



THIRD COMMITTEE
54th meeting
held on
Thursday, 29 November 1984
at 3 p.m.
New York

DEC 18 1984

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. MADAR (Somalia)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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Distr. GENERAL
A/C.3/39/SR.54
3 December 1984

ORIGINAL: ENGLISH

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

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/39/3 (parts I and II), 81, 128, 168 and Add.1 and 2, 174 and Add.1, 180 and Corr.1, 185, 193, 407, 414, 443-447, 477, 496, 568, 570, 581 and Corr.1, 590, 631, 635, 636; A/C.3/39/1, 4 and Corr.1, 9; A/C.3/39/L.32, L.34, L.41, L.42/Rev.1, L.43, L.45, L.47, L.54, L.56, L.58, L.60, L.61)

1. Mr. HERNDL (Assistant Secretary-General for Human Rights), introducing item 12, reviewed the history of its main human-rights sub-items and surveyed relevant developments in the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
2. On the sub-item on regional arrangements for the promotion and protection of human rights, he said that the Committee had before it two reports (A/39/174 and Add.1, and A/39/570), both of which amplified previous reports on the subject.
3. Turning to the question of measures to improve the situation and ensure the human rights and dignity of all migrant workers, he said that the reports of the Working Group set up in 1979 to elaborate an international convention on the rights of migrant workers and their families were before the Committee in documents A/C.3/39/1 and 4, and would be introduced by the Chairman of the Working Group.
4. The Working Group established in pursuance of General Assembly resolution 38/87 to finalize a draft declaration on the rights of non-citizens had also submitted a report, which would be presented by the Chairman of the Working Group.
5. On the subject of measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, the Commission on Human Rights at its latest session had invited all States to renew their efforts to counter the spread of totalitarian ideologies and practices. It had also recommended to the Economic and Social Council that it should request the General Assembly to hold a special commemorative meeting during its fortieth session to celebrate the fortieth anniversary of the conclusion of the Second World War and the founding of the United Nations, and to hold, on that occasion, a discussion to consider ways and means of taking measures against the spread of such ideologies or practices. The Committee had before it the Secretary-General's report on that question (A/39/168-E/1984/39 and Add.1 and 2).
6. On the situation of human rights and fundamental freedoms in Guatemala, the Commission on Human Rights had decided at its latest session to extend the mandate of its Special Rapporteur for another year and had requested him to submit a further interim report to the General Assembly at the current session. That report (A/39/635) was before the Committee and would be introduced by the Special Rapporteur, who had also been requested to submit a final report to the Commission at its next session.

(Mr. Herndl)

7. On the situation of human rights and fundamental freedoms in El Salvador, the Commission on Human Rights had again extended the mandate of its Special Representative for a further year and requested him to submit a report to the General Assembly at the current session and to the Commission at its next session. That report (A/39/636) would be introduced by the Special Representative himself.

8. On the situation of human rights and fundamental freedoms in Chile, the Special Rapporteur of the Commission on Human Rights, whose mandate had also been extended for a year, would introduce his report in document A/39/631.

9. On the question of human rights in southern Africa, the Committee had before it the progress report of the Ad Hoc Working Group of Experts on policies and practices which violated human rights in South Africa and Namibia (E/CN.4/1984/8). Following consideration of that report at its latest session, the Commission on Human Rights had requested the Group to continue its inquiries in respect of anyone who might be guilty of the crime of apartheid or of a serious violation of human rights in Namibia and to submit its recommendations to the Commission at its next session. It had also requested the Group to report and make recommendations on policies and practices which violated human rights in Namibia and to bring any violations of human rights in South Africa and Namibia to the attention of the Commission at its next session.

10. Reviewing the activities of human-rights organs over the past year, he said that the Commission on Human Rights had completed work on a draft convention against torture and continued its consideration of another draft convention on the rights of the child and of a draft declaration on the rights of minorities. A working group of the Commission was considering the right to development and had before it a draft declaration on the subject. The Sub-Commission on Prevention of Discrimination and Protection of Minorities was working on the preparation of two sets of principles, one for the protection of persons in mental institutions and the other relating to the responsibility of individuals and organs of society to promote human rights, an area in which its Working Group on the rights of indigenous populations was also engaged. Studies were also in preparation on the right to popular participation, the right to food, the independence of the judiciary and the status of the individual and international human-rights law. The Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on questions related to summary or arbitrary executions had had their mandates renewed for a further year and had been requested to report to the Commission again at its next session.

11. Mr. FERM (Sweden) said there was an alarming gap between the ideals agreed by the international community and the reality with regard to human rights in a world where political killings, summary executions, disappearances and torture were a daily occurrence. It was often argued that human-rights violations were justified by internal security reasons or an external threat, but that left the door open to double moral standards. Security could not be won at the expense of the human rights of a country's own citizens or of those of other nations. It had been established beyond doubt that human-rights violations were a legitimate concern of

(Mr. Ferm, Sweden)

the international community. International discussion and action to promote human rights could not be considered to be interference in the internal affairs of a Member State.

12. He hoped that the United Nations would be able to take another significant step in the setting of human-rights standards during the current session of the General Assembly, by adopting an effective convention against torture. It must also explore all possible avenues for achieving the final abolition of the death penalty. Sweden was a staunch supporter of the implementation of human-rights instruments and hoped that the current work on the draft conventions on the rights of the child and of migrant workers would soon be completed.

13. While significant progress had been made in adopting standards, the actual status of human rights showed that greater efforts were needed to see that those standards were kept. His Government therefore attached great importance to the system of special rapporteurs and representatives to monitor implementation of the various instruments adopted. The information received from such human-rights organizations as Amnesty International or the International League for Human Rights was also invaluable, and their efforts merited support.

14. The latest reports by the special rapporteurs or representatives on Chile, El Salvador and Guatemala showed that the human-rights situations there were still extremely serious. In Chile, the international community's appeals remained unheeded. The régime had dismantled the democratic legal order and institutionalized states of emergency under which the use of arbitrary detention, imprisonment and torture continued unabated. Popular demands for change were being met with increasingly brutal repression.

15. In El Salvador, the toll of death-squad killings remained high, the armed conflict was causing increasing loss of life among the civilian population and the number of refugees and displaced persons was constantly growing. His Government hoped that the dialogue begun among the parties to the conflict would lead to a peaceful solution through a negotiated political settlement.

16. In Guatemala, too, killings were still common and the fate of many who had disappeared was unknown. Repressive measures included the massive displacement of rural and indigenous populations and enforced participation in so-called civilian patrols. He urged the Guatemalan Government to secure truly representative political participation by creating conditions for an electoral process free from intimidation and terror.

17. Sweden welcomed the appointment of a special rapporteur for Afghanistan and a special representative for Iran. Soviet military intervention in the former country, where indiscriminate warfare seriously violated international humanitarian law, entailed severe consequences for the civilian population's human rights. In the case of Iran, the appointment was motivated by evidence of summary and arbitrary executions, torture and detention without trial.

(Mr. Ferm, Sweden)

18. South Africa was a particularly odious offender because of its institutionalized denial of human rights to the majority of its citizens through apartheid and its concomitant police brutality, indiscriminate killings and detention without trial. However, the situation in South Africa should not obscure serious human rights violations in other parts of the continent, for example Uganda. In the past, the United Nations had unfortunately failed to react to obvious cases of the systematic violation of human rights, such as had occurred in Kampuchea under Pol Pot, which was a blot on the history of the Organization.

19. Other problems in various parts of the world, such as the denial of civil, political and trade-union rights in the Soviet Union and Eastern Europe or the discrimination against ethnic or religious minorities and indigenous populations in some African, Asian and Latin American countries, also merited attention. His Government regretted the apparent selectivity of the General Assembly in dealing with such violations. Massive and flagrant violations in some countries must not be ignored simply because a majority of Member States also wished to overlook others. The Swedish Government would continue its efforts - in international forums, in co-operation with other Governments and bilaterally through diplomatic channels - to achieve universal respect for human rights.

20. Ms. AYORINDE (Nigeria) said that the connection between the current resurgence of Nazi, Fascist and neo-Fascist activities and the human-rights situation in southern Africa was not simply a historical one but had modern dimensions, demonstrated in the collaboration between certain self-styled liberal democracies and the racist régime of South Africa. The so-called "traditionalist" school of thought prevailing in the countries in question advocated a "realistic" approach to human rights and regarded the concern with Nazi, Fascist and neo-Fascist activities as anachronistic, without, however, defining what it believed to be the "real meaning" of human rights. The same school minimized the right to development and peace while clamouring about prisoners of conscience and adulating dissidents and saboteurs. Her delegation regarded individual human rights as sacrosanct, but did not agree that they could ever outweigh the rights of a whole group.

21. The human-rights situation in the world showed a grave discrepancy between principles and practice. Despite the appeals and declarations of good intent contained in General Assembly resolution 38/99, the racist President of South Africa had been received as a guest in a number of European countries. At the Economic and Social Council's first regular session of 1984, certain States had sought to promote the reclassification to category I of the International Police Association, an organization which had admitted to membership 850 policemen guilty under the International Convention on the Suppression and Punishment of the Crime of Apartheid. National Front organizations were multiplying in some parts of the world, and transnational corporations were hiring mercenaries to infiltrate national liberation movements in order to destabilize them. Migrant workers in many developed countries were first exploited, then discarded and finally insulted by xenophobic philosophies.

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(Ms. Ayorinde, Nigeria)

22. Referring to the progress report of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa (E/CN.4/1984/8), she drew attention to the list contained therein of persons deemed responsible for the crime of apartheid under the International Convention on the Suppression and Punishment of the Crime of Apartheid. The periodic compilation of such lists was a practical step towards formulating standards and taking remedial action. Referring to the part of the report on the subject of the draft statutes of a proposed international penal tribunal, she said that her delegation strongly favoured the establishment of such a tribunal.

23. In conclusion, she appealed to all States which had not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid, as they were invited to do in paragraph 6 of resolution 1984/42 of the Commission on Human Rights. Furthermore, in paragraph 7 of that resolution, the Commission called upon all States to assist each other in bringing to trial persons suspected of having committed war crimes and crimes against humanity. A positive response to that appeal would reaffirm the good will of Member States and would constitute a worthy commemoration of the fortieth anniversary of the end of the Second World War.

24. Mr. McDONAGH (Ireland), speaking on behalf of the Ten member States of the European Economic Community on the human-right aspects of the report of the Economic and Social Council, said that commitment to human dignity and the defence of human rights was a principle underlying the Community's approach to international issues. It was their conviction that all human rights - civil, political, social, economic and cultural - must be respected as essential elements of an integral system for the protection of the individual. All violations of human rights, wherever they occurred, were of concern to the United Nations and its Member States. The principle of non-interference in essentially internal affairs could not validly be invoked by States to ignore or reject international concern at human-rights abuses on their territory.

25. The Ten deeply regretted that, despite the progress achieved in establishing international instruments on human rights, the overall situation remained bleak. The report of the Commission on Human Rights on its fortieth session, which showed that serious and mass violations of human rights persisted, deserved the Committee's careful attention. It reflected a wide range of activities in pursuit of separate, but complementary, approaches to the promotion of human rights within the Commission. Despite the difficult international climate, the Commission had made progress in many areas during the session: in establishing or reinforcing international human-rights standards through the drafting of international instruments; in promoting the observance of human-rights standards through the programme of advisory services; in studying and dealing with instances of human-rights violations; and in addressing human-rights violations in specific countries and regions. The session also demonstrated the Commission's capacity to use the procedures it had devised in order to fulfil its mandate.

26. The Community strongly supported the adoption at the current session of the draft Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, it was the hope of the Ten that more Governments and

(Mr. McDonagh, Ireland)

non-governmental organizations and individuals would contribute to the United Nations Voluntary Fund for Victims of Torture.

27. The report of the Special Rapporteur on summary or arbitrary executions showed convincingly that, in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, a large number of summary or arbitrary executions continued to take place, often despite legislative measures which conformed meticulously to that Covenant. The Ten deplored such inhuman acts and supported the decision of the Economic and Social Council to continue the mandate of the Special Rapporteur. They urged all Governments and others concerned to co-operate with and assist the Special Rapporteur.

28. The establishment of a Working Group of the Commission to examine questions relevant to enforced disappearances reflected deep concern with the scale of that reprehensible practice, which violated the fundamental right to life, liberty and security of person. The Ten placed great value on the Working Group and encouraged Governments of countries which the Working Group expressed a wish to visit to accede to such requests. With respect to the problem of disappearances, the democratically-elected Government of Argentina had made determined efforts since October 1983 to investigate the fate of persons who had disappeared. The gratitude which the Argentine Government had recently expressed for the Working Group's efforts represented an eloquent testimony to the value of its work. The Ten also continued to attach importance to the question of missing persons in Cyprus and hoped that recent developments would allow substantive work to begin in the matter.

29. The Ten believed that lack of an adequate response to known or alleged violations of human rights could seriously undermine the credibility of United Nations human-rights efforts. They therefore urged all Governments to co-operate with the Commission in its study of human-rights violations.

30. With regard to violations of human rights in southern Africa, the Community had made clear their unequivocal condemnation of apartheid. In that connection, South Africa's new constitution failed to meet the aspirations of black South Africans for equal treatment and the demands of the international community for justice. The General Assembly had before it the progress report submitted to the Commission on Human Rights at its fortieth session which described developments during 1983 in South Africa and Namibia and testified to human-rights violations on a profoundly disturbing scale. The Ten deplored the recent violence which had resulted in considerable loss of life, and called once again on South Africa to release immediately and unconditionally all those imprisoned for their political beliefs and to cease taking repressive action against the political opposition. The Community also reiterated their view that the people of Namibia must be given the opportunity to exercise fully their human rights and fundamental freedoms, in particular the right to self-determination, in accordance with Security Council resolution 435 (1978).

31. The Ten expressed their profound concern at the continuing grave human-rights violations in the Islamic Republic of Iran, including violations of the right to life, physical integrity and freedom from torture and to freedom of thought,

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conscience and religion. The Ten urgently renewed their appeal to the Government of the Islamic Republic of Iran to adhere to its obligations under the International Covenant on Civil and Political Rights. It supported the appointment of a Special Representative of the Commission on Human Rights to make a thorough study of the human-rights situation in the Islamic Republic of Iran and urged the Government to extend its co-operation to the appointee.

32. The Ten were deeply concerned that the Soviet occupation of Afghanistan continued to deprive the Afghan people of their right to self-determination and had also led to other grave violations of human rights, such as arbitrary executions and torture. The intensification of military efforts against the resistance had resulted in civilian casualties, destruction of villages and crops and the plundering of natural resources. The growing international concern about human-rights violations in Afghanistan had been demonstrated by the Economic and Social Council's decision to appoint a Special Rapporteur to examine the human-rights situation in Afghanistan with a view to formulating proposals which could contribute to ensuring full protection of the human rights of all residents of Afghanistan. The Ten regretted the Afghan Government's declared intention not to co-operate with the Special Rapporteur and urged it to reconsider its attitude.

33. The Community attached similar importance to the occupation of Kampuchea which, in addition to resulting in the denial of the right of the Kampuchean people to self-determination and the continuing violation of other human rights, had caused the departure of large numbers of refugees. In respect of both Afghanistan and Kampuchea, the Ten urged the Soviet Union and Viet Nam to comply with the relevant United Nations resolutions.

34. The Ten attached the greatest importance to all matters affecting the human rights of the population of the Arab territories occupied by Israel since 1967 and viewed with concern Israel's policy and practices in those territories, including cases of arbitrary arrest and detention, restrictions on freedom of movement and reports of the imposition of collective punishments on families and communities.

35. The Ten were deeply concerned that the situation of human rights in Chile had deteriorated in 1984. They deplored the increase of violence and strongly denounced the abandonment of dialogue between the Chilean Government and the democratic opposition in favour of measures which seriously prejudiced individual liberties. They were particularly disturbed to note that the right to life had been violated more frequently than in previous years and that repression of popular protest had again led to violations of the right to physical integrity.

36. The proclamation on 6 November 1984 of a state of siege deprived Chilean citizens, whose judicial guarantees had already been seriously restricted under emergency legislation, of the protection of the judicial system. The Ten were concerned that the right of Chileans to leave, re-enter and move freely within their country remained seriously restricted despite the return of a number of exiles. The efforts of the Government to strengthen legislative and administrative measures which enforced its denial of the central right of the people to take part in the political life of the country had unquestionably had adverse consequences on other basic rights and freedoms. The Ten regretted that the Chilean authorities

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had maintained their decision not to co-operate with the Special Rapporteur and renewed their appeal to those authorities to take urgent steps for the re-establishment of the country's traditional democratic order.

37. With regard to the human-rights situation in El Salvador, the Ten appreciated the fact that the Government had received the Special Representative and were encouraged by his judgement that, within the process of democratization, the issue of respect for human rights was an important element of government policy. The numbers of political murders and disappearances had shown a perceptible decline and there had been fewer allegations of torture. The number of political murders, however, remained a concern, and the persistent attacks by the armed forces on civilian non-combatants still caused large numbers of victims. The guerrilla forces had also committed serious violations of human rights, although on a lesser scale, and their attacks against the economic infrastructure of the country continued.

38. The treatment of the huge internally displaced population was causing growing concern and, in those circumstances, it was of utmost importance that the dialogue between President Duarte and the armed opposition should be vigorously pursued in order to put an end to the conflict through political means. A lasting improvement in the situation would require intensified efforts to bring the armed and security forces under full civilian control and to ensure a judiciary capable of investigating and punishing human-rights violations.

39. The Ten appreciated the fact that the Government of Guatemala had received the Special Rapporteur on the human-rights situation there. They were deeply concerned, however, by the high level of violence and at reprisals against civilians and urged the Government of Guatemala to demonstrate concern to solve cases of involuntary disappearances as a matter of policy and in accordance with due process and to publish the results. The fact that the great majority of the people of Guatemala could not exercise their economic, social and cultural rights to any adequate degree had weighed heavily on the indigenous and rural populations, who were frequently coerced into onerous and destructive civil-defence patrol duties and whose freedom of movement and residence was circumscribed by strategic considerations. The Ten urged the Government of Guatemala to take urgent steps to improve the human-rights situation.

40. Lastly, in the opinion of the Ten, a high commissioner for human rights, provided with a meaningful mandate, would meet the clear need for the United Nations to be able to deal with serious violations of human rights requiring urgent attention. The Ten looked forward to pursuing discussion of that matter at the next session of the Commission on Human Rights.

41. Mr. GEZER (Turkey) said that the question of migrant workers had assumed great dimensions and complexity, especially during the past two decades. The growth of the industrialized economies in the 1960s and the accompanying structural changes had considerably increased the phenomenon of migrant labour. However, it was only in recent years that the international community had become concerned about the humanitarian and social aspects of that phenomenon. Although a great deal of work had been carried out at the bilateral, multilateral and international levels, much remained to be done to help migrant workers and their families.

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(Mr. Gezer, Turkey)

42. Receiving countries, countries of origin and the specialized agencies should make every effort to give due consideration to the principle of equality of treatment and full enjoyment of human rights. In that connection, his delegation greatly appreciated the achievements of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families, and hoped that the Working Group would be able to complete its task.

43. Mrs. TIRONA (Philippines) said that the Committee should not concentrate on social issues in isolation from the economic questions covered by the report of the Economic and Social Council. Instead, it should establish a clear, direct link between human rights, poverty, hunger, disease and illiteracy on the one hand, and the questions of survival and development as well as the interdependence of States on the other. In order to fulfil the mandate of the United Nations Charter, it was imperative to adopt an egalitarian approach to socio-economic development. The Philippines viewed egalitarianism as the key to fulfilling the aspirations of peoples for self-determination and social justice. That ideal assumed that all were born equal. In practice, however, what worked against the realization of human potential were institutional arrangements that denied people the opportunities to develop to the fullest extent possible.

44. The Philippines supported the equitable and full participation by all countries in the formulation and application of all decisions in the field of development in order to effect significant changes in the structure of the existing international economic system on the basis of justice and the full and permanent sovereignty of States over their resources and economic activities. Development should be measured not only in terms of economic growth and gross domestic product, but also in terms of improvement of the quality of life and the living conditions of people. That meant reaching out to every individual, particularly the poorest and the most disadvantaged sectors of the community, namely, women, youth, the disabled, the aging, the homeless, the unemployed, the sick, the malnourished and the illiterate. The Philippines was currently implementing programmes to raise national productivity and to achieve self-reliance.

45. The challenge to political leadership was not merely to promote and preserve the genuine democratic processes which depended on the exercise of the freedoms of speech, the press and assembly, but also to establish the credibility of government as an institution working for the welfare of the majority, not just a few. Credibility was determined by the availability of jobs and opportunities such as education and social services, particularly to the poor. The Philippines believed that a legitimate Government was one which conducted interaction between the rich and the poor and the various sectors of the society in a spirit of justice and fair play. In that regard, the Philippines remained committed to a free enterprise economy and respect for the dignity of the human person. To that end, it had adopted a new approach in primary health care in order to provide universal basic health care. In addition, there had been substantial gains in expanding educational opportunities throughout the country. The national aspirations of the Philippines for the year 2000 involved the attainment of political stability through improvement of the social, political and economic environment and improvement in its relations with the family of nations on the basis of sovereign equality.

The meeting rose at 5.10 p.m.