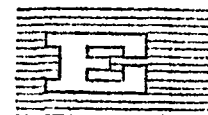


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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 15 March 1984, at 9 p.m.

Chairman: Mr. KOIJMANS (Netherlands)

CONTENTS

Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The rights of persons belonging to national, ethnic, religious and linguistic minorities (continued)

Situation of human rights in Chile (continued)

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (continued)

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\* The summary record of the second part (closed) of the meeting appears as document E/CN.4/1984/SR.62/Add.1.

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The meeting was called to order at 9.45 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 14) (continued) (A/C.3/38/1 and 5; E/CN.4/1984/L.95)

1. Mr. NYAMEKYE (Deputy Director of the Centre for Human Rights), introducing agenda item 14, said that, for a number of years, the General Assembly, the Economic and Social Council, the Commission on Human Rights and other bodies had been concerned to improve the situation and ensure the human rights of migrant workers and their families. The need to make further efforts in that field had prompted the World Conference to Combat Racism and Racial Discrimination, held in Geneva in August 1978, to recommend to the General Assembly the elaboration of an international convention for the protection of the human rights of all migrant workers. Pursuant to that recommendation, the General Assembly had, at each of its sessions since 1980, established a Working Group for the drafting of such a convention. The Working Group had so far concluded its first reading of the preamble and had provisionally agreed on some of the articles of the operative part of the draft convention.

2. At its thirty-eighth session, the General Assembly had taken note of the reports of the Working Group (A/C.3/38/1 and 5), expressed its satisfaction with the substantial progress made so far and decided that, in order to enable the Working Group to complete its task as soon as possible, it should again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1984 of the Economic and Social Council. The General Assembly had further invited the Secretary-General to transmit the report of the Working Group to Governments in order to allow the members of the Group to continue their work during an inter-sessional meeting to be held in the spring of 1984, as well as to transmit the results achieved at that meeting so that the General Assembly could consider them at its thirty-ninth session.

3. The Secretary-General had also been invited to transmit those documents to the competent United Nations organs and to the international organizations concerned for their information so that they might continue their co-operation with the Working Group.

Draft resolution E/CN.4/1984/L.95

4. The CHAIRMAN said that Mexico should be added to the list of sponsors of the draft resolution.

5. Mr. MONTEMAYOR (Mexico), introducing draft resolution E/CN.4/1984/L.95, said that the sponsors were convinced of the urgent need to adopt a comprehensive convention on the protection of the rights of migrant workers and their families. In the light of the action taken by the General Assembly and its open-ended Working Group with a view to the elaboration of such a draft convention, the sponsors proposed that the Commission should adopt draft resolution E/CN.4/1984/L.95, which welcomed the progress made by the Working Group, invited all member States to continue co-operating with the Working Group in the performance of its task, reiterated the hope that the General Assembly would complete the elaboration of the convention as soon as possible and requested the Secretary-General to inform the Commission at its forty-first session of any further progress made in that regard. The sponsors hoped that the draft resolution would be adopted by consensus.

6. Ms. ESCOBAR (Spain) said that, under article 2 of the International Covenants on human rights, it was the obligation of all States Parties to ensure to all individuals the rights recognized therein, without distinction of any kind, such as national origin. Most of the persons who left their countries of origin to seek employment elsewhere did so out of necessity. Their willingness to accept the changes involved and the resulting insecurity and isolation could be accounted for by their desire to improve their economic and social situation and that of their families and by their inability to do so in their own countries.
7. The recent increase in international migratory movements had been caused by the serious international economic crisis and in the absence of a just international economic order, the developing countries were most seriously affected. The number of persons who had emigrated from such countries to industrialized nations in search of work had risen considerably, but since the latter were also affected by the crisis, they had, in many cases, made requirements for the admission of new immigrants even more stringent. Action by the United Nations was therefore now more necessary than ever and it was increasingly essential for the Working Group to complete the elaboration of an international convention to protect the rights of migrant workers and their families.
8. Her country had taken an active part in the meetings of the Working Group and had closely followed the progress it had made in its work, which had been especially difficult in view of the need to reconcile the viewpoints of countries of emigration and countries of immigration. The resulting text was well advanced, but further meetings would be required in order to conclude a generally acceptable draft convention. Her delegation would continue to contribute to the Working Group's efforts and was confident that the draft convention would soon be completed and submitted to the General Assembly for its approval so that migrant workers would have an international legal instrument to guarantee their rights.
9. Mr. LEONARDI (International Labour Organisation) said that, at the invitation of the General Assembly and Economic and Social Council, the ILO had been taking part in the Working Group's activities ever since it had begun its work on the draft convention. It might interest the Commission to know that, at its most recent session, the ILO Governing Body had discussed the draft convention and had taken the view that it should be elaborated as speedily as possible and that the ILO should continue to provide assistance to that end. There had been general agreement that provision should be made for the monitoring of its implementation. If an invitation to participate in a supervisory body was extended to the ILO, it would respond favourably. The modalities of such participation would be discussed by the ILO Governing Body at the appropriate time.
10. The CHAIRMAN said that Bangladesh, Gambia and Greece had joined the sponsors of draft resolution E/CN.4/1984/L.95.
11. Since he had received no request for a vote, he took it that the Commission wished to adopt draft resolution E/CN.4/1984/L.95 without a vote.
12. It was so decided.

THE RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20)(continued) (E/CN.4/1984/42 and Add.1 and 2; E/CN.4/1984/L.5; E/CN.4/1984/L.93; E/CN.4/1984/NGO/39)

13. Mr. TOŠEVSKI (Yugoslavia), Chairman-Rapporteur, introducing the report of the open-ended Working Group set up to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1984/L.5), said that one of the problems that had been discussed was the definition of the term "minority". The Working Group had decided to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-seventh session, to prepare a text defining that term, taking into account studies already carried out in that field, the comments and views of Governments and the discussions held during the Working Group's session.

14. Since the Working Group had been unable to agree on article 1 of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, it had decided to request the Chairman-Rapporteur to prepare a preliminary consolidated text of that article which would be submitted to the Working Group at its 1985 session and take account of all the proposals and comments made thus far.

15. Introducing draft resolution E/CN.4/1984/L.93, which was of a technical nature, he said that paragraph 2 contained the request to the Sub-Commission to which he had referred earlier. Paragraphs 1 and 3 proposed that the Commission should decide to consider at its forty-first session the agenda item on the "Rights of persons belonging to national, ethnic, religious and linguistic minorities" and to establish an open-ended Working Group to continue consideration of the revised draft declaration proposed by Yugoslavia.

16. The CHAIRMAN said that, as he had received no request for a vote, he took it that the Commission wished to adopt draft resolution E/CN.4/1984/L.93 without a vote.

17. It was so decided.

THE SITUATION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1984/L.94 and L.101)

Draft resolution E/CN.4/1984/L.94

18. Mr. MONTAÑO (Mexico) said that the statements made during the debate on the agenda item under consideration had reflected serious concern about the events which had recently taken place in Chile and had led to further gross violations of human rights. The situation in that country, which had deeply distressed the international community for over 10 years, was now entering a critical phase.

19. The sponsors of the draft resolution had tried to ensure that the wording of the text was well-balanced and that it fully reflected the concerns expressed in the report by the Special Rapporteur about the deterioration of the human rights situation in Chile. In a spirit of openmindedness, the sponsors also wished to take account of a concern expressed by a number of delegations and therefore requested the secretariat to add the following new paragraph immediately after the last preambular paragraph:

"Taking note of the developments which have, according to the Special Rapporteur, frustrated the 'apertura política' announced by the Chilean authorities in August 1983, thereby disappointing some of the hopes raised by that announcement".

20. The sponsors also requested the secretariat to add the words "and to the Commission on Human Rights at its forty-first session" at the end of paragraph 13.

21. Ms. MARTIN (Canada) said that her delegation would vote in favour of draft resolution E/CN.4/1984/L.94, which reflected its profound concern at the serious violations of human rights that continued to be committed in Chile. Its concern did not, however, blind it to the fact that, if changes were to be made in situations of systematic violations of human rights, it was important to recognize any progress towards improvement, however modest, that Governments might have made. Her delegation was therefore pleased that the draft resolution had been amended to reflect the modest concessions made by the Government of Chile in 1983 through the announcement of "apertura política", but it was disappointed that the text did not take account of the slight progress which had been made in the re-establishment of co-operation between the Government of Chile and the United Nations and to which the report of the Special Rapporteur had drawn attention in referring to recent instances in which the Government of Chile had provided the Secretary-General with human rights information.

22. Mr. GIAMBRUNO (Uruguay) said his delegation was disappointed that the draft resolution once again contained a number of accusations that lacked the necessary balance. The very least the Commission could do was to recognize the progress that had been made in Chile, where recent developments, such as the return of 4,000 exiles, the lifting of a degree of the state of emergency, the authorization to hold public meetings and the abolition of censorship, were encouraging signs which indicated that an era of genuine democracy was about to begin.

23. Chile was treated with discrimination as the subject of a separate item on the Commission's agenda. Large amounts had, moreover, been spent on the campaign against Chile, as well as on the Special Rapporteur and on the secretariats' reports. His delegation would therefore vote against draft resolution E/CN.4/1984/L.94.

24. Mr. BIANCHI (Argentina) requested a separate vote, en bloc, on the new preambular paragraph proposed by Mexico and on operative paragraphs 2, 3, 4, 6, 12 and 13.

25. At the request of the representative of Nicaragua, a vote was taken by roll-call on those paragraphs.

26. Mozambique, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, India, Ireland, Italy, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Republic of Cameroon, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Jordan, Pakistan, Philippines, United States of America, Uruguay.

Abstaining: Argentina, Bangladesh, China, Colombia, Germany, Federal Republic of, Japan.

27. The new preambular paragraph proposed by Mexico and operative paragraphs 2, 3, 4, 6, 12 and 13, en bloc, were adopted by 30 votes to 6, with 6 abstentions.

28. At the request of the representative of Uruguay, a vote was taken by roll-call on draft resolution E/CN.4/1984/L.94 as a whole, as amended.

29. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bulgaria, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Pakistan, Philippines, United States of America, Uruguay.

Abstaining: Bangladesh, China, Colombia, Japan, Jordan, Republic of Cameroon.

30. Draft resolution E/CN.4/1984/L.94 as a whole, as amended, was adopted by 31 votes to 5, with 6 abstentions.

31. Sir Anthony WILLIAMS (United Kingdom of Great Britain and Northern Ireland), speaking in explanation of vote, said that his delegation had voted in favour of draft resolution E/CN.4/1984/L.94 because it was deeply concerned about continuing human rights violations in Chile, as it had stressed in the statement it had made under agenda item 12. It welcomed the inclusion of the new preambular paragraph, which made the text more balanced and complete.

32. His delegation nevertheless continued to be of the view that the United Nations appeared to demand higher standards of Chile than of other countries and that its treatment of that country was selective. The situation in Chile was discussed as a separate agenda item, instead of under agenda item 12, and the annual General Assembly resolution relating to Chile tended to prejudge the Commission's decision on the renewal of the Special Rapporteur's mandate.

33. The United Nations, the Commission and the Chilean authorities all had a role to play in re-establishing co-operation between the Commission and the Chilean Government. He hoped that the Chilean authorities would take positive steps in the near future to fulfil the hopes raised by the policy of "apertura política" announced in August 1983 and that the Commission would be ready to make an appropriate response.

34. Mr. MASSMANN (Federal Republic of Germany), speaking in explanation of vote, said that his delegation had serious reservations about draft resolution E/CN.4/1984/L.94 because the Commission was not justified in perpetuating its selective treatment of a particular country by continuously dealing with it under a separate agenda item and almost automatically renewing the Special Rapporteur's mandate for another year. The Chilean Government should not be able to refuse to co-operate with the Commission on the grounds that a selective approach was applied to it.

35. His Government considered that the present situation in Chile was very complex. The policy of "apertura política" had led to some improvements with regard to the exercise of public freedoms and the right to enter or leave the country. However, there had been further cases of arrest and torture and the over-all human rights situation was a matter of serious concern. Internal tension was on the increase and, as the Special Rapporteur had pointed out in his report, popular discontent had led to widespread protests.

36. The contradictory picture which Chile had offered since 1983 should therefore have been reflected in draft resolution E/CN.4/1984/L.94, which emphasized the political, rather than the human rights aspects of the situation in Chile.

37. The Chilean Government should also be reminded of its obligations under the International Covenants on human rights. Although his delegation deplored the persistent restrictions on the enjoyment and exercise of human rights in Chile and condemned on-going violations of human rights in that and other countries in the world, it supported the appeal to the Chilean authorities to restore and respect human rights made in the draft resolution and had voted in favour of it, despite its reservations.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 11) (continued) (E/CN.4/1984/22 and Add.1 and 2; E/CN.4/1984/23; E/CN.4/1984/56; E/CN.4/1984/L.3, L.23, L.89, L.90, L.92, L.102 and L.104; E/CN.4/1984/NGO/24, 28, 34 and 46; A/37/422)

38. The CHAIRMAN said that the representative of Yugoslavia had proposed the adjournment of the debate under rule 49 of the rules of procedure. The representatives of Costa Rica and Italy had spoken against that proposal.

39. Mr. FERRARI BRAVO (Italy), speaking on a point of order, said that his delegation could agree to the proposal for the adjournment of the debate because it was confident that, when the Commission discussed agenda item 25, there would be no objection to the inclusion, under agenda item 11, of a subitem on the question of the establishment of a United Nations Commissioner for Human Rights.

40. The CHAIRMAN said that, since he had received no request for a vote, he took it that the Commission wished to adopt the proposal by the representative of Yugoslavia without a vote.

41. It was so decided.

The public meeting rose at 10.55 p.m.