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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 1st MEETING

held at the Palais des Nations, Geneva,
on Monday, 6 February 1984, at 11 a.m.

Temporary Chairman: Mr. OTUNNU (Uganda)

Chairman: Mr. KOIJMANS (Netherlands)

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The meeting was called to order at 11.50 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN, after declaring open the fortieth session of the Commission, paid a tribute to the memory of Mr. Dieye, who had died shortly after the closure of the preceding session. Mr. Dieye had for many years been Special Rapporteur for Chile and representative of Senegal to the Commission, where he had distinguished himself by his commitment, vigour and great clarity of mind.
2. On the proposal of the Temporary Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Dieye.
3. The TEMPORARY CHAIRMAN stressed the gravity of the world situation in which the current session was opening. According to a recent report by FAO, 24 countries in Africa alone were exposed to severe famine and, unless emergency measures were taken, as many as 150 million people were threatened with starvation. Elsewhere on the African continent there had recently been a wave of social unrest directly related to the problem of food. Such facts reflected a deeper malaise which had locked many countries into a cycle of poverty, instability and underdevelopment. What was the meaning of human rights for those who did not have access to adequate food, shelter or health care? The Commission should question itself on its role in that context.
4. Even in the industrialized countries many were homeless, the percentage of unemployed remained very high and hunger was not unknown in some areas. Despite scientific and technological progress, the relatively simple problem of hunger had not been resolved on a world scale, while military expenditures amounted to \$US 800 billion per annum. Such contradictions made a mockery of the human rights of millions of people, and the resulting state of affairs constituted an urgent item of concern for the Commission.
5. Among the violations of human rights tackled by the Commission over the years, particular mention had to be made of torture, disappearance and summary executions, practices which unfortunately remained very widespread. Noting that many Governments had agreed to co-operate with the Commission in that regard, he appealed to those which had so far found it difficult to do so. Governments, non-governmental organizations, community groups and individuals alike had a common duty to work for the elimination of those practices.
6. Some positive developments had taken place in the course of the past year, and special mention should be made in that connection of the Argentine Republic. The triumph of the Argentine people should be a source of inspiration to those around the world whose tribulations were not yet over. In conclusion, he said that the Commission at its fortieth session should avoid the temptations of propaganda, the injection of extraneous ideological factors and unproductive confrontations so as to respond to the hopes of many human beings who were abused, oppressed and vulnerable.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

7. Mr. HERNDL (Assistant Secretary-General for Human Rights) recalled that the Commission on Human Rights had met for the first time 40 years previously with the responsibility of translating the human rights commitment of the Charter of the United Nations into practical action. The Commission was the only functional commission of the Economic and Social Council expressly mentioned in the Charter.

8. From the beginning and over the years, the Commission had counted among its members persons of the highest distinction: Presidents of the General Assembly, the Security Council and the Economic and Social Council, judges of the International Court of Justice, ministers, members of parliament, professors from famous universities, ambassadors, diplomats and other high-ranking civil servants. On many occasions the members of the Commission had subordinated narrow national interests to causes common to all peoples. The non-governmental organizations, too, deserved a tribute for their participation.

9. The task which the Commission had set itself from the start had been to elaborate international instruments on human rights: first a universal declaration; second, a series of binding legal instruments - the two Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; and, third, measures of implementation for the standards set. Today, major progress had been achieved in that third field. The process of drafting international standards in itself helped Governments to gain insights and experience which they could then apply in their respective societies. Research, studies, advisory services and educational and information activities on the national and international levels also played a part, as well as dialogue and co-operation within various bodies.

10. In the field of direct implementation activities, he distinguished three contexts: the examination of reports submitted by Governments under international instruments; procedures for dealing with violations of human rights; and assistance to victims of violations or to Governments wishing to strengthen their human rights infrastructure.

11. In the first of those contexts, primary responsibility was currently exercised by the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. Some Governments had indicated that the volume and pace of reporting obligations under simultaneous procedures were becoming too onerous. The Secretary-General had submitted a report on that matter to the General Assembly at its latest session and the Assembly had asked the competent bodies for their views. Those bodies had indicated that technical assistance should be provided to Governments so as to help them to discharge their reporting obligations under international conventions. They had specifically mentioned the possibility of training Government officials for that purpose or of assisting established officials. At the previous session of the Assembly, the Secretary-General had suggested that consideration might be given to designating regional advisers on international human rights standards whom Governments might consult, as was done within the ILO, on the drafting of relevant legislation, the examination of difficulties in implementation and, generally, the application of the provisions of international conventions. The Secretary-General had been requested by the Assembly to provide further information on those issues at the next session.

12. In 1983, the Human Rights Committee had continued to adopt general comments on the provisions of the International Covenant on Civil and Political Rights. In the future it would seem desirable for all human rights organs to take account of those general comments. The Commission, for its part, could engage in a growing dialogue with the Human Rights Committee; to that end, all the general comments of the Committee would be assembled in a document to be distributed to the Commission.

13. With regard to the second context, namely procedures for dealing with violations of human rights, he mentioned a broad range of methods employed by the Commission and other bodies: public and private discussions; the adoption of resolutions expressing concern at specific violations; fact-finding missions by special rapporteurs or working groups; and the pursuit of diplomatic and conciliatory activities, such as good offices or direct contacts. Issues were sometimes tackled on a country-by-country basis or, in the case of disappearances, summary executions, slavery and the rights of indigenous peoples, on a global basis. The models of action currently in use should continue to be tested, developed further in the light of experience and consolidated as necessary. The United Nations already had a practical set of models of action of that type, but the Commission could nevertheless examine whether there might be a need for additional models of action, such as arrangements for responding speedily to threats of violations or actual violations.

14. There were also some related issues which merited reflection. For example, if the Commission wished to examine a specific situation, it was important that the Government concerned should co-operate with the Commission or its appointed representative. Thought might also be given to ways of meeting the concern, often voiced in the past, over a certain lack of equality in the treatment of different situations.

15. The Commission and other human rights bodies should continue to give priority attention to certain basic issues. In that connection, the Secretary-General in his report A/38/511 had drawn attention to numerous violations of the right to life. Humanity faced the threat of extermination through the use of nuclear weapons; 40,000 children died from hunger each day; armed conflicts were claiming more and more victims, especially civilians. Gross violations of human rights also took a heavy toll of human lives. In the face of such grievous threats, the Secretary-General had appealed to the international community to accord the highest priority to the right to life so that violations of that right, in whatever form, might cease everywhere on the planet. He had also suggested that Governments should take both long-term and immediate measures to ensure that each person within their jurisdiction had access to enough food, water and medical services.

16. The Secretary-General had thus highlighted deprivation of life as a priority issue. The Special Rapporteur mandated by the Commission to undertake a global study on arbitrary and summary executions would submit his second report at the current session. The Working Group on Enforced or Involuntary Disappearances was also rendering valuable service. With regard to a third phenomenon also directly related to the right to life - torture - while there was significant activity by way of analysis, standard-setting and assistance to victims, it remained essential that the draft convention against torture and other cruel, inhuman or degrading treatment or punishment should be finalized in the near future so that it might be incorporated in international law concerning human rights and fundamental freedoms.

17. The Secretary-General had repeatedly pledged his determination to do his utmost for the promotion and protection of human rights. In his latest annual report on the activities of the United Nations, he had emphasized that he attached the greatest importance to that question and would consider the most effective means of dealing with specific cases. He had added that he was in contact with a number of Governments regarding particular human rights situations or individual cases and was heartened by the co-operation extended to him in that connection and determined to persist in his efforts.

18. Furthermore, the Secretary-General had recently set in place arrangements in connection with the means of action available to the United Nations for dealing with certain types of gross violations of human rights. On the question of human rights and mass exoduses, he had told the General Assembly that he had initiated steps within the Secretariat in order to be alerted in advance to incipient problems and that he would utilize existing procedures to obtain information at an early stage concerning the possibility of impending mass flows of refugees.

19. Lastly, activities for the implementation of international conventions and procedures for dealing with gross violations of human rights would need to be increasingly supplemented in the future by programmes of education and information. It might be timely to undertake a thorough re-examination of the activities of the United Nations system as well as of other bodies in those fields and to look into fundamental questions such as: was contact being established with the individuals concerned? Were sufficient efforts being made to create awareness among the young? For example, were primary and secondary schools sufficiently equipped to teach about the inalienable rights of the human being? There were many questions which might be studied with a view to dealing with those burning problems and to providing international assistance.

20. In conclusion, he said that emphasis should continue to be placed upon the need for universal ratification and implementation of the Covenants, the application and development of procedures for dealing with violations of human rights, and the development of activities in the field of education and information. With regard to the need for universal ratification of the Covenants, the Secretary-General, in concluding his statement on Human Rights Day 1983, had emphasized that if all Governments were to subscribe to the International Covenants on Human Rights and co-operate within the framework of those instruments, a vital new impetus would surely be achieved.

21. The fortieth session of the Commission offered an occasion to reflect on the future course of the Commission itself and of the human rights programme. He pledged his personal support and the support of the Secretariat as a whole in ensuring that the anniversary session should be a fruitful one.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

22. Mr. SENE (Senegal) recalled that the previous year his delegation had welcomed the conversion of the former Division of Human Rights into the Centre for Human Rights, marking a new stage in the search for more effective means of promoting human rights in the world. Even if some progress had been recorded here and there, the human rights situation continued to give grounds for concern. The Senegalese delegation was therefore embarking upon the fortieth session of the Commission with some anxiety. It had entertained similar apprehensions at the opening of the previous session, but thanks to Mr. Otunnu's skill, the Commission's work had proceeded smoothly.

23. At the current session it was his privilege to nominate Mr. Kooijmans of the Netherlands as Chairman of the Commission. The dedication of Mr. Kooijmans' country to the struggle against racism, racial discrimination and apartheid and its role, together with all other countries of northern Europe, in providing development aid within the framework of bilateral or multilateral co-operation and in working towards the establishment of a new and more equitable economic order were well known. Mr. Kooijmans represented a country with which Senegal and Africa

entertained good relations, a country dedicated to the rule of law and to humanism which inspired the whole nation and its institutions to contribute towards the construction of Europe and of a world animated by the ideals of liberty, peace, justice and respect for human rights.

24. Mr. HAYES (Ireland) and Mr. TOŠEVSKI (Yugoslavia) seconded the nomination.

25. Mr. CHOWDHURY (Bangladesh) said that the members of the Commission met year after year in a spirit of solidarity to try to contribute towards the development of civilization and towards the acceptance and implementation of the principles evolved with a view to ensuring a decent human existence for all. It was important, however, to avoid complacency. Despite the Commission's efforts, conflicts and confrontations were continuing to take place on a scale which suggested that they might easily get out of hand and destroy the planet. Millions of people were dying of starvation or suffering from malnutrition and lack of medical care, education, shelter and clothing. Article 25 of the Universal Declaration of Human Rights thus remained very much to the point.

26. All was not lost, however. Peoples had triumphed in Asia and Africa, the struggle was continuing in the Middle East, and Latin America had embarked upon the road to stability. Developments in Argentina were particularly to be welcomed. But since political stability was meaningless without economic independence, efforts were being made to establish a new international economic order and to bridge the technology gap between the developed and developing countries to their mutual benefit. It was to be hoped that appeals for a reduction in expenditures devoted to the destructive arms race would be heeded.

27. The Commission was the highest body of the United Nations dealing exclusively with human rights, a body where it was necessary to forget all other considerations and political affiliations in the interests of humanity. The Commission should embark upon the current session in a climate of goodwill and solidarity, as it had been exhorted to do by Mr. Otunnu and by the Assistant Secretary-General for Human Rights.

28. In conclusion, speaking on behalf of the Asian Group, he supported the nomination of Mr. Kooijmans as Chairman of the fortieth session of the Commission.

29. Mr. Kooijmans (Netherlands) was elected Chairman by acclamation.

30. Mr. Kooijmans (Netherlands) took the Chair.

31. The CHAIRMAN thanked the Commission for electing him. He was particularly grateful to the representative of Senegal for emphasizing the role of the Netherlands in the defence of human rights. He paid a tribute to Mr. Otunnu (Uganda), who had presided over the work of the Commission's thirty-ninth session with exemplary wisdom.

32. After referring to the hopes which the peoples of the world placed in the Commission, he appealed to all delegations to act in a disciplined way in order to bring the work of the session to a successful conclusion.

33. Mr. CHARRY SAMPER (Colombia), on behalf of the Latin American States, nominated Mr. Bianchi (Argentina) for the office of Vice-Chairman. The election of Mr. Bianchi would acclaim the return to democracy of Argentina, a great country remarkable for its culture and civilization. That was a development which the Latin American continent could only welcome.

34. Mr. KHMEL (Ukrainian Soviet Socialist Republic) welcomed the nomination of the Argentine representative and, on behalf of the Group of East European States, nominated Mr. Dichev (Bulgaria) for the office of Vice-Chairman.

35. Mr. CHOWDHURY (Bangladesh) on behalf of the Group of Asian States, proposed the re-election of Mr. Barakat (Jordan) as one of the Commission's Vice-Chairmen.

36. Mr. Bianchi (Argentina), Mr. Dichev (Bulgaria) and Mr. Barakat (Jordan) were elected Vice-Chairmen by acclamation.

37. Mr. GOBBI (Argentina) said that he regarded Mr. Bianchi's election to the office of Vice-Chairman as a tribute to Argentina and, in particular, to his Government, which had adopted respect for human rights and fundamental freedoms as one of the foundations of its political philosophy.

38. The CHAIRMAN said that the Commission would complete its Bureau by electing its Rapporteur at a subsequent meeting.

The meeting rose at 1.15 p.m.