mrs. ZACHAROPOULOS (Greece) said that the draft programme of work submitted by the Chairman did not create any difficulties for her delegation. It was important for the Committee to decide at an early stage how often the Working Groups would meet. Delegations should be aware of the schedule ahead of time, since they often had specialists on hand to contribute to the deliberations of the Working Groups.

40. The CHAIRMAN, replying to the representative of Ghana, said that the programme of work he had submitted to the Committee was based on the understanding that documentation would be available in good time as items came up for consideration, except for the report of the Committee on the Elimination of Racial Discrimination (A/36/18), which, as he had already indicated, would not be available in time for the discussion on item 82. In any case, the Secretary of the Committee would keep delegations informed on the progress of documentation.

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(The Chairman)

41. In response to the representative of India, he said that additional meetings would be requested for the Working Groups. It was hoped that certain plenary meetings of the Third Committee would prove unnecessary and that the time thus made available could be used for the Working Groups, and also for the African and other groups as required. Noting that there was no problem with regard to documentation for the Working Group on the rights of non-citizens, he urged delegations to consider setting up that Working Group as soon as possible. Informal consultations on the Working Group on migrant workers would be held when representatives from all the delegations concerned were available to meet in New York.

42. Mrs. KODIKARA (Philippines) said that according to the Chairman's informal paper, the discussion on items 74, 81 and 82 was scheduled to commence on 25 September, but the annotated provisional agenda (A/36/100) indicated that the documentation for items 81 and 82 was still in process of reproduction; she therefore wondered whether that documentation would be available in time.

43. Mrs. DOWNING (Secretary of the Committee), replying to the representative of the Philippines, said that the current situation with regard to documentation on the items in the first group was the following: on item 74, one of the two main documents (A/36/75) had been issued early in 1981, while the other (A/36/515) would be available for distribution on 24 September; on item 81, the basic document (A/36/403) would also be issued on 24 September; on item 82, the first of the three basic documents (A/36/18) would be available on 30 September, while the other two (A/36/453 and 454) would be issued on 24 September.

44. The CHAIRMAN said that if there was no objection, he would take it that the Committee agreed on the programme of work and on the schedule of meetings.

45. It was so decided.

46. The CHAIRMAN said that flexibility would be exercised in implementing the time-table. In connexion with time-limits for statements, he urged representatives not to exceed 20 minutes but recognized that if several items were discussed in one statement, it might be necessary to set aside that recommendation.

INTRODUCTORY STATEMENT BY THE DIRECTOR OF THE DIVISION OF HUMAN RIGHTS ON THE WORK OF THE THIRD COMMITTEE

47. Mr. VAN BOVEN (Director, Division of Human Rights) said that during the current medium-term period, the human-rights programme of the United Nations had been significantly broadened and deepened, particularly in the following areas: enlargement and enrichment of the concept of human rights through work undertaken pursuant to General Assembly resolution 32/130; efforts to devise a structural approach to human-rights questions; moves to integrate the human-rights factor into other pertinent areas of United Nations activity; efforts to build up a grass-roots approach to human rights through public information; the promotion of education, teaching and training in the field of human rights; efforts to find solutions to problems of violations of human rights and to encourage regional, national and local institutions for the promotion and protection of human rights.

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(Mr. Van Boven)

48. Although the human-rights programme of the United Nations had always been fundamentally concerned with structural factors, that is to say, with creating the conditions and the structures within which each individual might live with freedom and dignity, there had probably been a tendency in earlier years to see human rights in terms too narrow and too far removed from the effects of those structural factors. The past five years had been marked by increased recognition of the interrelationship between human rights and associated structural factors, such as the nature of international and national orders or the level of justice in the societies concerned, as well as of that between human rights, peace and development. In the spirit of General Assembly resolution 32/130, which acknowledged the need for a profound understanding of the variety of problems existing in different societies and for full respect for their economic, social and cultural realities, together with the fundamental importance for human rights of the new international economic order, the Commission on Human Rights was currently engaged in a study on the right to development, while the Sub-Commission on Prevention of Discrimination and Protection of Minorities was studying the new international economic order and the promotion of human rights. In considering policies and strategies designed to redress any disequilibrium in existing structures, the fundamental point of departure should be the human factor. It was possible that United Nations discussion of those issues had been at times too abstract; it was perhaps necessary to give closer attention to how those structural factors affected human rights and human beings directly. It was crucial that the United Nations should not only deal with the framework and principles of a future order but also relate them in specific terms to peoples and individual human beings.

49. One of the hallmarks of the human-rights programme of the United Nations had been the development of international standards, through the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights, and in particular through the international scrutiny given to the laws and practices of States parties to the Convention and the Covenants by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. Those Committees had established a valuable dialogue with Governments and were important forums for exchanges of experience among countries; they had recently been examining the qualitative impact of their work, a process which would be crucial for the future of international supervision of the implementation of human-rights norms. The standard-setting activities of the United Nations had provided inspiration for a number of regional conventions, including the successful European Convention on Human Rights, the Inter-American System for the Promotion and the Protection of Human Rights and the American Convention on Human Rights. It was gratifying that United Nations co-operation, particularly through various seminars on the question of regional machinery for the promotion and protection of human rights, had contributed significantly to the conception of the imaginative African Charter for Human and Peoples' Rights, adopted recently at the Conference of Heads of State and Government of OAU at Nairobi. When considering the role and impact of international instruments, both domestically and internationally, it was important to remember that people could neither respect nor defend human rights unless they were informed of them in language and in forms which they could understand and use. That was why the highest priority had, quite rightly, been

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given to the world-wide dissemination of basic international instruments in the field of human rights in as many languages as possible, including the endorsement at the last session of the Commission on Human Rights of a world plan of action to attain that objective.

50. There had been growing recognition of the need for the international community to act for the protection of the weak and the vulnerable, such as the handicapped, children, women, migrants, victims of ethnic or racial oppression or indigenous populations. Such groups were the true concern of any valid human-rights programme. As envisaged in the United Nations Draft Medium-Term Plan for Human Rights for 1984-1989, particular attention should be given to protecting them from discrimination, an increasingly urgent problem when over 850 million people currently lived below any acceptable level of decency, in a world which frequently demonstrated a lack of solidarity and in which the free play of the unbounded freedoms of the powerful and the strong and of naked market forces often alienated the weak, destroyed their rights and threatened their very survival. "Survival of the fittest" was an anti-human-rights notion; any society incapable of guaranteeing human rights for the weak was far removed from the realization of human rights. The effects of human-rights abuses on indigenous populations were particularly acute; their survival - cultural, economic and sometimes physical - was frequently threatened.

51. The international community had a special responsibility towards the victims of gross violations of human rights. In many parts of the world, thousands of people had been made to "disappear" or had been the victims of political assassinations or executions, while for millions of others each day lived was an escape from death, torture, violence, deprivation of liberty, or degradation. Similarly, the international community had a special duty to defenders of human rights, people of infinite courage who endangered their lives or their freedom to speak out in defence of others. The Commission on Human Rights had appealed to all Governments to encourage and support the activities of such people and to ensure that no one was prosecuted or persecuted merely because of a connexion with a suspected, accused or convicted person, and the Third Committee should consider ways to ensure that defenders of human rights received the encouragement, support and protection which they so amply deserved.

52. Action to protect political prisoners or detainees from torture or other cruel, inhuman or degrading treatment or punishment was one of the most urgent issues facing the United Nations; the highest priority should be given to the finalization and adoption of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

53. Gross violations of human rights occurring in various parts of the world scandalized any notion of world order; however, the existing methods for dealing with them were still in their infancy and often inadequate. The General Assembly had repeatedly stressed the need to give priority to the search for solutions to mass and flagrant violations of the human rights of peoples and persons and urged the appropriate United Nations bodies to take timely and effective action in such cases. Since the Second World War, violations of human rights within countries had resulted in human suffering which in many cases was far worse than the

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suffering caused by conflicts between two or more States. Examples of massacres, mass terrorization and summary executions were manifold. The United Nations could not keep silent in the face of such flagrant affronts to human dignity; in his 1979 report on the work of the Organization, the Secretary-General had underlined the responsibility of the Organization and the need for increased efforts to deal with such violations. However, the identification of violations was frequently difficult and had been perhaps left too much to political convenience. It might be desirable for the General Assembly to request an annual world report on human rights, based on international standards, which would be in line with the global approach to human rights called for in General Assembly resolution 32/130. There was perhaps also a need to devise balanced criteria to be used in deciding upon the appropriate response to a violation, rather than leaving that decision to the initiative of an individual Government.

54. In considering the ultimate aim of United Nations efforts in human rights, it was important to remember the aspirations and the principles underlying the Organization. The United Nations was conceived by and for the peoples, and the Charter contained explicit provisions relating to human rights. The needs and aspirations of the peoples should therefore always be borne in mind, and activities should not be restricted to the confines of procedure or diplomacy. As pointed out by the Secretary-General in his 1979 report on the work of the Organization, the United Nations had not always been in a position to fulfil the great hopes of those who rightly expected it to react when human rights were disregarded or violated.

55. The 1979 report by the Secretary-General reflected the fact that one of the greatest challenges facing the human-rights movement was how to promote human rights at the grass-roots level, by informing and educating people about their rights. The role of youth, as had been recognized already, would be of the greatest importance. It might be desirable for the United Nations to consider organizing periodic international or regional youth assemblies on human rights.

56. The recent accomplishments of the United Nations in the promotion and protection of human rights, although not fully recognized by its critics, had been considerable. Nevertheless, there remained numerous and pressing problems which must be solved if respect for human rights and fundamental freedoms was to be a reality for all individuals and all peoples.

The meeting rose at 5.45 p.m.