

SUMMARY RECORD OF THE SIXTH MEETING
held on Saturday, 4 May 1968, at 3.20 p.m.

Chairman:

Mr. AGUILAR

Venezuela

Rapporteur:

Mr. PAHR

Austria

FORMULATION AND PREPARATION OF A HUMAN RIGHTS PROGRAMME TO BE UNDERTAKEN SUBSEQUENT TO THE CELEBRATIONS OF THE INTERNATIONAL YEAR FOR HUMAN RIGHTS FOR THE PROMOTION OF UNIVERSAL RESPECT FOR, AND OBSERVANCE OF, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL WITHOUT DISTINCTION AS TO RACE, COLOUR, SEX, LANGUAGE OR RELIGION, IN PARTICULAR (agenda item 11)(A/CONF.32/L.14 and Corr.1; A/CONF.32/C.2/L.1-L.6; A/CONF.32/C.2/L.7/Rev.1, A/CONF.32/C.2/L.8-L.14, A/CONF.32/C.2/L.15/Rev.1, A/CONF.32/C.2/L.16 and Corr.1, A/CONF.32/C.2/L.17-L.27):

- (d) MEASURES TO PROMOTE WOMEN'S RIGHTS IN THE MODERN WORLD, INCLUDING A UNIFIED LONG-TERM UNITED NATIONS PROGRAMME FOR THE ADVANCEMENT OF WOMEN (continued);
- (e) MEASURES TO STRENGTHEN THE DEFENCE OF HUMAN RIGHTS AND FREEDOMS OF INDIVIDUALS (continued);
- (f) INTERNATIONAL MACHINERY FOR THE EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS (continued);
- (g) OTHER MEASURES TO STRENGTHEN THE ACTIVITIES OF THE UNITED NATIONS IN PROMOTING THE FULL ENJOYMENT OF POLITICAL, CIVIL, ECONOMIC, SOCIAL, AND CULTURAL RIGHTS, INCLUDING THE IMPROVEMENT OF METHODS AND TECHNIQUES AND SUCH INSTITUTIONAL AND ORGANIZATIONAL ARRANGEMENTS AS MAY BE REQUIRED (continued)

Mr. MENCER (Czechoslovakia), speaking as one of the sponsors of draft resolution A/CONF.32/C.2/L.17, which related to sub-item (e), said that the purpose of the draft was to stress the importance of universality of the Universal Declaration of Human Rights. Not to dwell on that when the twentieth anniversary of the adoption of the Universal Declaration was being celebrated would be a retrograde step. The word "universal" emphasized first of all the comprehensive nature of the text of the Declaration, which included all fundamental human rights. Secondly, it was intended to ensure that the rights and freedoms codified in the Declaration should be applied by all States whether or not they were Members of the United Nations and irrespective of their economic, social and political systems. Thirdly, the rights set forth should be applied in territories which had not yet achieved independence as well as in sovereign States. Fourthly, it was not only States and territories that were entitled to enjoy fundamental human rights, but also human beings everywhere, not as nationals of a particular State but as members of the human family. Fifthly, the word "universal" had been used intentionally rather than "international". It constituted an ethic of the age. The international community was a universal society.

The Conference should pay particular attention to the universality of the Declaration on Human Rights, in other words to its humanitarian aspects. That was why the draft resolution was addressed not only to States but also to the General Assembly, in order to ensure that the International Covenants on Human Rights were given more universal application.

Mr. GROGAN (United States of America), referring to draft resolution A/CONF.32/C.2/L.18 relating to sub-item (e), of which the United States was a sponsor, said it was designed to encourage the establishment of human rights commissions by Governments to work within their own countries.

His own experience as a government official and trade unionist had given him long and varied practical experience with human rights commissions at state and local levels and he could testify to their usefulness. He explained the procedure that had been followed in the State of New Jersey and in the town of Hoboken.

As a trade unionist he could testify to the fact that the labour movement in the United States had struggled to support and strengthen all movements that contributed to the attainment of human dignity and social justice. It had fought to advance the cause of human freedom. It had been the trade unionists in the United States which had first placed the problem of forced labour before the United Nations. They continued to maintain their uncompromising opposition to the use of totalitarian and other authoritarian methods to resolve social problems relating to work by force.

In February 1968 the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) had issued a statement urging the Teheran Conference, inter alia, to create more effective safeguards against the violation of human rights by establishing a permanent United Nations commission on the preservation and promotion of human rights, with authority to appoint human rights observation committees endowed with the rights and powers of investigation, surveillance and reporting.

At its seventh Constitutional Convention, in a resolution on international human rights, AFL-CIO had expressed its solidarity with the workers, agricultural producers and freedom-loving intellectuals of nations denied the right of self-determination, of captive nations, in their aspiration to obtain political freedom and the fundamental human rights of which they were deprived. It had deplored the fact that the regimes in such nations subjected labour to intense exploitation by suppressing free trade unions and denying the right to strike.

Dictatorship, to every form of which - whether it be communist, fascist, falangist or any other - AFL-CIO was unequivocally opposed, was the mortal enemy of individual dignity and fundamental human rights. It had reaffirmed its dedication to the ideals and aims of the Universal Declaration and had appealed to the American people to protect and promote the ideals embodied in the Declaration both in their own country and elsewhere. The United States Government and AFL-CIO shared a common commitment to the human rights principles of the United Nations Charter, which accorded very closely with the principles of the United States Constitution and its legislation.

Mr. MACDONALD (Canada) said that the purpose of draft resolution A/CONF.32/C.2/L.3, on sub-item (e), was stated in the fifth preambular paragraph. Much remained to be done with respect to the provision of legal aid to individuals lacking adequate financial or other resources. One of the primary objects of the administration of justice was to render the poverty of the litigant irrelevant. That was particularly urgent in the administration of criminal justice. It involved public order and the internal security of the community itself, and relations between the individual and the State. The range of problems involving the impact of poverty on the administration of justice was very great. The question of comprehensive representation entailed much more than making lawyers available; the absence of the full range of services might deprive an individual of adequate defence. Consideration might also have to be given to comparable problems that arose, for instance, in appeals to higher courts. The concept of lack of means had to be measured in each individual case by reference to the particular need or service under consideration.

The sponsors of the draft resolution were aware of the enormous variety of arrangements which States had introduced to assist aggrieved individuals seeking legal redress for violations of human rights and freedoms and were of the view that Governments should be allowed maximum flexibility in dealing with the subject. But the responsibility for taking the necessary steps to encourage the development of comprehensive legal aid systems should be left to Member States. The rate of progress would depend on conditions in each individual country, while Governments would also be expected to co-operate simultaneously in working out appropriate international measures.

The international community felt that the problem was important to the individual, to the State and to society as a whole; and the sponsors felt that the draft resolution, although modest in its objectives, constituted a step in the right direction which deserved the unanimous support of all the members of the Committee.

Mr. STUPAR (Yugoslavia) said it was essential to bear in mind that human rights were interconnected, interdependent and mutually conditioned. The fact that they were considered individually was merely the result of historical circumstances. The full dignity of the human being could only be achieved by simultaneous recognition of all human rights. When the Declaration of Human Rights was being drafted, there had been differences of opinion regarding the necessity of including economic, social and cultural rights in it. The position had now changed.

Experience had shown that it was not sufficient to adopt international instruments. Measures had to be taken to ensure that they were implemented, but first there must be measures designed to achieve the pre-conditions necessary for their implementation.

A democratic social system could only be created by people who were actively, materially and morally interested in that task. Human rights were an integral part of the organization of society. Hence, for the achievement of all categories of human rights for which the international instruments made provision, it was essential that a corresponding social, economic, political and cultural basis should exist, namely a system which would make inequality, injustice, privilege and subordination impossible. If there was a genuine desire to promote human rights both nationally and internationally, aid had to be provided to change conditions in a number of regions of the world. The most important pre-conditions were the will to peace; peaceful and active collaboration and co-existence; and balanced economic and social development.

The influence of a country's social, economic and political system on the attainment of human rights was obvious, because the same human rights under different systems could have different aims and the reasons for their recognition could vary. It was impossible to regard them as identical everywhere. If economic, social and political conditions were unfavourable, the most effective measures for the implementation of human rights would be useless; on the other hand, many measures which were regularly employed would be unnecessary, given favourable economic, social and cultural conditions. It was therefore wrong to concentrate exclusively on legal means of ensuring the implementation of human rights. Attention had also to be paid to economic, social and cultural conditions and to economic, social and political means of giving practical effect to international instruments relating to human rights. Assistance and supervision in regard to the enforcement of international instruments in national legislation would therefore be of little use without practical assistance at the international level in promoting economic and social development, particularly the development of national economies, employment opportunities, productive capacity, industry and, in general, the creation of possibilities of exploitation of national wealth. If that were not forthcoming, international instruments would be no more than useless scraps of paper.

Hence, the work of the United Nations Development Programme (UNDP) and other providers of technical assistance would become increasingly important. The developed countries should provide more extensive assistance to the developing countries at an increased tempo. Otherwise, however anxious the latter were to implement the international instruments, they would not be in a position to do so; nor could they then be criticized for their failure. Perhaps that was why certain developed countries gave priority to political and civil rights, hoping to avoid having to provide more effective aid to the developing countries.

In addition to the factors he had already mentioned, for the attainment of any category of human rights whatsoever all countries had to enjoy the right of self-determination, and every form of discrimination, particularly racial discrimination, had to be eliminated. The delegations of India and Yugoslavia would in due course be submitting a draft resolution on that subject.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic), introducing draft resolution A/CONF.32/C.2/L.11, said that many representatives had spoken of the importance of economic, social and cultural rights in the plenary meetings of the Conference and it was in the light of the views expressed there that the sponsors had submitted the draft resolution. The third preambular paragraph emphasized the interconnexion and interdependence between civil and political rights and economic, social and cultural rights. The remainder of the draft resolution was self-explanatory. The second operative paragraph stressed the increasing role of economic, social and cultural rights in the modern world, while the third operative paragraph incorporated the point which had been emphasized at the Warsaw seminar on the realization of economic and social rights. Subsequent operative paragraphs dealt with respect for and realization of economic, social and cultural rights.

Mr. BONI (Ivory Coast), presenting his delegation's draft resolution (A/CONF.32/C.2/L.4) dealing with agenda item 11(e) and (f), said that substantial progress had been made in many fields of human rights, and the majority of peoples were now masters of their own destiny; but the human person was still in urgent need of protection, and despite or perhaps because of scientific progress the individual was frequently the victim of violations of human rights. His delegation believed that the only way of ensuring the implementation of human rights was to set up an international judicial authority. The time had come to enter a new stage of implementation by giving the Universal Declaration legal force. A major obstacle was of course national sovereignty, but he would urge representatives to consider his delegation's draft resolution in accordance with the dictates of their conscience rather than with political considerations in mind.

Violations of human rights could be divided into two main categories. The first consisted of institutional violations such as apartheid and certain other forms of discrimination; in such cases nations must be asked to change their legislation. The second category consisted of individual violations by certain groups of people such as policemen and soldiers, and it should be possible to bring a charge against such individuals before an international court. Much careful study would be required before those procedures could be implemented and his delegation had therefore limited itself to proposing the establishment of two study groups, one to draw up a list of the acts and practices unanimously censured by all nations and the other to work out the procedure for judging individuals convicted of such acts and practices.

Mr. JUVIGNY (France) introduced the draft resolution jointly sponsored by his delegation and the Swiss delegation (A/CONF.32/C.2/L.16). It was well known that scientific discoveries and their technological applications might well raise problems for the implementation of human rights and respect for the dignity of the human person. The problem required serious study because the application of some scientific discoveries raised ethical problems which were becoming increasingly acute in certain fields.

The draft resolution had been submitted in order to draw attention to such problems. The second operative paragraph recommended in the first place study of the problems arising from developments in science and technology. Studies could be carried out by the United Nations and its specialized agencies in collaboration with certain non-governmental organizations, representatives of religion and philosophy, and legal experts. The draft resolution did not claim to contain an exhaustive list of the problems involved but only gave a reference to the more important of them. The problems mentioned in operative paragraph 2(b) were already being studied by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and by some important scientific organizations, and the adoption of the draft resolution would encourage those bodies as well as the World Health Organization (WHO) and others to pursue such studies. The draft resolution did not imply that scientific progress was a bad thing. On the contrary, it could contribute to a rapid increase in human prosperity and happiness; but due attention must be paid to the serious dangers it involved.

Mr. OSTROVSKY (Union of Soviet Socialist Republics) asked whether he could exercise his right of reply in respect of the attack made by the United States representative against his country.

Mr. QUADRI (Argentina) suggested that the Committee should first deal with the procedural problem of organization of work. He noted from document A/CONF.32/C.2/L.26 that twenty-seven draft resolutions had been submitted, many of which had certain features in common. In order to expedite the Committee's work, a working group composed of representatives of the different geographical regions and the authors of the draft resolutions might be set up to consider the drafts and if possible produce amalgamated versions of some of them.

Sir Samuel HOARE (United Kingdom) said that his delegation had submitted two draft resolutions the texts of which would probably be circulated the following day. He asked whether he should introduce them at that stage or after the texts had been circulated.

The CHAIRMAN said it had been decided that all sponsors who wished to introduce resolutions should do so as soon as possible, whether or not the texts were available.

Mr. OSTROVSKY (Union of Soviet Socialist Republics) said that if his delegation was not to be allowed to avail itself of the right of reply, it should be permitted to introduce its draft resolution so that it could make whatever other comments it wished in connexion with the introduction of the draft.

The CHAIRMAN said there was no question of denying the right of reply either to the USSR or any other delegation. He would merely request the USSR representative to defer his exercise of that right until all the draft resolutions submitted to the Committee had been introduced.

Mr. OSTROVSKY (Union of Soviet Socialist Republics), speaking on a point of order, said it was not normal practice to allow the right of reply at the end of a meeting when delegations were pressed for time and were unable to give the reply their full attention. Moreover, the introduction of draft resolutions whose text had not been circulated was an unsatisfactory procedure.

The CHAIRMAN maintained that he was applying the rules of procedure justly and impartially. He would permit the USSR representative to exercise his right of reply as soon as the draft resolutions had been introduced. He pointed out that it had been decided to introduce drafts whose texts had not yet been circulated in order to save time and facilitate the amalgamation of draft resolutions. He had already given the floor to the Yugoslav representative for that purpose, and he would call upon the USSR representative upon completion of the presentation of resolutions.

Mrs. BRUCE (Secretary of the Committee), replying to a question by Mr. OSTROVSKY (Union of Soviet Socialist Republics), explained exactly how the presentation of the draft resolutions listed in document A/CONF.32/C.2/L.26 stood. Some six or seven additional draft resolutions had been handed in during the afternoon, and their sponsors might or might not wish to introduce them.

The CHAIRMAN, replying to a further protest by Mr. OSTROVSKY (Union of Soviet Socialist Republics), assured him that he would have an opportunity to speak that afternoon, and invited the United Kingdom representative to proceed with the introduction of his delegation's draft resolutions.

Sir Samuel HOARE (United Kingdom) said that the first draft resolution submitted by his delegation was concerned with persons detained in prison, a subject on which he thought the Conference should issue a message to world public opinion. The draft did not attempt to embrace the whole subject of arbitrary arrest but merely drew attention to something which was happening all too frequently, namely the detention of persons unnecessarily and for long periods. Such detention imposed suffering and mental anguish on both the detainee and his family and was quite wrong in principle. The draft therefore recommended that Member States review their laws and practices relating to the detention of persons and take all possible steps to ensure that persons were not detained for prolonged periods in prison without a charge being made, and that the detention of persons awaiting trial was not unduly prolonged. The draft resolution was phrased in very mild terms in view of what was currently happening in the world, and he hoped it would receive unanimous support. Some delegations might wish to co-sponsor it.

The second draft resolution dealt with the question of freedom of communication and particularly the dissemination of ideas and knowledge through works of art. The preamble cited a number of important authorities, while the operative part called on all Member States to respect freedom of creative activity and recommended that UNESCO draw up a declaration on freedom of cultural expression and exchange. It was not his delegation's intention to attack any particular State, but it was well known that in many countries there was a lack of respect for the principles of freedom of expression and for the operation of the creative spirit. Unfortunate attempts had been made in the past to control or suppress such creative expression and it was important to endeavour to ensure freedom of intellectual production.

Mr. LINDT (Switzerland), introducing draft resolution A/CONF.32/C.2/L.27 on behalf of the sponsors, said that refugees in a foreign country, often lacking knowledge of the language and unacquainted with the legal system, needed to have their human rights protected more than almost any other group. It was the duty of the United Nations High Commissioner for Refugees to provide legal protection for those refugees coming under his mandate, and to assist individual refugees who so desired to achieve repatriation, emigration or assimilation. The International Year for Human Rights provided an excellent opportunity for assisting the High Commissioner in his difficult task by reinforcing the moral backing accorded to him by the international community. That was the precise object of the draft resolution before the Committee.

It should be plainly understood that the draft resolution referred solely to refugees under the High Commissioner's mandate and not to those living under the protection of any other body. The refugee problem was a shifting one and at the present time the heavy burden of it was falling largely upon Africa; it was therefore a matter for gratification that so many African countries figured among the sponsors of the draft resolution.

Mr. BAHNEV (Bulgaria), introducing his delegation's draft resolution (A/CONF.32/C.2/L.24) said that in the second preambular paragraph the International Covenants on Human Rights and the Convention on the Elimination of all Forms of Racial Discrimination had been singled out as providing the most comprehensive coverage of human rights as well as the most developed system for their implementation. Furthermore, the latter instrument dealt with the subject that had been the most widely debated of all in the Conference. He trusted that the draft resolution would elicit overwhelming support, since its main object was to secure universal implementation of human rights.

The CHAIRMAN, noting that there were no further speakers on his list wishing to introduce draft resolutions, invited the Soviet Union representative to speak in exercise of his right of reply.

Mr. OSTROVSKY (Union of Soviet Socialist Republics) said he had had no desire to create difficulties for the Committee in its work; nevertheless his delegation had a duty to set the record straight when his country was unjustifiably attacked in the discussion. In such matters the principles of the United Nations and the rules of fair play for all should be applied, irrespective of the political differences dividing representatives, whether seated in the hall or at the officers' table.

The United States representative's attack on the Soviet Union from behind the screen of a statement by a non-governmental organization might be characterized as underhand, the more so as it was well known that the staffs of some such organizations were on the payroll of a United States intelligence agency.

The statement equating the Communist countries with fascist regimes was highly insulting to a country where millions of Russians had given their lives to defend the world against fascist tyranny at a time when the United States had been amassing money from the sale of munitions. The United States now dared to pose as the upholder of human rights and at the same time tried to blacken the name of the peoples' democracies.

The image of the United States as the showcase for democracy was becoming daily more tarnished - witness the graphic words of Dr. Martin Luther King catechizing the American society as one wholly penetrated by reaction, militarism and racism, and the admission by another American that segregation in the United States was more widespread today than it had been prior to the enactment of anti-segregation legislation. The recent brutal repression of negroes in the United States gave a true picture of the situation there in respect of the implementation of fundamental rights and freedoms.

Nor was the foreign policy pursued by the United States any more liberal. The massive violations of human rights in Viet-Nam were tantamount to the crime of genocide. What moral or other right had the United States representative to throw mud at the peoples' democracies? In no part of the world, neither in Africa, nor in the Middle East, nor in South Korea, did United States policy support the forces struggling for full implementation of man's rights. Even in the United Nations it tried to focus attention on secondary matters and thus delay and obstruct positive action on burning issues. The peoples' democracies, where power rested with the people, eschewed all aggression and pursued a completely opposite policy, and his delegation was proud that the Soviet Union had been the first to take that road.

The CHAIRMAN categorically rejected the implication that his conduct of the Committee's business had been influenced by political motives. He was not without experience of presiding over United Nations meetings, and his invariable practice was to uphold the principle of the impartiality of the Chair.

Mr. OSTROVSKY (Union of Soviet Socialist Republics) said that his remarks had been general in nature and had certainly not been meant to apply to the Chairman.

The CHAIRMAN accepted the apology.

Mr. SINGH (India) supported the Argentine suggestion that a drafting group composed of one member for each region should be set up to combine draft resolutions dealing with the same subject. Further, he suggested that a time-limit should be set for receipt of draft resolutions and also for the submission of amendments.

Miss SARMAD (Iran) suggested 6 p.m. the following day as the time-limit.

It was so decided.

Sir Samuel HOARE (United Kingdom) thought it might be preferable, instead of setting up a drafting group, for delegations sponsoring draft resolutions containing similar elements to consult together with the object of arriving at an agreed text, a time-limit being set for receipt of the combined drafts.

After a brief general discussion, Mr. PAHR (Austria), Rapporteur, suggested that perhaps the Committee might agree to accept that procedure in principle and leave the question of practical organization to the officers. Proposals on procedure might be put before the Committee the following morning.

It was so decided.

The meeting rose at 6.30 p.m.