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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1640th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 March 1981, at 10 a.m.



Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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GE.81-16017

The meeting was called to order at 10.25 a.m.

ELECTION OF MEMBERS OF THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (agenda item 28) (E/CN.4/1446 and Add.1-12; E/CN.4/L.1616)

1. The CHAIRMAN invited the Commission to elect the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
2. At the invitation of the Chairman, Ms. Feller (Australia) and Mr. Otunnu (Uganda) acted as tellers.
3. A vote was taken by secret ballot.

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| <u>Number of ballot papers:</u> | 43 |
| <u>Invalid ballots:</u> | none |
| <u>Number of valid ballots:</u> | 43 |
| <u>Abstentions:</u> | none |
| <u>Number of members voting:</u> | 43 |
| <u>Required majority:</u> | 22 |
| <u>Number of votes obtained:</u> | |
| Mr. TOSVEVSKI (Yugoslavia) | |
| Mr. MASUD (India) | 39 |
| Mr. CEAUSU (Romania) | 38 |
| Mrs. DAES (Greece) | 38 |
| Mr. JIMETA (Nigeria) | 38 |
| Mrs. QUESTIAUX (France) | 36 |
| Mr. CHOWDHURY (Bangladesh) | 35 |
| Mr. FOLI (Ghana) | 34 |
| Mr. SOFINSKY (Union of Soviet Socialist Republics) | 33 |
| Mr. FERRERO (Peru) | 32 |
| Mr. WHITTAKER (United Kingdom of Great Britain and Northern Ireland) | 32 |
| Mr. MUBANGO-CHIPOYA (Zambia) | 30 |
| Mr. PIRZADA (Pakistan) | 29 |
| Mr. BOSSUYT (Belgium) | 28 |
| Mr. KHALIFA (Egypt) | 28 |
| Mr. RITTER (Panama) | 28 |

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| Mr. HADI (Iraq) | 27 |
| Mr. KADDOUR (Syrian Arab Republic) | 27 |
| Mr. MARTINEZ BAEZ (Mexico) | 27 |
| Mrs. ODIO BENITO (Costa Rica) | 27 |
| Mr. YIMER (Ethiopia) | 27 |
| Mr. BEJASA (Philippines) | 26 |
| Mr. OYHANARTE (Argentina) | 26 |
| Mr. CARTER (United States of America) | 25 |
| Mr. EIDE (Norway) | 25 |
| Mr. FISEK (Turkey) | 25 |
| Mr. MARTINEZ (Cuba) | 25 |
| Mr. MUDAWI (Sudan) | 23 |
| Mrs. WARZAZI (Morocco) | 23 |
| Mr. BOUHDIBA (Tunisia) | 22 |
| Mr. OLOLI ZUBU (Zaire) | 21 |
| Mr. AVILES ABURTO (Nicaragua) | 15 |
| Mr. MBOUYOM (United Republic of Cameroon) | 15 |
| Mr. HOLGUIN-HOLGUIN (Colombia) | 14 |
| Mr. OSMAN (Somalia) | 12 |
| Mr. NIKIEMA (Upper Volta) | 5 |

4. Mr. Tosvevski (Yugoslavia), Mr. Masud (India), Mr. Ceausu (Romania), Mrs. Daes (Greece), Mr. Jimeta (Nigeria), Mrs. Questiaux (France), Mr. Chowdhury (Bangladesh), Mr. Foli (Ghana), Mr. Sofi sky (Union of Soviet Socialist Republics), Mr. Ferrero (Peru), Mr. Whitaker (United Kingdom of Great Britain and Northern Ireland), Mr. Mubango-Chipoya (Zambia), Mr. Pirzada (Pakistan), Mr. Bossuyt (Belgium), Mr. Khalifa (Egypt), Mr. Ritter (Panama), Mr. Hadi (Iraq), Mr. Kaddour (Syrian Arab Republic), Mr. Martinez Baez (Mexico), Mrs. Odio Benito (Costa Rica), Mr. Yimer (Ethiopia), Mr. Bejasa (Philippines), Mr. Oyhanarte (Argentina), Mr. Carter (United States of America), Mr. Eide (Norway), Mr. Fisek (Turkey), Mr. Martinez (Cuba), Mr. Mudawi (Sudan), Mrs. Warzazi (Morocco) and Mr. Bouhdiba (Tunisia) were elected members of the Sub-Commission.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 15) (continued) (E/CN.4/1574; E/CN.4/L.1596; E/CN.4/NGO/297; E/CN.4/NGO/321; A/C.3/35/13; A/34/535 and Add.1)

5. Mr. SALAH-BEY (Algeria) introduced draft resolution E/CN.4/L.1596 on behalf of the sponsors. He stated that, in the sixth preambular paragraph, the words "are entitled to the same protection as migrant workers themselves" should be replaced by "are also entitled to appropriate protection".

6. Mr. DIEYE (Senegal) pointed out that his delegation had not been included in the list of sponsors and requested that due note should be taken of the omission.
7. Mr. BARAKAT (Jordan) said that his delegation wished to become a sponsor of the draft resolution.
8. Mr. WHITTLE (Friends World Committee for Consultation) said that the efforts of the working group engaged in elaborating an international convention on the protection of the rights of all migrant workers and their families were of vital importance. He hoped that the convention would recognize the fundamental rights of all migrant workers regardless of whether they resided lawfully or unlawfully in the territory of a given State. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on the Protection of All Persons from Being Subjected to Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment laid down that everyone was entitled to enjoy fundamental human rights. Consequently, it was hoped that the convention would include recognition of, and measures to protect, the rights of all migrants, regardless of their legal status. He also hoped that the convention would contain provisions for the special training of immigration personnel in respect of the rights of migrant workers. Specialized training was needed for border guards and other law enforcement officials who habitually came into contact with migrant workers because migrants, particularly those without essential documents, were particularly vulnerable to violations of their human rights.
9. Mr. SCHIFTER (United States of America) said that his delegation recognized that migrant workers posed a human problem which required attention: the issue was, however, how that problem should be dealt with. The draft resolution gave rise to certain technical and other problems. His delegation, whose views had already been given at length in earlier statements, considered that it might be more appropriate to proceed in accordance with the international instruments already drafted by ILO.
10. Mr. LINCKE (Federal Republic of Germany) said that his delegation believed that the matter should be dealt with inter alia, in the context of ILO, in order to avoid duplication of work.
11. Mrs. FLORES (Cuba) said that her delegation would vote in favour of the draft resolution, which dealt with a subject of great importance for the developing countries.
12. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/L.1596.
13. Draft resolution E/CN.4/L.1596 was adopted by 34 votes to none, with 6 abstentions.

14. Mr. GIUSTETTI (France) said that his delegation had abstained in the vote because of the hope expressed in operative paragraph 2. The future convention would be effective only if it was acceptable to all the countries affected by the problems of migrant workers and if account was taken of all legitimate interests involved. The problems were extremely difficult and could not be dealt with hastily. His country would take part in the work of the group in a spirit of goodwill, but it believed that the group needed to be given sufficient time if it was to achieve effective results.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 16)
(continued) (E/CN.4/1276; E/CN.4/1306; E/CN.4/L.1581; E/CN.4/L.1622;
E/CN.4/NGO/310; E/CN.4/Sub.2/446; E/CN.4/Sub.2/NGO/81)

15. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/L.1581, said that its purpose was to draw the attention of all States to the importance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. His delegation considered that the study referred to in operative paragraph 3 would be extremely timely in view of the direct impact of scientific and technological progress on employment and development, and might be prepared for the Commission's thirty-ninth session. He urged the Commission to adopt the draft resolution without a vote.

16. Mr. GAUDREAU (Canada), introducing the amendments contained in document E/CN.4/L.1622, said that, in its current form, paragraph 3 of draft resolution E/CN.4/L.1581 failed to define clearly the parameters of the study which the Sub-Commission was being asked to undertake. In the view of his delegation, the working group which the Commission had decided to establish to consider the scope and contents of the right to development would be better able to determine what studies should be assigned to the Sub-Commission in that field. It would not be advisable to ask the Sub-Commission to undertake such a study when it was already preparing two studies on the same agenda item.

17. The draft amendments contained in document E/CN.4/L.1622 were entirely compatible with the wording of draft resolution E/CN.4/L.1581.

18. Mr. KRAMER (Natural Resources Defense Council, Inc.), speaking also on behalf of the International Organization of Consumers' Unions, said that several industrial countries allowed hazardous products or substances that they had banned or restricted for domestic use to be freely exported to other countries. The export of dangerous products and substances raised fundamental questions concerning the proper balance between, on the one hand, national efforts to promote foreign trade and the benefits provided by many hazardous goods and, on the other hand, the dangers which such goods posed to public health and the environment, and their potential for violating basic human rights provisions. The Commission should urge all Governments to acknowledge their obligation to protect individuals from the effects of such products and insist that they co-operate in finding an international solution to the problem.

19. A more detailed statement of the position of the International Organization of Consumers' Unions and the Natural Resources Defense Council, Inc. had been submitted in document E/CN.4/NGO/310.

20. Viscount COLVILLE of CULROSS (United Kingdom) supported the amendments contained in document E/CN.4/L.1622. As the representative of Canada had stated, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was already committed to two studies on the question of human rights and scientific and technological developments, in accordance with its resolutions 11 (XXXIII) and 12 (XXXIII).
21. His delegation welcomed General Assembly resolution 35/130, in which the Sub-Commission had been requested to prepare draft guidelines concerning the detention of mental patients, and the appointment by the Sub-Commission of a rapporteur to prepare a study on draft principles concerning the medical treatment of the mentally disturbed. He expressed the hope that a full report would be submitted to the Commission at its thirty-ninth session. In addition, in General Assembly resolution 35/130, the Secretary-General had been requested to submit to the General Assembly at its thirty-sixth session a report on the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.
22. It would be unrealistic to ask the Sub-Commission to undertake the study proposed in draft resolution E/CN.4/L.1581 before the Commission had had an opportunity, at its thirty-eighth session, to consider the report of the working group to be set up to study the scope and contents of the right to development. Moreover, if the Commission and Sub-Commission were to function effectively, requests for reports must be limited.
23. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the amendments contained in document E/CN.4/L.1622 were incompatible with the draft resolution proposed by his delegation. The proposed study would be of practical significance for both developed and developing countries, whereas the studies referred to in document E/CN.4/L.1622 would be of practical significance only for a small group of developed countries. His delegation could not support those amendments.
24. Mr. ORTIZ RODRIGUEZ (Cuba) said that his delegation would vote against the amendments proposed in document E/CN.4/L.1622, since the studies proposed would be of less benefit to the developing countries than the study proposed in draft resolution E/CN.4/L.1581. Moreover, the draft resolution reflected the spirit of important decisions already taken by the General Assembly and the Commission.
25. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation would vote for draft resolution E/CN.4/L.1581. The Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind recognized the substantial contribution to be made by science and technology in accelerating the economic development of all countries, in particular the developing countries. The time had come for the Sub-Commission to undertake a study such as that proposed in the draft resolution. The amendments proposed in document E/CN.4/L.1622 were not only unjustified, but constituted an attempt to prevent the Sub-Commission from carrying out its mandate, and his delegation would therefore vote against them.

26. Mr. LINCKE (Federal Republic of Germany) said that his delegation would abstain in the vote on draft resolution E/CN.4/L.1581, because its adoption would place an undue burden on the resources of the Sub-Commission. His delegation would support the amendments contained in document E/CN.4/L.1622.
27. The CHAIRMAN invited the Commission to vote on the amendments contained in document E/CN.4/L.1622.
28. There were 12 votes in favour, 12 votes against, and 16 abstentions.
29. The amendments were not adopted.
30. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/L.1581.
31. Mr. GAUDREAU (Canada) requested a separate vote on paragraphs 3, 4 and 5 of the draft resolution.
32. At the request of the representative of Cuba, the vote was taken by roll-call.
33. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Benin, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Ethiopia, Ghana, India, Iraq, Jordan, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia.

Against: Australia, Canada, Denmark, Germany, Federal Republic of, Greece, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Cyprus, Fiji, France, Philippines, Portugal, Senegal, Zaire.

34. Paragraphs 3, 4 and 5 of draft resolution E/CN.4/L.1581 were adopted by 27 votes to 9, with 7 abstentions.

35. Draft resolution E/CN.4/L.1581, as a whole, was adopted by 28 votes to 1, with 13 abstentions.

36. Ms. WELLS (Australia), speaking in explanation of vote, said that it was regrettable that the delegation of the Byelorussian Soviet Socialist Republic had seen fit to press draft resolution E/CN.4/L.1581 to a vote. The issues involved were important, and it would have been preferable to defer consideration of them until the Commission's thirty-eighth session, when more time could have been devoted to the matter.

37. Her delegation found it difficult to understand the scope of the study proposed in paragraph 3 of the resolution. She expressed the hope that the Sub-Commission would be able to defer its work on the study until the Commission had had an opportunity to consider the report of the working group on the scope and contents of the right to development.

38. Mr. FOLI (Ghana), speaking in explanation of vote, said that, in view of the strong arguments advanced by the representative of the United Kingdom in support of the amendments contained in document E/CN.4/L.1622 and of the crucial importance of the subject dealt with in draft resolution E/CN.4/L.1581, his delegation had abstained in the vote on the amendments and had voted in favour of the draft resolution. He expressed the hope that the Sub-Commission would be guided by the views expressed in the Commission in determining the appropriate priority to be accorded to the study.

39. Mr. BERRADA (Morocco) said that his delegation had abstained in the vote on draft resolution E/CN.4/L.1581 because it overlooked an important aspect of scientific and technological progress, namely, developments in telecommunications and their effect on the economic, social and cultural development of the developing countries.

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 18)
(E/CN.4/1419 and Add.1-4; E/CN.4/L.1599; E/CN.4/L.1605; E/CN.4/NGO/292; E/CN.4/NGO/308)

40. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/L.1599, said that, following consultations with other delegations, his delegation had decided to delete paragraph 3 from the draft resolution. He noted that the first word of the title of the Russian text of the draft resolution was incorrect. He expressed the hope that the draft resolution could be adopted without a vote.

40 bis. Draft resolution E/CN.4/L.1599 was adopted without a vote.

41. Mr. WALKATE (Netherlands), introducing draft resolution E/CN.4/L.1605, said that the Secretary-General's report on national legislation and other measures and practices relating to conscientious objection to military service and alternative service (E/CN.4/1419), prepared in accordance with Commission resolution 38 (XXXVI), contained valuable information which required further study. He noted that although General Assembly resolution 33/165 on the status of persons refusing service in military or police forces used to enforce apartheid had been adopted two years previously, no effort had yet been made to study the manner in which Governments had implemented it.

42. In operative paragraph 2 of the text, the sponsors had decided to delete the words "and of alternative service", since they believed that the mandate given to the Sub-Commission should not in any way prejudice the outcome of the proposed study. He hoped the draft resolution would be adopted by consensus.

43. Mr. EL-FATTAL (Syrian Arab Republic) said that the Commission should vote on the draft resolution, because conscientious objection was inconceivable in a situation involving foreign occupation or aggression and national liberation movements.

44. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/L.1605.

45. Draft resolution E/CN.4/L.1605 was adopted by 25 votes to 3, with 12 abstentions.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 26)
(E/CN.4/1445)

46. The CHAIRMAN, drawing attention to the report of the Secretary-General on the programme of advisory services in the field of human rights for 1980 (E/CN.4/1445), said that the usual practice was for the Commission to take note of the report.

47. Mr. LAMB (Australia) said his delegation regretted that insufficient time had been available to enable the Commission to give the item the detailed consideration it deserved and, in particular, to analyse the serious difficulties confronting the advisory services programme. His delegation earnestly hoped that at its next session the Commission would be able to give careful consideration to the item.

48. The CHAIRMAN said that, if there was no objection, he would take it that the Commission decided to take note of the report of the Secretary-General contained in document E/CN.4/1445.

49. It was so decided.

REVIEW OF THE DRAFT MEDIUM-TERM PLAN FOR THE PERIOD 1984 TO 1989 (agenda item 12)
(E/CN.4/1424; A/RES/35/9)

50. Mr. NYAMEKE (Deputy Director, Division of Human Rights), speaking on behalf of the Director of the Division of Human Rights, said that the inclusion of the item in the agenda stemmed from a decision by the Committee for Programme and Co-ordination (CPC) that the chapters of the proposed medium-term plan for the period 1984 to 1989 should be reviewed by the relevant sectoral intergovernmental bodies prior to their review by CPC, the Economic and Social Council and the General Assembly. In essence, the process involved a partnership between intergovernmental organizations and the Secretariat, in which the decisions of organs were translated into objectives-based and time-targeted programmes. Harmony and consistency were expected between the programmes decided upon by organs and the action undertaken by the Secretariat.

51. It was expected that once the plan was drawn up and approved by the General Assembly, its objectives and strategies would guide both the organs and the Secretariat and that, barring unforeseen circumstances, United Nations organs as well as the Secretariat would remain within the objectives of the plan.

52. The draft medium-term plan for the period 1984 to 1989 prepared by the Division (E/CN.4/1424) was based essentially on continuing activities with regard to the implementation of international instruments and procedures, combating discrimination and protecting the rights of minorities and other vulnerable groups, and carrying out the advisory services programme. The Division had also taken into account the need for action-oriented research and studies, basing itself on the relevant decision of human rights organs.

53. The implementation of international instruments and procedures involved tasks which were already defined either in the respective conventions or in the pertinent resolutions and decisions of human rights bodies. With regard to the advisory services programme, the Economic and Social Council had indicated in 1978 the level at which the programme should be carried out, although for many years the Division had not been provided with the resources necessary to implement it at that level. However, it was to be expected, in the light of resolutions adopted at the current session, that requests would be made under the advisory services programme for expert assistance to countries and peoples that had suffered from massive violations of human rights. In the areas of the prevention of discrimination and protection of minorities and vulnerable groups, and of standard-setting, research and studies, certain strategies were indicated to serve as a guide for those parts of the programme as well as for the decisions of human rights organs.

54. The Division had in recent years been faced with a situation in which the level of repetition, duplication and lack of planning and co-ordination had resulted in great difficulties and wastage of scarce resources. It had sometimes received requests for studies on similar topics by different bodies or for reports which had little practical value and often remained on the shelves. He stressed that the decision to initiate standard-setting was much too haphazard, unplanned and un-co-ordinated, and it was far from certain that the priorities decided upon were the optimum ones.

55. In preparing the draft medium-term plan, the Secretariat could only provide guidance on objectives and strategies with regard to the prevention of discrimination, standard-setting, research and studies. The specific areas of activities were to be decided upon by the human rights organs. In his opinion, it would be necessary for the Commission, as the intergovernmental organ responsible for reviewing the human rights programme, to decide upon a rational, planned and co-ordinated set of activities in those areas. It might be desirable, for example, for the Commission to draw up, with the advice of the Sub-Commission, a list of topics on which work should be undertaken with regard to combating discrimination and protecting minorities and other vulnerable groups. The Commission might also draw up a list of topics on which standard-setting would be undertaken during the medium-term period. Those lists would undoubtedly take into account decisions already made and work already under way.

56. After the adoption of the medium-term plan by the General Assembly, it was essential that the Commission and the Sub-Commission, as well as the Economic and Social Council and the General Assembly, should respect the objectives contained in the plan, which meant that, allowing for urgent situations of human rights violations that might occur during the period, those organs should refrain from requesting research, reports or studies outside the framework of the medium-term plan.

57. He stressed that after the approval of the regular biennial budget, there were invariably a great number of financial implications involving millions of dollars as a result of decisions taken by the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. While many related to on-going fact-finding or similar activities or to other urgent work, many others concerned studies and reports

which did not appear to be pressing. The question had been raised whether such studies could not be carried out after existing ones or done elsewhere. The United Nations was under great pressure to contain expenditures and if the human rights organs continued to request new activities involving great cost, the Commission on Human Rights would have to indicate priorities and specify which tasks should be postponed, if necessary. He wished to inform the Commission that, if necessary, the Secretariat might be forced to determine such priorities and to postpone activities which did not appear to be very urgent or important.

58. Mr. PAPASTEFANIOU (Greece) said that, in general, his delegation welcomed the draft plan contained in the annex to document E/CN.4/1424 and attached special importance to subprogramme 4 relating to standard-setting, research and studies. In that connection, it wished to express reservations with regard to the statement in the last paragraph on page 9 of the draft plan that "Research and studies should be action-oriented and should not be undertaken on abstract, academic-type or marginal topics which can better be done elsewhere". His delegation did not consider it desirable, as the sentence seemed to indicate, to entrust United Nations studies on human rights to outside research institutions, since no matter how much experience they might have in the matter, the information they possessed was not as diverse and wide-ranging as that available to the United Nations. The discussion of the question seemed to give the impression that in the opinion of the Member States and the public, those institutions were not as impartial and objective as the United Nations, with regard to the very delicate area of human rights.

59. Attention should also be drawn to the restrictions placed by the General Assembly in 1977 on the use by the United Nations of external experts and consultants. Moreover, it would be very costly to use outside research institutions.

60. His delegation therefore suggested the deletion of the sentence in question.

61. Mr. BYKOV (Union of Soviet Socialist Republics) welcomed the submission of the draft medium-term plan for the period 1984 to 1989 to the Commission, particularly since his delegation had long favoured a departure from the procedure which had prevented the Commission from participating in its discussion as befitted the major United Nations organ in the field of human rights. It was unfortunate that there had been insufficient time to study the document in detail during the current session.

62. A number of items to be contained in the medium-term plan had been dealt with only in the section on general orientation. Subprogrammes 1 and 2 contained no substantive information, subprogramme 3 had virtually no major proposals, and subprogramme 4 was drastically curtailed in relation to the current plan. The draft plan should therefore be substantially re-worked, so as to highlight provisions for specific individual projects, corresponding to the various units of the Division of Human Rights, and to reflect all important decisions stemming from General Assembly resolutions - for example, the decision concerning the Programme for the Decade for Action to Combat Racism and Racial Discrimination, reference to which was noticeably lacking in the draft plan.

63. In addition, the proposed distribution of resources to the various subprogrammes should be shown in a separate section. In that connection, the medium-term plan should include only programmes based on decisions by relevant United Nations bodies. It should avoid any proposals of a subjective nature, such as that contained in page 2, paragraph 2 of the draft, or conflicting in any way with established United Nations practice. It would also be useful to have an indication, in the draft plan, of the structure of the Division of Human Rights and its personnel in the various units, even the smallest ones. The Division carried out important and useful work; nevertheless, the increased budget allocations in recent years had not led to a commensurate improvement in efficiency. The shortcomings had been noted in other forums, including the General Assembly. One reason for them was doubtless the failure so far to comply with the principle of equitable geographical distribution of posts; some two-thirds of the Division's personnel were nationals of Western States. Those shortcomings had at times affected the Commission's work - for example, with regard to documentation, which had not always been timely and detailed enough.

64. Mr. LAMB (Australia) said that the section relating to the general orientation of the programme was particularly valuable since, inter alia, it reflected the importance of freedom from fear, as well as freedom from want, for the enjoyment of human rights. It also revealed that the work of the Division of Human Rights could not be considered in isolation from the work being done by other relevant United Nations bodies. In fact, the need for co-ordination with such bodies should be given greater emphasis, in order to clarify the Division's tasks in relation to the work of organs such as the United Nations Centre against Apartheid. In his delegation's view, the Division had correctly applied much of its time to that matter.

65. In the field of economic and social development, General Assembly resolution 32/130 was addressed to the United Nations system as a whole; that meant that the Division was not supposed to work alone in that field but rather needed to play its part, under appropriate guidance from the Commission and the Economic and Social Council.

66. The draft medium-term plan would serve as a useful guide to the Commission for its future work. It would have been more helpful had the document paid more attention to co-ordination with other parts of the United Nations system. The Australian delegation considered the section on standard-setting particularly important, and agreed with the comment contained in the final sentences of the second paragraph on page 3 of the draft plan.

67. The proposed areas of action and personnel allocations were acceptable to the Australian delegation, which felt that it was for the Secretary-General to allocate personnel as he saw fit.

68. Mr. GAGLIARDI (Brazil) said that the draft medium-term plan reflected the views of only some delegations. Moreover, the somewhat sweeping observations made in the second, third and last sentences of the second paragraph on page 2 did not appear to take sufficient account of the work being done, for example, by the Working Group on Situations. The last sentence of that paragraph, which referred to Sub-Commission resolution 25 (XXXIII), a resolution not yet discussed by the Commission itself, should be deleted. So too should the first sentence in the third paragraph on page 3, since ratification of or accession to treaties was a matter in which the United Nations should not interfere. The last sentence of that paragraph might prejudice the Sub-Commission's consideration of the working group's activity.

69. The last sentence of the second paragraph on page 5, concerning encouragement to non-governmental organizations, seemed superfluous.

70. His delegation thought that the reference, in the final paragraph relating to subprogramme 1, to improvement of information-gathering into situations of violations of human rights should be deleted, since it concerned a matter which the Commission had not yet discussed. With regard to subprogramme 3, the reference, in the second paragraph of section (b), to publications requested by human rights organs was too vague; it should make clear which organs could request publications.

71. With regard to the Greek delegation's proposal for the deletion, in section (d) (ii) of the paragraphs relating to subprogramme 4, of the statement that research and studies should be action-oriented, his delegation considered that the secretariat had intended simply to indicate that abstract, academic-type or marginal topics could be dealt with elsewhere, and the Director of the Division had confirmed that the Division would not initiate such studies on its own account. Perhaps the text could be amended so as to clarify the point. Another point requiring clarification was the statement, on page 11 of the draft plan, that the proposed programme structure was compatible with the current administrative structure. That statement was puzzling, in view of the need, often mentioned in the past to the Commission and the General Assembly, for further budget allocations.

72. His delegation hoped that the Commission would take note of the draft medium-term plan for the period 1984 to 1989, and that the views expressed by his and other delegations would be taken into account before the draft was submitted to the Committee for Programme and Co-ordination.

73. Mr. BEAULNE (Canada) said he did not think that all the criticisms made by previous speakers were justified. For example, it was surely important to improve the United Nations' capacity for action in all cases of gross violations of human rights - a point which had been raised by many delegations and which the secretariat should take fully into account.

74. His delegation considered the draft plan as a whole entirely satisfactory. It was important that the Division should have enough personnel to carry out the necessary work relating to implementation of the International Covenants and the Optional Protocol. In particular, the Secretary-General should ensure that sufficient resources were provided to support the work of the Human Rights Committee in that connection.

75. He could not share the Brazilian representative's view concerning non-governmental organizations. They would, of course, always receive support, but it was right that the Division should encourage them as much as possible to continue their work in the promotion and protection of human rights. The Canadian delegation hoped too that the Secretary-General would take steps to ensure that the Yearbook of Human Rights was published annually and on time.

76. His delegation acknowledged the courage and idealism with which the Director and staff of the Division of Human Rights carried out their difficult and at times thankless tasks.

77. Mr. van BOVEN (Director, Division of Human Rights) agreed with the representative of the Soviet Union that it was desirable for the Commission, as the major human rights organ of the United Nations, to express its views on the draft medium-term plan, since it too would be operating within the plan's framework. Planning was not only crucial but extremely difficult. Projections as far ahead as 1989 were difficult, since the situation could not be predicted at the present time; moreover, the views and interests to be taken into account were extremely diverse as could be seen from the size and scope of the Commission's agenda for its current session, and from the widely differing policy decisions the Commission had at times adopted.

78. With respect to co-ordination, the Division of Human Rights was not an autonomous organ but worked in close co-operation with various human rights bodies; for example, the development of co-ordination involved not only the Division but other United Nations bodies and even delegations.

79. The Commission, at its current session, had adopted many resolutions having financial and administrative implications, particularly those which involved new tasks and new fields of work. He was concerned, therefore, about the availability of resources, particularly in view of the Organization's current financial situation, and he foresaw difficulties not only in the medium-term plan period but also in the immediate future.

80. The statement on page 11 of the draft plan that the proposed programme structure was compatible with the current administrative structure referred to the internal structure of the Division of Human Rights.

81. The CHAIRMAN said that, if there was no objection, he would take it that the Commission took note of the draft medium-term plan for the period 1984 to 1989 and that its members' observations would be examined by the Secretariat.

82. It was so decided.

The meeting rose at 1.05 p.m.