

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/1981/C.2/SR.16
4 January 1982
ENGLISH
ORIGINAL: FRENCH

First regular session, 1981

SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 16TH MEETING

Held at Headquarters, New York
on Monday, 4 May 1981, at 10.30 a.m.

Chairman: Mr. MAPP (Barbados)

CONTENTS

Human rights questions (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 11 a.m.

HUMAN RIGHTS QUESTIONS (continued) (A/36/209; E/1981/25 and Corr.1 and Add.1, E/1981/28 and 68; E/1981/C.2/L.12 to L.17)

1. Mrs. LUANGHY (Zaire) deplored the triple veto which had just been cast, in the Security Council, against resolutions the sole intent of which was to enable the Namibian people to enjoy all their rights. Respect for the right of peoples to self-determination and independence was one of the essential conditions for the promotion of peace throughout the world and attainment of that right establishes the recognition of human rights. The situation prevailing in southern Africa thus prevented the peoples of South Africa and of Namibia from fully enjoying their human rights and represented a serious threat to international peace and security. The institutionalized violation of human rights in southern Africa was a permanent source of tension since it left the peoples of South Africa and Namibia no other choice than to take up arms to regain their rights and independence.

2. The delegation of Zaire continued to deplore the fact that the very States that had proclaimed apartheid to be a "crime against humanity" were strengthening the Pretoria régime by collaborating with it. His delegation had therefore joined in sponsoring resolution 5 (XXXVII) entitled: "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts", and hailed the contribution made by the Group's reports to United Nations efforts to combat violations of human rights. In its turn it appealed for the intensification of the struggle against apartheid, in particular through increased aid to the African national liberation movements operating in southern Africa. It was also in favour of the formulation of rules of law and the establishment of a procedure which would lead to the creation of an international criminal tribunal for judging crimes of apartheid and to instituting inquiries into the cases of persons suspected of having been guilty of the crime of apartheid or of grave violations of human rights in Namibia.

3. In connexion with the right to development as a human right, his delegation welcomed the Commission's adoption of resolution 36 (XXXVII) and its decision to establish an expert working group to seek means of integrating human rights and development. She read out operative paragraph 10 of resolution 36 (XXXVII) and appealed to those delegations which had not supported the resolution to make it possible for it to be adopted by consensus.

4. Mr. KASEMSRI (Thailand) said that total respect for human rights, which was the basis of progress and civilization, was still a largely unattainable ideal. As human societies had become organized, they had laid down rules to protect the rights of individuals while at the same time safeguarding community values and national interests. However, some nations had acquired wealth through the exploitation of others and human rights had remained the prerogative of a privileged few. It was the former colonial Powers which were preaching human rights to the rest of the world and, if they were disappointed at the results of their activities, it was because they had failed to adopt a historical perspective. From such a perspective, it was clear from the start that human rights issues were

/...

(Mr. Kasemsri, Thailand)

tending to become increasingly internationalized and to acquire a collective dimension. For, beyond individual cases, respect for human rights concerned those groups whose racial origin, religious faith or political belief made them victims of persecution, or an entire nation deprived of its inalienable right to self-determination. The unjust nature of the international economic order also threatened the freedoms acquired by the newly-independent peoples and the international community should take urgent action to redress the effects of those injustices.

5. Respect for individual liberties was not always linked to the wealth of the country concerned, as history had abundantly showed, and as was still the case in South Africa where the racist régime usurped some of the richest resources of Africa while perpetrating the abominable crime of apartheid. It was necessary, therefore, in addressing individual human rights issues, also to internationalize collective human rights, including the right of underprivileged peoples to development. A right gave rise to a corresponding obligation and, if the developing countries were entitled to enjoy such a right, the international community must act to see that its few recalcitrant members fulfilled their responsibilities in that regard. His delegation welcomed the continuing progress being made in efforts to formulate and refine appropriate international norms and ensure compliance with them.

6. As far as the right of all peoples to self-determination was concerned, there could be no doubt that it was guaranteed in various international instruments. Thus, the United Nations could and must press for the free exercise of that right by all peoples, in Namibia - and in that connexion, his delegation deplored the recent vetoes in the Security Council - and in the Middle East, in particular in the occupied Arab territories, and in Asia, in particular Afghanistan and Kampuchea, where the conditions that existed continued to threaten international peace and security.

7. In Kampuchea, 200,000 foreign occupying forces continued to deny the people their legitimate right to determine their own future without alien domination, foreign occupation or external coercion. It was for that reason that the Commission on Human Rights had adopted on 8 March 1981 resolution 11 (XXXVII) affirming that the primary violation of human rights in Kampuchea was the persistence of foreign occupation and calling for the immediate and unconditional withdrawal of foreign forces from Kampuchea. The Commission also reaffirmed General Assembly resolution 35/6 which called for the convening of an international conference on Kampuchea with the aim of finding a comprehensive political solution and recommended that the Economic and Social Council should consider the situation in Kampuchea at the current session. That was why a number of delegations had put forward a draft decision (E/1981/C.2/L.13), sponsored by 21 countries, whereby the Council would endorse resolution 11 of the Commission on Human Rights, welcome the continuing efforts of the Secretary-General aimed at achieving a peaceful solution to the situation in South-East Asia, and reaffirm the Commission's call to all parties concerned to join in the search for a peaceful solution to the Kampuchean problem through an international conference sponsored by the United Nations in accordance with General Assembly resolution 35/6 of 22 October 1980.

/...

(Mr. Kasemsri, Thailand)

Lastly, the Council would note with appreciation the recent visit to the region of the Secretary General's Special Representative.

8. His delegation invited all delegations to support the draft decision, emphasizing that the international community must continue to exert every effort to ensure for the Kampuchean people -- and also for the Namibian, Palestinian and other peoples under colonial or alien domination or foreign occupation -- the full enjoyment of all their legitimate and inalienable rights.

9. Mr. KITTIKHOUN (Lao People's Democratic Republic) said that he felt obliged to take the floor in connexion with the proposal submitted by a number of delegations which, prompted by political motives, had submitted draft decision E/1981/C.2/L.13 to the Committee. Their proposal, that an international conference should be convened with the aim of reaching a political solution to the so-called problem of Kampuchea, was doomed to failure in that the three countries of Indo-China had already clearly stated that they had rejected such a conference. That diversionary tactic, which could only exacerbate tension in South-East Asia, was the work of certain countries in the region which were rendering assistance to groups of bandits and terrorists whose interference in the internal affairs of the three countries of Indo-China, and particularly those of the People's Republic of Kampuchea, was increasing. The case of Thailand was still worse, since that country, despite the fact that its interests lay in good-neighbourly relations with the People's Republic of Kampuchea, did not hesitate to give shelter in its territory to the remnants of the Pol Pot army. Furthermore, in collusion with the imperialists, the expansionist leadership in Peking was conducting a deliberately hostile campaign against the three countries of Indo-China by means of all kinds of propaganda and activities aimed at destabilizing the Lao People's Democratic Republic and by means of armed provocation against the Socialist Republic of Viet Nam. The Peking leaders were also endeavouring to block the establishment of a constructive dialogue between the countries of Indo-China and the ASEAN countries aimed at restoring peace, stability and co-operation in South-East Asia.

10. For the foregoing reasons the three countries of Indo-China had proposed the convening of a regional conference with the ASEAN countries to consider -- on the basis of respect for the principles of equality, of mutual agreement and of the understanding that no party would try to impose its will on any other -- all the issues dividing them. To that end the Minister for Foreign Affairs of the Lao People's Democratic Republic, mandated by the three countries of Indo-China, had recently visited Indonesia, where he had established useful contact with the authorities. His delegation therefore renewed its appeal to the ASEAN countries to co-operate wholeheartedly with the countries of Indo-China in the effort to restore peace to South-East Asia.

11. He regretted that a number of delegations had seen fit to speak hypocritically on the issue of human rights. In particular the Japanese delegation had, in its statement to the Committee, interfered in the internal affairs of Kampuchea and Afghanistan. In the case of Kampuchea, Japan was aware that since 7 January 1979 that country was able to enjoy its democratic rights. In posing as the defender of the right of peoples to self-determination Japan was forgetting that it had annexed

/...

(Mr. Kittikhoun, Lao People's
Democratic Republic)

Indo-China and other South-East Asian countries during the Second World War and that, like certain Western Powers, it had been condemned in many United Nations resolutions for its economic relations with South Africa. Quite recently, the representative of Japan had abstained in the vote on one of the draft resolutions on Namibia submitted to the Security Council by the African and the non-aligned countries. He regretted the veto exercised by certain Western Powers with regard to those resolutions and expressed the hope that in future they would do more to make their actions fit their words.

12. Mr. MORDEN (Canada) said that the agenda of the most recent session of the Commission on Human Rights had been very full, and that the session had been characterized more by consolidation than by innovation. The thirty-seventh session had provided an opportunity to follow up a number of important initiatives. In that connexion his Government particularly welcomed the appointment of Prince Sadrudin Agha Khan as Special Rapporteur for the question of human rights and mass exoduses. His delegation had actively contributed, as it had at the thirty-sixth session, to the adoption of resolutions calling on the Secretary-General to provide assistance to peoples whose human rights had recently been abused, as in the case of the Central African Republic, Uganda and Equatorial Guinea. It also welcomed the completion of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, which was one of the most striking achievements of the thirty-seventh session, and it hoped that the Council would recommend the General Assembly to adopt the draft Declaration as soon as possible.

13. In connexion with the Kampuchean question, he recalled that his delegation had been one of the sponsors of Council resolution 11 (XXXVII), in which the Commission had called for the immediate and unconditional withdrawal of foreign forces from Kampuchea in order to allow the people of Kampuchea to exercise their fundamental freedoms and human rights including the right to decide their own future. His delegation supported the statement by the representative of Thailand and was co-sponsoring draft resolution E/1981/C.2/L.13. Canada had been one of the first countries to condemn the atrocities perpetrated by the former régime in Kampuchea. It must be admitted that, while the régime had changed, wholesale violations of the Kampuchean people's right to self-determination were continuing. His Government reiterated its support for General Assembly resolutions 34/22 and 35/6, and also of resolution 11 (XXXVII) of the Commission on Human Rights, and appealed to all the parties concerned to do likewise so that a fair, swift and peaceful solution to the problem could be found.

14. His delegation, furthermore, considered that the Division of Human Rights, which was successfully carrying out its difficult task in spite of all the difficulties which it encountered, should be made into a centre for human rights.

15. Mrs. NGUYEN NGOC DUNG (Observer for Viet Nam) said that the draft decision on human rights in Kampuchea (E/1981/C.2/L.13) and the resolutions which it mentioned grossly distorted the current situation in Kampuchea. The foreign visitors, press correspondents and everyone who had travelled to Kampuchea since

/...

(Mrs. Nguyen Ngoc Dung,
Observer, Viet Nam)

7 January 1979 had been able to attest to the normalization of life in that country and the reconstruction work which had been carried out. Her Government, which supported the Kampuchean Government, completely rejected resolution 11 (XXXVII) of the Commission on Human Rights, which disregarded the real situation and ignored the fact that China was threatening the sovereignty and security of the three Indochinese countries and that the remainder of the forces of Pol Pot and of the other reactionary forces of Kampuchea had found refuge in Thailand. The policy of division and destabilization which the imperialist Powers and their hegemonist allies were pursuing in Asia was currently the greatest threat to the peace and security of the countries of South-East Asia. The Government of Kampuchea had repeatedly refused to recognize the resolutions and decisions on Kampuchea adopted by the United Nations in the absence of its representatives, and Viet Nam supported the Kampuchean position in that respect.

16. Furthermore, she informed the members of the Committee that free general elections had just taken place in Kampuchea after a long period of preparation. With respect to the proposal in draft decision E/1981/C.2/L.13 to convene an international conference on Kampuchea, she recalled that in January 1981 the Foreign Ministers of Democratic Kampuchea, the Lao People's Democratic Republic and Viet Nam had proposed a meeting with the ASEAN countries in order to discuss and resolve the questions concerning peace and stability in South-East Asia as a whole. No response had been made to that proposal. On 24 April, the three Indochinese countries had held tripartite consultations under the chairmanship of the Lao Foreign Minister, at the end of which a press communiqué reproduced in document A/36/227 had been issued, in which the three parties had reaffirmed that General Assembly resolution 35/6 constituted a gross violation of the sovereignty of Kampuchea and an imposition on the three Indochinese countries. The problems of South-East Asia must be settled through negotiation and consensus among the countries of the region, without imposition by one party on the other, and without foreign intervention. The three Indochinese countries had accepted the proposal made by a number of ASEAN countries for regional consultations. In that regard, she appealed to the members of the Economic and Social Council to support the efforts made by those countries to show understanding and a spirit of co-operation. The adoption of draft decision E/1981/C.2/L.13, which sought to impose the point of view of one group of countries on another through an international conference, would swell the list of inoperative resolutions of the United Nations and would only increase tension in that region.

17. Mrs. WELLS (Australia) said that her delegation wished first of all to draw the attention of the Committee to resolution 24 (XXXVII) of the Commission on Human Rights concerning the development of public information activities in the field of human rights, particularly the fifth preambular paragraph and paragraphs 1 and 2; she attached great importance to efforts to clarify the discussions and activities of the Organization in that field. She pointed out in that respect that the Director of the Division of Human Rights and the representatives of the Member States had the right to meet representatives of the press, and she expressed the hope that no further attempt would be made to use the discussions within the Council in order to impose censorship on the work of the Commission on Human Rights.

(Mrs. Wells, Australia)

18. Over the years the Commission had developed various procedures for responding to evidence of human rights violations, wherever they had been committed, and it should be noted that the number of cases which had been brought before it had never been as great as during the thirty-seventh session. Nevertheless, her delegation felt that those methods should be further improved and, in particular, it wished to point out in that respect that it shared the concern of the Latin American countries at the concentration of attention on violations committed in that region. The Commission should also make its procedures more effective and flexible to ensure that the decisions adopted were fair and appropriate to each particular case. In the resolutions concerning El Salvador, Bolivia and Guatemala, it had been able to find different means of taking action. The mandate of the Commission's special representative for El Salvador was extremely complex and reflected the real difficulties which would have to be resolved in order to bring an end to the wanton violence which was devastating that country. With respect to Chile, her Government supported the renewal of the mandate of the Special Rapporteur, even though the necessary consultations had not been held on the resolution adopted.

19. In the light of the Commission's increasingly wide-ranging agenda, it needed to be recalled that its special focus was on the protection of human rights in a humanitarian context. It was, in the view of her delegation, most important therefore for the Commission to articulate the human rights dimension of the wider political considerations associated with situations, which were considered in other United Nations fora, such as those in Afghanistan and Kampuchea. Australia fully supported the recommendation made in the Commission's resolution 11 (XXXVII) on Kampuchea, and it had co-sponsored draft decision E/1981/C.2/L.13.

20. The growing emphasis placed on the restoration of human rights was very welcome to Australia; it felt that the Commission should not simply examine evidence of human rights violations so as to issue condemnations and criticisms, but that it should encourage Governments to co-operate with a view to restoring those basic rights. The Commission, in co-operation with the Governments concerned, had taken steps to ensure that assistance to the development of Equatorial Guinea, Uganda and the Central African Republic should incorporate an understanding of the human rights situation in each country. There were many other situations which could profitably be looked at in a similar light, and in future a new item dealing specifically with the question of the restoration of human rights could be included on the Commission's agenda. It was of note that the Commission's resolution on Bolivia did not prejudge the situation and was essentially focused on promoting human rights in that country. Her delegation hoped that the study to be undertaken by the special envoy of the Commission would be conducted in that light.

21. The decisions taken by the Commission relating to the appointment of special rapporteurs and representatives constituted an important form of intersessional activity. However, since the Commission, meeting only once a year, was not in a position to respond to urgent situations or to monitor the follow-through of its own recommendations, the Sub-Commission on Prevention of Discrimination and Protection of Minorities played a significant role in that regard, particularly in preparing studies of a general nature. Moreover, the working group on

(Mrs. Wells, Australia)

disappeared persons, which met throughout the year and acted on strictly humanitarian grounds, had been able to enter into a dialogue with a number of Governments, and it was to be hoped that it would continue to be effective in the fulfilment of its mandate.

22. The decision taken by the Commission in resolution 29 to appoint a special rapporteur to study the question of human rights and massive exoduses of refugees was another notable development at the last session. Australia supported the Commission's proposal that a voluntary trust fund for the victims of torture should be established. Other aspects of intersessional activities, such as holding of regional seminars, were to be encouraged.

23. With regard to the drafting of international legal instruments, Australia had participated in the working groups on the draft Conventions on the rights of the child and on torture, and welcomed the establishment of a working group of government experts to study the scope and content of the right to development as a human right. There was a possibility that the latter group might draw up a draft preparatory international instrument on the means of ensuring the realization of human rights in all countries: the group, composed of 15 members - 3 from each regional group - should be able to function on a consensus basis. As a co-sponsor, together with the Nordic countries, Canada and the Netherlands, of a draft resolution on indigenous peoples, Australia believed that consideration should be given to the possibility of drawing up an instrument which would serve to define the human rights of such peoples. Australia also welcomed the fact that the Commission had completed the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, and it trusted that delegations would have no difficulty in referring it to the General Assembly at its thirty-sixth session.

24. Mr. SREBREV (Bulgaria) noted that the positive results of the work done by the Commission were all the more gratifying when viewed against the difficult international situation and the tendency to exploit the human rights issue for political ends displayed by some countries which misused and deliberately misinterpreted certain concepts. While it was one of the basic objectives of the United Nations to achieve international co-operation in encouraging respect for human rights and fundamental freedoms, the observance and implementation of those rights was above all the duty of States and was subject exclusively to their jurisdiction. International co-operation could be effective only if it was based on respect for the sovereignty of States and on the principle of non-interference in their internal affairs and the principle of peaceful coexistence. The adoption of effective disarmament measures and the establishment of a new international order, coupled with a sincere approach to the process of détente - a course consistently pursued by Bulgaria, together with the socialist countries and other progressive countries - could not fail to have a positive impact on the global observance of human rights.

25. Unfortunately, in the last few years, certain imperialist and hegemonistic circles had been attempting to force on the United Nations a radical departure from the basic principles of international co-operation and to use the United Nations and its bodies as a means of interfering in the internal affairs of

(Mr. Srebrev, Bulgaria)

sovereign States, going so far as to launch anti-socialist propaganda campaigns. Under the cover of a concern for human rights, certain Western countries were reviving old cold-war doctrines and conceiving new ones, such actions being part of a broad programme of political and diplomatic measures designed to discredit socialist ideas and real socialism. As the 1978 joint Declaration of the States members of the Warsaw Treaty Organization had pointed out, it was only under socialism that all members of society were assured the exercise of political, civil, economic, social, cultural and other rights, participation in the administration of the State, and a dignified existence free from exploitation.

26. His delegation was pleased to note that the Commission on Human Rights had given priority to the mass and flagrant violations of human rights resulting from apartheid, racism, racial discrimination, colonialism and denial of the right to self-determination and independence to colonial countries and peoples, all of which posed a threat to international peace and security. The Commission had accordingly reaffirmed the inalienable rights of the Palestinian people to self-determination and the creation of a sovereign State, and had condemned Israel's expansionist policy and its violations of human rights in the occupied Arab territories. It had likewise condemned the massive and diverse assistance which the Western States supplied to the racist régime of South Africa, thanks to which the régime was able to go on violating human rights, preventing the Namibian people from exercising its right to self-determination, and attacking neighbouring States. The Commission was showing commendable determination in its efforts to put an end to the abhorrent practice of apartheid.

27. In resolution 9 (XXXVII), the Commission had expressed the indignation of the international community at the mass and flagrant violations of human rights in Chile and decided to renew the mandate of the Special Rapporteur. His delegation deplored the continuing oppression and terror in Chile and deplored the Commission's proposal to turn the United Nations Trust Fund for Chile into a general relief fund for the victims of torture.

28. His delegation reiterated its concern at the Commission's involvement, under pressure from certain imperialist and hegemonistic circles, in issues which did not fall within the purview and which had been raised for clearly political motives - specifically, the so-called questions of the situation in Afghanistan and Kampuchea. It was regrettable that the Commission had once again been taken in by such ploys and had not taken account of the efforts made by the countries concerned to solve their problems in the interests of peace and the reconstruction of their economies. His delegation thus opposed any attempt to involve United Nations bodies in actions violating the lawful interests of the two countries.

29. The Commission had rightly been alarmed at the resurgence of nazism, fascism and neo-fascism in many countries; all progressive and democratic forces should unite against the resurgence of such ideologies, as suggested in resolution 3 (XXXVII). The Commission's involvement in furthering the concept of the right to development, leading to the adoption of resolution 36 (XXXVII), was another positive development. His delegation looked forward to the seminar on the subject scheduled for August 1981.

/...

(Mr. Srebrev, Bulgaria)

30. His delegation welcomed the work done in drafting international instruments in the field of human rights such as the draft Convention on the rights of the child and the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, but wished to emphasize its concern at the procedure adopted at the recent session: as it had explained in detail in document E/CN.4/1981/WG.3/WP.1, it was opposed to any departure from the rule of consensus where such important documents were concerned. In conclusion, he stated that his delegation pledged to continue its efforts to create a climate of international co-operation favouring respect for human rights.

31. Mrs. ARANA (Peru) said that international conventions and other instruments on human rights were a sign of the progress that man had made over the ages; it was regrettable that those noble ideals were not actually put into practice. That was quite clear from reading the Commission's report, which detailed the human rights violations that persisted in all parts of the world. Millions of human beings were suffering from discrimination and oppression or from the institutionalized form of discrimination known as apartheid. It was beyond the mind of man - being only too ready to reduce horror to an abstraction - to realize what 10 million refugees, 100,000 disappeared persons or 3 million victims of ~~assassination or torture throughout the world~~ meant in human terms. She was therefore encouraged to see the progress made by the Commission on Human Rights - to see, for example, that after almost 20 years of fruitless negotiations the Working Group had managed to draw up a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As Peru's Constitution guaranteed freedom of conscience and religion, it was natural for her delegation to be in favour of the draft declaration. As a sponsor of resolution 36 (XXXVII) on the right to development, it looked forward with interest to the results of the work by the Working Group of Experts and to the conclusions and recommendations of the Special Rapporteur on the new international economic order and the promotion of human rights.

32. Her delegation felt that the current system of examining the human rights situation in certain countries - generally selected on the basis of political considerations - damaged the credibility and respectability of the United Nations. While Peru had never been against investigating human rights violations wherever they occurred, it was against confining such investigations to certain countries in Latin America, especially when it was widely acknowledged that the gravest and most massive violations of human rights took place elsewhere.

33. Although there had been talk, after the event, of the crimes committed by the Pol Pot régime in Kampuchea and by that of Idi Amin Dada in Uganda, the failure of the international community at any time to denounce Amin's régime when it was flagrantly violating the rights of the Ugandan people had enabled it to continue to commit those crimes with total impunity. Worse still, when the delegation of Sweden had attempted, during the thirty-second session of the General Assembly, to submit a draft resolution on the situation in Uganda in the Third Committee, it had been obliged to withdraw it in the face of opposition from a group of delegations which believed that the matter was the responsibility of the regional organization. However, those same delegations applied different criteria to the

(Mrs. Arana, Peru)

Latin American countries and wilfully disregarded the existence of the Organization of American States and the competence of its specialized organ, the Inter-American Commission on Human Rights, which had published reports denouncing the violations of human rights in Nicaragua, under the Somoza régime, as well as in other countries of the region. It would be useful and interesting if those countries which felt justified in condemning others in the area of human rights would provide information on their own domestic situation, in terms of both individual and collective rights, and demonstrate whether they respected the freedom of the press and of information, the right to vote and to freedom of association, the right to strike and to organize opposition parties and the right to move freely within their territory as well as to leave it and to return to it.

34. Chapter I of Peru's new Constitution laid down that the overriding purpose of society and of the State was to serve the individual and that consequently the individual should receive their respect and protection; chapter II enumerated the rights guaranteed by the Constitution, namely, the right to life, to equality before the law, free from any discrimination, to freedom of information and of opinion, together with the right to disseminate ideas without prior authorization or censorship, the right to choose a place of residence, to circulate within the national territory, to enter and to leave it freely, and the right of amparo and habeas corpus. Peru had ratified all the conventions and covenants which related to human rights and, on 11 September 1980, had signed, together with the other countries of the Andean Pact, the Rio Bamba Code of Conduct, article 3 of which stipulated that the defence of human rights was an international duty incumbent on the States and that joint action taken to protect those rights did not violate the principle of non-intervention. Peru would continue to be associated with all national, regional and international efforts in that field.

35. Mr. FISSENKO (Byelorussian Soviet Socialist Republic) said that his country accorded the greatest importance to the defence of human rights and fundamental freedoms, and that his delegation indignantly repudiated the slanderous and demagogic assertions which the representative of the United States had directed at the so-called collectivist States on the previous Friday.

36. His delegation had studied carefully the report of the Commission on Human Rights on its thirty-seventh session, and believed that the Commission had generally discharged its responsibilities in a fully satisfactory manner. It consequently regretted that the imperialist States should have been attempting for some time to introduce the cold war into the Commission's activities and to encourage it to interfere in the internal affairs of sovereign States. However, it was gratified to see that, despite those attempts, the Commission had been able to concentrate on the gross violations of human rights which were arousing the greatest concern in the international community. For example, it had once more expressed strong condemnation of the policy of the South African racists and of the imperialist monopolies which continued to grant them assistance, and had requested the Security Council to consider imposing mandatory economic sanctions against South Africa and to reinforce the embargo on the supply of arms to that country by adopting comprehensive mandatory measures to end all military and nuclear

/...

(Mr. Fissenko, Byelorussian SSR)

collaboration with the apartheid régime. Unfortunately, that request had been received unfavourably, as all were aware, by those very representatives who delivered long speeches about the defence of human rights. The Commission had also condemned the repression and persecution of the Arab population of the territories occupied by Israel, and his delegation supported wholeheartedly the resolution which the Commission had adopted on that issue.

37. In resolution 9 (XXXVII), the Commission had noted that the situation of human rights in Chile had continued to deteriorate and it had urged the Chilean authorities to put an end to the repression which they were practising. His delegation fully approved that step, and also supported the provisions of resolution 32 (XXXVII), in which the Commission had expressed its deep concern at the grave violations of human rights and fundamental freedoms in El Salvador. It was to be deplored that, despite resolution 35/192 in which the General Assembly called upon Governments to refrain from the supply of arms and other military assistance to El Salvador, some countries were continuing to support the Salvadorian Government by supplying, inter alia, mercenaries, money and weapons, actions which constituted an interference in the internal affairs of the country and which should be strongly condemned.

38. Resolution 3 (XXXVII) concerning measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred, including in particular nazism, fascism and neo-fascism, reflected the international community's concern about the re-emergence in many Western countries of groups and organizations whose activities threatened not only human rights, but also international peace, security and co-operation. His delegation considered that that resolution and General Assembly resolution 35/200 should help to strengthen the efforts undertaken throughout the world to combat nazism, fascism and neo-fascism, and hoped that the General Assembly would adopt a declaration to that end.

39. On the initiative of the Byelorussian SSR, the Commission had adopted resolution 38 (XXXVII) concerning human rights and scientific and technological developments, in which it had invited the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to undertake a study of the use of the results of scientific and technological progress for the realization of the rights to work and to development. As to resolution 39 (XXXVII) concerning the role of youth in the promotion and protection of human rights, it was of the utmost importance to speed up the Commission's work on the drafting of a convention on the rights of the child.

40. As early as at its third session, the Commission had decided in resolution 5 (III) to deal with violations of economic, social and cultural rights and of civil and political rights. In his delegation's opinion, that resolution was especially important as tens of thousands of people were at present suffering from unemployment in the capitalist countries, as blacks and other non-whites and Indians were suffering racial oppression in the United States and as massive and continuing violations of human rights were being committed in Ulster. With regard to the human rights of migrant workers, he also believed that it was important to

/...

(Mr. Fissenko, Byelorussian SSR)

speed up the work of elaborating an international convention on the protection of the rights of all migrant workers and their families.

41. His delegation endorsed the provisions of resolution 36 (XXXVII) concerning the realization of economic, social and cultural rights and the study of special problems which the developing countries faced in their efforts to achieve those human rights. It would be impossible to ensure personal self-fulfilment or the true realization of the civil and political rights of the individual without also ensuring the realization of social and economic rights. In particular, his delegation welcomed the decision to establish a working group of governmental experts to study the question of the right to development, and it had noted with satisfaction the Commission's recommendation on the holding of a seminar on the relations existing between human rights, peace and development.

42. His delegation strongly protested against the attempts by certain countries to use the Commission in order to interfere in the internal affairs of sovereign States, such as Kampuchea and Afghanistan. In that connexion, he drew attention to the fact that resolutions 11 (XXXVII) and 13 (XXXVII) were based purely and simply on fabrications. Moreover, it would be impossible for his delegation to support draft resolutions I and IV: with regard to the former, it was opposed to the consideration of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief during the thirty-sixth session of the General Assembly. It drew attention to the fact that the principle of consensus had not been respected during the preparation of that text and that the position of many countries, including the Byelorussian SSR, had not been taken into account. Therefore the draft Declaration should be referred back to the Commission for further study. As to draft resolution IV, his delegation considered that redesignating the United Nations Trust Fund for Chile as a United Nations Voluntary Fund for victims of torture would be contrary to General Assembly resolution 35/188 concerning the protection of human rights in Chile and was directed towards ending assistance to the victims of the Chilean Junta; for that reason it was unacceptable.

43. Mr. VERKERCKE (Belgium) pointed out that such diverse resolutions or decisions as those concerning the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the United Nations Voluntary Fund for victims of torture and enforced or involuntary disappearances were among the success of the Commission's last session.

44. Because of the diversity of the problems it discussed, the Commission's efforts were becoming dissipated: for example, the right of peoples to self-determination reaffirmed in the International Covenants on Human Rights was undeniably one of its legitimate concerns, but it must consider that subject from the human rights perspective, which it did not always do. The dissipation of effort also threatened the Commission's work when it dealt with economic, social and cultural rights, which were, of course, within its competence, but its primary concern in that context should be the promotion of human rights. The Commission should avoid duplicating the activities of the Commission on Social Development or of the specialized agencies.

/...

(Mr. Verkercke, Belgium)

45. The promotion and protection of the rights of the individual, which were at the core of the Commission's mandate, should also be central to the exercise the Commission had recently begun in connexion with the right to development. Resolution 36 (XXXVII) showed that the scope and content of that idea had not been well defined and should be studied further; the working group established for that purpose should, however, beware of encroaching on the discussions relating to the international economy, which were proceeding in other forums.

The meeting rose at 1.15 p.m.