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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 12th MEETING

Held at Headquarters, New York,
on Wednesday, 29 April 1981, at 3 p.m.

Chairman: Ms. WELLS (Australia)

later: Mr. MAPP (Barbados)

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The meeting was called to order at 3.40 p.m.

SOCIAL DEVELOPMENT QUESTIONS (continued) (A/36/70, 115, 135, 140 and Add.1-2; E/1980/112 and Corr.1; E/1981/3, 7 and 26; E/1981/C.2/L.1-L.4 and L.7-L.9)

1. The CHAIRMAN invited the Committee to resume consideration of its recommendations made by the Commission for Social Development in chapter I of its report (E/1981/26).

Draft decision I: Nomination of members of the Board of the United Nations Research Institute for Social Development

2. The CHAIRMAN said that draft decision I had been adopted by the Commission without a vote.

3. If there was no objection, she would take it that the Committee wished to recommend that the Economic and Social Council confirm the two candidates nominated by the Commission in its decision, for membership of the Board of the United Nations Research Institute for Social Development.

4. It was so decided.

Draft decision VII: Provisional agenda and documentation for the twenty-eighth session of the Commission for Social Development

5. The CHAIRMAN said that decision VII had been adopted by the Commission without a vote. If there was no objection, she would take it that the Committee wished to recommend to the Council that it approve the provisional agenda and the documentation requested for the twenty-eighth session of the Commission for Social Development as set out in decision VII.

6. It was so decided.

7. The CHAIRMAN said that the Committee was not yet ready to take a decision on two draft resolutions proposed by the Commission for Social Development and that further action on the Commission's report would therefore be suspended for the time being.

Draft resolution E/1981/C.2/L.1: Co-ordination and information in the field of youth

8. The CHAIRMAN invited the Committee to consider draft resolution E/1981/C.2/L.1, which had been introduced at the 9th meeting. Burundi and Senegal had become sponsors of the draft resolution.

9. The draft resolution was adopted.

Draft resolution E/1981/C.2/L.4: Women and development

10. The CHAIRMAN invited the Committee to consider draft resolution E/1981/C.2/L.4, which had been introduced at the 9th meeting.

11. Mr. SAMOILOV (Union of Soviet Socialist Republics) said that the idea that women constituted a marginal category, as suggested in paragraph 1 of the draft resolution, was not widespread. He therefore wished to consult the sponsors regarding a more appropriate wording.

12. Mr. O'DONOVAN (Ireland) said that his delegation would welcome the opportunity to be included in the further consultations regarding the draft resolution.

13. The CHAIRMAN said that further consideration of the draft resolution would be suspended to give time for consultations.

Draft resolution E/1981/C.2/L.9: Draft Code of Medical Ethics

14. Mr. DYRLUND (Denmark) introduced the draft resolution E/1981/C.2/L.9 on behalf of the delegations of Denmark, Finland, Ireland, Italy, Netherlands, Norway, Spain and Sweden. In 1974 the General Assembly had invited the World Health Organization to draft, in consultation with other appropriate organizations, an outline of the principles of medical ethics which might be relevant to the protection of persons subject to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment. The General Assembly had also requested that WHO should bring the draft to the attention of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1975, with a view to the amplification of the Standard Minimum Rules for the Treatment of Prisoners that had been elaborated at the First Congress in 1955.

15. In March 1979, the Director-General of WHO had transmitted to the Secretary-General a draft body of medical principles relevant to the role of health in the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment which had been endorsed by the Executive Board of WHO.

16. At its thirty-fourth session, the General Assembly had requested the Secretary-General to circulate the draft Code of Medical Ethics to Member States, to the specialized agencies concerned and to interested intergovernmental and to non-governmental organizations in consultative status with the Economic and Social Council for comments and suggestions, and to submit a report to the General Assembly at its thirty-fifth session. In its resolution 35/179, the General Assembly had requested the Secretary-General to renew his request for comments and suggestions on the draft Code and had requested the Economic and Social Council, at its first regular session of 1981, to consider the draft, taking into account the comments and recommendations submitted, with a view to presenting the draft Code to the General Assembly for adoption at its thirty-sixth session.

(Mr. Dyrlund, Denmark)

17. The draft resolution contained in document E/1981/C.2/L.9 would serve the purpose of forwarding the draft Code of Medical Ethics to the General Assembly pursuant to its resolution 35/179.

18. In order to accommodate the wishes of a number of delegations, the words "so as to be able to adopt the draft Code" should be deleted from the operative paragraph. The sponsors hoped that that revision would make it possible for the draft resolution to be adopted by consensus.

19. The draft resolution, as orally revised by the representative of Denmark, was adopted.

20. Mr. SAMOILOV (Union of Soviet Socialist Republics), speaking in explanation of vote after the vote, said that his delegation had not opposed the draft resolution so that it could be adopted without a vote. If the draft resolution had been put to the vote, his delegation would have abstained. During its current session, the Council had not even considered the draft Code of Medical Ethics. Moreover, during the debate, no delegation had referred to the draft resolution; that in itself showed that there was little interest in the idea. Only six States had so far commented on the draft Code.

21. His delegation therefore considered that it would have been more reasonable for the Council to continue its work on the draft Code and to request interested Governments for additional comments.

22. Mr. O'DONOVAN (Ireland), replying to the representative of the Soviet Union, said that his delegation had indeed referred to the draft Code during the current session; it supported the draft Code and had so informed the Secretary-General.

Draft resolution and draft decisions contained in chapter I of the report of the Committee on Crime Prevention and Control at its sixth session
(E/1980/112 and Corr.1)

23. The CHAIRMAN invited the Committee to consider the recommendations made by the Committee on Crime Prevention and Control in the report on its sixth session (E/1980/112, chap. I).

24. In connexion with draft decisions II, III and IV, concerning the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, she drew the attention of the Committee to the proposal made by the Secretary-General contained in document E/1981/L.3.

25. With regard to draft decision I, concerning the convening of the seventh session of the Committee on Crime Prevention and Control in the summer of 1981 instead of in 1982, she drew the attention of the Committee to the views expressed by the Commission for Social Development in its decision V (E/1981/26) in which it had drawn attention to Economic and Social Council resolution 1768 (LIV) of 18 May 1973, by which the Council had decided that its subsidiary bodies should meet biennially, and to the Council's decision 1979/81 of 3 August 1979, by which

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(The Chairman)

it had decided that, once the calendar of meetings had been adopted, no departures from the biennial cycle of meetings would be authorized. In that connexion, she reminded the members of the Committee that, with regard to decisions to be taken by the Council which might affect the calendar of conferences and meetings for 1982 and 1983, the Council had decided at the outset of the current session that the question of the timing of those meetings would be considered by the Council at its second regular session, when the Council would consider and approve its calendar of meetings for 1982 and 1983.

26. Mr. SAMOILOV (Union of Soviet Socialist Republics) said that the draft resolution recommended by the Committee on Crime Prevention and Control at its sixth session dealt with very important issues which could have far-reaching consequences. It was therefore essential that account should be taken of the views of all members of the Committee on Crime Prevention and Control. That had not in fact been the case at the sixth session; as was clear from paragraph 48 of that Committee's report, one member of the Committee had been virtually deprived of the opportunity to comment on the draft resolution.

27. His delegation therefore considered that it would be advisable to refer the draft resolution back to the Committee on Crime Prevention and Control for further consideration so that the views of all its members could be taken into account.

28. The CHAIRMAN said it was her understanding that the draft resolution had been adopted by the Committee on Crime Prevention and Control without a vote.

29. Following a procedural discussion on whether the Council was properly seized of the recommendations made by the Committee on Crime Prevention and Control, in which Mr. GAGLIARDI (Brazil), Mrs. SEMICHI (Algeria), Mr. O'DONOVAN (Ireland), Mr. NIKULIN (Byelorussian Soviet Socialist Republic), Mr. CHOWDHURY (Bangladesh), Mr. VERKERCKE (Belgium), Mr. RANGACHARI (India) and Mr. SHAFT (United States of America) took part, the CHAIRMAN invited the Secretary of the Committee to make a statement.

30. Ms. CONDEVAUX (Secretary of the Committee), referring to document E/1980/III/Add.1 whereby the Secretariat had brought to the attention of the Council the request made by the Committee on Crime Prevention and Control to the effect that the Council should consider the report of the Committee on its sixth session at the resumed second regular session of 1980, recalled that, at its resumed second regular session of 1980, the Council had decided to consider the report of the Committee on Crime Prevention and Control on its sixth session after it had been considered by the Commission for Social Development. The Commission for Social Development had taken note of the report and had expressed its views only on draft decision I concerning the convening of the seventh session of the Committee in the summer of 1981 instead of in 1982. It was therefore for the Social Committee to take whatever action it deemed appropriate.

31. The CHAIRMAN suggested that further consideration of the matter should be postponed to a subsequent meeting.

32. It was so decided.

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33. The CHAIRMAN invited the Committee to resume consideration of the recommendations made by the Commission for Social Development in chapter I of its report (E/1981/26).

Draft resolution VI: Emerging social issues of international concern

34. Mr. BELL (Canada) said that the difficulties which had prevented agreement on draft resolution VI and amendment E/1981/C.2/L.2 at the Committee's 11th meeting had been overcome. Moved by a desire to see that resolution adopted by consensus, his delegation had, following consultations with other delegations, agreed to withdraw its second subamendment, which it had proposed at the 11th meeting, and to alter the text of its third subamendment to reflect the language used in the International Development Strategy for the Third United Nations Development Decade, adopted by consensus at the thirty-fifth session of the General Assembly.

35. Amendment E/1981/C.2/L.2 would now read "... giving special attention to the relationship between disarmament and development and bearing in mind also that the resources released as a result of the implementation of disarmament measures should be channelled into the economic and social development of all countries and should contribute to the bridging of the economic gap between developed and developing countries".

36. Mr. NIKULIN (Byelorussian Soviet Socialist Republic) said that he was grateful to the Canadian delegation for its positive approach and the spirit of co-operation which it had shown during the informal consultations. He felt that there was now no obstacle to the adoption of the draft resolution by consensus.

37. Mr. SHAFT (United States of America) said that the new wording of the amendment was totally acceptable to his delegation and expressed his appreciation to the delegation of Canada and the Byelorussian SSR for their efforts to achieve a generally acceptable text.

38. The CHAIRMAN said that, if there was no objection, she would take it that the Committee wished to adopt the proposed amendment.

39. It was so decided.

40. The draft resolution as a whole, as amended, was adopted.

Draft resolution XI: Social aspects of the development activities of the United Nations

41. The CHAIRMAN invited the Committee to resume its consideration of draft resolution XI. She reminded the members of the Committee that the representative of France had withdrawn the amendment submitted by her delegation in document E/1981/C.2/L.8 and had instead proposed the insertion of the words "on an interregional and intersectoral level" in the last line of operative paragraph 4, after the words "co-ordinative measures". While that oral amendment of France had appeared to present no difficulties, there had been disagreement on the amendment submitted by Australia in document E/1981/C.2/L.7.

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42. Mr. HUTCHENS (Australia) said that, although his delegation still favoured the amendment contained in document E/1981/C.2/L.7, it had agreed in the course of the informal consultations which had followed the 11th meeting of the Committee to withdraw that amendment on the understanding that the working group of governmental experts established pursuant to the Commission on Human Rights resolution 36 (XXXVII) could draw on the material of the Commission for Social Development if it saw fit.

43. Mrs. SEMICHI (Algeria) said that she was grateful to the Australian delegation for withdrawing its proposed amendment. However, her delegation was still concerned by the statement made by the representative of Australia. She reiterated that her delegation upheld paragraph 12 of Commission on Human Rights resolution 36 (XXXVII), which detailed the type of material that should be made available to the working group. She hoped that the Australian statement would not be interpreted as committing other delegations.

44. The draft resolution, as orally amended by the representative of France, was adopted.

Draft resolution E/1981/C.2/L.4: Women and development

45. Mrs. DEVAUD (France) said that, at the request of one delegation during the consultations, she had agreed to replace the word "commonly" in operative paragraph 1 of the resolution by "widely".

46. The draft resolution, as orally revised by the representative of France, was adopted.

ACTIVITIES FOR THE ADVANCEMENT OF WOMEN: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued) (E/1981/32 and 33; E/1981/NGO/2; E/1981/C.2/L.5, L.6, L.10 and L.11)

Draft resolution E/1981/C.2/L.5: Social indicators applicable to studies on women

47. Mrs. DEVAUD (France) said that, at the request of one delegation, two changes had been made in the text of draft resolution E/1981/C.2/L.5. At the end of the fourth preambular paragraph, the words "and submitted to the Commission on the Status of Women" should be added.

48. The second change applied to the operative paragraph, which should read "Expresses the hope that prompt and effective co-operation can be instituted between the Branch for the Advancement of Women, the International Research and Training Institute for the Advancement of Women and the Commission on the Status of Women, whose role should remain a fundamental one, particularly during the second half of the Decade." She trusted that both those revisions would be acceptable to all members of the Committee.

49. Mrs. SEMICHI (Algeria) asked the representative of France to confirm that the Branch for the Advancement of Women referred to the body of that name within the Centre for Social Development and Humanitarian Affairs.

50. Mrs. DEVAUD (France) said that the Branch for the Advancement of Women referred to in the draft resolution was indeed part of the Centre for Social Development and Humanitarian Affairs.

51. The draft resolution, as orally revised by the representative of France, was adopted.

Draft resolution E/1981/C.2/L.10: Implementation of the Programme of Action for the Second Half of the United Nations Decade for Women

52. Mr. MENDEZ (Venezuela) said that the text of draft resolution E/1981/C.2/L.10, sponsored by Venezuela on behalf of the Group of 77, had been revised so that the operative paragraph 3 now read "Recognizes that the resident co-ordinators of the United Nations system for operational activities should ensure co-ordination among the organizations of the United Nations system for the implementation of the Programme of Action for the Second Half of the United Nations Decade for Women."

53. The CHAIRMAN recalled that a recorded vote had been requested.

54. A recorded vote was taken.

In favour: Algeria, Argentina, Bahamas, Bangladesh, Barbados, Belgium, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chile, China, Cyprus, Denmark, Ecuador, Fiji, France, German Democratic Republic, Ghana, India, Indonesia, Iraq, Ireland, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Peru, Poland, Senegal, Spain, Thailand, Turkey, Union of Soviet Socialist Republics, United Republic of Cameroon, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Australia, Canada, Germany, Federal Republic of, Italy, United Kingdom of Great Britain and Northern Ireland.

55. Draft resolution E/1981/C.2/L.10, as orally revised by the representative of Venezuela, was adopted by 45 votes to 1, with 5 abstentions.

56. Mr. CARDWELL (United States of America), speaking in explanation of vote, said that his Government was unable to endorse the Programme of Action for reasons which had already been stated. Its opposition related to the proposals for the implementation of special measures of assistance.

57. Mr. DYRLUND (Denmark) said that his delegation had voted in favour of the draft resolution but recalled the reservations which it had already formulated with respect to two paragraphs of the text.

58. Mr. BELL (Canada) said that his delegation had abstained in the vote on the grounds that, although the Copenhagen Conference had produced an excellent over-all

(Mr. Bell, Canada)

Programme of Action, its good intentions had been weakened by divisive and extraneous issues. The Canadian delegation's commitment to the implementation of the practical measures of the Programme of Action remained firm, however.

59. Mr. BERGTHUN (Norway) said that his delegation had voted in favour of the draft resolution but that the reservations which it had registered remained valid.

60. Mr. HUTCHENS (Australia) said that his delegation had abstained in the vote. Because of the inclusion of certain unacceptable political references, the Australian Government had voted against the Programme of Action adopted in Copenhagen. The Programme of Action was not a consensus document and his delegation therefore had reservations about endorsing its full implementation. However, Australia's vote did not mean that its Government rejected those parts of the Programme designed to advance the interests of women nationally and internationally and Australia was currently working to develop its own national plan of action based on the substantive and constructive aspects of the Programme of Action adopted in Copenhagen. His delegation believed that the proposals for the implementation of the Programme of Action contained in the report of the Secretary-General (E/1981/32) should serve to maintain the momentum of the Decade. It had taken particular note of the importance attached to the role of regional commissions and the prospect for employing UNDP resident representatives as resident co-ordinators. It also welcomed the attention that was being given to co-ordination of activities relating to women within the United Nations Secretariat and saw considerable value in a system of focal points. It would continue to follow developments in the context of the Decade for Women with interest and be ready to participate constructively in the remainder of the Decade.

61. Mr. VERKERCKE (Belgium) said that his delegation had voted in favour of the resolution, as it had voted in favour of General Assembly resolution 35/136. It maintained certain reservations with regard to the third and fourth preambular paragraphs, however.

62. Mr. LIGAIRI (Fiji) said that his delegation had voted in favour of the resolution but maintained its reservations with regard to certain clauses of the Programme of Action.

63. Mr. LINCKE (Federal Republic of Germany) said that his delegation had abstained in the vote, although it was committed to the implementation of the relevant parts of the Programme of Action. Its abstention was motivated by certain political aspects of the resolution which were well known.

Draft resolutions E/1981/C.2/L.6 and L.11: International Research and Training Institute for the Advancement of Women

64. Mr. MENDEZ (Venezuela) said that it had been decided to amend draft resolution E/1981/C.2/L.11, which Venezuela had sponsored on behalf of the Group of 77. Operative paragraph 4 now read "Expresses further its hope that a date will be set for a meeting of the Board of Trustees of the International Research and Training Institute for the Advancement of Women during the first quarter of 1982." Operative paragraph 6 had been changed to read "Requests the

(Mr. Mendez, Venezuela)

Secretary-General to submit to the first regular session of the Economic and Social Council in 1982 a report on the organization, programme, and activities of the Institute".

65. Mrs. DEVAUD (France) said that her delegation had discussed with the sponsors of draft resolution E/1981/C.2/L.11 the possibility of combining its text with that of an earlier draft resolution submitted by France (E/1981/C.2/L.6). At the suggestion of the French delegation certain changes had been introduced in the draft resolution by Venezuela and the Group of 77 in order to give it a more realistic tone. Her delegation had accordingly withdrawn draft resolution E/1981/C.2/L.6 and fully supported the revised text which had been read out by the representative of Venezuela.

66. Draft resolution E/1981/C.2/L.11, as orally revised by the representative of Venezuela, was adopted.

67. Mr. LINCKE (Federal Republic of Germany), speaking in explanation of vote, said that his Government had endorsed the resolution because operative paragraph 5 did not imply any obligation to make financial contributions but merely suggested that Member States assist in that way.

HUMAN RIGHTS QUESTIONS (continued) (A/36/209; E/1981/25 and 28)

68. Mr. GIUSTETTI (France) said that the Commission on Human Rights had fulfilled its mandate satisfactorily by adopting 40 resolutions and more than 30 decisions and draft decisions. His delegation welcomed the progress that had been made with regard to the right to development, an issue which in the past had always been decided by the law of the majority. Although resolution 36 (XXXVII) on the subject had not been adopted unanimously, all the members of the Commission appeared to agree that the effective implementation of human rights raised problems that were peculiar to developing countries and that the only satisfactory solutions would be those which won the support of the entire international community. The agreement which had been reached on that point implied that the Working Group set up under the resolution must take the Universal Declaration of Human Rights and the Covenants as a body of recognized standards and examine in what way insufficient development was an obstacle to the effective implementation of the rights recognized therein in order to submit to the Council a set of general recommendations as to the measures that must be taken at the national and international levels. It was, moreover, because his delegation was convinced that the findings of the Working Group could have real significance only if it adopted the principle of consensus that it had not objected to the present composition of the Group, which did not conform to the rule of equitable geographical distribution.

69. It was encouraging that, after so many years, a United Nations body had adopted a comprehensive text on the issue of intolerance based on religion, and it was to be hoped that the Commission's draft Declaration would be endorsed by the General Assembly, which could hardly postpone adoption of a text on the subject yet again without damaging its credibility. The Organization had been seeking a consensus for at least 20 years and the time had come for everyone to do his utmost

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(Mr. Giustetti, France)

to make it possible. The concrete objective of the Working Group on Enforced or Involuntary Disappearances, which the Commission had quite rightly extended, had also been clearly defined: it must endeavour to seek a global solution for every country where such disappearances appeared to be a systematic practice. It was unlikely that the Working Group would achieve its objective, however, unless it also endeavoured to elucidate certain specific instances of particularly significant disappearances. It must work, therefore, with discretion so as to avoid the public debates which would ensue if its efforts proved fruitless.

70. A number of useful resolutions had also been adopted on other points, especially resolution 28 (XXXVII), which broadened the concept of defenders of human rights, resolution 29 (XXXVII), which provided for the appointment of a Special Rapporteur in order to establish the causes of mass exoduses and to find ways of resolving each such instance, resolution 3 (XXXVII), which recalled that all ideologies based on group hatred must be combated from the moment they appeared, even though they might be altogether marginal, and draft resolution IV, which extended the mandate of the United Nations Trust Fund for Chile to cover victims of torture throughout the world.

71. Despite all it had done, however, the Commission had not, in the view of the French delegation, lived up to the expectations that had been placed in it. It was unfortunate, for instance, that for lack of sufficient discussion the resolutions were not as comprehensive and relevant as they would have been had the Commission kept more strictly to its original time-table. It was disappointing, too, that the Working Group which had been established to investigate new ways and means of improving the effective enjoyment of human rights had failed to come up with any proposal other than that it should meet again next year. Although the documents that certain delegations had submitted to it contained useful suggestions for discussion, particularly those dealing with the strengthening of the means at the disposal of the Secretariat, the role of the offices of the Commission between regular sessions and the possibility of holding emergency sessions, it had held no exchange of views whatsoever on those issues. It would be well advised in future, therefore, to select only a few of the suggestions submitted to it for detailed discussion and endeavour to reach at least partial agreement on them.

72. His delegation deplored the fact that the discussions on the human rights situation in several countries had given rise to polemical draft resolutions or reprisals. That was altogether contrary to the Commission's function of protecting human rights. Since the right of competent international bodies to ensure that their member States respected human rights was undisputed, countries must not look upon the supervision they exercised as a hostile act; at the same time, however, that supervision must be solidly based on facts, must be perfectly objective and must be directed towards all countries where the same symptoms were to be found rather than aimed at one particular State. The control activities carried out by international bodies must therefore be based at all times on flexible but clearly defined rules from which it could be established how and why the human rights situation in a particular country merited investigation. Unless those rules were observed, decisions to embark upon public investigations might

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(Mr. Giustetti, France)

be taken at every level, as had been seen at the previous session of the Commission. A country which found itself thus challenged from every direction would then feel entitled to dispute the objectivity and serious purpose behind such concerted action. That kind of confusion during the past session had drawn the Commission into procedural discussions which, in some cases of systematic violation of human rights, had wasted time and reduced the debates to relative irrelevancies. Without wishing to belittle the role of the General Assembly, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Economic and Social Council itself with regard to the protection of human rights, his delegation considered that the decision to conduct a public inquiry should, as far as possible, be taken by the Commission on Human Rights, whose findings were subsequently brought before the Council and the General Assembly. The Sub-Commission should limit its role to the submission of confidential suggestions to the Commission, and the latter should then reach its decision in accordance with the procedure for dealing with communications relating to violations of human rights and fundamental freedoms (resolution 1503 (XLVIII)) which, though initially confidential, also made provision for its proceedings to be made public. Although that procedure might be slow, largely because the Commission was unable to take any decisions between its regular sessions, and although it was sometimes criticized for being based only on communications from private sources, the fact remained that it was rarely possible to take immediate action against the systematic violation of human rights and a procedure that could not easily be disputed was often preferable to disorganized, emergency action.

73. In the light of those considerations, his delegation wished to comment on some of the decisions submitted to the Council by the Commission. In the case of Bolivia, where serious violations of human rights (including the assassination of political opponents) continued to be perpetrated, the Commission must give the matter its unremitting attention. Given the invitation which the Bolivian Government had extended to the Commission, it was to be hoped that a Special Envoy would be appointed and would receive every assistance in clarifying such allegations of violations of human rights as might be submitted to him.

74. France also supported the similar decision that had been taken in respect of El Salvador, for which a Special Representative had received an appropriate mandate. The country was in a state of civil war and only a genuine political settlement, entailing economic and social reforms, national reconciliation and an end to foreign interference, could remedy the situation. One of the pre-conditions of national reconciliation was that guerrilla and clandestine military activities be stopped, while the Government and government forces must refrain absolutely from employing methods that were contrary to the universal conscience and to the fundamental principles of human rights. Unlike the usual type of Special Rapporteur, the Special Representative of the Commission would be required not so much to prove that the murders, abductions, disappearances and terrorist acts were contrary to the provisions of the Universal Declaration of Human Rights as to persuade the parties involved to cease employing such methods. In other words, he would have to act as a mediator and conciliator rather than as an examining magistrate.

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(Mr. Giustetti, France)

75. Cambodia was another instance of an armed conflict provoked by blatant external intervention in which respect for human rights could only be achieved by means of a political settlement. There the role of the Special Representative would be similar, although he would have greater latitude than in El Salvador. As to the United Nations, it should convene an international conference in order to bring about a situation wherein the Cambodians could settle their problems among themselves without outside interference or pressure.

76. The expansion of the supervisory activities of the Commission, demonstrated by the unprecedented number of resolutions on the right of people to self-determination and the violation of human rights, would have to be held in check. Where there was armed conflict, the violation of human rights could not be ended unless a stop was put to the conflict itself. Such issues were therefore more a matter for political bodies that were equipped for seeking a peaceful settlement to conflicts than for the Commission. However, the protection of human rights was of the very nature, vocation and mandate of the Commission, and States therefore had no right to respond by polemics when their conduct gave the Commission reason to exercise its prerogative.

77. Mr. Mapp (Barbados) took the Chair.

78. Mr. WHYTE (United Kingdom) said that his delegation regarded the Commission on Human Rights as one of the most important organs of the United Nations, since it dealt with issues of concern not only to national Governments, but also to all people who were interested in the welfare of their fellow human beings. It was true that the Commission had not done all that had been expected of it; in some cases, it had been lamentably slow to respond to even the grossest abuses of human rights. It was also true that its discussions had tended to be unduly political and selective. Along with many other delegations, his delegation deeply regretted those deficiencies and would continue to work to improve the Commission's effectiveness and even-handedness.

79. Those deficiencies, however, must not be allowed to obscure appreciation of the Commission's achievements. With regard to the establishment of international standards, his delegation whole-heartedly welcomed the final completion by the Commission of its work on the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Declaration, while not a legally binding instrument, represented a valuable statement of fundamental principles. His delegation hoped that after being in the drafting stage for many years, the Declaration would now be adopted with the minimum of delay.

80. The Commission had also registered notable successes in the consideration of particular areas of human suffering and in the establishment of procedures designed to relieve such suffering. One of the most deplorable developments in recent years had been the huge increase in the number of refugees. Sometimes that had been the unavoidable result of international conflicts and foreign occupation. It was right that the international community should take a particular interest in the welfare of refugees, who generally had little voice

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(Mr. Whyte, United Kingdom)

in international affairs. His delegation therefore welcomed resolution 29 (XXXVI), in which the Commission had addressed itself to the plight of victims of mass exoduses and had provided for the appointment of a special rapporteur to study the human rights aspects.

81. His delegation also welcomed the adoption of various other resolutions designed to ensure the protection of human rights on an international and impartial basis. They included resolution 28 (XXXVII) on the rights and responsibilities of individuals, resolution 27 (XXXVII) on hostage-taking and resolution 10 (XXXVII) on the question of enforced or involuntary disappearances. His delegation particularly appreciated the efforts of all those who had facilitated the achievement of a consensus on resolution 10 (XXXVII) and hoped that that would enable the Working Group to continue its work in an effective, responsible and impartial way.

82. Resolution 36 (XXXVII) provided for the establishment of a working group to study certain aspects of the question of economic, social and cultural rights. While his delegation attached importance to that item, it was concerned that the Commission's work thereon should be without prejudice to its work on other important human rights questions. The United Kingdom would study carefully the working group's conclusions, which it hoped would be reached by consensus, and would be ready to continue to participate fully and constructively in the Commission's work on the item.

83. His delegation regretted that it could not support many of the resolutions on southern Africa and the Middle East. The system of apartheid was a gross affront to human dignity; the United Kingdom regarded it with disgust; it was right that the Commission should consider and condemn it. The United Kingdom was fully committed to working for the goal of self-determination and independence for Namibia and for a solution to the problems of the Middle East. It continued to hope that, as had been the case in the end with Zimbabwe, protracted negotiations would finally prove successful in rehabilitating the human rights of the peoples concerned.

84. With regard to Afghanistan and Cambodia, the Commission had addressed itself to exceptional situations arising from foreign invasion and occupation. The peoples concerned had been denied any say in the running of their own countries and thousands of them had fled their homes, often in abject circumstances. The United Kingdom deplored the actions that had led to such a massive denial of human rights and welcomed the international community's continuing concern, as illustrated by the Commission's adoption of resolutions on Afghanistan and Cambodia by overwhelming majorities.

85. His delegation sympathized with the feeling on the part of certain Latin American countries that their region was sometimes unfairly singled out for criticism. Until the problem of arbitrary selectivity was solved, it was essential to deal with situations as they arose. On that basis, his delegation considered the resolutions on El Salvador, Guatemala and Bolivia to be reasonably balanced, and had accordingly supported them. It had abstained in the vote on the resolution

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(Mr. Whyte, United Kingdom)

on Chile, because it considered that resolution to be unbalanced and unfair. The additional programme provided for in those and other resolutions should be met through the redeployment of existing regular budgetary resources.

86. Not all recent changes in the world had been for the worse. The United Kingdom whole-heartedly welcomed the recent demise of several cruel régimes, notably in Uganda, the Central African Republic and Equatorial Guinea, and the practical supportive action taken by the Commission in response to those developments.

87. Subject to certain reservations which he had expressed, his delegation believed that the Commission had continued to perform its tasks honourably and effectively and wished to pay tribute to the Chairman of the Commission and to the Director of the Division of Human Rights. It was now important to see how the effectiveness of the United Nations could be improved with regard to the protection and promotion of human rights throughout the world. It was also important to consider the possible establishment of new procedures to that end. His delegation regretted that no progress had been made on that question at the Commission's thirty-seventh session and hoped that substantial progress would be made at the thirty-eighth.

88. The Commission had managed to finish the work of its thirty-seventh session on time only by limiting debate on certain items and by continuing some of its meetings until the late evening. His delegation suggested that, at future sessions, members should agree on a guillotine for all contributions to the debate. That would not seriously prejudice the right of delegations to express their views; indeed, it would greatly help to ensure that all items on the agenda received the attention they deserved.

89. Mr. BURAYZAT (Jordan) said that there was nothing to match the hideous situation prevailing under the two racist régimes of South Africa and Israel. In South Africa, the individual was degraded because of his colour and race; in Israel, it was because of his religion and origin. The indigenous Arab population of Palestine was experiencing the ugliest calamity in recent history. He knew of no parallel plight which had befallen a whole people. It would seem that anything a Palestinian did threatened the security of Israel. The songs of schoolchildren constituted resistance; the paintings on the walls by students constituted revolt; the saying of prayers in mosques constituted disobedience. Perhaps the mere existence of the Arab citizens in Palestine was resistance. Only three months earlier, two mayors and a Shari judge had been evicted and arbitrarily deprived of their basic right to stay united with their families in their homeland. Israel had not heeded Security Council resolution 478 (1980). As indicated in document S/14268, it continued to commit many violations of human rights in the occupied territories.

90. At the thirty-seventh session of the Commission on Human Rights, one non-governmental organization had stated that it had sent a delegation to investigate allegations concerning the treatment of detainees in Israeli prisons and that no evidence had been found to support allegations of ill-treatment in

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(Mr. Burayzat, Jordan)

prisons (E/1981/25, para. 20). His delegation wished to point out that the brutality of Israeli practices in the occupied Arab territories was an established fact. A few months ago, there had been neutral reports in New York on the repressive and rough measures used by Israel against the inhabitants of the West Bank. Some had been beaten up, others had been shot in the legs. Workers and leaders had been detained arbitrarily. The population was faced with systematic and daily practices aimed at destroying its very existence. The Israeli conception of security and sovereignty was uniquely destructive. The insistence on racial superiority, the concept of the racial purity of the State and the denial of the right to self-determination had grave effects.

91. There were some Governments providing Israel and South Africa with all means of support. Theoretically, they tied such support to the observance of human rights. His delegation invited them to examine the record of Israel and South Africa in terms of human rights violations and to heed the regulations and principles they had adopted.

92.. Unfortunately, the facts did not bear out the statement by the non-governmental organization to which he had earlier referred. The Israeli authorities had allowed that organization to enter the prisons to report the "good" news. The question was why they had not allowed the Security Council Commission established under resolution 446 (1979) to see the prisons and report to the Economic and Social Council and to the General Assembly.

93. At the thirty-seventh session of the Commission on Human Rights, one observer had maintained that the status of the occupied territories was of a sui generis nature and that the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was not applicable to the areas, although Israel applied the humanitarian provisions of the Convention on a de facto basis (E/1981/25, para. 22). In 1967, the Security Council had requested Israel, as an occupying Power, to pay scrupulous regard to the provisions of the fourth Geneva Convention. There were basic principles recognized in international law for the transfer of title and for the assumption of legitimate sovereignty by an occupying Power over an occupied territory. None of those principles had been observed in the Arab-Israeli conflict. While not wishing to divert attention from the essential question of human rights, his delegation was concerned that at least the general principles and the international instruments already developed should be respected in the Occupied Arab territories.

94. Even as the future Committee was deliberating the question of human rights, children, women, workers, students and prisoners in Palestine, Namibia and other places were suffering because of their race, colour, religion or political views. It was essential to act quickly so that the United Nations could preserve its reputation. His delegation therefore hoped that the draft resolutions relating to the violations of human rights in the occupied Arab territories and in South Africa would be adopted unanimously by the Economic and Social Council.

95. Jordan welcomed the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. His delegation

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(Mr. Burayzat, Jordan)

found particularly praiseworthy the articles on the role of the family and parents in the upbringing of children. However, there were certain clauses in the draft which it could not support. For the future, it wished to appeal to the Commission on Human Rights to take into consideration, for the benefit of all parties, all cultures and religious creeds when it was tackling such a highly comprehensive task. Jordan was confident that the Commission's achievements would then be truly universal in nature.

96. Mr. FREYBERG (Poland) said that inasmuch as Poland considered the protection and promotion of human rights to be one of the most important tasks of the United Nations, it attached great importance to the work of the Commission on Human Rights. His delegation assessed positively the results of the thirty-seventh session, even though the Commission had adopted some politically motivated resolutions, distorting the real state of affairs.

97. In submitting its proposal on the drafting of a convention on the rights of the child more than two years earlier, Poland had sought to underscore the continuity of international concern for children and to turn the principles of the Declaration of the Rights of the Child into legally binding and universally accepted rules of international life. Poland had realized that the original draft convention would have to be adapted to the requirements of changing times and conditions. The working group of the Commission on Human Rights had made considerable progress in negotiating the text of a convention on the rights of the child. Elaboration of the convention would represent a significant contribution by the United Nations to the world-wide effort to improve the situation of children. It was of the highest importance that the convention should meet the future needs of children, clearly define the lines of activity of particular States and inspire national legislation governing the rights of the child. In view of the importance of completing the work on the convention soon, his delegation felt that the Commission's request for one week of pre-sessional negotiations on the text was fully justified. The Economic and Social Council should authorize such negotiations by a working group and instruct the Secretariat to extend to it all necessary assistance, particularly with regard to documentation, so that the work on the text could be concluded as soon as possible.

98. In the report on its thirty-seventh session (E/1981/25), the Commission on Human Rights emphasized the urgent need to ensure respect for human rights in the occupied Arab territories. The Commission had firmly condemned the Israeli practices in those territories, specifically Israel's failure to respect the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and had emphasized the right of the Palestinian people to self-determination. His delegation supported the resolutions on that question adopted by the Commission.

99. The racist régime of South Africa continued to violate human rights in South Africa and Namibia. Racial discrimination, apartheid and degrading treatment of the indigenous population with regard to political, civic, social, economic and cultural rights were the daily practice of the racist régime. His delegation supported the Commission's decision to renew the mandate of the Working Group of Experts studying the violation of human rights in South Africa and Namibia (resolution 5 (XXXVII)). It also favoured the submission to the General Assembly of the resolution in question.

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(Mr. Freyberg, Poland)

100. The human rights situation in Chile had further deteriorated. The extension of the mandate of the Special Rapporteur studying the situation with regard to human rights in Chile, the appropriation of the necessary funds and the detachment of qualified staff for the implementation of resolution 9 (XXXVII) of the Commission on Human Rights were fully warranted. His delegation wished to place on record, however, its regret at the Commission's decision to request the transformation of the United Nations Trust Fund for Chile into a general relief fund for victims of torture (resolution 35 (XXXVII)). Such a transformation would deprive the Fund of motivation and result in a dispersal of limited resources.

101. His delegation supported the measures proposed by the Commission with a view to securing further progress in the formulation of the very concept of development and in the promotion of the right to development. All the conditions were right for beginning the task of preparing a declaration on the right to development as a human right.

102. The struggle against the revival of nazism, fascism, neo-fascism and other ideologies based on racial discrimination, hatred and terror was of prime importance. The United Nations should take an unequivocal position with regard to the revival of those ideologies, which negated human rights and posed a threat to world peace and security. The elaboration of a declaration on that matter would be most advisable in view of the increasing manifestations of those ideologies.

103. Another important question was the so-called alternative approach to the question of human rights in the United Nations system. The creation of transnational structures gave the Secretariat functions that reached beyond the framework of its competence and implied control functions with regard to States. That could in no way contribute to the improvement of the human rights situation. It was in that light that one should view the unacceptable proposal regarding intersessional functions for the officers of the Commission on Human Rights. Such a proposal called at least for thorough consideration before any steps were taken to adopt it. The fact that the Commission had violated the agreement on the taking by consensus of decisions on important documents to be submitted to the Economic and Social Council and the General Assembly did not augur well for the adoption of the proposal. The primary task was to determine the Commission's future programme of work so that it met the needs of the day with regard to human rights questions.

The meeting rose at 6.30 p.m.