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SUMMARY RECORD OF THE 63rd MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/35/3/Add.2, 18, 22, 23 and Corr.1, 27, 28, 33, 34, 37 and Corr.1; A/35/120, 148, 199, 231, 259, 260, 265, 266, 270, 272, 273, 336, 340, 348, 363, 405, 419, 426, 431, 450, 522, 543 and Corr.1, 614, 622; A/C.3/35/1, 10, 11, 12; E/1980/14; E/CN.4/1365, 1366; A/C.3/35/L.52, L.54, L.60, L.61, L.64, L.66, L.68, L.69)

1. Mr. VOICU (Romania), introducing draft resolution A/C.3/35/L.68 on the right to education on behalf of the delegations listed in that document, said that the starting point of the draft resolution was General Assembly resolution 34/170, and all the relevant instruments of the United Nations and the United Nations Educational, Scientific and Cultural Organization dealing specifically with the right to education. The preamble to the draft resolution underlined the paramount importance of the implementation of the right to education for the development of human personality and for the enjoyment of other fundamental human rights and freedoms and the contribution to be made by education to social progress, national development and understanding among peoples and to strengthening peace and international security.
2. The preambular paragraphs of the draft resolution recalled that the establishment of the new international economic order required effective support for the improvement and expansion of educational systems and for the training of specialized personnel for the economic development of the developing countries. The sponsors of the draft resolution wished to stress once again UNESCO's valuable work in that area.
3. The operative part of the draft resolution reiterated the invitation contained in resolution 34/170 to all States to consider the adoption of legislative, administrative and other measures in order to ensure the full implementation of the right to universal education. It appealed to States which had not yet done so to ratify the International Covenant on Economic, Social and Cultural Rights and the Convention against Discrimination in Education. It also appealed to States parties to those and other relevant instruments to put into effect systematically their provisions.
4. The draft resolution contained new elements compared to the corresponding resolution of 1979, such as the appeal to developed countries actively to support the efforts of the developing countries in the training of national personnel to meet their economic development needs. It also referred to the new International Development Strategy recently adopted by consensus in the Second Committee of the General Assembly. It invited the Director-General of UNESCO, in the light of resolution 34/170 and of the experience of UNESCO in that field, to present to its thirty-sixth session a report on the most appropriate measures to be taken by Member States at the national and international levels, for the effective implementation of the proposed objectives.

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(Mr. Voicu, Romania)

5. Given the non-controversial nature of a human right as fundamental as that of the right to education, the sponsors trusted that draft resolution A/C.3/35/L.68 would be adopted by consensus. His delegation wished to announce that Sao Tome and Principe had become a sponsor of the draft resolution.

6. Mr. THUNBORG (Sweden) said that, while it was true that the protection of human rights was the common responsibility of all the States Members of the United Nations, it was also true that every State could investigate and focus attention on violations of human rights wherever they occurred and without that being regarded as interference in the internal affairs of other nations. It was sometimes argued that the United Nations was selective in its approach to violations of human rights. While some countries were subject to criticism and scrutiny, others, where the situation was comparable or worse, were given little attention. The reason was that some countries with a poor human rights record were protected by their links with other countries. In any event, the argument that the situation in one particular country should not be investigated merely because it was impossible to do so in other countries could not be accepted. Member States should voice their concern wherever people were oppressed, imprisoned, tortured or killed for political reasons.

7. It was appalling to witness how human ingenuity had developed more and more sophisticated methods of torture with the help of medicine and psychology. It was to be hoped that the convention on torture, currently being drafted by the Commission on Human Rights, would contain rules on effective international action.

8. Yet human rights also embraced the right to freedom of thought, opinion and expression. There were many countries in which freedom of opinion and expression meant little more than the possibility of repeating the opinions of the Government or party in power. His delegation viewed with concern the way in which freedom of opinion and expression was restricted in the totalitarian socialist countries and how people were harassed, humiliated and persecuted simply because they wished to express their ideas.

9. Referring to the situation in Chile, he said that human rights continued to be violated in that country, where repression had worsened. The use of torture was reported to have increased considerably over the past two months. The Chilean authorities had not responded to the constant demands of the General Assembly and the Commission on Human Rights to investigate and clarify the fate of persons reported to have disappeared for political reasons. Such persons were the victims of a particularly cruel method of repression which had been used not only in Chile but in a number of other Latin American countries and elsewhere. It was gratifying that a working group had been established to deal with the question of disappeared persons. Its mandate should be extended beyond the next session of the Commission on Human Rights. There was ample cause. In El Salvador violence and human rights atrocities had developed into open civil war. In 1980 the military in Bolivia had crushed the aspirations of the Bolivian people to build a viable democracy. The people of Bolivia should know that the democratic forces of the world were on their side. South Africa, with its policy of apartheid,

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(Mr. Thunborg, Sweden)

had accumulated an appalling catalogue of oppression and blatant violations of human rights that merely increased the horror and revulsion which that racist system engendered throughout the world.

10. Mr. SCHLEGEL (German Democratic Republic) said that in recent times the danger emanating from the activities of Fascist and neo-Fascist groupings and organizations had increased alarmingly. Those activities, which ran the gamut from the propagation of hatred against peoples to threats of murder and from the glorification of Fascist crimes to terrorist attacks, were obviously encouraged by the benevolent connivance of authorities, politicians and industrial tycoons. The Paris daily newspaper Le Monde had stressed that such activities, which had led to an increasing number of acts of violence in Western Europe, had been accompanied by circumstances which hardly seemed to be fortuitous.

11. Those who conjured up the spirit of fascism in all its manifestations were following a policy both in domestic and foreign affairs which was characterized by force, hatred against peoples, glorification of war and military adventurism. They co-ordinated their activities in the national and international framework and acted in an increasingly militant and terrorist manner. Their thinking and actions were reminiscent of the Fascist rulers who, 41 years earlier, had brought about the world's greatest disaster, which had led to 50 million dead and countless wounded and impaired persons as well as immeasurable material devastation.

12. Confronted by such a situation, the peoples united in the United Nations had vowed to do everything possible to save succeeding generations from the scourge of war. The world Organization was fully aware of that obligation and should take effective steps to oppose any resurgence whatsoever of Fascist ideologies and practices. It must take fully into account the fact that such activities had already assumed dangerous proportions; in one country, for instance, dozens of neo-Fascist groups and organizations had disseminated more than 120 publications with a total circulation of 11.6 million copies annually.

13. Such activities, which had claimed many human lives in recent times, did not represent the internal problem of a single State but threatened international peace and security and were directly aimed against the letter and spirit of the norms of international life laid down by the United Nations. They represented a flagrant violation of the guiding principles relating to the effective enjoyment of human rights, which were anchored in the Charter of the United Nations and in numerous covenants and conventions.

14. The commitments undertaken in those international instruments should be reaffirmed and supported, especially at a time when the international situation was complex and strained and when threats to peace and détente were growing. The draft resolution entitled "Measures to be taken against nazism, fascism and neo-fascism", which had been submitted by the delegations of the German Democratic Republic and a number of other countries, was intended to enhance international vigilance against any form and appearance of fascism and to stave off the revival of Fascist forces in good time.

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15. Mr. WALKATE (Netherlands) referred to the important role played by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the study of situations which revealed a consistent pattern of violations of human rights. According to the summary records of the Sub-Commission's thirty-third session, which had been held at Geneva in August and September 1980, one of the experts had reported that Bolivia represented the most recent example of a horrible human rights situation. His delegation, together with the delegation of Sweden, had submitted a draft resolution on the subject to the Committee (A/C.3/35/L.52) and considered that, in view of the forthcoming visit to Bolivia by a delegation from the Commission on Human Rights, it was timely for the General Assembly to adopt such a resolution.

16. Another expert member of the Sub-Commission had drawn attention to the situation in South Korea and had also recalled that the Sub-Commission had taken a firm stand regarding the crimes committed in Iran during the reign of the Shah; there was no justification for the continuing violations of human rights in that country under what the authorities claimed to be Islamic law. The attention of the members of the Sub-Commission had also been drawn to cases of mass exodus from countries like Democratic Kampuchea and, contrary to the country's traditions, from Afghanistan. The emigration problem also existed in Cuba, Czechoslovakia and the German Democratic Republic. The representatives of many independent organizations had addressed the Sub-Commission regarding the situation in individual countries. The Sub-Commission had also devoted attention to human rights situations in the occupied Arab territories, in South Africa and in Chile.

17. The human rights situation in Chile continued to be of particular concern to his Government as well as to large segments of the people of the Netherlands. In that connexion, he paid tribute to the Special Rapporteur's report on human rights in Chile, currently before the General Assembly in document A/35/522. A number of events during recent months had shown that close surveillance of the situation continued to be necessary. His Government regretted that, following the killing of Lieutenant-Colonel Vergara Campos, the Minister of the Interior had announced that the period during which detainees could be held incommunicado at his discretion had been increased from 5 to 20 days. His delegation considered that the Government of Chile should do its utmost to extend the legal guarantees which existed for the purpose of preventing arbitrary arrest and detention and to apply them scrupulously rather than to limit such guarantees.

18. Another decree-law authorized the same Minister to assign persons arbitrarily to residence in remote areas of the country; the Netherlands delegation in the Commission on Human rights had likened that measure to internal exile as practised in the Soviet Union and South Africa. He urged the Chilean Government to reconsider its position vis-à-vis the Catholic Church, as relations between Church and State had become increasingly tense during recent months. He reiterated the concern expressed by the Minister for Foreign Affairs of the Netherlands in the general debate regarding the recent plebiscite in Chile when the Minister had said that he could not consider the new Constitution to be a step forward on the road towards a speedy return to Chile's traditional democratic form of government.

(Mr. Walkate, Netherlands)

19. He would not flinch from drawing the attention of the Committee to the fact that the human rights situation in the Netherlands was not perfect either. It might be of interest to the Committee to take note of the fact that his Government had been the defendant in two of the cases adjudicated by the European Court of Human Rights during the past few years. In both cases the Court had concluded that there had been violations of the European Convention on Human Rights in Netherlands legislation and legal procedure; in both cases his Government had remedied the situation and would ensure that the decisions of the Court were fully implemented. In that connexion, he referred to the sophisticated manner in which the Organization of American States had set up its machinery for the protection of human rights. He also expressed his deep satisfaction at the serious efforts which were being undertaken under the auspices of the Organization of African Unity to draft an African convention on human rights.

20. Ms. MORGENTHAU (United States of America) said that, whereas in common speech social development referred to the human side of development, in United Nations language social issues had a special history that had arisen from a common effort at rehabilitation after the Second World War. While United Nations programmes in the 1950s had been devoted to social welfare activities, in the 1960s, when the membership of the United Nations had tripled, programmes had been concentrated on development, particularly in the poorer countries.

21. In spite of the good work carried out by the United Nations in the social development sector, much remained to be done. Her delegation was aware that the social development sector at the United Nations had suffered from the atrophy of the Economic and Social Council, the reduction in the effectiveness of many of its Commissions, the contradictions and duplications in the work of General Assembly Committees and the consequent limits to Secretariat effectiveness. At the United Nations the question of social development was often given low priority. However, in the economic crisis of the 1970s had resulted in a decision being taken to strengthen the capacity of the United Nations system with regard to development. In the case of the social aspects of development, that decision had resulted in the establishment of the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations.

22. Her delegation welcomed the Ad Hoc Working Group's report (E/1981/3), which the Secretary-General had recently sent to Governments for their comments; her delegation was studying it in detail and supported many of its recommendations. The report stressed the importance of social development for the enjoyment of human rights and fundamental freedoms. Her Government appreciated the statement that the global effort for development should not lead to unified solutions across the board and that standardized guidelines claiming world-wide applicability should be avoided, since there were many different paths to social development, reflecting diverse cultural traditions. It was to be hoped that the report would figure in United Nations debates and resolutions over the following years. The Secretary-General could implement a number of the recommendations without prior resolutions being necessary. Some of them, such as the one proposing that the division of agenda items between the Second and Third Committees should be reorganized, required action by the General Assembly.

23. If the Working Group's recommendations were to be implemented effectively, it was essential that the Centre for Social Development and Humanitarian Affairs

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(Ms. Morgenthau, United States)

should be strengthened. Her delegation wished to express its gratitude for the work carried out by Mrs. Sipilä, who was about to give up the direction of the Centre. It also welcomed the appointment of Mrs. Shahani, Ambassador of the Philippines, as the new Assistant Secretary-General for Social Development and Humanitarian Affairs. She would need much support in her new position, but her record showed that she had considerable experience with regard to social development. During the current session the Committee had taken action on various international years, congresses, conferences and decades. Her delegation favoured such activities, provided they did not duplicate ongoing work and they resulted in the strengthening of United Nations capacity in social development. The Centre needed continuously to help the United Nations in defining new social trends. Her delegation welcomed the Secretary-General's report on improvement of the methodology for monitoring social trends (A/35/340) and hoped that there would be steady improvement in the scope and quality of social data analysed by the United Nations, its specialized agencies and related bodies.

24. In a world situation such as the current one, where funds were scarce and 800 million people were still living in abject poverty, it was important to seek the best ways of helping the poorest people escape from their situation, and it was in that area that the United Nations carried out an essential part of its mission. In that connexion, her delegation considered that the Working Group's recommendations should be given serious consideration, that the Centre for Social Development and Humanitarian Affairs should be strengthened and that the Centre's Assistant Secretary-General should be given a leading advocacy and policy role in social development matters.

25. Mrs. ITGEL (Mongolia) said that her country had always supported United Nations activities to ensure the economic and social progress of all peoples. One of the chief areas where such United Nations efforts were being made was international co-operation for the promotion and respect of human rights and fundamental freedoms. The United Nations made a major contribution in that regard by drafting international agreements and by supporting the struggle against flagrant and mass violations of human rights, which were a result of policies of aggression, colonialism, racial discrimination, apartheid and repression of the national liberation movements, as was the case in southern Africa, the occupied Arab territories, Cyprus, South Korea and other parts of the world.

26. Her delegation had carefully considered the Special Rapporteur's report on the situation of human rights in Chile (A/35/522), which it was to be hoped would help the international community to adopt the necessary measures to restore freedom and democracy in that country. The information in that report showed that, far from improving, the human rights situation in Chile continued to deteriorate. Arbitrary arrests and inhuman and degrading treatment took place. The state of emergency declared in that country was still in force. Decree-laws Nos. 3,168 and 3,451 promulgated during 1980 restricted even further the rights of citizens to freedom and security. Mass arrests had been made in July and August 1980. According to information supplied by the Catholic Church, approximately 3,000 people had been detained, half of whom had been tortured. The international community should take *decisive action to put an end to repression*. In that connexion, her delegation

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(Mrs. Itgel, Mongolia)

fully supported the resolution adopted by the Commission on Human Rights at its thirty-sixth session, which urged Chile to restore human rights, terminate the state of emergency and punish those guilty of human rights violations. Unfortunately, neither that resolution nor those adopted by other United Nations bodies had been implemented by the Chilean authorities. The Junta was engaging in manoeuvres to make world public opinion believe that the situation had improved, but the facts proved exactly the opposite. There was every indication that the situation would deteriorate even further, if appropriate measures were not adopted. The General Assembly should therefore decisively condemn the criminal policies and acts of the Pinochet régime. Her country fully supported the Chilean people in their just struggle for the restoration of freedom and democracy and the defence of human rights and fundamental freedoms. In September 1980 mass meetings had been held in many parts of the country calling for an end to terrorism and repression in Chile and release of the imprisoned patriots. At the same time, collective efforts within the United Nations to put an end to human rights violations in Chile must continue, and her delegation supported extension of the mandate of the Special Rapporteur to whom that question was entrusted.

27. For all those reasons her delegation would vote in favour of draft resolution A/C.3/35/L.61.

The meeting rose at noon.