

31. Turning to consideration of the action to be taken by the United Nations to put an end to gross violations of human rights, she expressed her delegation's support of the views expressed in section XI of the Introduction to the Report of the Secretary-General on the Work of the Organization (A/9601/Add.1), concerning the efforts which should be made to ensure the protection and advancement of human rights. The means available to the United Nations for the implementation of principles and norms were certainly inadequate, considering the harsh realities of the world; only the Committee on the Elimination of Racial Discrimination operated on a permanent basis. The establishment of *ad hoc* bodies to study specific situations seemed to contribute more to the collection and dissemination of new information and the mobilization of public opinion than to the solution of particular problems. Three courses of action should be taken to strengthen the role of the United Nations. There should be early consideration of alternative approaches and ways and means of strengthening the role of the United Nations, as provided for in

General Assembly resolution 3136 (XXVIII); there should be full and speedy application of the procedures for dealing with communications, as established by Economic and Social Council resolution 1503 (XLVIII); and there should be wide utilization of reliably attested information from all sources, including non-governmental organizations, as indicated in resolution 7 (XXVII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/9767, annex I).

32. The first course of action would be followed at the thirtieth session of the General Assembly, and it should be carefully prepared by the Secretary-General. With regard to the second course of action, she drew attention to the statement in the introduction to the report of the Secretary-General concerning the value of a discreet approach to Governments on humanitarian grounds.

The meeting rose at 12.05 p.m.

2065th meeting

Tuesday, 15 October 1974, at 10.50 a.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2065

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections D to F), IV (section J), V (sections A to C, D, paragraphs 436 to 478, 487 to 492 and 494 to 506, and E), VI (sections A.1 to 5 and 7, E and G) and VII (sections 1 to 3)] (*continued*) (A/9603, A/9637, A/9707, A/9733, A/9764, A/9767, A/9785, A/C.3/L.2106-2108, A/C.3/XXIX/CRP.1)

1. The CHAIRMAN announced that Ecuador had become a sponsor of draft resolution A/C.3/L.2106.

2. Mr. LÜTEM (Secretary of the Committee) noted that the representative of the Netherlands, in introducing draft resolution A/C.3/L.2106, had, with a view to facilitating the work of the Committee, requested the Secretariat to circulate as a conference room paper the text of the draft principles on freedom from arbitrary arrest and detention, and to make available copies of the *Study on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile*.¹ Although the study, being out of print, could not be provided to the Committee, the Secretariat had been able to circulate the revised text of the draft principles in document A/C.3/XXIX/CRP.1 which reproduced the introduction and part I of a note² by the Secretary-General which had been before the Commission on Human Rights at its twenty-seventh session.

3. The CHAIRMAN drew attention to the draft resolution contained in document A/C.3/L.2107, concerning the

protection of human rights in Chile, and announced that Belgium had become a sponsor of that resolution.

4. Mr. ETUK (Nigeria), referring to the report of the Secretary-General (A/9733), expressed his delegation's sympathy with the people of the drought-stricken areas of Ethiopia and the Sudano-Sahelian region. The drought in that region had affected four of Nigeria's states badly but through the concerted efforts of the Nigerian Government and of private citizens in the rest of the country its effects had been mitigated. It had therefore not been necessary for Nigeria to apply to the international community for assistance. However, in response to the United Nations appeal, the Nigerian Government had donated over \$4 million in cash to six countries of the Sudano-Sahelian region and had also donated food-stuffs at a total cost of \$1 million, excluding transportation. By 22 June 1974, over 22,000 tons of relief supplies from international organizations had been transported through Nigeria to the affected countries. The Nigerian Government had provided priority berthing, loading and storage facilities free of charge for all ships carrying relief supplies, had rendered assistance in the loading and unloading of relief consignments at airports and had made available road and rail transportation. In addition, the Nigerian Government had made donations directly to the relevant United Nations agencies.

5. The experience of the drought had highlighted the importance of pre-disaster planning and preparedness, as indicated in the report of the Secretary-General on assistance in cases of natural disaster and other disaster situations (A/9637). Prevention was better than cure, and there was a

¹ United Nations publication, Sales No. 65.XIV.2.

² E/CN.4/1044.

need to formulate a long-term programme making use of the science and technology at the disposal of the developed countries. His delegation therefore welcomed the recommendation contained in the report of the Advisory Committee on the Application of Science and Technology to Development entitled *The Role of Science and Technology in Reducing the Impact of Natural Disasters on Mankind*³ on the need to carry out scientific research into the causes of natural disasters. It also welcomed the fact that the Advisory Committee had proposed further action in the areas of tropical cyclones and floods and tropical storms. It suggested that the subject of drought should be added to the list of proposals for serious research so that there would be no repetition of the Sudano-Sahelian or Ethiopian disasters.

6. His delegation wished to congratulate the sponsors of Economic and Social Council resolutions 1841 (LVI) to 1847 (LVI) and reserved the right to comment on each of those resolutions at a later date.

7. His delegation welcomed the fact that the year 1975 had been designated International Women's Year (General Assembly resolution 3010 (XXVII)) in recognition of the importance of the contribution of women to the development of mankind. His delegation believed in human dignity and held that all human beings were equal under the law, that they were endowed with reason and conscience and that they possessed inalienable rights. It supported the Council's decision, in its resolution 1851 (LVI), to request the Secretary-General to convene an international conference at Bogotá in 1975, and urged Member States to contribute generously to the fund for the Year so that the Conference would be a success. It was pleased that those who had prepared the programme for International Women's Year, which appeared in the report of the Commission on the Status of Women on its twenty-fifth session,⁴ had adopted the theme of equality, peace and development, and it particularly wished to stress the importance of peace and development because it was convinced that they were essential to the achievement of equality. Women in Nigeria enjoyed the same conditions of service as men in the public as well as the private sectors. His delegation believed in equal development through education, and that could be achieved only in conditions of peace. It also welcomed the adoption of Economic and Social Council resolution 1856 (LVI). By means of communication, education and vocational training in industry and modern agricultural methods, women in rural areas could participate more effectively in the development of their countries. His delegation supported Economic and Social Council resolution 1857 (LVI) and hoped that International Women's Year would bring a significant change in the employment of women by the secretariats of organizations within the United Nations.

8. Mr. JANKOWITSCH (Austria) recalled that his delegation had been one of the sponsors of the text of General Assembly resolution 3059 (XXVIII), which had proved to be a major breakthrough in the handling within the framework of the United Nations of the sensitive issue of

torture and other cruel, inhuman or degrading treatment or punishment.

9. The large number of reports of political prisoners or other detainees being subjected to cruel treatment had caused growing concern among Governments, as reflected in statements made by responsible government officials at the current session of the General Assembly. At the present stage, only one course of action could be taken to combat that evil, namely, a joint effort to eradicate torture and all other cruel, inhuman or degrading treatment or punishment, wherever they occurred. His delegation considered that it would be one of the most positive achievements of the current session of the General Assembly if progress could be made towards that goal.

10. In his statement to the 2244th plenary meeting of the Assembly, the Austrian Minister for Foreign Affairs had reaffirmed his country's respect for human rights and its support for any action intended to promote them, as evidenced by its signature of the International Covenants on Human Rights on the twenty-fifth anniversary of the Universal Declaration of Human Rights. He had gone on to say that Austria was deeply disturbed to note the numerous cases of flagrant violations of human rights which continued to arise, particularly in the case of political prisoners, and that it therefore wholeheartedly endorsed all efforts undertaken within the United Nations to eliminate torture. It was accordingly a sponsor of draft resolution A/C.3/L.2106, which was intended to encompass the practice of torture in all its forms. In order to guarantee the broadest possible approach to the question, that text provided for the involvement of a number of United Nations bodies and specialized agencies. One of the major concerns of his delegation was dealt with in operative paragraph 6, which called for consideration of the question of torture and other cruel, inhuman or degrading treatment or punishment at the thirtieth session of the General Assembly. Such a provision was essential in order to ensure that the issue would not be lost sight of by the time the next session opened.

11. In conclusion, he expressed his delegation's hope that a consensus could be reached on the draft resolution under consideration, so as to stress the determination of the world community to eradicate torture and cruel, inhuman or degrading treatment, which were flagrant violations of the basic principles of the Charter.

12. Mrs. HEANEY (Ireland), referring to the Secretary-General's note in document A/9767, said that it was particularly useful to have up-to-date information on the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities which were reproduced in annexes I and II of that document. In that connexion, her delegation supported the request made at the 2064th meeting by the representative of Italy that the text of decisions of bodies meeting subsequent to the summer session of the Economic and Social Council should be made available to the General Assembly. In a more general context, she observed that the timely presentation of relevant documentation by the Secretariat was essential to the efficiency of the Committee's work, and her delegation felt that a specific request to that effect should be made to the Secretariat, as had been done in General Assembly resolution 3059 (XXVIII).

³ United Nations publication, Sales No. E.72.II.A.8.

⁴ *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 4, annex V.*

13. In his address to the 2243rd plenary meeting of the General Assembly, the Minister for Foreign Affairs of Ireland had referred to the problem of torture and the necessity for the world community to deal with it. Torture and other cruel, inhuman or degrading treatment or punishment were prohibited by many international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Among the regional instruments which prohibited the use of torture were the Declaration of the citizen's rights in the Arab States and countries, the American Convention on Human Rights and the European Convention on Human Rights. In addition, the General Assembly, in its resolution 3059 (XXVIII), had categorically rejected any form of torture. However, despite those prohibitions, there was reliable evidence that the practice of torture was increasing in some countries. That trend was all the more disturbing in that in some regions torture had appeared to have become a thing of the past, and it had been customary to use the word "mediaeval" in speaking of torture, as though it were unthinkable in modern society.

14. The first reason, then, why the world community should concern itself with the question of torture was that the practice was becoming more widespread. The second was that it was to be found in all regions of the world and under all types of political systems, though not necessarily in all countries. It seemed to be an expression of a basic human deficiency which could emerge in any civilization or country, regardless of its level of development. A third reason for concern about the subject was the development of techniques of torture simultaneously with the development of modern technology. One of the most sinister aspects of the modern use of torture was that its use could be more effectively hidden because of the superior technology available.

15. The use of torture was not confined to Governments. Allegations of the practice of torture had been made against some insurgent movements, particularly in cases involving hostages. Whatever the difficulties of international control in such cases, the international community could at least take measures aimed at the eradication of malpractices by or on behalf of sovereign Governments. It mattered not whether such practices were used as punishment for criminal offenders or political enemies, as a means of terrorizing people and thereby controlling dissent, or as a means of obtaining information. The practice of torture was equally reprehensible in all cases.

16. A dilemma which frequently confronted the Committee was the harmonization of the right of a sovereign State to be free from outside interference in its internal affairs on the one hand and individual human rights on the other. It was significant, however, that while some of the international instruments that had been mentioned permitted derogations from certain basic rights in the event of an extreme threat to the internal order of a State, the right not to be subject to torture was one from which no derogation was permissible in any circumstances.

17. The sponsors of draft resolution A/C.3/L.2106 believed that legal rules and procedures which were strictly and universally applied could make a valuable contribution to the eradication of torture. It was essential that any

person who might be responsible for the practice of torture at any level, including those responsible for the security of the State and the interrogation of political suspects, should be, and should know themselves to be, subject to the law. Under the draft resolution, available legal safeguards and remedies would be explored with a view to improving them where necessary and developing new international standards where appropriate. Police and security forces and related medical personnel should be encouraged to formulate and abide by internationally accepted professional codes which would effectively prevent their becoming engaged in practices amounting to torture or to cruel, inhuman or degrading treatment or punishment. Such professional standards were all the more desirable since torture degraded not only the victim but also the perpetrator.

18. The draft resolution under consideration focused on some first steps to be taken to deal with the practice of torture, rather than on its underlying causes. To that extent, it might be said to be too modest in its objectives. However, her delegation felt that the immediate need was to assuage the sufferings of the victims of such practices, without prejudice to treatment of the underlying malaise which caused the problem. The draft was thus pragmatic in approach, and, in order to ensure its universal applicability, it avoided any censure of, or any implied interference with, any particular régime or political or social system under which torture might be practised, since to single out one or more specific situations would be to ignore others and to weaken the impact of the instrument.

19. Mr. FIRN (New Zealand) expressed his Government's concern at the increasing reports of the practice of torture and its desire for concerted action to put an end to that evil. Moreover, it attached particular importance to the formulation of standard rules for the treatment of prisoners, and considered the search for new remedies, or the strengthening of existing remedies, to be the best method of dealing with the problem. In conclusion, he announced that his delegation had become a sponsor of draft resolution A/C.3/L.2106.

20. Lady GAITSKELL (United Kingdom) said that, as a member of the Economic and Social Council, the United Kingdom had already had an opportunity of commenting on the human rights questions dealt with in chapter V, section C, of the report of the Economic and Social Council (A/9603). Her delegation therefore reserved its right to intervene subsequently concerning the item under consideration and proposed to concentrate at the current stage on the note by the Secretary-General on the question of torture and other cruel, inhuman or degrading treatment or punishment (A/9767).

21. In one respect that note was encouraging. The previous year, on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights, it had not been easy to decide which aspect of human rights should be singled out, and her delegation found it appropriate that the Committee had focused on torture, since science had made possible an increase in the degree and range of torture and intensified the violation of human rights. Her delegation was therefore pleased that, by its resolution 7 (XXVII), the Sub-Commission on Prevention of Discrimination and Protection of Minorities had decided annually to review the question of torture.

22. All members of the Committee were aware that torture existed throughout the world and was not just a twentieth-century phenomenon. From time immemorial Governments had practised torture on religious and political grounds to make their subjects conform and in order to assert their power. Individuals had used their force to elicit information and obtain confessions to justify their insane cruelties. Accordingly there was a need for co-operation to secure the universal prohibition of torture. However, the greatest obstacle to be overcome in order to attain that goal was the fact that the perpetrators of such crimes hid their action from the outside world, and their victims, who were secretly incarcerated on baseless charges, did not always survive to tell about their experiences. The main weapon and defence against such practices was an open society, where the Government itself was open and could be changed peacefully; where the executive was open to questioning and scrutiny from the legislature; where the police force and army were not answerable solely to themselves; where the Government was subject to the rule of law and its legal actions could be interpreted by an independent and impartial judiciary in the light of laws which were published and known, laws which respected the rights of individuals. Moreover, it was not possible to begin to reduce and eliminate the practice of torture without publicizing it, which was easily done in a society where there was freedom of information and movement. Therefore, journalists—both friendly and hostile—must have freedom of access to prisons and courts. International condemnation was but a palliative. In order to decrease the incidence of torture in the world, there was a need for international co-operation for purposes of scrutiny and exposure, and, in that connexion, perhaps the most practical approach would be to examine some of the conditions which led to acts of torture.

23. While her delegation whole-heartedly supported the draft resolution in document A/C.3/L.2106, it had slight misgivings about the proposed role of the Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders, the main purpose of which, as its title indicated, was the study of crime and criminals in the conventional sense. It was usually political prisoners and detainees who were subjected to torture, and they were not criminals in the ordinary sense of the word. Her delegation considered that it would be regrettable if the provisions of the draft resolution led to a politicizing of the Congress, since that would reduce its usefulness as a forum for exchanging ideas on the prevention of crime and the treatment of offenders. Nevertheless, it hoped that the Congress would heed the requests addressed to it in the draft resolution, without prejudice to its principal tasks.

24. Mr. GRAEFRATH (German Democratic Republic) said that his delegation welcomed the Committee's decision to devote a substantial amount of time to consideration of the report of the Economic and Social Council. The part dealing with the report of the Commission on Human Rights (A/9603, chap. V, sect. C.2) referred to a number of very important resolutions, some of which deserved comment at the current stage. Council resolution 1867 (LVI) on the question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights was based on the

extensive study by the Special Rapporteur of the Commission on Human Rights, Mr. Ganji, whose report⁵ was a compilation of very important material on that subject. His delegation had been impressed by the abundance of facts and ideas contained in the report, and welcomed the proposal that the Commission on Human Rights should regularly deal with the subject at each of its sessions. That proposal should be taken into account in the context of the long-term planning of the Commission's work.

25. A second resolution to which his delegation attached particular importance was Council resolution 1864 (LVI), paragraph 1 of which expressed the view that the States giving assistance to the racist and colonial régimes in southern Africa were accomplices of those régimes in respect of their criminal policies of racial discrimination, *apartheid* and colonialism. That statement marked an important step forward. It established the international responsibility of those Powers which paid lip-service to the right of peoples to self-determination while financing the actions of those who suppressed that right. The German Democratic Republic had shown its support for the principle of self-determination in deeds as well as in words. As in the past, it would continue to work energetically for the implementation of the right to self-determination of oppressed peoples. His country maintained no relations whatsoever with South Africa or Rhodesia and supported and would continue to support the liberation movements of all peoples fighting for their independence. That support was based on the fact that the right to self-determination had been realized in the German Democratic Republic. The German Democratic Republic resolutely opposed any attempt to invoke the right to self-determination as a means of changing frontiers in Europe.

26. He recalled that Hitler's party programme had claimed the right to self-determination for all Germans. The German imperialists had derived from that their slogan "*Alle Deutschen heim ins Reich*" (All Germans United in the Reich). That had at first been claimed as peaceful change. Self-determination had been used as a pretext for the annexation of Austria and of Czech territories, followed by the annexation of Polish territories and Alsace-Lorraine and leading to the outbreak of the Second World War. The German Democratic Republic, having emerged from the struggle against German imperialism, would not allow that claim to be misused again in that way. Any attempt to use the right to self-determination as an instrument against the sovereignty and territorial integrity of other States was inconsistent with the right itself, which was one of the basic principles of contemporary international law.

27. He noted in that connexion that Article 55 of the Charter of the United Nations expressly called for the promotion of universal respect for, and observance of, human rights and fundamental freedoms with a view to the creation of conditions of stability and well-being which were necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination. His delegation believed that it was not helpful to the oppressed peoples to raise questions in the United Nations which diverted attention from the

⁵ E/CN.4/1108 and Add.1-10 and E/CN.4/1131 and Corr.1.

fundamental problems of the struggle for self-determination. It was essential to mobilize the full potential of the United Nations to ensure the observance of all its resolutions concerning the right of peoples to self-determination and to eliminate once and for all every form of imperialist colonial rule.

28. As could be seen from the report of the Economic and Social Council, both the Commission on Human Rights at its thirtieth session and the Council at its fifty-sixth session had dealt in detail with the violation of basic human rights in Chile. In its resolution 1873 (LVI) the Council had expressed serious concern about the reported violations of human rights in Chile, particularly those involving a threat to human life and liberty, as well as concern for the protection of persons whose lives were in imminent danger. That resolution had called upon the Government of Chile to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms in Chile. The German Democratic Republic had supported that resolution and had on many other occasions protested against the inhuman acts of terror of the military junta in Chile. In his statement to the 2243rd plenary meeting of the General Assembly, the Acting Minister for Foreign Affairs of the German Democratic Republic had observed that the military junta in Chile was continuing the cruel suppression, torture and assassination of patriots, in brutal violation of human rights, and that its actions created a dangerous source of tension in Latin America and challenged international public opinion as a whole; he had further suggested that the twenty-ninth session should vigorously demand the restoration of human rights and democratic freedoms in Chile.

29. The continued systematic and massive violations of human rights in Chile had given rise to protests by many international organizations, States and individuals. At its fifty-ninth session, the International Labour Conference had by its resolution X⁶ expressed its deep concern at the gravity of the situation in Chile with regard to the arrest, execution and deportation of trade unionists, violation of human and democratic rights, dissolutions of trade union organizations and restrictions on the right to organize and to collective bargaining. The Conference had urged the Chilean authorities, *inter alia*, to cease violations of human rights and trade union rights; to close down the concentration camps in which workers and trade union leaders were interned for political reasons; to repeal the repressive legislation passed since 11 September 1973, so that the Chilean workers could fully enjoy democratic liberties and trade union rights; and to put an end to the torturing of trade union militants and leaders and punish those responsible for such inhuman activities.

30. In view of the fact that, despite such protests, the wave of terror was continuing in Chile, the International Commission of Enquiry into the Crimes of the Military Junta in Chile had adopted a statement in August 1974 which noted that many leaders of political parties had been subjected to arbitrary arrest for more than 10 months and that torture and other acts of violence had resulted in the death or complete physical breakdown of many prisoners.

⁶ International Labour Office, *Official Bulletin*, vol. LVII, No. 1, 1974, p. 40.

The International Commission had expressed the demand of world public opinion that the political terror should be ended in Chile, and called on the military junta, *inter alia*, to repeal all death sentences that had been passed, to release unconditionally all political prisoners, to end the state of emergency and the state of war, which were inconsistent with the Constitution, to cease making arbitrary and unjustified arrests and to ensure humane treatment for all political prisoners.

31. The most recent statements of the junta had confirmed that there existed a particularly great danger to the lives and health of the leaders of the Unidad Popular who were being detained arbitrarily. His delegation associated itself with the many demands that had been made for the release of Luis Corvalán, Clodomiro Almeyda and other Chilean patriots.

32. In view of the continued systematic and massive violations of human rights in Chile, which constituted a grave breach of the purposes and principles of the Charter of the United Nations, it was necessary for the General Assembly to join in the world-wide demand for the restoration of basic democratic rights in Chile, and to insist on the immediate release of political prisoners, especially the leaders of Unidad Popular.

33. Mr. LEHTIHET (Algeria), introducing draft resolution A/C.3/L.2108, concerning respect for human rights in Chile, recalled that the Third Committee had a long tradition of struggle in defence of human rights, that it had repeatedly drawn the attention of the international community to violations of human rights and, where appropriate, had drawn up programmes of action on that subject.

34. The sponsors of the draft resolution were grateful for the remarkable work accomplished by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Economic and Social Council, the ILO and UNESCO. The preamble to the draft resolution reiterated the concern expressed by those bodies at the alarming situation prevailing in Chile. He wished to make it clear that the draft resolution had been inspired by essentially humanitarian concerns. The sponsors had been guided by the purposes and principles of the Charter of the United Nations, which reaffirmed faith in fundamental human rights and in the dignity and worth of the human person. The language of the draft resolution seemed much stronger than that of document A/C.3/L.2107, but it should be borne in mind that it merely repeated the views already expressed by such bodies as the Commission on Human Rights with regard to the situation in Chile.

35. The sole purpose of the draft resolution was to alleviate human suffering and ensure that human rights were safeguarded in Chile in accordance with the principles of the Charter. The sponsors would welcome suggestions for improvement of the text and were confident that it would be adopted by a broad majority.

36. Mr. TRAVERT (France) said that, in the context of the consideration of that part of the Economic and Social Council's report which dealt with the report of the Commission on Human Rights (A/9603, chap. V, sect. C.2),

his delegation wished to clarify the most recent measures taken by the French Government on behalf of migrant workers.

37. The policy currently followed by his Government in that regard was designed to achieve three main objectives: in the first place, to strengthen efforts to combat clandestine immigration and illicit and clandestine trafficking in manpower by providing for more severe punishment of offenders; secondly, to persuade businesses to make greater contributions to the national immigration office; and lastly, to facilitate the adjustment of immigrants by providing for more generalized language courses and stepping up the construction of housing. It was also intended to make it easier for migrant workers to play a greater role in the activities of the businesses for which they worked.

38. In that connexion, he pointed out that the President of the French Republic, in a statement made on 10 October 1974, had declared his intention to follow personally the implementation of the programme aimed at improving the living conditions and promoting the cultural and social protection of migrant workers which had recently been adopted by the Government.

39. Mrs. CHOUDHURY (Bangladesh) said the fact that Bangladesh was a sponsor of draft resolution A/C.3/L.2106 was an indication of the importance her delegation attached to the subject-matter of the draft resolution. The prevention or elimination of the abominable practice of torture was not only a matter of grave concern to the world community, but constituted an integral part of its endeavour to secure and preserve the fundamental human rights of all people.

40. Torture and other forms of coercion could be successfully eliminated only when all peoples were guaranteed their fundamental political and civil rights. The Government and people of Bangladesh were unswervingly committed to upholding those rights and considered it their sacred obligation to humanity to raise their voice in favour of the common fight against oppression and torture.

41. Her delegation hoped that the draft resolution would obtain the unanimous and unequivocal support of the Committee.

42. Mr. ARÍZAGA (Ecuador) expressed regret that he had been unable to take part in the debate on the question concerning the elimination of racism and racial discrimination (item 53). He was convinced that the Committee would redouble its efforts to decapitate the hydra of racial discrimination and *apartheid*.

43. His delegation supported draft resolution A/C.3/L.2106 and hoped that it would be adopted unanimously.

44. Mr. POEDJIOETOMO (Indonesia) recalled that his delegation had been one of the sponsors of the texts adopted as General Assembly resolutions 3153 (XXVIII) and 3054 (XXVIII) on measures to be taken for the benefit of the Sudano-Sahelian region. Indonesia was doing all it could to assist in the implementation of those resolutions, and it had made a contribution to the FAO Sahelian Zone Trust Fund. Despite all the measures that had been taken,

the drought was still causing hardship and had spread into parts of Ethiopia; Economic and Social Council resolution 1878 (LVII) had been adopted in that connexion. His delegation was requesting the General Assembly to consider setting up machinery for natural disaster preparedness and for the storage of emergency stockpiles near disaster-prone regions.

45. It was commendable that the United Nations had established working relations with some of the specialized agencies and had undertaken joint projects with them, and that it had provided experts to advise Governments on disaster preparedness and to train personnel, although personnel were of no use if there were no supplies. However, most of the disaster-prone areas were located in Latin America, South-East Asia and parts of Africa where the majority of countries were in a developing stage and were not rich enough to pay for the services of experts or to implement their suggestions on the protection of the country from the most harmful effects of natural disasters. Once a natural disaster struck, the damage it caused jeopardized the whole economy of a nation. His delegation hoped that in the foreseeable future the United Nations would be more responsive and efficient in reacting and in mobilizing personnel, supplies and other materials before, during and after natural disasters in order to assist victims and to reduce hardship and damage by immediately implementing natural disaster preparedness programmes.

46. Mr. AL-QAYSI (Iraq) recalled that General Assembly resolution 3059 (XXVIII) on the question of torture had been a product of compromise by all concerned. However, the title of draft resolution A/C.3/L.2106 did not correspond to the wording adopted for the item by the Assembly, as the words "in relation to detention and imprisonment" in paragraph 4 of resolution 3059 (XXVIII) had been omitted. The phrase had formed part of the compromise worked out in the previous session, and it was clear from various references in the draft resolution and from its objectives that the context of torture was that of criminal law particularly in relation to detention and imprisonment. The omission should therefore be rectified.

47. He hoped that members of the Committee would be realistic about the question of torture. He pointed out that in countries with a codified system of laws judicial decisions had less prominence than in other countries so that there was no adequate source for the type of information sought in operative paragraph 1 (a). That problem had been encountered in all United Nations bodies when Member States had been requested to submit information on administrative, judicial and legislative measures.

48. There was a discrepancy between operative paragraphs 1 and 2; in operative paragraph 1 Member States were requested to furnish information for submission to both the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the General Assembly at its thirtieth session, while in operative paragraph 2 an analytical summary of the information received under paragraph 1 (a) and (b) was to be submitted only to the Congress and not to the General Assembly. The wording of operative paragraph 4 should be changed, as it presumably referred to the updating of the Standard Minimum Rules to include provisions pertaining to torture, the Standard

Minimum Rules for the Treatment of Prisoners⁷ themselves having already been elaborated. In operative paragraphs 4 and 5 the phrase “with the view to” should be changed to “with a view to”.

49. He had noted that none of the members who had spoken on the question of torture had defined the term, although the representative of the Netherlands had suggested a dual approach to the definition of torture. Although the Committee was not required to define the

concept of torture, it should bear in mind that at some stage the Congress on the Prevention of Crime and the Treatment of Offenders would have to work out a definition, as otherwise it would be unable to work out rules for the prevention of torture, and, moreover, the concept would be subjected to varying interpretations which would undercut the effectiveness of any preventive measures.

50. His delegation supported draft resolution A/C.3/L.2106, but hoped that its comments would be taken into account.

⁷ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

The meeting rose at 11.35 a.m.

2066th meeting

Tuesday, 15 October 1974, at 3.15 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2066

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections D to F), IV (section J), V (sections A to C, D, paragraphs 436 to 478, 487 to 492 and 494 to 506, and E), VI (sections A.1 to 5 and 7, E and G) and VII (sections 1 to 3)] (continued) (A/9603, A/9637, A/9707, A/9733, A/9764, A/9767, A/9785, A/C.3/L.2106-2108, A/C.3/XXIX/CRP.1)

1. Mr. SPEEKENBRINK (Netherlands) said that his delegation was not fully satisfied with the results of the thirtieth session of the Commission on Human Rights. That session had focused largely on questions of procedure, and the Commission had not really come to grips with the substance of many of the questions concerning human rights which had been before it. Procedural decisions were certainly useful, but frequent resort to procedural debates was an indication of a deep divergence of opinions and interests among Member States with regard to human rights; it was the lowest common denominator, a convenient solution to which Member States resorted when their views were too widely divergent and they were unable or unwilling to deal with problems of substance. That was the case with two questions which his delegation would like to see dealt with: the question of human rights and scientific and technological developments, and the draft Declaration on the Elimination of All Forms of Religious Intolerance. His delegation hoped that the Committee, when it came to discuss those questions, in its consideration of agenda items 56 and 54, would not shirk its responsibility and would examine them substantively.

2. However, certain procedural decisions of the Commission on Human Rights—which had been adopted by the Economic and Social Council at its fifty-sixth session—related in fact to substantive questions; that was true, *inter alia*, of decisions concerning the various aspects of the right to self-determination (see resolutions 1865 (LVI) and 1866 (LVI) of the Council), and the activities of the *Ad*

Hoc Working Group of Experts which was currently investigating the human rights situation in southern Africa (see resolutions 1868 (LVI) and 1869 (LVI) of the Council). Decision 16 (LVI) of the Economic and Social Council to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a working group composed of five of its members to study the question of slavery and the slave trade should also be noted. Mention should also be made of the decision of the Commission on Human Rights, subsequently endorsed by the Council (see decision 15 (LVI)), to establish a working group to examine before the following session of the Commission the information to be submitted to the Commission under Economic and Social Council resolution 1503 (XLVIII).

3. With regard to the delicate issue of violations of human rights, a distinction should be drawn between problems which were brought to the attention of the Committee by Member States or intergovernmental organs and which, as a general rule, were dealt with at public meetings, and cases reported to the Commission by individuals, groups or non-governmental organizations, which were dealt with in accordance with the procedure laid down in Council resolution 1503 (XLVIII). The situation prevailing in Chile posed problems in respect of the protection of human rights, which came within the first category. The Commission on Human Rights, the Economic and Social Council and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had expressed grave concern on the subject. His delegation profoundly regretted that the information reaching the Committee continued to indicate serious violations of human rights and fundamental freedoms in Chile. The International Labour Organisation had decided to undertake an inquiry into the matter. Statements from reliable sources, including the Catholic bishops of Chile, were far from reassuring and referred to practices which flouted human rights, in particular the infliction of torture and innumerable cases of arbitrary detention.