



SUMMARY RECORD OF THE 65th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
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1. Mr. DIEYE (Special Rapporteur on the situation of human rights in Chile), introducing the report on the situation of human rights in Chile (A/35/522), which had been prepared pursuant to paragraph 7 of Commission on Human Rights resolution 21 (XXXVI), said that despite a few encouraging signs the situation had not improved and indeed continued to deteriorate in many respects.
2. With regard to the methodology used to prepare the report, the most effective way of investigating the human rights situation in any country was, of course, to go to the country itself and investigate on the spot, but, if that was impossible, indirect means had to be used; in using such means the Special Rapporteur had not confined himself to a mere enumeration of reports from a single source, but had rather attempted to define the chief elements in the present situation without confining himself to reports from the Government itself. In the case of reports from other sources, he had tried to include only facts which were materially indisputable. Thus, the methodology precluded any possibility of bias; he regretted only the Chilean authorities' total lack of co-operation.
3. The report described the human rights situation in Chile within the framework of the general legal system of the country. It must be stated that since 11 September 1973 there had been an increasing accumulation of powers in the hands of the Junta, which at the present time exercised all the legislative and constituent powers. All previously existing institutions had disappeared, including the important Office of the Controller-General of the Republic. Political parties had been systematically dissolved. As a consequence of such a concentration of powers, the Junta had extended its influence to all spheres. Thus, a decree-law had recently been promulgated authorizing the security forces to detain for 20 days persons suspected of offences against the security of the State.
4. The plebiscite held on 11 September 1980 supposedly gave official sanction to the prevailing situation, though one wondered how, in the total absence of freedom or of any political parties, and the continuing state of emergency, the Chilean people could have been expected in less than a month to express itself on a question of such importance for its political future. In fact, not only did the draft Constitution specifically include the name of the future President for the next eight years, but at the end of that period it would be for the Junta itself to designate the candidate for succession to the Presidency.
5. The General Assembly should insist on the ending of the state of emergency, which was the fundamental cause of violations of human rights. For example, a decree-law of 20 January 1980 authorized the Executive to order enforced residence in a specified locality of the national territory for a period of three months in respect of any person behaving subversively.

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6. Political rights in Chile were non-existent and the present Constitution prohibited the holding of public office by any person sympathizing with totalitarian political parties, advocating class struggle, or attacking the social order.

7. With regard to the right to life, liberty, physical and moral integrity and security of person, all who expressed opinions against the régime continued to be in danger of being detained or kidnapped. The situation in the prisons was still very serious and political prisoners continued to be held, despite the authorities' statements to the contrary. The General Assembly should insist that persons guilty of torture were brought to justice.

8. The leading part played by the Catholic Church in the defence of human rights must be acknowledged, and the United Nations had on several occasions expressed its gratitude to the Vicaría de la Solidaridad.

9. There could of course be no repression without the requisite supporting security services and in that respect the activities of the present National Information Centre differed very little from those of the late DINA. Matters would be improved if the various judicial authorities actually performed their task of safeguarding individual human rights, but the Judiciary had given up any attempt to exercise jurisdictional control.

10. The Chilean Government should establish the whereabouts of missing persons and determine the responsibility of those who caused the disappearances. As to the right of persons to return to Chile, the Chilean Government seemed to have forgotten the international obligations which it had assumed by ratifying the International Covenant on Civil and Political Rights. Although it had been in power for seven years, it continued to prevent Chilean citizens from returning to their own country.

11. Similarly, the Chilean people continued to be deprived of the right to freedom of information and free expression. That was all the more regrettable because Chile was a country with a broad democratic tradition. Trade union rights were trampled on with impunity and trade unionists were prosecuted and imprisoned. The people were deprived of their economic, social and cultural rights. The Mapuches, an indigenous group, were particularly hard hit. Instead of respecting and developing their identity, the Government was systematically trying to assimilate them.

12. The General Assembly should consider what measures would most effectively put a stop to such massive, systematic and flagrant violations of human rights, which must be a matter of concern to the whole international community.

13. Mr. YOGOGLU (Turkey) said that nearly one million Turks were working abroad and it was therefore natural that his country should have a keen interest in migrant workers. Moreover, the dimensions of the problem were global and therefore warranted the attention of the international community as a whole. It was against

(Mr. Logoglu, Turkey)

that background that the Turkish delegation had closely followed the discussions of the Working Group to elaborate an international convention on the protection of the rights of all migrant workers and their families, and had done its best to participate in its work.

14. The Working Group's labours had provided Member States and the appropriate international agencies with a basic framework for future phases of the undertaking. Moreover, he acknowledged with gratitude that despite the legitimate concern of some receiving States, and differences of emphasis among the sending countries, there was nevertheless unanimity of opinion on the usefulness of an international convention on migrant workers. The General Assembly had already expressed its will in the matter in its resolution 34/172, and it was important to emphasize that fact.

15. The convention should address itself to all aspects and dimensions of the question of the rights of migrant workers and their families, without prejudicing the competence of pertinent international bodies, particularly the International Labour Organisation. However, some overlapping with existing international, regional or even bilateral instruments could not be completely avoided. The proposed convention should serve as a source of inspiration or perhaps as an ideal target for approximation by international instruments of less than global scope and also by regional and bilateral agreements. In short, the convention should be comprehensive and universal and address itself to the total reality of the lives of migrant workers and their families. One of the points that had emerged clearly in the discussions of the Working Group had been that the convention should in no way adversely affect the rights of migrant workers and their families already acquired under bilateral or regional agreements or other existing instruments.

16. It went without saying that the migrant worker must obey the laws and regulations of the receiving country, and that the sending country must try to equip its citizens accordingly as far as its means allowed. It was often the case that a migrant worker failed to abide by the laws and regulations of the receiving country owing to circumstances beyond his control. Frequently, he could not speak the language of the receiving country and had no job security, there was no proper education or meaningful employment for his children, and the process of cultural adjustment was difficult. His economically precarious position was compounded by psychological insecurity. In his delegation's view, the receiving country and the sending country must co-operate in that respect to find proper employment for migrant workers, give them language instruction and vocational training, and provide them with decent living conditions and especially proper housing.

17. The proposed convention should also give due importance to the family of the migrant worker, transfer of funds to the home country, family and children's allowances, and social security benefits.

18. It was in that spirit that the Turkish delegation had decided to co-sponsor the draft resolution prepared by Algeria (A/C.3/35/L.85), which properly reflected the existing state of affairs. For the time being, he wished to emphasize once again that the task of drafting an international convention on migrant workers

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(Mr. Logoglu, Turkey)

should be the fruit of the common effort of both sending and receiving countries. It should reflect cognizance of the fact that the migrant worker was a bridge connecting different cultures and values, and contributing to both the receiving and the sending country at the cost of considerable stress to himself. The proposed convention should be the result of a consensus and of the shared concern of all parties, thus attesting to the noble aspirations of mankind for its own members.

19. Miss BROSNAKOVA (Czechoslovakia) said that seven years had passed since the Chilean armed forces had overthrown President Allende and halted the process of democratization and social change which had brought hope to Chilean workers. During the coup, which had been orchestrated to defend the interests of the Chilean oligarchy and the copper monopolies of the United States, 30,000 workers, students and peasants had died, 100,000 Chileans had been imprisoned and tortured, and more than 1 million Chilean nationals had left the country.

20. The wave of terror was continuing, and in the first six months of 1980, 1,280 Chileans had been illegally detained, 77 had been sent to remote areas of the country, and 217 teachers had been dismissed from their posts. The return of emigrants was not permitted on the pretext that they were a threat to national security. In co-operation with the international monopolies, the small group in power was growing steadily richer at the expense of the workers, who were suffering every kind of shortage.

21. Nevertheless, resistance to the Fascist régime was growing, despite the slaughter and the threats. World pressure must be applied to isolate the Fascist Junta and support the anti-Fascist forces. The international community could not recognize the validity of the plebiscite under which the new Chilean Constitution had been adopted. That false referendum had taken place during the state of emergency, after a demagogic propaganda campaign and the threat of punishment for anyone failing to participate in the elections.

22. The Government and people of Czechoslovakia announced their solidarity with the struggle of the Chilean people against the Fascist régime. Czechoslovakia was familiar with such evils, for it had been one of the first victims of German fascism. Since the violations of human rights in Chile were continuing, it was important to extend the mandate of the Special Rapporteur and maintain the item on the agenda of the next session of the General Assembly.

23. Mr. MALAFATOPOULOS (World Health Organization) reporting on developments in WHO concerning drug dependence and abuse, said that WHO's activities had been undertaken in response to resolutions WHA 26.52 and WHA 28.80 of the World Health Assembly and resolutions 32/124 and 34/177 of the General Assembly of the United Nations.

24. Article 20 of the 1971 Convention on Psychotropic Substances and the 1972 Amendment to the 1961 Single Convention on Narcotic Drugs had given WHO an increasing role in respect of the treatment and rehabilitation of drug-dependent

(Mr. Malafatopoulos, WHO)

persons, the training of professionals and the promotion of a better understanding of problems connected with drug abuse. In all those activities, the major emphasis had been on collaboration with and among member States, on the development of national policies and activities concerning prevention and control of drug-dependence problems, and on the epidemiological studies and other research necessary to obtain valid information for the development of national and international problems in that area. In these efforts, WHO had continued to collaborate with other organizations of the United Nations system and with governmental and non-governmental bodies.

25. At the beginning of 1980, the World Health Assembly had adopted resolution WHA 33.27 on abuse of narcotics and psychotropic substances, the most important provisions of which might be of interest to the Committee. In its resolution, the World Health Assembly, after noting the request of the General Assembly in resolutions 32/124 and 34/177 that the World Health Organization and other United Nations bodies should implement drug abuse control programmes within their mandates, affirmed that drug abuse constituted a growing hazard for developing nations as well as industrialized countries and urged member States to devote more attention to the incidence of drug abuse in their own societies, their regions and the world community.

26. The resolution of the World Health Assembly also drew attention to the disruptive effect that drug abuse had on the lives and future careers of young people, and requested the Director-General of WHO to foster the collection, processing and dissemination of information on that problem to collaborate with member States in integrating drug abuse programmes into their primary health care programmes, and to promote and strengthen national and international programmes through the development of appropriate guidelines in consultation with the Division of Narcotic Drugs, the International Narcotics Control Board and other United Nations organs concerned. The resolution also requested the Director-General to seek additional funds from governmental and non-governmental sources for the support of new WHO programmes in that field, and, among other things, instructed him to strengthen the co-ordination between the WHO programmes relating to narcotic and psychotropic substances, those dealing with drug policy and management, and other related programmes.

27. In addition, in September 1980, WHO had convened an expert committee on the implementation of the 1971 Convention on Psychotropic Substances, at which the methodology for obtaining data on the public health and social problems associated with drug abuse in general and with psychotropic substances in particular had been reviewed. In the light of those and other experiences, it was to be hoped that through increased action in that respect by national Governments and by the international community, and through intensified technical co-operation at the regional and international levels, further significant progress could be achieved in the campaign to reduce the severe health and social problems caused by drug abuse.

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28. Mr. ADOSSAMA (Director, Liaison Office of the International Labour Organisation) said that the International Labour Organisation, which represented not only Governments but also States and workers, was in a position to give particularly effective support to measures taken by the organizations of the United Nations system to strengthen international co-operation for the establishment of a new, more just and humane world economic and social order.

29. In the first instance in its Constitution of 1919, and subsequently in the Declaration of Philadelphia in 1944, ILO had included in its fundamental principles the recognition that labour was not a commodity, and that freedom of expression and of association were essential to sustained progress. The Philadelphia Declaration also established that all human beings, irrespective of race, creed or sex, had the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

30. Trade union rights were a practical aspect of freedom of association and as such were included in article 23 of the Universal Declaration of Human Rights, in the International Covenant on Economic, Social and Cultural Rights, in the International Covenant on Civil and Political Rights and in ILO Conventions Nos. 84 and 87. Convention No. 87, which had been ratified by 92 States, constituted the fundamental instrument for international protection of the freedom of association.

31. With respect to equality of opportunity and treatment, ILO, on the basis of its Constitution, sought to give special protection to groups confronted with particularly serious forms of discrimination, such as women, foreign workers, migrant workers, workers in rural areas and the like, who did not always enjoy the full range of benefits to which they were entitled. In that connexion, he stressed the importance of the Convention adopted by ILO in 1951 relating to equal pay for equal work. With respect to migrant workers, who were to be found in virtually every State, ILO had numerous Conventions which established their rights to social security on a footing of equality with nationals of the countries in question. Both Convention No. 97 of 1949 and Recommendation No. 86 made it mandatory to grant foreign workers, without discrimination on grounds of nationality, race, creed, or sex, treatment no less favourable than that afforded to national workers in areas such as working conditions, trade union rights and social security.

32. In 1975 ILO had adopted Convention No. 143 referring to migrant workers, and more specifically to migrations in abusive conditions. Convention No. 111, adopted in 1958 and ratified by 98 States, dealt with all types of employment - in the public and private sectors - and with self-employed professionals or salaried staff, and covered vocational training and access to particular occupations, without discrimination.

33. In that connexion, it was important to stress what was happening in South Africa, where the anti-apartheid struggle had a special place in anti-discrimination activities, since apartheid was a deliberate policy implemented by a Government which, on racial grounds, systematically refused to recognize the rights of the majority populations in that part of southern Africa. As early as 1964, the

(Mr. Adossama, ILO)

International Labour Conference had unanimously adopted a Declaration concerning the policy of apartheid of the Republic of South Africa, and ILO had set up a programme for the elimination of apartheid in employment and to ensure equality of opportunity, the abolition of forced labour, and trade union freedom in South Africa.

34. Dignity and economic security, fundamental concepts of the Declaration adopted at Philadelphia, had found practical expression in ILO activities. However, bearing in mind the statement which the Deputy Director-General of ILO had made at the most recent session of the Economic and Social Council held at Geneva, referring to the gravity of the situation with regard to unemployment and the impoverishment of the masses, he wished to draw the Committee's attention to the need to increase resources for programmes to promote employment and social progress. In that respect, stress should be laid on the need to ensure coherence between international policies and national objectives.

35. The Director-General of ILO, Mr. Francis Blanchard, in a statement to the eleventh special session of the General Assembly on 28 August 1980 drawing attention to the alarming situation which the world was facing as a result of unemployment, had stated that 455 million workers throughout the world were unemployed or underemployed, and that before the end of the century it would be necessary to create 1 billion jobs to ensure full employment, 880 million of them for the third world. The jobs would for the most part be required for young people, of whom there were currently 850 million between the ages of 15 and 25.

36. As various speakers had already stated in the Committee, the world social situation was disquieting both at the international level of relations between peoples and within the various countries, where the disparity between the incomes of different social sectors was excessive and could become a source of serious tension. The imbalance between the various parts of an individual country also deserved special attention and required the adoption of new investment policies which would take special account of the rural areas where most of the poor lived. ILO was co-operating with most of the specialized agencies of the United Nations system in seeking to meet the needs in that area.

37. While the world was being engulfed in a flood of fine words, acts of the most ignoble and absurd kind were being committed. Religions were giving way to the excesses of political ideologies. The more talk there was about peace, the more preparations were stepped up for a war which would entail the destruction of the human race. It was every man for himself, without any concern for the higher interests of the nation. Impatience, inflamed by envy, was the general rule. Everyone wanted to have everything, and to have it immediately. Any remedy which came about through the actions of Governments and of the international community could be only partial. The rest had to be the responsibility of the individual. Every action, good or bad, had immense repercussions: it influenced the subconscious, and contributed to shaping the destiny of the individual. Society, in turn, reflected the moral standards of the individuals of whom it was comprised. Mutual love would lead humanity towards brotherhood and universal love.

38. Mr. LÄMMERZAH (German Democratic Republic) said that although a year had elapsed since the adoption of General Assembly resolution 34/179, which called upon the Chilean authorities to restore and guarantee basic human rights and fundamental freedoms, the Junta had not only ignored the resolution but had made the situation worse by stepping up its policy of terror and its repressive activities. The report of the Special Rapporteur entitled "Protection of human rights in Chile" (A/35/522), which was before the Committee, showed that the tendencies noted in the preceding report had grown stronger and been sharpened and that the terrorist rule in Chile was being institutionalized.

39. With regard to the situation in the Republic of Korea, where violations of human rights had assumed alarming proportions, his delegation shared the view of the Democratic People's Republic of Korea and demanded the immediate restoration of human rights in the Republic of Korea.

40. In the plebiscite held on 11 September 1980 in Chile - which had been no plebiscite but an act of terror - a constitution which was nothing but a macabre joke had been put before the people, who had been forced to vote on pain of imprisonment, in a climate of increased repression. In view of the circumstances under which the referendum had been held and considering the character of the document which was praised as a constitution, the whole act of pseudo-legitimation could only be regarded as null and void.

41. The large-scale raids by police and security forces, the interrogations of patriots without a magistrate's order, the deportation of progressive forces to distant parts of the country and torture testified to the gravity of the situation in Chile in 1980 and to the continued violation of human rights. The terror exercised by the Junta was directed, in particular, against Chile's working people and the Chilean trade unions as the representatives of their interests. The CUT, which was the banned association of trade unions in Chile, had addressed an official complaint to ILO in March 1980. The Governing Body of ILO had dealt with the matter immediately and had decided to send an official commission of inquiry to Chile in order to determine the extent of the terror exercised against the trade unions and the working people; that terror was illustrated by such developments as the enactment of the Decree-Law of February 1980 by which the Junta could order the expulsion from the country of trade unionists causing disturbances without bringing them before the courts, the prohibition of all celebrations on 1 May and the arrest of workers to prevent them from participating in demonstrations on that day or for having participated in them. His delegation believed that the United Nations and ILO should increase their co-operation in the struggle against the Junta's terror.

42. While people were being tried for making elementary humanitarian demands, the lawsuit filed against eight carabineros guilty of murdering 15 farmers in Lonquén had been ordered discontinued. Moreover, the Junta had still not made any serious effort to provide information on the whereabouts and fate of the 2,500 patriots who had been arrested for political reasons by the Junta after 1973 and deported to unknown locations. Therefore the provisions of paragraphs 6 and 7 of resolution 34/179 remained valid. It was imperative that the General Assembly should continue,

(Mr. Lämmerzahl, German Democratic Republic)

as a matter of urgency, the activities aimed at restoring human rights in Chile and at opposing the Fascist system in that country. The Government and people of the German Democratic Republic had always demonstrated their solidarity with the Chilean people and would continue to support their just struggle. The increasing number of acts of bravery on the part of the Chilean patriots inspired confidence that the struggle for the restoration of democracy in that country would continue to gain strength. International solidarity with them in that struggle was of the greatest importance.

43. Miss CAO-PINNA (Italy) said that the Third Committee was considering social development in a fragmented manner without relating it in any way to the significant event constituted by the approval of the International Development Strategy for the 1980s. Although at past sessions of the General Assembly the hope had been expressed that the Second and Third Committees would maintain a functional relationship in their work concerning development questions, the two Committees continued to work as totally independent bodies, ignoring one another. That lack of communication between the two bodies was also reflected in the work on individual population groups such as women, children and the elderly, and it was even more serious where the over-all goals of social development were concerned, since they involved the whole of society in all its components, including the structure of the economy, income distribution, the participation of the people in the development process and in decision-making processes, and the structure and functioning of all institutions.

44. Social development rejected not only the concept of development as purely economic growth but also the concept of development as economic growth plus progress in individual social sectors. Social development called for justice and participation, which required the removal not only of "external" economic obstacles - which was the goal of the New International Economic Order - but also of "internal" obstacles through an enlightened social policy which, in turn, required political will for its conception and implementation. Nevertheless, from a first reading of the recently adopted International Development Strategy it might seem that it attached greater importance to economic growth than to social development for it was only after considering economic goals and objectives that the Strategy stated, in paragraph 42, that "development is an integral process embodying both economic and social objectives" and that the "national development plans and targets of the developing countries should be formulated on the basis of a unified approach to economic and social development". The social experts of the Third Committee would certainly have preferred a more complete incorporation of the concept of social development in the Strategy.

45. The lack of dialogue between the Second and Third Committees might have been avoided on two recent occasions: that of the preparations for the restructuring of the economic and social sectors of the United Nations system, and that of the preparatory work on the International Development Strategy. The final report of the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations (E/1981/3) had come out too late to permit consideration of its numerous recommendations. Nevertheless, she hoped that it might become an

(Miss Cao-Pinna, Italy)

instrument for finally establishing a dialogue between the Second and Third Committees. Should other delegations agree that a dialogue between the two Committees was highly desirable, her delegation would be ready to propose a draft decision to the effect that a joint meeting of the two Committees should be called the following year to consider the report of the Ad Hoc Working Group.

The meeting rose at 12.50 p.m.