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SUMMARY RECORD OF THE 62nd MEETING

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

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The meeting was called to order at 11.20 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/38/3 (Parts I, II and III), A/38/106, A/38/147 and Add.1-2, A/38/166 and Add.1-3, A/38/221, A/38/270, A/38/325, A/38/385 and Add.1, A/38/422, A/38/479, A/38/480, A/38/485, A/38/503, A/38/529 and A/38/538; A/C.3/38/1, A/C.3/38/3, A/C.3/38/5, A/C.3/38/8, A/C.3/38/11, A/C.3/38/12; A/C.3/38/L.37/Rev.1, L.43, L.44, L.45, L.47, L.48, L.51, L.54, L.56)

1. Mr. FAROUQUE (Sri Lanka) said that the report of the Secretary-General (A/38/480) contained a succinct account of the status of regional arrangements for the promotion and protection of human rights. In the Asian region, a seminar on national, local and regional arrangements had been held at Colombo, Sri Lanka, in 1982; among the important decisions adopted at that time had been one recommending that a programme for teaching, seminars, training and education in the field of human rights should be developed in the region, with the United Nations and UNESCO playing an important part in its development. Since the General Assembly would consider that matter at its thirty-ninth session, he hoped that those States of the region which had not yet done so would send their comments on the report of the seminar to the Secretary-General as soon as possible.

2. In 1984, his Government would host a seminar, in association with the International Centre of Sociological, Penal and Penitentiary Studies of Messina, on the important theme of human rights in the field of law enforcement, covering countries in the Asian and Pacific region. It was noteworthy that in Sri Lanka, although Buddhism was the religion of a great majority of the people, there were a numerous followers of Hinduism, Christianity and Islam. There were many common and related elements in those religions, such as a sense of fairness or justice, peace and non-violence, charity, love and brotherhood. Those concepts also formed the basis of the inherent dignity and the equal and inalienable rights of all members of the human family, which, in the words of the Universal Declaration of Human Rights, was the foundation of freedom, justice and peace in the world.

3. Mr. VRAALSEN (Norway) said the Universal Declaration of Human Rights had created the hope that a better future could be secured for millions of oppressed human beings deprived of human rights and fundamental freedoms. Despite the efforts of the international community to safeguard the individual against oppression and abuse of power, violations of human rights continued to take place with alarming frequency in many parts of the world. Those violations were of legitimate concern to the international community, which must react to such violations wherever they occurred regardless of the political colour of the régime in question. In a world of different cultures, religions and races and diverging social, economic and political ideologies, as well as different levels of social and economic development, conflicts were inevitable unless deliberate efforts were made to foster respect for the right of other individuals and groups, including even the smallest minorities.

(Mr. Vraalsen, Norway)

4. In deliberations on human rights, much time was devoted to situations whose political aspects were clearly more important than their human-rights aspects. The international community must avoid acting on the basis of political considerations when promoting and protecting fundamental freedoms and human rights. The credibility and effectiveness of the United Nations required greater efforts by all member States to deal with the serious situations of human rights violations. His delegation was committed to continuing its endeavours to that end and appealed to all countries to strengthen their willingness to co-operate in that regard with the international community. His delegation was aware that the report of the Economic and Social Council (A/38/3) by no means covered all situations of violations of human rights; however, he felt it necessary to comment specifically on a few serious cases of violations of human rights dealt with in the report.

5. Norway was deeply concerned with the human rights situation in South Africa and Namibia. Apartheid was a system of political, social and economic injustice that denied fundamental human rights to the majority of the population of South Africa. Regrettably, despite the hopes and efforts of the world community, South Africa had given no indication that it would significantly alter the injustice of its racial system. Norway was convinced that no effort should be spared in trying to improve the human rights situation in South Africa.

6. The increased political tension in Central America had led to brutal conflicts, with a severe deterioration of the human rights situation. That situation had its root causes in the political, economic and social factors in the region. All efforts should therefore be made to change those factors in a way that promoted peaceful development. His Government supported the work of the Contadora Group in seeking a negotiated solution to the conflicts in the area.

7. It was encouraging that there was now a Special Rapporteur on the situation of human rights in Guatemala, and his delegation noted with satisfaction the co-operation extended to the Special Rapporteur by the Government of Guatemala. However, the human rights situation in that country continued to be very serious, and his Government was particularly alarmed by reports of mass killings of indigenous people. The fact that a majority of the Guatemalan people lacked basic economic, social and cultural rights was one of the fundamental causes of the present violent situation. His Government therefore appealed to the Government of Guatemala to take urgent measures to restore human rights and fundamental freedoms to its people.

8. The report on the situation in El Salvador by the Special Representative (A/38/503) confirmed to a large extent his delegation's own impression. Civilians found themselves caught between the political factions and armed confrontations, living in a climate of despair, intimidation and terror. The Special Representative had made a number of observations and had concluded with a wide range of recommendations addressed to the Government of El Salvador and other involved parties. His delegation concurred in those recommendations. The introduction of administrative and social reforms and a genuine dialogue between

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(Mr. Vraalsen, Norway)

the Government and the parties concerned were measures which were indispensable for restoring peace and tranquillity to the country, and thereby respect for civil and political rights.

9. His delegation felt special concern about the evidence of summary or arbitrary executions, torture and religious intolerance and persecutions in Iran, inter alia, reports on the fate of the Baha'is. His Government again urged Iran, as a State Party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals the rights recognized in that Covenant.

10. One of the fundamental human rights was the right to independence and self-determination. It was almost four years since Soviet troops had invaded Afghanistan, and despite appeals from the General Assembly, those troops still remained in that country. Millions of people had been forced to flee, so that at present the Afghan refugees constituted the largest and most serious refugee problem in the world. His delegation hoped that a political settlement could be reached, bringing an end to the sufferings of the population.

11. The situation of various groups of people and individuals belonging to minorities, indigenous peoples and migrant workers deserved greater attention. The international community must therefore adopt measures that could ensure the basic human rights of those individuals and groups. In that connection, his delegation wished to commend the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights. Equally important was the work being undertaken by the Open-ended Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families. His Government participated actively in that work and hoped that the Working Group would soon complete its first reading of all parts of the draft Convention.

12. Norway believed that, as a matter of highest priority, a convention on torture and other cruel, inhuman or degrading treatment or punishment should soon be established, and it gave full support to the preparatory work in that matter. In addition, Norway hoped that Governments would respond favourably to the request for contributions to the United Nations Voluntary Fund for Victims of Torture, to which Norway had made substantial contributions.

13. The decision of the Economic and Social Council to appoint a Special Rapporteur to examine questions related to summary and arbitrary executions represented an important step forward in United Nations activities for the promotion of human rights. His delegation was convinced of the need for action to combat and eventually eliminate such executions, which represented a flagrant violation of the most fundamental human right, the right to life. He therefore hoped that the Secretary-General would allocate adequate resources to ensure that the Special Rapporteur might effectively carry out his mandate, which he believed should be strengthened.

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14. His delegation was further deeply concerned about the continuing scale and magnitude of exoduses of refugees and displacement of populations in many regions of the world. The Special Rapporteur on human rights and mass exoduses had put forward valuable recommendations (A/38/538) to develop practical solutions. Their early implementation would contribute to the prevention of mass movements of populations. The human tragedy involved represented a challenge to the international community, which must deal with it in an integrated way.

15. With respect to the institutional aspects of activities within the United Nations in the field of human rights, he drew attention to the significance of Economic and Social Council resolution 1983/32, which related to the role and composition of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He hoped that the provisions of that resolution could prove to be an important step towards enhancing the role of the Sub-Commission in the field of human rights.

16. The establishment of an office of High Commissioner for Human Rights had been under study in the United Nations since 1947. The time had now come to make further progress towards setting up that office. Norway had for many years favoured the establishment of such an institution, believing that communications with the Governments of member States would be facilitated and the possibilities for the implementation of human rights strengthened. Given the right mandate, the High Commissioner could play a most important role for the promotion of human rights and fundamental freedoms throughout the world.

17. Mr. HOPPE (Denmark) said that the Universal Declaration of Human Rights stood as a major achievement of the international community of nations. Although further progress had been made in concluding new international instruments and in setting up institutional machinery within the United Nations to promote and protect human rights, violations of human rights - often gross and flagrant violations - were being reported practically every day. Acts of torture, detention without trial, disappearances, summary or arbitrary executions and other forms of inhuman treatment were repugnant to his Government and could not under any circumstances be justified by reference to any civilized system of values. His Government was concerned about such violations and indeed condemned them, in all places and at all times.

18. It was generally accepted by most Member States that violations of human rights were not only a matter of concern for the country where they occurred but also a matter of high priority for the international community as a whole. However, when the human rights records of individual countries were criticized in the international debate, those countries in most cases rejected the charges out of hand and claimed that the Organization was interfering in their internal affairs. Such reactions only served to underscore the seriousness of the problems of human rights violations in those very countries. In any case, his Government would not be deterred by such allegations. Denmark rejected the argument that action by the international community to seek restoration of human rights in a country in which they were gravely violated was an unwarranted interference in the internal

(Mr. Hoppe, Denmark)

affairs of that country. Attempts to discredit the critical appraisal of the situation in a specific country as a slanderous campaign directed against that country were indeed a poor defence, and it was the obligation of the United Nations to remedy such a situation.

19. His Government had repeatedly expressed its willingness to work actively to strengthen the capacity of the Organization to respond effectively and with compassion, in a non-selective and prompt manner, to human rights violations. It continued to attach great importance to the establishment of a post of United Nations High Commissioner for Human Rights. The reservations expressed by some countries on that issue only served to underscore further the need for creating such a post in order to lend additional weight to the involvement of the United Nations in matters of human rights.

20. Gross and flagrant violations of human rights called for special action-oriented attention from the United Nations. Against that background, his Government had in 1982 taken an initiative which had led to the appointment by the Commission on Human Rights of a Special Rapporteur on summary and arbitrary executions. At the thirty-ninth session of the Commission, the Special Rapporteur had submitted a comprehensive report, which Denmark had studied with the highest degree of concern. His Government and the people it represented found it incomprehensible that human beings in various parts of the globe, who happened to be in a position of authority, would stoop so low as to resort to large-scale summary or arbitrary executions. The report had drawn attention to the fact that such executions had occurred in nearly all social, economic and ideological systems in nearly all parts of the globe and that there was a close relationship between them and violations of other human rights.

21. His Government welcomed Economic and Social Council resolution 1983/36, in which it was decided to continue the mandate of the Special Rapporteur for another year. It was the hope of his delegation that the extension of the mandate would be followed by the establishment of some permanent mechanism to deal with that appalling problem. In that connection, he referred to draft resolution A/C.3/38/L.56, of which his delegation was a sponsor.

22. The practice of torture could never be justified either legally or morally, and his Government condemned such practices regardless of where or when they might be perpetrated. It was of crucial importance to continue the efforts to eliminate that incomprehensible violation of human rights. His Government therefore urged the Commission on Human Rights to complete at its next session the elaboration of a draft convention on torture. With a view to meeting the need to provide assistance to victims of torture, the General Assembly has established in 1981 the United Nations Voluntary Fund for Victims of Torture. Denmark, together with the other Nordic countries, had already contributed financially to the Fund and would continue to do so. His Government urged other Governments and non-governmental organizations to contribute to the Fund as well, thus helping it to meet the needs of those who had survived the torture chamber.

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23. Efforts must be intensified to improve the capacity of the United Nations to respond adequately and promptly to all violations of human rights wherever they occurred. He appealed again to all Member States to contribute actively to such efforts and to fulfil their own international obligations to respect, promote and safeguard the human rights of their people.

24. Mrs. IDER (Mongolia) said, with respect to the question of flagrant and mass violations of human rights, that the white minority régime of Pretoria persisted in its pernicious policy of institutionalized apartheid, despite the adoption of numerous resolutions by the United Nations calling for the elimination of that system. In addition, there were flagrant violations of human rights in the occupied Arab territories by the Israeli authorities, which pursued a policy aimed at changing the demographic structure and political status there. Her delegation condemned the Israeli authorities for their flagrant violations of the human rights of the Palestinian people and expressed its full support of the resolution on the subject adopted at the thirty-ninth session of the Commission on Human Rights (1983/1, A and B).

25. Turning to the question of protection of human rights in Chile, she said it was clear from the report on the subject (A/38/385) that the situation had not improved. The country remained in a "state of emergency", security agencies and army personnel continued to practice torture and other forms of cruel and inhuman treatment, and the number of arbitrary arrests and detentions was on the rise. Many thousands of people were exiled abroad or inside the country, and no information on the fate of missing persons had been provided. Her delegation supported the recommendations contained in the report, which it believed were a good basis for drafting a resolution on the question.

26. However, her delegation was not satisfied with the report on the situation of human rights in Guatemala. It had serious doubts as to the objectivity of the Rapporteur because the content and conclusions of the report were at variance with other reports on Guatemala, such as the reports of the Inter-American Commission on Human Rights, the Council of Europe, and Americas Watch. The recommendations in the report could not, therefore, serve as a basis for a resolution on the subject. The reality in Guatemala was that terror and repression, killings, the disappearance of persons and torture and humiliation of opponents of the dictatorial régime were the characteristic features of the country today.

27. In El Salvador, there were continued grave violations of human rights, such as attacks on the life, physical integrity and security of persons, which were attributable to members of the State apparatus (A/38/503). Her country resolutely condemned such mass and flagrant violations and insisted that measures should be taken by the Government of El Salvador to ensure respect for human rights by all groups, including its own security forces. Mongolia supported the decision of the Economic and Social Council to extend the mandate of the Special Representative of the Commission on Human Rights.

(Mrs. Ider, Mongolia)

28. The South Korean dictatorial régime also flagrantly violated human rights and fundamental freedoms, subjecting all opponents to sentence without trial, persecution, and torture and using the death penalty against them. The resurgence of fascism and nazism represented a serious threat to international peace and security and to the full exercise of human rights and fundamental freedoms. The Mongolian People's Republic reaffirmed its endorsement of the adoption of effective measures to combat fascism and all other practices based on racial intolerance, hatred and terror.

29. Mr. LOUET (France) said that the Universal Declaration of Human Rights, by virtue of the principles enshrined therein, was universal in scope and that human rights were indivisible. Each of those two principles - universality and indivisibility - had its applications. The first meant that every person could exercise all the rights contained in the 1948 Declaration - for example, every human being had the right not to be arbitrarily detained, exiled or tortured or be subjected to cruel or degrading punishment or treatment. Under the second principle, his delegation rejected the artificial distinction sometimes made between civil and political rights on the one hand and social, economic and cultural rights on the other. France felt that those rights were complementary and were all equally important.

30. Although it must be recognized that, 35 years after the proclamation of the Declaration, human rights were being violated in numerous countries all over the world, the deplorable present situation must not be acquiesced in as inevitable; France for its part was waging and would continue to wage the struggle to defend human rights and fundamental freedoms. France did not feel that the non-implementation or partial implementation of the Declaration diminished its importance, for it would always be a common goal to be attained. It was an essential reference document, and its solemn proclamation legitimized the actions of those who were combating violations of human rights.

31. For several years, the Commission on Human Rights had adopted a dual approach in its work in defence of human rights: by themes and by situations. The former had made it possible to undertake the definition of new rights, such as the right to development, to set up specific procedures for denouncing certain types of violations which were particularly intolerable to the international community, and to try to remedy certain situations. The creation of the Working Group on Enforced or Involuntary Disappearances and the report on summary or arbitrary executions were the result of that measure. In that regard, his delegation hoped that the Commission on Human Rights would extend the mandate of the Working Group, which had already achieved considerable results, and would strengthen its efforts to prevent summary or arbitrary executions.

32. More had to be done, however. The Committee must accelerate its efforts to elaborate a convention against torture and remember that many violations of the rights to life and human integrity started with arbitrary arrests and detentions and were facilitated by the suppression of the right to obtain legal counsel or to receive visitors. The Commission on Human Rights should concentrate on all actions

(Mr. Louet, France)

which directly or indirectly threatened the physical and moral integrity of the human person, but it should not neglect other violations of human rights - for example, every individual's right to enter or leave any State, which was all too often violated in various regions where individuals who held views differing from those of the authorities were prevented from leaving their countries, threatened and imprisoned, or, in some cases, forced to choose between silence and imposed exile.

33. The fact that at its most recent session the Commission on Human Rights had adopted specific resolutions on various countries and regions showed that it sought to expand the range of its activities, but unfortunately, many countries refused to implement its resolutions - Poland and Iran were examples. His delegation greatly regretted the attitude of those Governments, which ran counter to Article 56 of the Charter.

34. Governments should allow Special Rapporteurs to fulfil the mandates given to them by the Commission on Human Rights, but that was only the first step: they must also take appropriate action to solve human-rights problems on the basis of recommendations made by the United Nations. The Charter made it clear that the international community had the right, even the duty, to monitor each State's compliance with its obligation to safeguard the human rights of its citizens. Co-operation between the countries concerned and the United Nations must therefore be encouraged.

35. Referring to the report of the Special Rapporteur on the situation of human rights in Chile (A/38/385), he said that his delegation had noted the Chilean Government's decisions on the repatriation of exiles and revocation of the state of emergency but felt that those measures had not brought greater respect for human rights there. France was particularly concerned about the frequency of mass arrests and intimidation, the number of internal exiles and a recent trend towards the use of petty torture. It was particularly disturbing that the suppression of mass demonstrations had led to the death of 80 people. Since the human rights situation had not improved in the past year, the United Nations must continue its activities relating to human rights violations in Chile, and his delegation hoped that the Commission on Human Rights at its next session, would renew the Special Rapporteur's mandate.

36. The report of the Commission's Special Representative on the human rights situation in El Salvador (A/38/503) indicated that the situation with regard to economic and social rights had not changed and that civil and political rights and the right to life were grossly and persistently violated. Constant bombings of urban areas which were not military targets, the relegation of thousands of people to camps and the proliferation of enforced disappearances and of assassinations perpetrated by death squads showed that the human rights situation had deteriorated. His delegation was especially concerned over the case of Mrs. Marianela Garcia Villas, the president of El Salvador's human rights commission, who, it was strongly suspected, had been tortured and assassinated for her humanitarian activities.

(Mr. Louet, France)

37. Those facts fully justified the actions of the General Assembly and the Commission on Human Rights over the past three years. It was necessary to continue the efforts to make all sides respect fundamental human rights and to urge the Government and other political forces to work together to find a comprehensive and negotiated solution leading to the peaceful settlement of the conflict. His delegation had noted with great interest that El Salvador had ratified the Document of Objectives adopted by the Contadora Group on 10 September 1983.

38. France was deeply concerned about information indicating that the human rights situation in Guatemala had degenerated further. The Third Committee must be informed of steps which could help to re-establish a democratic régime there, and it must condemn massive violations of human rights unequivocally, particularly the torture, murder and disappearance of persons. Nevertheless, his delegation found it encouraging that the Guatemalan Government had ratified the Document of Objectives.

39. Human rights were being violated just as seriously in other countries and regions. The General Assembly should discuss those violations and apply to them the procedure of appointing Special Rapporteurs. His delegation understood the contention of some delegations, including those of Ecuador and Venezuela, that the General Assembly seemed to be obsessed with human rights violations in a single region, and shared their desire for it to treat all violations, wherever they took place, in exactly the same manner. France would join in the search for a procedure which the Commission on Human Rights could use to study the most flagrant violations of human rights wherever they took place, but it believed that existing procedures which had been effective must also be maintained.

40. Quoting a speech by the French Minister for Foreign Affairs, he said that all human rights violations, wherever they occurred and whoever was their victim, were attacks on the dignity of the human person. They undermined international confidence and friendly relations among States and were therefore inimical to the security of all.

41. Mr. MANSFIELD (New Zealand) said that general agreement upon human rights standards had been a major achievement but was only a first step: the truly essential and most difficult task was to achieve effective implementation of those standards at the national level. New Zealand had not relied entirely on the usual sanctions in criminal law but had emphasized the settlement of alleged breaches through a conciliation process.

42. The establishment of an effective legal standard and formal remedies rarely sufficed to reduce human rights violations; monitoring procedures at both the domestic and international levels would remain vital. New Zealand had human rights commissioners, with broad responsibilities for promoting human rights and investigating alleged breaches; one of them was a race-relations conciliator who was primarily responsible for monitoring discrimination based on colour, race or ethnic or national origin. There was also a New Zealand Ombudsman, whose work related to the implementation of the International Covenant on Civil and Political Rights.

(Mr. Mansfield, New Zealand)

43. At the international level, New Zealand had submitted four reports to the Committee on the Elimination of Racial Discrimination and its first report to the Human Rights Committee established under the International Covenant on Civil and Political Rights. Collaboration with the international community through reports to United Nations expert bodies could be an effective way of improving the respect of Governments for human rights. Regrettably, not all Governments had become parties to those instruments, and of those that had, not all had performed their reporting responsibilities fully and candidly. No Government should be able to violate the rights of its citizens without having its actions brought to light, subjected to comment and, if possible, influenced by the international community.

44. It was a matter of great concern that the human rights violations reported on by the Commission on Human Rights and its Sub-Commission - summary or arbitrary executions, enforced or involuntary disappearances and torture - continued to take place in a number of countries. New Zealand's preoccupation with the situation had been demonstrated by its support for all Economic and Social Council resolutions endorsing the Commission's work in these areas.

45. The Commission must not hesitate to draw attention to serious human rights violations in specific countries, but it must be careful neither to base its actions on political factors nor to proceed without first establishing the facts. The system of appointing Special Rapporteurs or asking the Secretary-General to nominate special representatives to collect information on specific countries was useful. Governments which readily co-operated with the United Nations representative in such examinations improved their chances of receiving a sympathetic response to their problems from the international community; those that refused to co-operate, on the other hand, seriously prejudiced their own cases. The reports of the Special Rapporteurs on Chile and Guatemala and of the Special Representative on El Salvador were constructive contributions to the work of the United Nations in the human rights field.

46. There was a wide range of international actions that could be explored in respect of countries which still responded to international opinion, but one country appeared totally insensitive and it was there that the worst example of the denial of rights to many on the sole ground of race was observed. The apartheid system in South Africa was unjust and inhuman and must be condemned by the international community.

47. While the international community could do little except express its condemnation in some situations, in others it could be effective in encouraging respect for human rights. Efforts to promote understanding of human rights at the regional level deserved special attention, and in that connection he praised the report of the Secretary-General on regional arrangements (A/38/480).

(Mr. Mansfield, New Zealand)

48. Some human rights problems were extremely difficult to resolve; there was no single technique for combating the serious violations which occurred daily in many parts of the world. It was therefore necessary to continue to search, through the Commission on Human Rights and the Economic and Social Council and within the Third Committee, for effective ways of persuading Governments to uphold the accepted standards of human rights.

The meeting rose at 12.55 p.m.