

SUMMARY RECORD OF THE NINTH MEETING

held on Monday, 6 May 1968, at 3.40 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, A/CONF.32/C.2/L.2/Rev.1, A/CONF.32/C.2/L.3 and L.4, A/CONF.32/C.2/L.5/Rev.1, A/CONF.32/C.2/L.7/Rev.1, A/CONF.32/C.2/L.11/Rev.1, A/CONF.32/C.2/L.13 and 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.23, A/CONF.32/C.2/L.24 and Corr.1, A/CONF.32/C.2/L.25/Rev.1, A/CONF.32/C.2/L.26/Rev.1, A/CONF.32/C.2/L.27/Rev.1, A/CONF.32/C.2/L.28-L.50)

- (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. ZELTNER (Israel) said that a number of delegations had considered his delegation's draft resolution (A/CONF.32/C.2/L.7/Rev.1) premature at the present stage. In his delegation's view, the two most important points relating to women's rights were family planning and the topic covered by his delegation's draft resolution. The question it raised was of vital interest to the promotion of women's rights in the modern world. His delegation felt very strongly indeed about it, but rejection of a resolution on that subject was almost bound to harm the cause it was seeking to promote. It was therefore with great regret that he had decided to withdraw his delegation's draft resolution.

Mr. CASSESE (Italy) introduced the draft resolution on the co-ordination machinery for the application of human rights (A/CONF.32/C.2/L.34) of which his delegation was a sponsor. The necessity for co-ordinating the implementation procedures established by various international treaties had already been stressed by many delegations. The need for co-ordination arose in relation to the three main systems of implementation of human rights, namely periodic national reports, complaints by States, and individual petitions. Periodic national reports, for instance, were called for under Economic and Social Council resolution 1074 C (XXXIX), and by the systems set up by article 22 of the ILO Constitution and article 21 et seq. of the European Social Charter. Since those national reports often dealt with the same subject, steps

must be taken to co-ordinate their examination. As far as the systems of State complaints were concerned, the need for co-ordination arose from the fact that complaints relating to the same violation of human rights might be submitted to two international organs, leading to duplication of work and the possibility that different conclusions might be reached in respect of the same violation. A similar problem arose, though to a more limited extent, in regard to certain implementation systems based on individual petitions or complaints. Thus obviously it was high time for the competent international organs to consider rationalization of the various mechanisms for the implementation of human rights, especially as the problem would assume even greater proportions with the establishment of implementation systems for the instruments which had not yet come into force. If by then the precise sphere of competence of each had not been delimited there would be considerable duplication and overlapping, as he illustrated by various examples. The provisions contained in certain human rights instruments - e.g. article 16 of the Convention on the Elimination of Racial Discrimination - for example did not include any co-ordinating criteria; they were designed essentially to allow of the existence of the various implementing machineries side by side.

The delegations sponsoring the draft resolution realized that co-ordination was a very complicated question. It would be premature for the Conference to adopt concrete recommendations on co-ordination at the present stage; hence the draft merely drew attention to the need for study. It was for that reason that his delegation could not agree with the proposal in the Nigerian draft resolution (A/CONF.32/C.2/L.28) that "Human Rights Committee already provided or which may be provided under the implementation measures of international conventions should be merged into a single body". Such a proposal would require, inter alia, the revision of international treaties, a somewhat complicated and lengthy procedure. The United Nations should, however, take into account the suggestions made in the Nigerian draft resolution in the study he had proposed.

Mr. GOUSSE (Haiti), referring to his delegation's draft resolution (A/CONF.32/L.14 and Corr.1), said that the Rapporteur had divided the draft resolutions submitted to the Committee into two categories, specific and general, and had described the Haitian draft as complex, highly controversial and related to the whole of agenda item 11, and involving amendments to the United Nations Charter if it was adopted.

Those views threatened the future of the draft resolution and influenced representatives unfavourably against it. Yet it could surely not be called controversial until it had been submitted to the Committee for consideration.

He maintained that his delegation's draft resolution was not complex and did not duplicate points made elsewhere. Its wording was clear and its concept rational. It would set up institutional machinery and a framework for the implementation of human rights which could be improved and perfected at future meetings.

Mr. TURBANSKI (Poland), speaking on a point of order, and supported by Mrs. OULD DADDAH (Mauritania), said that the Haitian representative's intervention was out of order since draft resolution A/CONF.32/L.14 and Corr.1 had already been introduced.

The CHAIRMAN recalled that the Committee had agreed to discuss first the non-controversial draft resolutions before it. He therefore ruled the Haitian representative out of order unless he wished to submit a proposal for a change in the working procedure agreed on by the Committee.

Mr. PAHR (Austria), Rapporteur, confirmed his belief that the Haitian draft resolution was the most far-reaching of those before the Committee, since it would mean amending the United Nations Charter.

Mr. GOUSSE (Haiti) assured the Committee that his delegation's participation in the Conference was inspired by purely disinterested motives. He would therefore withdraw his delegation's draft resolution in order to facilitate the Committee's work.

The CHAIRMAN, taking up a point made by Mr. MOHAMMED (Nigeria), reiterated his appeal to the sponsors of draft resolutions in which there was duplication or overlapping to consult together as soon as possible so as to produce combined versions which could be put to the vote.

Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) introduced his delegation's draft resolution (A/CONF.32/C.2/L.33). His delegation had already outlined in plenary (3rd meeting) the basic principles of implementation of international instruments in the field of human rights at the international and national level. The special study mentioned in the preamble to the draft resolution completed the documentation submitted by the specialized agencies on the subject and provided sufficient data for the Committee to analyse methods of implementation of human rights. There was general agreement that human rights must be more efficiently

implemented and if that was to be done it was necessary to abide strictly by the provisions of the United Nations Charter. He wished to stress that point, because various drafts and proposals had been submitted to the Conference whose object was to amend the United Nations Charter and set up a supra-national body in the field of human rights which would undermine the efficacy of already established forms of co-operation. His delegation's view was that it was preferable to maintain the present machinery and increase its efficiency, and that view was reflected in the preamble to the draft resolution. The operative part put forward concrete proposals with a view to perfecting the existing system, and he drew particular attention to the fifth operative paragraph.

Mr. OSTROVSKY (Union of Soviet Socialist Republics), introducing draft resolution A/CONF.32/C.2/L.31, said it was the most important of the draft resolutions submitted by his delegation. In 1947, the United Nations had taken the first step for the defence of human rights and fundamental freedoms by drawing up the Universal Declaration of Human Rights. Subsequently a number of Covenants had been adopted so that a whole system of international instruments dealing with human rights was available. The key to the problem now was the proper implementation of those instruments, since it was essential that all States should strictly observe the principles and standards established by the United Nations during the past two decades. The crux of the matter was contained in the second and third preambular paragraphs of the draft resolution and the principles stated therein were self-evident. The operative part stressed the essential role of States in the defence of human rights. Under the United Nations Charter, Member States had the obligation to guarantee human rights and fundamental freedoms to their populations as a whole, and it should be recognized that States alone had the prerogative and the power to fulfil that obligation. The time had come when all States should take the necessary steps to that end unless United Nations efforts for the promotion of human rights were to be completely nullified.

Draft resolution A/CONF.32/C.2/L.1

The CHAIRMAN, noting that there were no further draft resolutions to be introduced for the time being, invited the Committee to consider the draft resolution submitted by Austria (A/CONF.32/C.2/L.1), together with the amendments submitted by India (A/CONF.32/C.2/L.42) and accepted by the sponsor.

Mr. PAHR (Austria) answering a point respecting the intent of the draft resolution raised at the fifth meeting by the Bulgarian representative, cited as examples of matters to be regulated by the envisaged model rules of procedure the question as to the parties to be heard by the investigating bodies: witnesses, interested parties, non-governmental organizations or others; the procedure for summoning experts or witnesses: whether convocation in writing or by public announcement by the body concerned, the interested parties or other bodies; the procedure for questioning experts or witnesses: whether orally or in writing; the presentation of evidence by experts or witnesses: whether by written or oral statement; the questions whether evidence given should be certified by signature; whether sanctions should be applied in the case of false witness; whether proceedings should be conducted in private or in public; whether decisions should require unanimity or simple majority and whether provision should be made for abstention or dissenting opinions; whether the investigating body's report should be communicated immediately to the parties concerned or should go first to the superior body; and whether or not reports should be published.

Mr. JUVIGNY (France) said that the proposal in the draft resolution obviously would meet a specific need, since an increasing number of bodies had been set up in the past few years to consider situations involving alleged violations of human rights and had, in many cases, encountered difficulties in the discharge of their duties because of terms of reference formulated in too general or too vague a fashion. The matters listed by the Austrian representative were precisely points on which no balanced conclusion had as yet been reached, and there were others too which remained to be explored. He would, however, point out that the various stages of investigation, from fact-finding onwards, required bodies with differing powers. One single set of rules for general application would therefore be inappropriate. The aim should be to study procedural principles according strictly with legal rules, including for example the right of defence at all stages on the part of an accused State, with a view to eliciting minimum principles and standards.

Mr. LUGOE (United Republic of Tanzania) said that the draft resolution dealt with one gap only in United Nations procedure for considering situations involving alleged violation of human rights. Admittedly that gap had to be filled, but it would be preferable if all the other gaps were covered as well, in order to make the existing

United Nations machinery more effective. The time had come for a general overhaul, and any resolution to that effect would receive his delegation's wholehearted support. Meanwhile, it would support the draft resolution under consideration.

Mr. OSTROVSKY (Union of Soviet Socialist Republics) said that his delegation was somewhat confused about the import of the draft resolution under consideration. There seemed to be a prevailing fever in the Conference to produce draft resolutions on every conceivable matter. What was needed was a realistic approach, and he failed to perceive the relation between the major issues which the Conference was called upon to consider and a minor routine matter that it would be more appropriate to raise in the Economic and Social Council. The prestige of the Conference would be impaired if it took up matters of minor importance. In the circumstances his delegation hoped that the Austrian delegation would agree not to press the proposal. It would be glad to collaborate if the matter were brought up in a more appropriate United Nations body.

Mr. MACDONALD (Canada) congratulated the Austrian delegation on its initiative in introducing what was a most helpful and useful suggestion. The draft resolution contained precisely the sort of specific proposal, meeting an identifiable need, which his delegation had hoped would emerge from the Conference. The list of outstanding questions given by the Austrian representative served to enhance the proposal's importance. The representative of France had made the important point that the aim should be to formulate minimum standards while maintaining broad flexibility in procedure for the different kinds of bodies. His delegation would give the draft resolution its full support.

Mr. de MEYER (Belgium) said that his delegation too was ready to give the draft resolution warm support. The establishment of appropriate procedures for carrying out investigations, including legal safeguards, was very important for the effective implementation of human rights.

Mr. PAHR (Austria) said his delegation was somewhat surprised to learn from the Soviet Union representative's comments that its draft resolution was apparently a controversial one. Most of the delegations consulted in advance had seemed to find its intent both useful and pertinent. Incidentally, it was the sole draft resolution tabled by Austria, and it was inspired by the practical need for the measures advocated. The establishment of rules of procedure for the ad hoc investigating bodies might in fact lead to greater confidence in the work they were doing.

The object underlying his delegation's draft resolution definitely fitted into the projected human rights programme to be undertaken subsequent to the celebration of the International Year for Human Rights and would help to strengthen the defence of human rights and individual freedoms. It was therefore entirely within the competence of the Conference under agenda item 11.

Mr. ESPERSEN (Denmark) endorsed the draft resolution, which tallied exactly with the Conference's task of formulating a programme for future United Nations work on human rights. He drew the attention of the Soviet representative to the final operative paragraph where it was expressly recommended that the matter should be brought to the attention of the Economic and Social Council. That exactly met one Soviet objection and opened the way for Soviet support of the proposed action in the Council.

Mr. BARRIA (Chile) said that, during discussion in plenary of the proposal to include a new item in the Conference agenda (13th meeting), his delegation had stressed that within the United Nations there existed no established general principles to govern adequate investigation of violations of human rights. The Austrian draft resolution would meet one of his delegation's aims, namely the speedy preparation of procedural rules to guide the United Nations in that matter. It was fully in keeping with the objectives of the Conference and his delegation would vote in its favour.

Mr. QUADRI (Argentina) said that his delegation also would support the draft resolution. Its provisions were useful and pertinent, as well as being in keeping with the Conference's programme of work.

Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Austrian draft resolution as it stood was wholly unacceptable to his delegation. The import of certain of the provisions was definitely unclear. For instance, he would like to know precisely what were the "other similar bodies" referred to in the fourth preambular paragraph. Secondly, the relevance in the context of the Secretary-General's report on methods of fact-finding, as mentioned in the fifth preambular paragraph escaped him. Thirdly, well-defined rules of procedure already existed in the United Nations for the examination of petitions coming from colonial territories and territories under the rule of apartheid. Such petitions were thoroughly examined by the competent body under rules of procedure which had been worked out in great detail. Finally, he would like to know where allegations of violation of human rights would emanate from and what kind of violations were envisaged.

Mr. ZELTNER (Israel), speaking on a point of order, said that in view of the volume of business the Committee still had to deal with, he would move that discussion on the draft resolution be closed and that the draft resolution be put to an immediate vote.

Mr. SQUIRE (United States of America) said his delegation would oppose closure of the debate, since the draft resolution dealt with a substantive matter of concern to the United Nations bodies concerned. The question was one that had occupied the Commission on Human Rights for some time past, and it would be doing a disservice to United Nations work on human rights to close the discussion at that point.

The motion for closure of the discussion was rejected by 19 votes to 13, with 24 abstentions.

Mr. GANJI (Iran) said that peoples whose rights had been violated had been disappointed because the United Nations had not yet established the necessary procedures for dealing with violations of human rights. The procedure established for dealing with petitions, the haphazard establishment of bodies, and the appointment of special rapporteurs to study conditions in certain territories where the gravest violations of human rights were taking place, did nothing to give satisfaction to those whose rights were being violated daily. Iran had always been in favour of the formulation of objective procedures to be applied in such cases.

He agreed, however, with the Soviet representative that more consideration should have been paid to the actual drafting, even though the aim of the draft resolution was highly commendable. The draft referred to the ad hoc working group appointed by the Commission on Human Rights, but there were other bodies for which terms of reference had been laid down. He also agreed that it might have been better not to refer to the report of the Secretary-General on methods of fact-finding (A/5694), since fact-finding with regard to human rights differed from fact-finding on other issues of interest to the United Nations. Again, the Economic and Social Council itself could have asked the Commission on Human Rights to make a study of model rules of procedure.

His delegation would nevertheless vote for the draft resolution, although he preferred the original text without the Indian amendment as being clearer.

Mr. NETTEL (Austria), replying to the questions raised by the representative of the Soviet Union, said that the intention was not that any existing rules of procedure should be changed but that rules should be laid down for those United Nations

bodies which at present had no rules of procedure to guide them. For instance, ad hoc bodies concerned with apartheid had no rules of procedure and it was very necessary that they should have them if they were to deal efficiently with the difficult task facing them.

Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) said he wished to submit an oral amendment to the Austrian draft resolution as amended by India, namely that the fifth preambular paragraph should be deleted as being irrelevant.

The Ukrainian amendment was rejected by 23 votes to 13, with 19 abstentions.

The Austrian draft resolution (A/CONF.32/C.2/L.1), with the Indian amendment (A/CONF.32/C.2/L.42), was adopted by 34 votes to none, with 19 abstentions.
Draft resolution A/CONF.32/C.2/L.16 and Corr.1.

Mr. SINGH (India) said that his delegation wholeheartedly supported the draft resolution, subject to the one or two oral changes which the sponsors had accepted.

It was both opportune and necessary, while welcoming technological progress, to take care that it did not make man's mental and spiritual capacities redundant and destroy the moral and ethical values which gave meaning to the life of individuals and societies. It was essential that studies related to the problems with respect to human rights arising from developments in science and technology should be undertaken forthwith along the lines indicated in the draft resolution, which he hoped would be adopted unanimously.

Mr. SZABÓ (Hungary) said that he too would support the draft resolution. As a medical practitioner engaged in biological and biochemical research, fields in which tremendous progress had been made in the past two decades, he realized fully the need to study the problems with respect to human rights arising from developments in science and technology. Those problems were extremely important as far as the future of mankind was concerned.

Mr. CABAÑAS (Spain) said that the draft resolution showed evidence of great foresight. Within the next few decades one of the greatest preoccupations of man would be to protect his physical integrity and moral dignity against the effects of automation. It was therefore only right that the Conference should ask the organizations of the United Nations family to undertake the study referred to in operative paragraph 2, and he would therefore support the draft resolution.

Mrs. HENRION (Belgium) said she fully supported the draft resolution.

Perhaps the sponsors would agree to the addition of "spiritual" to the words qualifying "advancement of humanity" in operative paragraph 2 (d).

Rev. Fr. de la CHAPELLE (Holy See) said that the draft resolution was of special interest to the Holy See. Operative paragraph 2 (b) was particularly important at the present time when a great moral problem was arising as a result of the tremendous progress made in a number of scientific disciplines. He fully supported the text, together with the amendment suggested by the representative of Belgium.

Mrs. OULD DADDAH (Mauritania) said that her delegation was happy to co-sponsor the draft resolution, which she hoped would be adopted unanimously. She shared the views of earlier speakers regarding the relationship between science and man. As yet, Mauritania had no important research centres, but it would not be long before it benefited from technological progress. The Conference had an important role to play in assisting countries, particularly African countries, which were in that position and belonged to civilizations which set great value on intellectual, moral and cultural values, to deal effectively with the problems they would inevitably face.

Mr. JUVIGNY (France) said that the draft resolution was of concern to all countries, whether developed or developing, as the representative of Mauritania had rightly recognized. He was prepared to accept the Belgian amendment, which strengthened the text.

Mr. SOKO (Zambia) proposed the closure of the debate on the draft resolution under rule 26 of the rules of procedure.

The motion was adopted.

Draft resolution A/CONF.32/C.2/L.16 and Corr.1, as orally amended by the representatives of India and Belgium, was adopted unanimously.

Draft resolution A/CONF.32/C.2/L.20

Mrs. KUME (Japan), commenting on the question of the formulation of measures to be taken subsequent to the celebration of the International Year for Human Rights, said that at the present stage in the development of international law, the main responsibility for ensuring respect for and protection of human rights lay with Governments. The primary purpose of the measures to be adopted should be the improvement in each country of the conditions essential for the effective implementation

of human rights. In the absence of adequate procedures at national levels, it was doubtful whether the establishment of new international machinery would lead to effective implementation. The measures which the Conference recommended to Governments or to the United Nations should be practical and capable of immediate application. Moreover, they should be based on the wide, if not unanimous, support of the countries participating in the Conference.

Draft resolution A/CONF.32/C.2/L.20 deserved special attention. She entirely agreed with the statement in the first preambular paragraph. It was also now generally recognized that education was the basis of economic and social development, and that unless satisfactory economic and social conditions existed, it was impossible to ensure effective protection of human rights. For those reasons, she supported the draft resolution.

Mr. DELEON (United Nations Educational, Scientific and Cultural Organization) (UNESCO) said that the problem dealt with in the draft resolution was of particular interest to UNESCO. He reminded the Committee of the recommendations of the Consultative Liaison Committee for Literacy set up under the auspices of UNESCO and the solemn appeal made by its Chairman concerning the protection of human rights through the eradication of illiteracy.

The sponsors of the draft resolution had affirmed the close relationship between literacy and development, but had also highlighted other aspects, in particular the ethical and political aspects of literacy in their relationship to human rights. Man could not enjoy human rights unless he could understand the world around him and communicate with others; unless he could read and write that was hardly possible.

It was an unfortunate fact that the right to education, which in 1950 had been denied to 700 million illiterate adults, was denied to a larger number of people each year. The figure had risen to 740 million in 1960 and would reach 810 million in 1970 if literacy efforts were maintained at the present rate. Something had to be done to increase the speed at which illiteracy was eradicated.

The international community and a growing number of countries had included adult education, particularly adult literacy, among the priority tasks of development. In that connexion, he drew attention to the conclusions of the World Congress of Education Ministers held at Teheran in 1965, to the Iranian Literacy Programme, and to the last issue of the UNESCO Courrier, which contained information on literacy efforts in a

large number of countries all over the world. UNESCO, in close co-operation with other specialized agencies and with the help of the United Nations Development Programme, was assisting a growing number of countries in the implementation of functional literacy programmes. Experimental programmes would be developed in twelve countries, and more countries would be added to the list. National authorities and international agencies engaged in promoting education in all its aspects would be encouraged by the interest shown by the Conference in the subject.

The CHAIRMAN announced that Iraq wished to co-sponsor the draft resolution.

Rev. Fr. de la CHAPELLE (Holy See) said that the draft resolution had the full support of the Holy See. Illiteracy was a very serious human problem which had far-reaching repercussions on the life of the individual and the exercise of his rights. Education helped the individual to be a better man, fully conscious of his dignity. The institutions of the Church throughout the world had devoted themselves to the task of promoting education. He would vote for the draft resolution and he hoped it would be adopted unanimously.

Mr. SINGH (India) said he would vote for the draft resolution but hoped that the English text could be improved by the Drafting Committee.

Mr. KACHURENKO (Ukrainian Soviet Socialist Republic), supported by Mrs. WARZAZI (Morocco), asked the sponsors to agree to the insertion of the words "and cultural" at the end of the first preambular paragraph. He proposed the closure of the debate on the draft resolution under rule 26 of the rules of procedure.

The motion for closure of the debate was adopted.

The Ukrainian amendment was approved.

Draft resolution A/CONF.32/C.2/L.20, as amended, was adopted unanimously.

The meeting rose at 6.25 p.m.