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THIRD COMMITTEE
33rd meeting
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at 10.30 a.m.
New York

SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. MADAR (Somalia)

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 92: INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN: REPORT OF THE SECRETARY-GENERAL (continued) (A/39/511 and A/39/568; A/C.3/39/6)

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- (a) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND HALF OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL (continued) (A/39/58 and A/39/566)
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AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN: (continued) (A/39/590 and Corr.1; A/C.3/39/L.18)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued) (A/39/45, Vols. I and II)
- (b) STATUS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN: REPORT OF THE SECRETARY-GENERAL (continued) (A/39/486)

1. Miss EMARA (Egypt) said that at the 1985 World Conference to Review and Appraise the Achievements of the United Nations Decade for Women it would be essential to co-ordinate the priorities of the various regions and intensify dialogue at all levels in order to achieve the objectives of the Decade. The Conference should contribute to promoting the unity of the international community, not disunity. At the current session of the General Assembly, her delegation, together with the great majority of delegations, had shown goodwill and had accepted, in a spirit of consensus, the compromise formula regarding the agenda of the Conference. Her delegation hoped that that goodwill and spirit of consensus would prevail during the Conference so that it would achieve the desired success.

2. Her delegation wished to remind the Committee that political conflicts affected women as well as men and, accordingly, women could not be prevented from taking an interest in such matters. Women and children were the main victims of armed conflicts and policies of racial discrimination and apartheid. All current armed conflicts attested to that fact; as examples, mention could be made of the situations in the occupied Arab territories, in southern Africa and in Lebanon.

3. Her delegation, as a member of the Commission on the Status of Women, was pleased that its report had been approved by the Economic and Social Council and

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(Miss Emara, Egypt)

hoped that its recommendations would be unanimously adopted by the General Assembly. While great progress had been made during the Decade there was still much to be done if its goals were to be fully achieved, and the 1985 World Conference should review and appraise the progress made in order to decide on the new measures necessary for progress after 1985. In addition to the themes and subthemes of the Decade, special importance might also be given to some additional aspects such as improvement of the status of women in rural areas.

4. Egypt welcomed the growing number of States parties to the Convention on the Elimination of All Forms of Discrimination against Women and invited States that were not parties to it to ratify it or accede to it as soon as possible. It supported the activities of the Voluntary Fund for the United Nations Decade for Women and believed that it was essential to enable the Fund to continue its activities beyond the Decade. Because of the limited number of replies received by the Secretary-General concerning the administrative organization of the Fund, it seemed difficult to take a definitive decision in that regard at the present time. In that connection, she said her delegation would have liked to have the benefit of the opinions of the United Nations Development Programme and the Legal Counsel of the United Nations before taking a position on the integration of the Fund into UNDP as an autonomous service.

5. Her delegation welcomed the adoption of the Statute of the International Research and Training Institute for the Advancement of Women by the Economic and Social Council and hoped that the General Assembly would adopt it unanimously. She reiterated Egypt's support for the work of INSTRAW, which was necessary if the full participation of women in all development activities at every level was to be achieved.

6. Mr. FAROUQUE (Sri Lanka) said that the discussion within the Committee showed that with democratization and industrialization and a growing awareness of their political, social and economic rights, women now had many opportunities for developing a more dynamic role for themselves. However, a majority of women, particularly in developing countries, were still tied to traditions. In some cases, the woman's own self-image as someone subordinated to the male had not changed. Some conservative beliefs and powerful cultural imperatives laid down in a bygone era were no longer entirely viable or justifiable. Both men and women were born free and equal in dignity and rights and were entitled to all economic, social, cultural, civil and political rights, without distinction.

7. His delegation was confident that the work of the Committee on the Elimination of Discrimination against Women would be most helpful to all States parties in reviewing their position and taking corrective measures where necessary. It would also contribute to the success of the 1985 World Conference. It was to be hoped that CEDAW's comments on the reports of States parties would be given adequate publicity in order to increase women's awareness of their rights and to promote action to improve their status.

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(Mr. Farouque, Sri Lanka)

8. His delegation attached great importance to the work of INSTRAW and hoped that it would establish close co-operation with ESCAP. Sri Lanka supported the endorsement of the Statute of INSTRAW by the Economic and Social Council, as interpreted by ACABQ.

9. His delegation supported in principle the suggestion that the Voluntary Fund for the United Nations Decade for Women should continue beyond the Decade and be transferred to UNDP as an autonomous fund, preserving its special nature and its link with the Centre for Social Development and Humanitarian Affairs and other relevant organs and agencies within the United Nations system.

10. The granting of the universal adult franchise in 1931 to every Sri Lankan citizen had enabled women to play an important and active role in the exercise of political power. Great progress had since been made by Sri Lankan women in the political field, and the Constitution of Sri Lanka guaranteed equal rights and equal status for women and men. Through legislative and other measures, the Government had done everything in its power to remove existing inequalities and disparities between men and women in their right to select and engage in gainful employment with the guarantee of equal pay and improved working conditions. Two of the most significant achievements by Sri Lanka since the proclamation of the Decade were the establishment of a Ministry of Women's Affairs and a Women's Bureau of Sri Lanka.

11. Mrs. LOEMBAN TOBING-KLEIN (Suriname) said that her delegation wished to suggest that Mrs. Indira Gandhi, the late Prime Minister of India, should be honoured at the 1985 World Conference for her achievements, particularly with respect to the world community of women.

12. During its discussions, the Committee should bear in mind that thousands of women and children were dying as a result of food shortages. Her delegation believed that that immense problem was a constant threat to world peace, which could not be secured as long as unsatisfactory living conditions and the lack of such basic necessities as shelter, sufficient food and drinking water persisted. Indeed, it could be said that it was a luxury to engage in a discussion concerning equality, development, peace, education, employment and health for women while society failed to provide them in many areas of the world with the food they needed. The international community had a collective responsibility to solve those problems without delay. As long as such poverty existed, it would be impossible to achieve the goals of the Decade.

13. Her delegation wished to reiterate the views it had expressed at the thirty-eighth session of the General Assembly and to emphasize that the Government of Suriname continued to adhere to the concept of equal partnership of men and women in national development and was working for the elimination of all forms of discrimination against women. It understood, however, that the goals, ideals and action programmes of the Decade would not be easily achieved. Accordingly, Suriname had agreed to participate in a UNESCO-organized survey carried out in 15 countries to evaluate the effectiveness of the Convention on the Elimination

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(Mrs. Ioemban Tobing-Klein, Suriname)

of All Forms of Discrimination against Women. The findings of that survey showed that much still remained to be done to achieve full equality of men and women.

14. Suriname, a party to international and regional conventions on human and women's rights, believed that the contribution of non-governmental women's organizations to the emancipation of women was of vital importance. However, one overriding problem still existed within women's movements throughout the world: women in general did not seem to gain enough support from each other, and it appeared that insufficient solidarity existed among them. The Nairobi Conference should deal with that problem.

15. Mrs. BARGHOUTI (Observer, Palestine Liberation Organization) said that one of the effects of the forced displacement of the Palestinian people in 1948 and 1967 had been that many Palestinian families had been broken up and relocated in different countries. The absence of fathers, husbands and sons due to migration, deportation or imprisonment had profoundly effected the economic, emotional and psychological stability of the Palestinian family. In the occupied Palestinian territories, women and children worked seasonally for low wages and were exposed to various types of exploitation as well as detention and interrogation. They had no guarantees of permanent work or prospects for advancement. The wage differential between Palestinians and Israelis was approximately 50 per cent.

16. Another problem facing the Palestinian population, particularly women and children, was health. Palestinians living in refugee camps received only the minimum acceptable level of health care and services and were vulnerable to the rapid spread of disease. Twenty per cent of the Palestinian population had been in Israeli concentration camps and prisons: the average number of detainees at any given time was nearly 4,000, many of them women. Women had not been spared the torture, arbitrary arrests and imprisonment and denial of the right to fair public trials to which Palestinians in general had been subjected. In the Ramle prison, they were brutally punished for refusing to do work of a military nature such as sewing Israeli military uniforms or cooking for Israeli prison guards: the punishments included torture as well as the withholding of reading material, the suspension of classes and deprivation of the right to family visits. Prison strikes had been staged to protest that treatment, the most recent one lasting for nine months.

17. Despite the abuses suffered by Palestinian women under Israeli military occupation and in the Palestinian diaspora, they would pursue their struggle for freedom and justice. Many women's organizations had existed in Palestine since 1929. The General Union of Palestinian Women had been founded in 1965 its main purpose being to meet the needs of Palestinian families. Its activities included developing vocational training centres for women, setting up rehabilitation centres in the refugee camps, raising the standard of living and political awareness of Palestinian women and involving them in the national struggle. Sacrifices made today would give the next Palestinian generation the right that hers had been deprived of: the right to a homeland.

(Mrs. Barghouti, Observer, PLO)

18. Noting that the 1980 Conference in Copenhagen had adopted resolutions expressing concern for the problems and sufferings of Palestinian women, she said she hoped that the 1985 Conference would show the same sense of responsibility with regard to the needs of all women, including those suffering under the barbaric system of apartheid in South Africa. She wished to stress that those were not political issues and that delegations calling for discussion of them were not seeking to disrupt the work of the Conference; on the contrary, such discussion was vital for the success of the struggle of women everywhere for peace, development and equality.

19. Mrs. JONES (United States of America), speaking in exercise of the right of reply, said that the representative of Nicaragua had made some unseemly references to the President of the United States: she trusted that personal attacks on world leaders were not habitual with the Committee. In any case, the Nicaraguan Government could not hide its responsibility for its people's sufferings by heaping abuse on others: it was its own policies and practices, including systematic repression of internal dissidents, harassment of political opponents, excessive militarization and support for armed subversion of the Governments of neighbouring countries, that had plunged Nicaragua into chaos. While the President of the United States had just been re-elected through universal and open suffrage, the Nicaraguan people had been denied the chance to participate in similarly free elections. The United States believed in the principles of democratic government and the free exercise of all human rights: it had supported the fruitless efforts of Nicaragua's democratic opposition to persuade the Sandinistas to ensure the necessary conditions for a free election. With no significant opposition participating, the Sandinistas had manipulated all aspects of the electoral process to project the illusion of popular support. The electoral farce had not changed anything, and her delegation viewed it as a lost opportunity for the Nicaraguan people.

20. Mrs. PARRALES (Nicaragua) said that in its earlier statement her delegation had touched briefly on the aggression to which her Government was being subjected by the United States, aggression that was based on a policy of State terrorism. At a future meeting, she would provide a detailed account of the forms which that State terrorism took.

21. Mrs. SHAHANI (Assistant Secretary-General, Centre for Social Development and Humanitarian Affairs) said that she had been greatly encouraged by the positive response of States to the discussion of items 93 and 94, and especially to the preparations for the Nairobi Conference. She hoped that that spirit of dialogue would prevail and provide a firm basis for agreement in Nairobi.

AGENDA ITEM 102: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (A/39/556, A/39/581, A/39/590 and Corr.1):

(a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 38/124;

(b) NATIONAL INSTITUTIONS FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS:
REPORT OF THE SECRETARY-GENERAL

22. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs) said that during the almost 40 years of its existence the United Nations had made great strides in promoting human rights; nevertheless, it was necessary to strive continually for improvement in that area. To that end, emphasis had been placed on increasing the effectiveness of the actions taken, and a variety of issues had been examined. Attention had been given to the concept of human rights and doctrinal issues to ensure that human rights norms and approaches matched contemporary needs. Basic issues affecting the life, security and integrity of the individual had been continuously stressed and emphasis had been placed on the importance of implementing international standards and continuing to set such standards. The draft convention against torture exemplified those endeavours.

23. The role of national and local institutions in the promotion and protection of human rights had been given special emphasis, because it was at the local level that the individual came into contact with State organs. Adequate and effective legislation was needed in that area, and appropriate agencies for the defence of human rights should be established. The Committee might wish to consider whether the United Nations should publish a manual or guidebook or models of national and local institutions existing in various countries as a reference work for Governments seeking to establish new institutions or strengthen existing ones.

24. To be able to defend one's rights, one must first be aware of them; that was why the dissemination of information on human rights was extremely important. Efforts were being made to distribute the basic human rights instruments in as many languages as possible: the Universal Declaration of Human Rights had been translated into about 80 languages, and the International Covenants were available in nearly 20.

25. Almost all the human rights bodies had become aware of the need to develop advisory, training and assistance programmes which Governments could use to implement more effectively the international standards on human rights. Ways and means were being considered with a view to expanding training programmes for government officials whose duties required them to draft or implement human rights legislation or to prepare reports required under international conventions. The Committee might wish to discuss how such programmes could be organized to meet the needs of Governments.

26. As the International Youth Year drew near, it was appropriate that emphasis should be placed on the expansion of education concerning human rights, particularly at the primary and secondary levels. That was an issue on which there might be a fruitful exchange of views in the Committee.

27. Mr. THWAITES (Australia) said that in the history of the United Nations the promotion and protection of human rights, including in particular the adoption of the International Covenants and other basic human rights instruments, had been an area of achievement. His delegation hoped that the General Assembly would take another significant step in the establishment of human rights standards by adopting the draft convention against torture and other cruel, inhuman or degrading treatment or punishment.

28. The validity of collective rights clearly derived from the rights of individuals gathered together in society. That was why Australia had the greatest difficulty in accepting any propositions about human rights which sought to subordinate the actuality of the individual human person to abstractions such as the State. Indeed, the view that the State had a separate identity above the will of the people was a central tenet of totalitarianism and fascism. That did not mean, however, that the individual should be seen as existing in isolation from, or at the expense of, the collective good.

29. In that context, Australia was deeply committed to international efforts to create conditions in which every person had an equal opportunity to develop freely in conditions of material sufficiency as well as intellectual freedom. Australia acknowledged and shared a sense of the fundamental significance which the notion of development held for most Governments and supported the efforts of the Working Group of Governmental Experts on the Right to Development to elaborate the scope and content of a right to development.

30. It was oversimplistic and misleading, however, to suggest that the enjoyment of civil and political rights was contingent upon levels of development. Evidence showed that gross violations of human rights had been committed in States with a relatively high degree of development, and at the same time a high level of effective protection of human rights had been achieved in many States which, by all the usual criteria, would be classified as less developed. It had rightly been asserted that the implementation of economic, social and cultural rights depended largely on each State's level of development, while the implementation of civil and political rights depended exclusively on the political will of Governments.

31. The view that priority attention should be accorded in the United Nations to mass and flagrant violations of human rights was, on the face of it, unexceptionable. It was sometimes difficult to decide, however, at what point a violation qualified as "mass and flagrant", and all too easy for political as distinct from humanitarian criteria to influence the decision. General Assembly resolutions which had dealt with violations of human rights had paid little attention to the latter criterion. Any serious violation of human rights should be a matter of concern to the United Nations, and action to deal with such violations should continue to form an essential part of the ways and means for fulfilling the Organization's mandate under its Charter. In that light, his delegation found it hard to understand the resistance in some quarters to any suggestion of innovations in the United Nations machinery for dealing with human rights questions. Such an attitude seemed to suggest a complacency with the existing state of affairs. Clearly, any alternative ways and means that were to be adopted must attract the widest possible agreement, and Australia would spare no effort to secure that agreement. In the process of seeking to accommodate differing views, however, what

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(Mr. Thwaites, Australia)

was needed was not complacency but commitment and a sense of urgency in the face of the appalling violations of human rights confronting the international community.

32. Regional arrangements for the promotion and protection of human rights had proven to be of particular value in various parts of the world, allowing human rights concerns to be discussed productively, and often in a less political atmosphere than that of the General Assembly. In his region, the consideration of regional arrangements remained at an early stage; his delegation hoped, however, that contacts between the countries of the region concerning human rights would be maintained and strengthened, and Australia would gladly participate in such contacts. There might also be value in examining the possibility of subregional arrangements, given the size and diversity of the region as a whole. He stressed that the development of regional arrangements must maintain a consistency and complementarity with the universal standards which had been established under the auspices of the General Assembly.

33. Whatever the value of international and regional arrangements, the primary responsibility for the protection of human rights rested with Governments and national institutions established for that purpose. Australia supported further steps in the United Nations to encourage sharing of experiences and the developing of models to stimulate action by Governments in that area. The Australian Government was currently reviewing the operation of the Australian Human Rights Commission, and had announced its intention to establish a bill of rights for Australians.

34. His delegation attached particular importance to public information with regard to human rights, an area in which United Nations functions were of a different order from its functions with regard to other public information activities, because the exercise and defence of human rights depended above all upon knowledge of those rights among the public at large. The Commission should also give more attention to the difficulty which could be presented by new and untested concepts which were put forward as embodying human rights. Although his delegation was not opposed to the identification of new rights, it felt that such action should be taken only on the basis of careful study of their practical applicability to individuals, the precise content of the entitlements and obligations to which they could give rise, and their compatibility and consistency with the irreplaceable framework embodied in the Charter and the relevant international instruments. He noted that meetings of the working group established by the Commission on Human Rights under its item on further promotion of human rights had been poorly attended, particularly by developing countries, and that the working group had been incapable of recommending anything of substance to the Commission as a whole. His delegation therefore felt that at its next session the Commission should adopt a different approach to matters discussed under the item.

35. Miss CAO-PINNA (Italy) said that a review of the items discussed and the resolutions adopted by the General Assembly at its previous session and by the Commission on Human Rights presented a very dark picture of the world human rights situation. After 10 years of searching for alternative approaches and ways and

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(Miss Cao-Pinna, Italy)

means for improving the effective enjoyment of human rights and fundamental freedoms, the time was ripe for a scrutiny of the question, having due regard to its origin and content, to the way in which it had been approached by the Committee and the Commission on Human Rights and to the reasons why there had so far been no concrete results.

36. Her delegation could not resign itself to considering as inevitable the current human rights situation or the powerlessness of the United Nations to deal with it. Italy urged the Committee and the Commission on Human Rights to commit themselves to renewed efforts to improve the capacity of the United Nations to promote and protect human rights and fundamental freedoms.

37. The content of the item was broader than that of any other of the numerous questions included in the Committee's programme of work, embracing all human rights and fundamental freedoms and all types of ways and means to improve the enjoyment of those rights and freedoms. Given the broadness of the item, a third aspect to be considered as essential in the scrutiny of the results achieved was that of how the item had been approached by the General Assembly and the Commission on Human Rights. Her delegation drew attention in particular to the General Assembly's decision to proceed to an "overall analysis" and its request to the Commission on Human Rights to undertake that analysis as a matter of priority.

38. Both decisions had seemed to be steps in the right direction, but no results had as yet been achieved, and the Commission itself had decided to consider establishing an open-ended working group to continue the analysis. Her delegation had serious doubts about the advisability of doing so, and felt that the Commission should discuss the subject in plenary meetings or convene a small group of experts with a solid background in United Nations human rights activities.

39. The resolutions adopted by the General Assembly indicated that its approach to ensuring more effective enjoyment of human rights had been broader than that of the Commission. However, while its activities constituted definite progress in the search for commonly acceptable means of improving the human rights situation, its resolutions did not identify those means. Her delegation would like to suggest the following as steps which might help the United Nations to move forward in the pursuit of its goal: the convening of a conference to celebrate the fortieth anniversary of the Universal Declaration of Human Rights and to re-emphasize the need to achieve full respect for human rights; the establishment of a small group of highly-qualified, independent individuals to discuss workable ways and means of improving the existing situation; and a request to the Secretary-General to make annual instead of biennial reports on international conditions and human rights.

The meeting rose at 12.50 p.m.