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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1635th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 10 March 1981, at 3 p.m.



Chairman: Mr. CALERO RODRIGUEZ (Brazil)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT TERRITORIES (agenda item 15) (continued) (E/CN.4/1295; E/CN.4/1437; E/CN.4/1438; E/CN.4/1439 and Add.1; E/CN.4/1440; E/CN.4/1441; E/CN.4/1451; E/CN.4/1452; E/CN.4/1453; E/CN.4/1454; E/CN.4/1455; E/CN.4/1457; E/CN.4/1460; E/CN.4/1461; E/CN.4/1463; E/CN.4/1466; E/CN.4/1467; E/CN.4/1469; E/CN.4/1470; E/CN.4/1471; E/CN.4/L.1534; E/CN.4/L.1574/Rev.1; E/CN.4/L.1582; E/CN.4/L.1584; E/CN.4/L.1585; E/CN.4/L.1588; E/CN.4/L.1589; E/CN.4/L.1592; E/CN.4/L.1593; E/CN.4/L.1594; E/CN.4/L.1598; E/CN.4/L.1600; E/CN.4/L.1601; E/CN.4/L.1603; E/CN.4/L.1607; E/CN.4/L.1608; E/CN.4/L.1609; E/CN.4/L.1610; E/CN.4/L.1611; E/CN.4/NGO/294 and Add.1; E/CN.4/NGO/299; E/CN.4/NGO/305; E/CN.4/NGO/306; E/CN.4/NGO/314; E/CN.4/NGO/317; E/CN.4/NGO/319; E/CN.4/NGO/320; E/CN.4/NGO/322; E/CN.4/NGO/323; A/34/491; A/C.3/34/1; A/C.3/35/9)

1. Mrs. SLAMOVA (Observer for Czechoslovakia), speaking in exercise of her right of reply, said she was surprised at the way in which the representative of the United States had interpreted her country's history. Before the Second World War, her country had had the same rate of unemployment as was now found in the imperialist countries and it had been able to judge for itself the attitude of those countries when they had sold out Czechoslovakia to Hitler at Munich. After being liberated by the USSR in 1945, Czechoslovakia had made great sacrifices to overcome the aftermath of the war and to move ahead on the path to justice, which now prevailed there. Reactionary forces had tried to re-establish the bourgeois régime; in 1968 and 1969 they had again mounted a serious attempt to revert to the past, but thanks to the support of the USSR and other socialist countries that attempt had failed. Instead of posing as a champion of human rights, the representative of the United States should consider the flagrant violations in his own country; countless instances were known and she would not repeat them, but they had again been mentioned in the course of the session and they raised the question of the credibility of the United States in the matter of human rights.

2. Mrs. McRORY (Observer for the Women's International League for Peace and Freedom) said that, like many Irish mothers, she had witnessed acts by the forces of repression in Northern Ireland, forces which raided homes, terrified children and used obscene language and physical violence. Many Irish mothers had had members of their family or relatives shot dead, and their near and dear ones were also among the prisoners who were serving long sentences in distressing conditions. Her own son had been arrested at the age of 16, taken to the Maze prison and, after three days of torture, forced to sign a confession. Without the aid of a legal adviser, spiritual adviser or any member of his family, and with no evidence other than the confession extorted from him, he had been condemned to 10 years' imprisonment in conditions which violated all the conventions on human rights. Detainees were cruelly treated in the prisons of Northern Ireland: they were frequently beaten and tortured. At the Armagh prison, women were tortured by probing of their rectum and vagina; they were insulted and deprived of medical care.

3. The situation in the prisons in Northern Ireland should be the subject of a full inquiry by the Commission on Human Rights. Inquiries by non-governmental organizations in the past had been concerned solely with pre-trial detention, yet the conditions of post-trial detention were also a matter for urgent investigation, since they also involved many violations of human rights. In a report published in 1978 after a visit to prisons in Northern Ireland, Amnesty International had concluded that suspects were mistreated and that 90 per cent of the prisoners were charged on the basis of their own confessions, obtained through interrogations. In December 1980, a hunger strike had begun at the Armagh prison, had lasted for 53 days and had ended through an agreement that had not been honoured afterwards. The prisoners' representatives deceived in that way had begun a new hunger strike on 1 March 1981 and would carry on until they died if they did not receive satisfaction. On behalf of the Women's International League for Peace and Freedom, she implored the Chairman of the Commission to take action so as to avoid a tragic outcome.

4. Mr. SLESZINSKI (Observer for the Christian Democratic World Union) said that his organization supported the proposals made the previous day by the French and the Canadian delegations on the basis of Commission resolution 23 (XXXVI). His organization had noted with concern an increase in violations of human rights before, and even during, the Commission's current session. During the period in question, it had drawn the attention of the Director of the Division of Human Rights, the Acting Chairman of the Working Group on Enforced or Involuntary Disappearances and the Chairman of the Commission to 14 cases of violations in Nicaragua, Uruguay, Guatemala, Philippines, Cuba, Bolivia, Chile and Argentina. The most recent cases were the imprisonment in Nicaragua of Mr. González, a Christian social leader, enforced residence in the case of Senator Miguel, a candidate for the presidency in Bolivia, a ban on the return to Chile of Mr. Zaldívar, President of the Christian Democrat Party, and the arrest in Argentina of Mr. MacDonnell, a Christian Democrat. All were well-known as champions of human rights. A campaign against those militants and democratic leaders was being waged in Latin America and in Asia and seemed to be spreading to Eastern Europe, according to information from Poland. The situation should be more closely monitored by the Commission and the other United Nations bodies concerned with human rights.

5. In connection with El Salvador, he referred to a statement by the Latin American Office of the Christian Democratic World Union. According to the Christian Democratic Organization of America, Latin America was going through a period of transition in which the traditional reactionary forces were losing their hold but were as aggressive as ever, while democracy and totalitarian Marxism-Leninism were competing to take their place. A victory for Marxism would introduce a new form of police dictatorship and serve the hegemonist interests of a world power. A better solution lay in a process of democratization promoting liberty and social justice. Mr. Duarte, leader of the Christian Democrat Party in El Salvador, was in fact one of the Latin American leaders who were dedicating their lives to democracy. A Christian Democrat since his youth, he had been three times mayor of San Salvador, winning a greater number of votes at every election. He had gone on to triumph in the elections for the Presidency of the Republic in 1972 but had been arbitrarily deprived of his victory with the onset of a period of persecution, torture, assassination and exile. He had gone into exile, but following the collapse of the dictatorship in El Salvador had returned to serve his country. On becoming

President of the Revolutionary Junta, he had endeavoured to ensure a return to civil authority and bring democracy to a hard-working people. The Christian Democratic Organization of America welcomed his appointment with satisfaction and wished to express its full confidence in him, as in Christian Democracy in El Salvador, which was moving ahead in institutionalizing freedom despite frightening obstacles.

6. Mr. BEHAL (Observer for the International Peace Bureau) said that human rights were being systematically violated in Ireland in general, but he would confine his statement to the northern part of Ireland still under British jurisdiction. The Irish problem was a problem of self-determination; it was common knowledge that the vast majority of the Irish people wished to be united in one sovereign State independent of Great Britain. Northern Ireland had been governed since its establishment by resort to emergency laws; the Special Powers Act had been in force from 1922, until it had been replaced by the 1973 Emergency Provisions Act. A popular movement launched in 1968 as a civil rights movement had come under severe repression and had ultimately developed into an armed insurrection. The present conflict could be rightly classed as an armed conflict of a non-international character, within the meaning of the Geneva Conventions of 1949. It was within that context that flagrant violations of human rights were occurring daily in Northern Ireland.

7. Between 1971 and 1975, internees had been used as guinea pigs for "in-depth interrogation". The European Court of Human Rights had found Great Britain guilty of cruel, inhuman and degrading treatment, but such treatment was still being practised despite the solemn assurance that it would be brought to an end. Since 1976, Great Britain had been applying a new formula, the "criminalization programme", under which individuals charged with offences of a political character defined as "terrorist type offences" were treated as criminals. Much evidence of torture during interrogation and ill-treatment during imprisonment had been furnished by human rights workers, lawyers, doctors and police surgeons. Following a mission in 1978, Amnesty International had declared that sufficient evidence had been found to call on the British Government for a full and impartial public inquiry. It had never been held and he appealed to the Commission to undertake such an inquiry. A number of the aspects of the "criminalization programme" manifestly offended against the international human rights instruments, such as the special laws applied by the British Army and para-military police, the special powers of mass arrest, special interrogation centres, special internment for up to two years, special non-jury courts and special prisons, including the notorious H-Blocks. Paradoxically, despite all those "special" measures, prisoners were informed that they must be treated as "ordinary" common criminals. There were currently 450 male prisoners in the H-Blocks and, at the Armagh prison, 27 women were being held in the worst conditions in Europe. Altogether, there were 3,000 prisoners from Northern Ireland's nationalist community, which numbered half a million: possibly the highest proportion in the world. The protesting male prisoners were kept naked in their cells, with only a blanket for each one; they had no exercise or recreation, received no newspapers and could not listen to the radio; in addition, they were frequently subjected to brutality.

8. Great Britain ludicrously claimed that the prisoners inflicted those conditions on themselves. It was in fact the British authorities which had subverted the legal process and abolished the prisoners' proper status. Many reports of support for the detainees had been received recently by bodies concerned with human rights, churches, trade unions, legal and medical associations and politicians. On United Nations Human Rights Day, the Portuguese Parliament had unanimously condemned the British Government for the sub-human treatment inflicted on prisoners in Northern Ireland and demanded that the detainees should be recognized as political prisoners. A hunger strike had started in the H-Blocks on 1 March 1981 and would be continued until death came, unless justice and humane conditions were established. He called on the Chairman to save lives by initiating the necessary emergency measures to investigate the massive violation of human rights in Northern Ireland and to insist on full implementation of the Universal Declaration of Human Rights.

9. Mr. MOLteni (Argentina), replying to the observer for the Christian Democratic World Union, said that Mr. MacDonell, who was claimed to be a victim of political persecution, had in fact been arrested along with other individuals under a decision by a federal judge and his delegation had reported on the matter at an earlier meeting. Mr. MacDonell and five other individuals had been set free on 6 March under an order by the same judge. In the decision under which Mr. MacDonell had been arrested it was stated that, with other persons, he had been found by the police to be in possession of prohibited documents on a farm which had been converted into a "juridical and social studies centre". Mr. MacDonell had been released while the documents were being examined, in order to determine whether or not there had been any breach of article 224 of the Civil Code.

10. Replying next to a comment made at the previous meeting by the observer for the International Confederation of Free Trade Unions, he pointed out that his Government had provided the Commission with information on the exercise of trade union rights in Argentina and it was pursuing contacts with the international trade union organizations to study developments in trade union activities in Argentina.

11. Viscount COLVILLE of CULROSS (United Kingdom), said that two statements of an extreme nature had been made on the situation in Northern Ireland, more particularly in connection with the prisons, and in reply he wished to point out that his Government had already set out all the facts in a document circulated at the previous session under the symbol E/CN.4/1406. Without restating those facts, he reaffirmed that his Government was committed to the principle of self-determination of peoples; yet the general elections in Northern Ireland regularly showed that union with the United Kingdom remained the choice of the vast majority of the electorate. The United Kingdom Government knew more about the situation than did those who had succeeded in having a motion of censure passed by the Portuguese Parliament.

12. The Maze prison was one of the most modern in the United Kingdom and the status of political prisoner was refused to prisoners who were convicted in open court by due process of law for murder, armed robbery or the use of explosives. No one was imprisoned for his or her political beliefs, either in Northern Ireland or anywhere else in the United Kingdom, but the United Kingdom Government would not recognize

murder and violence as less culpable because they were claimed to be committed for political motives. In earlier statements before the Commission, he had made it clear that his Government considered that the growing problem of world-wide terrorism called for the same attention as other violations of human rights.

13. The United Kingdom Government was not afraid to have its human rights record examined. It had long since recognized the right of individual petition to the European Commission of Human Rights and the compulsory jurisdiction of the European Court. In June 1980, in a case brought by four protesting prisoners in Northern Ireland, the Commission had ruled that the protest could not derive any legitimacy or justification from the European Convention on Human Rights and that the applicants were not entitled to the status of political prisoner. His delegation was confident that the Commission would accept the conclusions of the European Commission of Human Rights.

14. Mr. CAROLL (Observer for Ireland) said that it was his Government's policy to promote the development of institutions which would ensure respect for civil rights and proper administration of justice in Northern Ireland. As to the allegations of violations of human rights in Northern Ireland, his Government had agreed with the United Kingdom Government that violence should be dealt with under the rule of law. It was to be hoped that any difficulties that remained would be the subject of discussion between the two sovereign Governments. The European Convention on Human Rights, to which both Governments were parties, provided machinery for the investigation of violations of human rights and in both countries, procedures under the Convention could be initiated by private citizens. His Government had from time to time made known its concern about the humanitarian aspects of the situation in the prisons in Northern Ireland, a subject which, among others, had been discussed when the Irish and United Kingdom Prime Ministers had met in Dublin in December 1980.

15. Mr. CASTILLO ARRIOLA (Observer for Guatemala), replying to comments concerning his Government, re-affirmed the latter's wish to co-operate with the Commission on Human Rights and have the benefit of its assistance in securing a return to the peace and calm that the country needed so much. The people and Government of Guatemala were determined to keep within the law and put an end to a civil war fomented from abroad for political reasons. He would refrain from mentioning matters concerning his country which had been discussed in closed meetings and he demanded an end to erroneous criticisms of his Government that were based on supposition, so that the Commission could properly perform its functions, which his Government recognized.

16. Mr. ALANIZ (Observer for Nicaragua) noted that the representative of the Christian Democratic World Union had spoken of Nicaragua as a country in which instances of violations of human rights had occurred and in which a Christian social leader, Mr. José Esteban González, had been arbitrarily imprisoned. He did not know what particular violation of human rights the representative of the Union was referring to and he therefore merely wished to recall his statement early in the session, in which he had pointed out that his Government could not assume responsibility for disappearances and acts of violence it had not been able to control in any way during the first few months following the victory of the Sandinistas. With regard to Mr. José Esteban González, who had gone abroad and had spoken in public of alleged disappearances in Nicaragua, of secret prisons and of methods of torture and repression comparable to those practised in the past by the Somoza regime and reportedly used by the present regime, he had been accused of an offence against

Decree No. 5, concerning the maintenance of public order and safety, in other words, of an offence under Nicaraguan law. In accordance with its open-door policy, the Nicaraguan Government had invited the Inter-American Commission on Human Rights, Amnesty International, the Division of Human Rights and the United Nations Secretariat to send observers to the trial of Mr. José Estaban González. The trial had not, however, taken place, since the accused had been discharged after stating publicly that he had never accused the Government of approving or tolerating the use of torture and that any other suggestion was an incorrect interpretation of his statements by the press.

17. The CHAIRMAN said that the Commission had completed the discussion of agenda item 13 and would vote on the texts before it on the following day.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS (agenda item 8) (continued)  
(E/CN.4/L.1586/Rev.1)

18. The CHAIRMAN noted that the Commission could not at the current meeting take a decision on draft resolution E/CN.4/L.1586/Rev.1, since the secretariat had not yet been able to determine the financial implications of the text, which he nevertheless invited the Commission to consider.

19. Mr. SAIAH-BEY (Algeria) said that he had been designated by the sponsors of the draft resolution (E/CN.4/L.1586/Rev.1) to introduce the text concluding the discussions and the consultations on item 8. The document followed on from a draft that had been submitted by the same sponsors and had been recast after consultations between their representatives and the representatives of the various regions. The spirit of co-operation which had reigned during the finalization of the text augured well for what the sponsors hoped would be the follow-up to that first step towards implementation of the right to development.

20. He drew the Commission's attention to slight changes of a formal nature to be made in the text. To bring the English text into line with the French, the word "full" should be inserted before "participation" in the fourth line of the fourth preambular paragraph. In order not to impose too strict a time-table on the Secretariat, changes should be made to operative paragraphs 8, 9 and 11. In paragraph 8, the phrase "as soon as possible before the thirty-eighth session of the Commission on Human Rights" should replace "by the end of September 1981"; in paragraph 9, "from 7 to 18 September 1981" should be replaced by "in August 1981"; in paragraph 11, "from 5 to 10 July 1981" should be replaced by "by July 1981". In paragraph 12, the words "including the views expressed during the discussion of this item," should be inserted after "... this subject," in the second line.

21. The most important paragraphs were paragraphs 10 and 12. It was apparent from the consultations that the expression "equitable geographical distribution" used in paragraph 10 meant that each geographical group would be represented by three experts in the working group to be set up. The terms of reference of the group would be to consider the actual concept of the right to development in the light of other human rights. Paragraph 12 set out the considerations that the group of experts might take into account in its work.

22. The sponsors of the draft resolution hoped that, with such an examination and with the adoption of concrete proposals by the working group, it would be possible to finalize a definition of the right to development and to make practical use of the concept.

23. Mr. SOYER (France) said that the draft resolution was a first step of major importance and afforded a splendid opportunity, in that it determined the basic action to be undertaken in the field of human rights. Because of the draft resolution, the possibility existed of an agreement that looked to the future. He asked delegations that might have misgivings about certain points of detail not to destroy the hopes raised by the draft resolution.

24. Effective promotion of economic, social and cultural rights was an objective to be attained not only because nations had promised to respect those rights on the day when they had decided to agree among themselves and to overcome adversity through solidarity but also because it would make for greater vigilance so far as respect for civil and political rights was concerned. Yet if those rights were not scrupulously observed, development would treat mankind with contempt, betray its own purpose and remain an illusion. He trusted that there would be a consensus on the draft resolution and that, if some delegations took the view that they could not endorse it, they would be wise enough not to ask for separate votes.

25. Mr. MUBANGA-CHIPOYA (Zambia) and Mr. NGONDA BEMPU (Zaire) asked for their delegations to be included among the sponsors of the draft resolution.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 22) (continued)  
(E/CN.4/L.1567)

26. The CHAIRMAN said that draft resolution E/CN.4/L.1567 had already been introduced. If there was no objection, he would take it that the Commission wished to adopt it by consensus.

27. It was so decided.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-THIRD SESSION (agenda item 23) (continued)  
(E/CN.4/1413) [Chapter XVII, section A, resolution 6 (XXXIII) and 7 (XXXIII)];  
E/CN.4/L.1572, E/CN.4/L.1533)

28. Mr. DAVIS (Australia) introduced draft resolution E/CN.4/L.1533, pointing out a mistake that had occurred in the original version. The draft resolution, which was the outcome of detailed discussion and incorporated the ideas and suggestions put forward by a large number of delegations, met in a constructive fashion the concerns of the Commission as they had emerged during the debate on item 23. The sponsors therefore trusted that it would be adopted by consensus.

29. The draft resolution was straightforward and essentially procedural and did not call for any explanation. The Commission expressed its satisfaction at the priority accorded to consideration of the Sub-Commission's report during the present session and decided to give a high degree of priority to the annual consideration of that report. The draft resolution focused on certain aspects of



the Sub-Commission's work and on the ways in which its working relationship with the Commission might be enhanced. To that end, it recognized the valuable work performed by the Sub-Commission; invited the Sub-Commission to take note of delegations' comments during the discussion of item 23; requested the Sub-Commission to bear in mind, in the performance of its duties, the tasks specifically assigned to it; and it sought to lay the foundations for a more productive consideration of the Sub-Commission's report by the Commission. The draft resolution underlined that members of the Sub-Commission possessed special expertise and were elected in their personal capacity; consequently, the designation of alternates could be an undesirable practice, even though it was not precluded under rule 13 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council. Adoption of the draft resolution, which his delegation trusted would take place by consensus, would be a positive way to build on the debate on item 23 and would also enable the Commission to give more substantive consideration to the Sub-Commission's report in the future.

30. Mr. WALKATE (Netherlands), introducing his delegation's amendment (E/CN.4/L.1572) to the draft resolution recommended in Sub-Commission resolution 7 (XXXIII) (see E/CN.4/1413 and E/CN.4/1414/Rev.1/Add.1), said that, at its latest session, the Sub-Commission had adopted two resolutions on the duties of the individual to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights, in which connection a study had been prepared by Mrs. Daes (E/CN.4/Sub.2/432/Rev.1 and Add.1-7). His delegation supported the Sub-Commission's recommendation that Mrs. Daes's study should be published and given the widest possible distribution. It likewise supported the recommendation on teaching and education on human rights, which appeared in Part One of the study. However, Mrs. Daes's report was a lengthy one and it was more than likely that few representatives had had the time to read it. What was more, it dealt with a very delicate matter - namely, to what extent and in what cases national authorities were permitted to restrict the exercise by individuals of rights and freedoms to which they were entitled under international instruments. Accordingly, it was not possible at the present stage to invite the Sub-Commission to draw up a draft declaration confirming common United Nations principles and standards which defined limitations and restrictions on the exercise of certain human rights. Members of the Commission should have time to study the report during the coming year in order to prepare for a debate at the Commission's next session.

31. As his delegation had had occasion to state during the debate on item 23, it was better for the Commission to have to restrain the Sub-Commission from time to time rather than to have to prod it into action. In the present instance, the Commission should have time for reflection and study, for otherwise the Sub-Commission would outstrip it.

32. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) noted that, by paragraph 1 of the draft resolution recommended in resolution 6 (XXXIII) of the Sub-Commission, the Commission would recommend to the Economic and Social Council that it authorize the Sub-Commission to empower Mrs. Daes to undertake a study on the status of the individual in contemporary international law. In the case of that kind of decision, however, it would be advisable to define exactly the study to be undertaken. The paragraph as worded was in its present form unsatisfactory, on the one hand because it was too vague, and on the other, because it referred

solely to contemporary international law and not to State practice and doctrine. Also, his delegation was not certain that the organs responsible for considering human rights matters could examine in detail a subject that was basically legal in character, one which it would be entirely appropriate to refer to the International Law Commission. The Commission on Human Rights and Sub-Commission dealt mainly with social and humanitarian matters; if they were also to deal with legal matters, their studies would inevitably reveal certain deficiencies.

33. In view of those comments, his delegation proposed that paragraph 1 should be replaced by some more general wording, which would read: "Recommends to the Economic and Social Council that it authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur to undertake research into a subject entitled 'The Status of the Individual and Contemporary International Law'. The Special Rapporteur shall, when carrying out this research, take account of existing doctrine and practice under the various legal systems throughout the world and of relevant comments formulated by the members of the Sub-Commission."

34. Furthermore, paragraph 3 of the draft resolution recommended in Sub-Commission resolution 7 (XXXIII) gave rise to certain objections on his delegation's part and should be deleted, since it seemed neither logical nor desirable to seek to confirm standards and principles that already had a certain force. For the same reasons, his delegation was unable to accept the Netherlands amendment.

35. Mr. PISSAS (Cyprus), referring to the draft resolution recommended in Sub-Commission resolution 7 (XXXIII), said that paragraph 3 was the logical follow-up to the study prepared by Mrs. Daes; as far back as 1969, the United Nations Seminar on Special Problems relating to Human Rights in the Developing Countries had recognized the need to draw up standards defining the limitations and restrictions on the exercise of certain human rights. Although the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants provided for certain restrictions and limitations on human rights, the Seminar had considered it necessary to improve the formulation of that system of restrictions and to define the relevant legal terms and concepts. The Sub-Commission, which had taken account of the Seminar's recommendations, other recommendations set forth in relevant United Nations documents and Mrs. Daes's study, had rightly come to the conclusion that it was time to draw up a draft declaration confirming the standards and principles defining the limitations and restrictions on the exercise of certain human rights. His delegation shared that point of view, since it considered that such an undertaking would, to a large extent, help to protect human rights, for it would prevent arbitrary and excessive limitations being imposed on human rights. It was therefore in favour of retaining paragraph 3 of the draft recommended in Sub-Commission resolution 7 (XXXIII) in its present form, more particularly since it did not specify any final date for the preparation of the draft declaration.

36. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/L.1583 by consensus.

37. It was so decided.

38. Mr. van BOVEN (Director, Division of Human Rights) pointed out that, for 1981, the financial implications of Sub-Commission resolutions 6 and 7 (XXXIII), which were set forth in annex II to the report (E/CN.4/1413), would amount to 1,850 dollars and 123,950 dollars respectively. However, the financial implications of resolution 6 would probably be different for 1982 if the proposed Soviet amendment was adopted, since the Special Rapporteur would, in that case, simply be required to carry out research and would no longer have to prepare the report originally provided for.
39. The CHAIRMAN invited the Commission to vote first on the amendment proposed by the Soviet delegation to the draft resolution recommended in Sub-Commission resolution 6 (XXXIII).
40. The Soviet amendment to the draft resolution recommended in Sub-Commission resolution 6 (XXXIII) was adopted by 19 votes to 11, with 8 abstentions.
41. The CHAIRMAN invited the Commission to vote on the draft resolution recommended in Sub-Commission resolution 6 (XXXIII) as amended.
42. The draft resolution recommended in Sub-Commission resolution 6 (XXXIII), as amended, was adopted by 26 votes to none, with 9 abstentions.
43. The CHAIRMAN invited the Commission to vote on the amendment proposed by the Soviet Union to the draft resolution recommended in Sub-Commission resolution 7 (XXXIII).
44. The Soviet amendment to the draft resolution recommended in Sub-Commission resolution 7 (XXXIII) was rejected by 11 votes to 8, with 17 abstentions.
45. The CHAIRMAN invited the Commission to vote on the amendment proposed by the Netherlands in document E/CN.4/L.1572.
46. The amendment proposed by the Netherlands in document E/CN.4/L.1572 was adopted by 15 votes to 12, with 11 abstentions.
47. The CHAIRMAN invited the Commission to vote on the draft resolution recommended in Sub-Commission resolution 7 (XXXIII), as amended.
48. The draft resolution recommended in Sub-Commission resolution 7 (XXXIII), as amended, was adopted by 28 votes to 4, with 5 abstentions.
49. Mr. JARDIM GAGLIARDI (Brazil) said that his delegation had joined in the consensus on draft resolution E/CN.4/L.1567, since it considered that all countries should promote respect for human rights, even if they had not acceded to the Covenants.

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 14)  
(E/CN.4/L.1573; E/CN.4/L.1575; E/CN.4/L.1580)

50. Mr. LOPATKA (Chairman-Rapporteur, Working Group on a Draft Convention on the Rights of the Child) said that the report of the Working Group (E/CN.4/L.1575) reflected the results of negotiations held in the course of one week prior to the thirty-seventh session of the Commission and at the Group's meetings on 2 and 3 February 1981. The Working Group had reached agreement on articles 3, 4, 5, 7 and 8 and on paragraph 2 of article 2 of the draft convention on the rights

of the child. Owing to lack of time, it had not been possible to examine the proposals and amendments submitted in connection with the other articles. The provisions of the draft convention as agreed by the Working Group were set forth in the annex to the report. Lastly, he expressed appreciation for the atmosphere of compromise which had prevailed throughout the negotiations.

51. Mr. KALINOWSKI (Poland), introducing draft resolution E/CN.4/1573, said that in the course of the preparations for the International Year of the Child, his country had taken the initiative of submitting a draft convention on the rights of the child. It was essential to improve the lot of children throughout the world, for 600 million lived in or on the verge of starvation and 50 million were subjected to slavery. Moreover, the rights of the child had not hitherto been adequately protected by the instruments of international law.

52. The first draft convention proposed by Poland, which was based on the United Nations Declaration of the Rights of the Child, had been submitted to the Member States of the United Nations and to international organizations for consideration. Twenty-six Member States, and the competent specialized agencies and non-governmental organizations, had formulated observations and suggestions which had served as the basis for the amended version of the draft convention that was now before the Commission. The preamble to draft resolution E/CN.4/1573 recalled those facts and the resolutions adopted by the General Assembly in that connection, in particular resolution 35/131, which had been sponsored by 52 Member States. The fourth preambular paragraph referred to the considerable progress achieved by the Working Group before the thirty-seventh session of the Commission. The progress made during the one week of negotiations and the views expressed in the General Assembly, the Economic and Social Council, the Commission on Human Rights and other United Nations bodies showed that the idea of a convention on the rights of the child enjoyed universal support because of its humanitarian nature. The last preambular paragraph noted that widespread interest. His delegation therefore proposed that the Commission should decide to continue its work on the draft convention at its thirty-eighth session, as a matter of priority, and should request the Economic and Social Council to authorize another open-ended working group to meet for one week prior to the Commission's next session. He hoped that, given its humanitarian character, the draft resolution would be adopted by consensus.

53. Mr. SILVA y SILVA (Peru) said that his delegation had become a sponsor of draft resolution E/CN.4/L.1573, which it hoped would be adopted by consensus.

54. Mr. BEAULNE (Canada) said he considered it a little premature for the Commission to take a decision on paragraph 2 of draft resolution E/CN.4/L.1573 straightaway, since it was first necessary to know how many working groups would meet before the Commission's thirty-eighth session, how much time would be available to the Commission and what was the fairest way of dividing up that time. It would therefore be preferable to wait until the next meeting or even the last day of the session before taking a decision.

55. The CHAIRMAN said that, in the circumstances, it would be preferable not to take an immediate decision on draft resolution E/CN.4/L.1573 as a whole. There were in fact several proposals before the Commission for working groups to meet prior to the next session.

56. Mr. van BOVEN (Director, Division of Human Rights) said that it was not possible to service the meetings of more than four working groups at the same time. The Commission had already decided that the Working Group on the Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Working Group set up under Economic and Social Council resolution 1503 (XLVIII) should meet prior to its next session. The Commission also had before it three other proposals relating to the Working Group on a Draft Convention on the Rights of the Child, the Working Group on a Draft Convention against Torture and the Working Group on the Right to Development. The work of the sessional working groups also had to be borne in mind. For the present session, the Commission had been provided with three additional hours of conference services each day and it was essential to have the same amount in 1982.

57. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that his delegation attached a great deal of importance to the question of a convention on the rights of the child. It considered that the open-ended Working Group appointed to consider the matter should have the opportunity to meet again for one week prior to the Commission's thirty-eighth session, since its work was a guarantee of success. His country was therefore in favour of the proposal set forth in draft resolution E/CN.4/L.1573.

58. Mr. GUTSENKO (Union of Soviet Socialist Republics) said that he was in favour of the draft resolution submitted by Poland, and in particular operative paragraph 2. He had no doubts as to the importance of the topics studied by the other working groups but considered that the draft convention on the rights of the child was a crucial matter. It was three years since the original version of the draft had been presented, but the Working Group had only reached article 8, and 28 articles still had to be dealt with. His delegation therefore trusted that the Commission would authorize the Working Group to meet prior to its next session and that it would accept draft resolution E/CN.4/L.1573 as it stood.

59. Mr. LAMB (Australia) said that the draft resolution submitted by Poland raised no substantive difficulties. It would be regrettable, however, if the Commission had to proceed immediately to a vote on the draft resolution, which should be adopted by consensus. It would therefore seem better to wait until the next meeting before taking a decision.

60. Mr. KALINOWSKI (Poland) agreed that a decision on draft resolution E/CN.4/L.1573 could be taken at the next meeting.

61. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to take a decision at its next meeting on draft resolution E/CN.4/L.1573.

62. It was so decided.

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (E/CN.4/L.1578; E/CN.4/L.1602)

63. Mr. DIEYE (Chairman-Rapporteur, Working Group on the Elaboration of a Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief), introducing the report of the Working Group (E/CN.4/L.1578), said that the Working Group had held 15 meetings before concluding

its work. The proposals it had considered had met with a consensus, except in two cases referred to in the report. Prior to the thirty-sixth session of the Commission, the Working Group had adopted article IV and paragraph 1 of article V of the draft declaration; at the present session, it had reached agreement on article V as a whole and on articles VI and VII.

64. Mr. WALKATE (Netherlands), introducing draft resolution E/CN.4/L.1602, said that the Commission was on the point of reaching a final decision on the matter. For over 20 years, the Commission had been labouring over the drafting of a declaration which would elaborate on such an important international provision as article 18 of the International Covenant on Civil and Political Rights. It was undoubtedly due to the efforts of the Working Group set up in 1974 and to the spirit of compromise displayed by delegations that the Commission was now in a position to take a decision. It was clear from the report of the Working Group (E/CN.4/L.1578) that the overwhelming majority of the members of the Commission were willing to adopt a declaration like the one annexed to draft resolution E/CN.4/L.1602, even though a very small minority of delegations had been unable to accept some of its provisions. It should be emphasized that 14 delegations were ready to adopt the draft resolution and to transmit it to the Economic and Social Council.

The meeting rose at 6 p.m.