



SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. PEDERSON (Denmark)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 81: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued)

(b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (continued) (A/32/44, A/32/188; A/C.3/32/4; A/C.3/32/L.7, L.9 and L.11)

1. Mrs. KING (United States of America) said that about two weeks previously she had had the opportunity to watch the signing of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on behalf of the United States. The United States had delayed signing those Covenants because it had had first to confront and overcome segregation and racism in its own country, and that it had done through long years of struggle and sacrifice. Through that experience, the United States had realized that no one could be free until everyone was free and that it was impossible to separate civil and political rights from economic, social and cultural rights.

2. President Carter had promised that he would send both Covenants to the Senate for ratification as soon as practical, but that might actually take a few years. The ratification would give the American people an opportunity to understand better the full implications of joining the international community bound together by treaties to protect human rights.

3. The United States had signed both Covenants because it considered civil and political rights to be interdependent with economic, social and cultural rights. All those rights must be seen as a whole and a healthy society must seek to promote and protect all of them. The United States had not always fully recognized the importance of economic, social and cultural rights and had often put the emphasis on civil and political rights. But in the modern world, with all its injustices, it had come to recognize the absolute necessity of working for economic, social and cultural rights for all peoples and nations.

4. A reading of the report of the Human Rights Committee (A/32/44) showed that its members were dedicated to effectively implementing the provisions of the Covenant on Civil and Political Rights, especially article 40. The submission of the reports was a first step towards implementation of the Covenant and the United States looked forward to being able to participate in that process.

5. Mr. SHERIFIS (Cyprus) said that the entry into force of the International Covenants on Human Rights have brought nearer the objective of transforming the provisions of the Universal Declaration of Human Rights into a binding instrument of international law. Cyprus attached the utmost importance to those Covenants, to which it was a party, and noted with pleasure the increasing number of States which had adhered to them. It also welcomed the establishment of the Human Rights Committee as an important instrument for the application of the Covenants and took pride in the fact that its Chairman was a national of Cyprus.

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(Mr. Sherifis, Cyprus)

6. In its brief existence the Human Rights Committee had performed an outstanding task in establishing direct and useful channels with the General Assembly. He subscribed to the view that the effective implementation of the Covenant on Civil and Political Rights required the General Assembly to consider the Committee's report in the year it was adopted, as was currently the case, and he hoped that the system would be maintained. The Government of Cyprus had submitted in due time its report under article 40 of the Covenant and the substantive points with which it dealt appeared in the Committee's report (A/32/44).

7. In conclusion, he reiterated the hope that all States would soon become parties to the International Covenants on Human Rights. With regard to the two draft resolutions before the Committee (A/C.3/32/L.7 and A/C.3/32/L.9), he reserved his comments since his delegation hoped that the sponsors would be able to merge them into a single proposal.

8. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic) emphasized the importance of the entry into force of the International Covenants on Human Rights, which established the basis for international co-operation to protect human rights. Nevertheless, his delegation did not think the mere fact that the Covenants had entered into force was an automatic guarantee that their provisions would be observed and that the grave violations of human rights which unfortunately were still being committed in some parts of the world would disappear. The Covenants did not function in a vacuum: their application was indissolubly linked with social and political conditions in various countries and the prevailing international atmosphere. In that connexion, he wished to point out that the basic pre-condition for the effective implementation by all States of the Covenants on Human Rights was the extension of international détente, the limitation of the arms race and the strengthening of international peace and security. International co-operation to protect human rights should take place within the framework of respect for the principles of the United Nations and other international legal instruments and, more specifically, respect for the principles of sovereignty, equality and non-interference in the internal affairs of States.

9. In considering those questions, it was necessary to bear in mind previous General Assembly decisions on the subject. In resolution 31/86, the General Assembly had decided, inter alia, to authorize the appropriate arrangements for the functioning of the Human Rights Committee and had invited all States to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The Human Rights Committee had done well to take advantage in its work of the experience gained by the Committee on the Elimination of Racial Discrimination. There was no doubt that the most appropriate way of conducting the Committee's work was to endeavour to achieve a consensus on the questions under consideration. In that connexion, his delegation wished to stress that the main task of the Committee, under article 40 of the International Covenant on Civil and Political Rights, was the study of reports submitted by the States parties. That study should be conducted in a businesslike atmosphere to ensure progress in the field of human rights. The establishment of a climate of mutual trust and co-operation would facilitate the process of international détente and, by eliminating sources of disagreement, would make a substantial contribution to the promotion of human rights and fundamental freedoms.

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(Mr. Ozadovsky, Ukrainian SSR)

10. As stated in the Secretary-General's report on the status of the International Covenants on Human Rights (A/32/188), 46 States had ratified or acceded to the Covenant on Economic, Social and Cultural Rights and 44 States to the Covenant on Civil and Political Rights. It was noteworthy that among those States were many socialist countries and developing countries. It was to be hoped that the number of States parties to the Covenants on Human Rights would increase, for only one third of the total membership of the United Nations had subscribed to them and absent from among them were certain Western countries which, although they defended the cause of human rights in words, had not decided to assume the international obligations which the Covenants entailed.

11. As far as the socialist countries were concerned, their political and social system made possible the free development of the individual and the full satisfaction of his material and spiritual requirements. The Great October Revolution, which had triumphed 60 years earlier, had established the conditions for the enjoyment of true liberty and equality and laid the foundations for the implementation of human rights by establishing a range and content for those rights which, taken as a whole, went beyond the mean provided for in the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights. The Ukrainian Soviet Socialist Republic had ratified the Human Rights Covenants and wished to stress that the evolution of socialist democracy in the Republic had as its goal the effective application of all rights which guaranteed the free development of the individual. In the new Constitution of the USSR, adopted on 7 October, as in the new Constitution of the Ukrainian SSR, which would enter into force at the beginning of the following year, all the rights and freedoms of an advanced socialist democracy were guaranteed with the objective of constantly improving the level of living of all citizens.

12. His delegation supported draft resolution A/C.3/32/L.9 and hoped that the Committee would adopt it. It was grateful for the Secretary-General's note on the financial implications of the work of the Human Rights Committee. In its view, the Committee should endeavour to discharge its duties within the limits of current financial resources. Furthermore, that was the view expressed in the report of the Committee for Programme and Co-ordination (A/32/38). As to draft resolution A/C.3/32/L.7, he considered that it contained unjustified and dubious elements and was not acceptable.

13. Mr. NAGY (Hungary) said that, in accordance with the socialist order on which his country's society was based and with the full support of its people, his Government had been following a policy aimed at achieving the objectives embodied in the International Covenants on Human Rights. Even before his country had ratified those Covenants, the Hungarian people had made considerable progress towards the enjoyment of the fullest measure of civil, political, economic, social and cultural rights through the synchronization of the interests of all strata of society, which was an essential element in the socialist system. For that reason, his delegation was particularly gratified at the endorsement by the Human Rights Committee of its first periodic report on the implementation of the provisions of the International Covenant on Civil and Political Rights. The statements by members of that Committee had reaffirmed the harmony between Hungary's constitutional precepts and the provisions of the Covenants. His Government had also submitted its report on the implementation of articles 6 and 9 of the

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(Mr. Nagy, Hungary)

International Covenant on Economic, Social and Cultural Rights to the Secretary-General. The socialist system, which was in complete accord with the spirit and the letter of that Covenant, guaranteed to all citizens the right to education, culture, health care, and the opportunity to make positive and constructive use of their leisure time.

14. He emphasized that both International Covenants should be regarded as a single entity and noted that in the General Assembly attention had been drawn to the already urgent need to establish a new international economic order since it was absurd to pretend that fundamental civil and political rights could be enforced when there were major obstacles to ensuring an economic subsistence level. It was equally absurd to speak of implementation of cultural and social rights while the masses were not ensured the right to work, which was the basic prerequisite for their existence and development. Moreover, as the Minister for Foreign Affairs of his country had stated in the General Assembly, the States Members of the United Nations could only comply with their obligations concerning human rights by joint efforts to end violations of human rights, abolish the remnants of the colonial system and eliminate racial discrimination and to restore human rights in Chile, South Korea, South Africa and the Israeli-occupied Arab territories.

15. A mere declaration of acceptance of obligations under international law was not sufficient to ensure universality on those issues. Acceptance of those obligations should be expressed in the adoption of concrete measures to achieve the objectives laid down in the Covenants. The responsibility of individual States was supplemented by the collective responsibility which the States Members of the United Nations assumed in respect of common obligations. His country considered that the question of the implementation of the rights enshrined in the International Covenants should not be used in attempts to interfere in the internal affairs of other States but rather it should serve to promote the social and economic progress of all peoples in accordance with their basic, just interests, without foreign interference.

16. With regard to the draft resolutions before the Committee, his country fully supported that contained in document A/C.3/32/L.9 but had certain reservations in respect of the text of document A/C.2/32/L.7, paragraph 2 of which it found unacceptable. The uniform standards of implementation were established by the Covenant itself and it was not for the Committee to decide what they should be. The concern of the Committee should be to examine how the uniform standards established by the Covenant were applied by States Members under their specific conditions. Finally, in order to facilitate the work of the Committee, the Secretariat should make available to the members of the Committee the replies of Governments to the questions raised by members when the Committee considered the reports received from different countries.

17. Miss BEAGLE (New Zealand) said that her country attached great importance to the values enunciated in both the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. However, as the Minister for Foreign Affairs of her country had stated in the general debate, before formally committing itself to fulfilling the obligations deriving from the Covenants, her

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(Miss Beagle, New Zealand)

country had sought to ensure that its juridical system was capable of enforcing observance of those obligations. That had necessitated a thorough review of existing legislation and the drafting of new legislation. That process was almost completed and, consequently, her country hoped to be able to ratify both Covenants not later than 1978.

18. Turning to the report of the Human Rights Committee (A/32/44), she said that her delegation was impressed by the Committee's detailed consideration of the first reports submitted to it and its concern to provide general guidelines for the submission of the reports of States parties. Her delegation welcomed the Committee's awareness of the need for close rapport with public opinion as reflected in the conclusion in paragraph 170 of the report, which her delegation strongly supported, and the suggestion in paragraph 177, which it supported in principle. It would be interested to know if the Director of the Division of Human Rights intended to carry out a publicity programme on those lines. In congratulating the Committee on its work, she expressed only one regret, namely, that it did not have a single woman member.

19. In conclusion, she emphasized that bearing in mind the essential link between the enjoyment of economic, social and cultural rights and the enjoyment of civil and political rights, the Economic and Social Council had an important responsibility in co-ordinating the implementation of the Covenants and the related activities of the Human Rights Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

20. Mr. PIPER (Australia) said that his delegation supported without reservation the draft resolution in document A/C.3/32/L.7 and was in full agreement with the operative part of draft resolution A/C.3/32/L.9. He urged the sponsors of both those resolutions to engage in consultations with a view to combining them. In his opinion, the difficulties which draft resolution A/C.3/32/L.7 presented for some delegations that supported draft resolution A/C.3/32/L.9 were not so substantial as to prevent some form of amalgamation. The States which were not in favour of making the declaration referred to in article 41 of the Covenant on Civil and Political Rights could give explanations of their votes. His delegation would like to see the Covenant enjoy the strong moral support which the Committee could give it by adopting a draft resolution by consensus.

21. Mrs. de BARISH (Costa Rica) said that her country had sponsored the draft resolution in document A/C.3/32/L.7, which not only expressed a commitment in the formal sense and sought to promote ratification of the legal instruments the status of which was under consideration but also underlined the importance of strengthening measures for implementing the Covenant on Civil and Political Rights and the Optional Protocol thereto. Paragraph 1 commended the Human Rights Committee on its work. Paragraph 2 emphasized the need for uniform standards of implementation of the provisions of the Covenant and the Optional Protocol. Paragraph 5 contained an invitation which would contribute to more effective implementation of the Covenant on Civil and Political Rights, which in turn would strengthen the role of the Human Rights Committee. In that connexion, she stated that her country had initiated the relevant constitutional procedures which would

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(Mrs. de Barish, Costa Rica)

enable it to comply with the provisions of article 41 as soon as possible. Paragraph 7 was of great practical value in that it would enable the Secretary-General to provide the necessary facilities for the United Nations activities aimed at ensuring implementation of the recommendations enunciated in the Covenants and the decisions of the Human Rights Committee. It was specifically related to paragraphs 5 and 6 of document A/C.3/32/L.11 on the financial implications of the work of the Human Rights Committee. In the view of her delegation, the draft resolution in document A/C.3/32/L.7 was comprehensive and represented an improvement on the text adopted the previous year.

22. Although it contained many positive recommendations, draft resolution A/C.3/32/L.9 was a step backwards from the resolution adopted on that issue in 1976 since it failed to mention the Optional Protocol, referring only to the Human Rights Covenants. As the Chairman of her delegation had stated, failure to adhere to the Optional Protocol, which recognized the competence of the Human Rights Committee to consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant on Civil and Political Rights, would signify that the rights recognized in the Covenant would have only a rhetorical significance. There was no question of proposing anything which would constitute interference in the internal affairs of other States. The aim was to ensure that the human rights standards, which were accepted by all States Members, were universally applied.

23. Draft resolution A/C.3/32/L.9 merely reflected the existing situation, which was not ideal, without proposing anything new, whereas the logical and positive approach would be to aspire to achieve the maximum. She would welcome an agreement which would enable the two texts to be amalgamated provided that was without prejudice to the aspects of draft resolution A/C.3/32/L.7 to which she had referred. Consequently, she urged the sponsors of draft resolution A/C.3/32/L.9 to consider the situation and to support the most progressive formulation, with a view to achieving more effective implementation of human rights throughout the world.

The meeting rose at 5.30 p.m.