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SUMMARY RECORD OF THE 10th MEETING

Held at Headquarters, New York,
on Tuesday, 18 April 1978, at 3 p.m.

Chairman: Mr. FHSASSI (Iran)

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Human rights questions

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The meeting was called to order at 3.35 p.m.

HUMAN RIGHTS QUESTIONS (E/1978/34; E/1978/14 and Add.1 and 2; E/1978/21; E/1978/L.23)

1. Mr. VAN BOVEN (Director, Division of Human Rights) said that, at the Council's request, the Ad Hoc Working Group of Experts on human rights in southern Africa had continued to study all allegations of infringements of trade union rights in the Republic of South Africa and, in its interim report to the Commission on Human Rights, had provided information on the suppression of the right to organize trade unions and the persecution of workers for trade union activities, especially following strike actions (E/1978/L.23). At its spring 1977 session, the Council had transmitted to the Ad Hoc Working Group for consideration allegations by the International Textile, Garment and Leather Workers' Federation and the International Confederation of Free Trade Unions concerning infringements of trade union rights in South Africa. The Group had examined those allegations, and concluded in a separate report (E/1978/21) that the repressive legislation and practices of South Africa were "in flagrant contradiction with the international standards governing trade union rights" and that South Africa had, "in the specific cases examined, deliberately violated trade union freedoms". The Group recommended to the Council that Member States be informed of the Group's conclusions and that South Africa be urged to respect international norms in the matter.

2. Comments received from 26 Governments concerning the draft general principles on equality and non-discrimination in respect of persons born out of wedlock were before the Council in document E/1978/14 and addenda. Many replies reflected the issues posed within the world's differing cultural and social systems with regard to the means of achieving equality and non-discrimination in the case of persons born out of wedlock.

3. At its thirty-fourth session, which had been characterized by seriousness of purpose and a desire to make progress in an atmosphere of consensus, the Commission on Human Rights had considered numerous complex matters relative to fundamental human rights policies and practices affecting many aspects of human life. Faced with an extremely lengthy agenda of some 30 items (including two new items: rights of minorities and of the child) the Commission had been able in five weeks to give much attention to all the items it had decided to consider by grouping related items together, establishing five sessional working groups and making good use of its time. In the course of 48 meetings, the Commission had adopted 26 resolutions and 10 decisions, and had recommended to the Council six draft resolutions and eight draft decisions, most of the latter taken by consensus. The Council might note that the organization and results of the Commission's session responded to past Council recommendations on the Commission's methods of work. The desire to work in close harmony with the Council was reflected also in the Commission's request to be kept informed of the work of the Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. The Commission had focused considerable attention on violations of human rights, identifying those responsible, studying means of bringing violations to a halt and ways of assisting victims. In addition to extensive consideration, in closed meetings, of situations appearing to reveal a consistent pattern of gross and reliably attested violations referred to the Commission by its Sub-Commission, the Commission had discussed publicly the status of human rights in a number of countries, closely examined the situation of human rights in southern Africa, in the occupied Arab territories, including Palestine, and in Chile and had dealt with the need to restore human rights in Cyprus. Furthermore, violations of human rights inherent in the denial of self-determination and in colonial or alien domination or foreign occupation had been considered carefully.
5. The Commission had expressed grave anxiety and concern over the deterioration of the human rights situation in the occupied Arab territories, had called for the return of the Palestinians to their homes, condemned specific Israeli practices, in particular the establishment of settlements in those territories and torture and ill-treatment of detainees, called upon Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War in all the occupied territories, and requested the Secretary-General to continue to collect information on the number, identity, place and duration of detentions (resolution 1 (XXXIV)).
6. The Commission had reviewed the report of the Sub-Commission's Special Rapporteur on the implementation of United Nations resolutions on self-determination. It had reaffirmed the right of the peoples of Namibia, South Africa, Zimbabwe, Palestine and of all those under colonial or alien domination or foreign occupation to self-determination, censured all government policies not recognizing in practice the right to self-determination, and drew attention to the grave responsibilities incurred by the authors and promoters of such policies. The use of mercenaries against national liberation movements had been condemned and the mercenaries themselves declared criminals (resolution 3 (XXXIV)).
7. The human rights situation in southern Africa had been given particular attention by the Commission which had denounced the inhuman treatment of freedom fighters and prisoners, and particularly the deaths of persons brutalized by police, and had condemned the criminal acts of South Africa's authorities against children protesting against apartheid (resolution 5 (XXXIV)). In its work to identify the forces contributing to the continuation of violations of human rights in southern Africa, the Commission had considered the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa, prepared by the Sub-Commission's Special Rapporteur on that subject. It had recommended to the Council the printing of the report and stated that it looked forward to receiving information from the Sub-Commission as material for a provisional list identifying those whose activities constituted assistance to those régimes (resolution 6 (XXXIV)). The Ad Hoc Working Group of Experts on southern Africa had listed, in its report to the Commission, persons suspected of

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having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights; the Commission had requested that the list be circulated to States and competent United Nations bodies (resolution 5 (XXXIV)). The Commission had also called for information concerning individuals, organizations, institutions and representatives of States alleged to be responsible for the crime of apartheid as defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid (resolution 7 (XXXIV)). The Group of Three (Cuba, Nigeria, and the Syrian Arab Republic), established in pursuance of that Convention, had met before the Commission's session, reviewed reports from 16 States Parties, adopted guidelines for future reports and reported to the Commission on its work. The Commission had established a periodicity of two years for reports under that Convention and requested that the Group of Three meet prior to the next Commission session to continue its work.

8. The human rights situation in Chile had been discussed by the Commission on the basis of the report of its Ad Hoc Working Group. While acknowledging recent developments, mainly attributable to efforts by the Chilean people and the international community, indicating a decrease in the number of political prisoners, of reported cases of torture and of detainees under the state of siege, the Commission had nevertheless concluded that flagrant violations of human rights persisted in Chile. It shared the General Assembly's profound indignation at those continued violations and had called on the Chilean authorities to restore human rights and to admit the Ad Hoc Working Group as a contribution to an impartial examination of human rights in Chile. The Group had been commended for its objective and impartial report and, as requested by the Assembly, its mandate had been extended for another year. The Commission had also welcomed the Sub-Commission's study of the consequences of various forms of aid extended to the Chilean authorities and had requested that the Sub-Commission transmit the report of the Special Rapporteur to the General Assembly.

9. Regarding the question of assistance to victims of human rights violations in Chile, the Commission recommended to the Council draft resolution II for the establishment of a United Nations Trust Fund for Chile, to receive contributions and distribute humanitarian, legal and financial aid to persons whose human rights had been violated by detention or imprisonment in Chile, to those forced to leave the country and to relatives of the above-mentioned persons. At the Commission's request, the Secretary-General, in document E/1978/45, had submitted to the Council specific proposals for management rules for that fund.

10. The Commission had discussed, in public meetings, human rights in a number of specific countries and, in decision 9 (XXXIV), had requested the Secretary-General to transmit to the Government of Democratic Kampuchea the documents and summary records of the session relating to the human rights situation in that country, with a view to inviting it to send its comments and observations. The Government's reply, together with all the available information on the situation, would be transmitted to the Commission at its next session.

11. The Commission, in closed meetings, had also discussed and taken decisions

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concerning human rights situations referred to it by the Sub-Commission under Council resolution 1503 (XLVIII). Based on an agreement, announced by the Chairman, that public discussion would not take place at the Commission's session concerning situations in relation to which decisions had been made in closed meetings, the Chairman announced the names of the countries concerned. The Commission had also taken steps to consolidate or improve its procedures relating to situations under resolution 1503, by requesting quarterly reports on progress in carrying out its decisions, by deciding to send out earlier invitations to States, in respect of which situations were being dealt with under the 1503 procedure, to send representatives to the Commission to provide any additional information or explanations and clarify points that might be raised by members, and by deciding to invite the Chairman-Rapporteur of the Sub-Commission's working group on communications to be present during the Commission's consideration of situations referred to it by the Sub-Commission. The Commission had also decided, subject to Council approval (draft decision 8) to establish, as it had done previously, a working group to meet before its next session to examine situations referred to it by the Sub-Commission. Finally, in order to help the Commission to avoid possible duplication of work relating to human rights communications, the Secretary-General had been asked to prepare an analysis of existing United Nations procedures for dealing with communications.

12. The Commission had also considered international and national action to combat the violations of human rights inherent in racism and racial discrimination, which it had again denounced as a total negation of the purposes and principles of the Charter. The Commission had appointed the Ad Hoc Working Group of Experts on southern Africa to represent it at the World Conference to Combat Racism and Racial Discrimination to be held in August 1978 at Geneva. It had suggested that the Conference adopt specific measures and recommend the establishment of national and local recourse procedures which could be invoked by individuals against acts of racism and racial discrimination. It had also called for the organization of a symposium in Lesotho in July 1978 on the economic and cultural exploitation of blacks in southern Africa and Namibia and on prevailing conditions in South African prisons, particularly the Robben Island maximum security prison. It had further requested that a special ceremony be held at the United Nations Office at Geneva to mark the beginning of Anti-Apartheid Year.

13. The Commission had continued with the important task of drafting international standards in the field of human rights. At the request of the General Assembly, it had begun work on a draft convention against torture and other cruel, inhuman, or degrading treatment or punishment. It had established a sessional working group and decided to transmit the session documents on the question, including the text of a draft convention submitted by Sweden, to Governments for their comments. It requested the Council to authorize the meeting of an open-ended working group one week before the next session of the Commission to continue its work on a draft convention against torture. With regard to the body of principles for the protection of all persons under any form of detention or imprisonment, which was under consideration by the Sub-Commission, the Commission had requested the Council to authorize a five-member working group of the Sub-Commission to meet one week before

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the Sub-Commission's next session to prepare a revised draft. The Commission had also continued its work on the draft Declaration on the Elimination of All Forms of Discrimination based on Religion or Belief and had decided to establish a sessional working group on that subject for its next session.

14. The Commission had discussed measures to improve the situation and ensure the human rights and dignity of migrant workers, focusing especially on the protection of their children and families. A sessional working group had been established to consider that question and the Commission, in its resolution 21 (XXXIV), had requested the preparation of a consolidated report on the work of United Nations organs and intergovernmental organizations on the rights of migrant workers and asked the Council to authorize a three-day meeting of an open-ended working group in December 1978 to analyse the report and submit specific proposals to the Commission.

15. The Commission had begun to consider the establishment of international standards for the protection of human rights of persons belonging to national, ethnic, religious and linguistic minorities and of the rights of the child. The Commission had considered the report of the Sub-Commission's Special Rapporteur on the rights of persons belonging to minorities, along with a draft declaration submitted by Yugoslavia. It had set up an informal sessional working group to examine the question of the rights of minorities, and had decided to transmit all the relevant documents to Governments for their comments and to consider the item further at its 1979 session. The Commission had also requested the Council to authorize the printing of the study by the Sub-Commission's Special Rapporteur. Concerning the question of a convention on the rights of the child, added to the Commission's agenda at the request of Poland, which had also submitted a draft convention on the subject, the Commission had asked that the draft convention be transmitted to Member States, specialized agencies, regional intergovernmental organizations and competent non-governmental organizations for their comments. The question would be considered by the Commission at its next session as one of its priorities, with a view to the approval of a convention for transmission to the General Assembly. The Commission asked the Council to recommend that the Assembly include in the agenda of its thirty-fourth session an item on the convention on the rights of the child. The Commission had shown a clear desire to associate Governments closely with its standard-setting activities by transmitting relevant documents for their comments.

16. For the first time in a number of years, the Commission had considered in detail the programme of advisory services in the field of human rights, agreeing on its importance both as a contribution to constructive exchanges of views between Governments on specific topics and as a means of educating and training government officials and students. In resolution 11 (XXXIV), the Commission expressed its deep concern over the fact that lack of funds had seriously curtailed the programme in recent years. It therefore recommended to the Council draft resolution I, requesting that the financing of advisory services be arranged under the budget of the United Nations human rights programme, commencing with the next budget biennium.

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That draft resolution also reiterated the Council's request that at least two seminars and one training course be organized annually and that at least 25 fellowships be granted each year.

17. The Commission had given careful and imaginative consideration to increasing the positive impact on the enjoyment of human rights of its own activities, those of the United Nations as a whole and those carried out at the regional and national levels. In its resolution 32/130 the General Assembly had requested the Commission to undertake an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of the new concepts enunciated in that resolution. The Commission was also requested to comply with the mandate laid down in Council resolution 1992 (LX) and Commission decision 4 (XXXIII) of 1977, which concerned, in particular, a review of the Commission's programme and methods of work. In considering those questions, the Commission had also had before it the proposal made in the Third Committee at the thirty-second session of the Assembly concerning the establishment of a post of United Nations High Commissioner for Human Rights. Those issues had been added to the Commission's already established annual consideration of its programme and methods of work with a view to the further promotion of human rights. The Commission had established an open-ended sessional working group for consideration of those matters and had considered proposals for improving existing United Nations organs and procedures, especially to enable them to respond more adequately to urgent situations of grave violations of human rights. It had also discussed the possible creation of new organs or posts within the United Nations system. The Commission had considered ways of improving the protection of human rights through regional arrangements and national institutions. In resolution 26 (XXXIV) and draft decision 1 the Commission recommended the establishment of an open-ended working group, similar to the group established to consider the draft convention on torture, to undertake the over-all analysis called for in General Assembly resolution 32/130. He drew attention to paragraph 14 of Conference Room Paper 1, on the implementation of the Assembly's recommendations on restructuring, in which the Commission was requested to review in depth the terms of reference of its subsidiary machinery and report thereon to the Council. In that connexion it should be noted that the Commission, in operative paragraph 3 (c) (ii) of resolution 26 (XXXIV), requested the Secretary-General to prepare a report for the meeting of the working group, on the other Council matters dealing with human rights.

18. With regard to the realization of economic, social and cultural rights, the Commission had decided in the previous year to undertake a study of the international dimensions of the right to development as a human right, and had again emphasized the interdependence of economic, social and cultural rights with civil and political rights, and stressed the importance of both the International Covenants on Human Rights as a major step in international efforts to promote observance of human rights and fundamental freedoms. In that connexion, information on the work of the Council in implementing the International Covenant on Economic, Social and Cultural Rights would be of particular interest.

(Mr. van Foven)

19. In the light of the concern expressed by the Commission in the preambular part of resolution 25 (XXXIV) and its recommendation concerning increased allocations to the budget of the human rights programme in draft resolution VI, it should be noted that the desire to increase the effectiveness of the United Nations human rights programme was also reflected in the decisions taken to strengthen the procedures dealing with situations of serious violations of human rights.

20. The Commission had also considered the advisability of instituting regional arrangements for the promotion and protection of human rights in regions where they did not already exist and had made recommendations regarding the organization of seminars and possible assistance to the Organization of African Unity in operative paragraphs 1 and 2 of resolution 24 (XXXIV). In resolution 23 (XXXIV) it had recognized the importance of action by Member States to ensure the effective realization of human rights and had requested that the seminar on national and local institutions in the field of human rights, to be held at Geneva in September 1978, should suggest guidelines for the structure and functioning of national institutions.

21. At the thirty-fourth session a serious effort had been made by members of the Commission on Human Rights to give concrete expression to the commitment of the Charter to promote and encourage respect for human rights and fundamental freedoms. A determined effort had been made to deal in a positive manner with issues before the Commission through maximum use of the meeting time available and by establishing sessional working groups. Extensive and detailed consideration had been given to specific instances of violations of human rights. The Commission had agreed upon new procedures to strengthen its work in an area which had for some time received much public attention and it had taken steps towards identifying those forces contributing to the persistence of major violations, particularly apartheid and racial discrimination. Standard-setting activities had been continued or initiated in a number of areas, and the Commission had taken steps to associate closely all Governments in those activities. The review and discussion of the Commission's own programme and methods of work, and suggestions for improving the promotion and protection of human rights within the United Nations, regionally and at the national level, deserved full attention. It was to be hoped that the impetus provided by the Commission would permit further meaningful developments in the promotion and encouragement of human rights and fundamental freedoms.

22. Mr. NORDENFELT (Sweden) said that ever since its creation, one of the central tasks of the United Nations had been to defend human rights. International co-operation had developed with a view to inducing all States to observe human rights and fundamental freedoms. That co-operation rested on a conviction that the struggle against oppression, discrimination and social injustice within each country was one of the long-range prerequisites for the creation of stable and peaceful relations between countries. A first prerequisite for respect for human rights was political self-determination, and a second no less essential requirement was a more equitable world economic order. Political rights lost much of their

(Mr. Nordenfelt, Sweden)

content if people did not have the right to a reasonable standard of living, health and education; yet the greater part of the world's population was denied those rights and was living under constant oppression created by the prevailing economic relations. Until those basic economic causes of injustice were eliminated, it would be impossible to achieve the full implementation of the Conventions and Declarations on human rights.

23. The Universal Declaration of Human Rights was an indispensable instrument, and the Swedish Government had constantly striven for the transformation of individual articles of the Declaration into binding international conventions. His Government therefore considered that the drafting of a convention against torture was an urgent task. It was also encouraged to note that the two International Covenants on Human Rights had entered into force. The Convention on the Elimination of All Forms of Racial Discrimination was a corner-stone of international co-operation in the field of human rights. For the full realization of the objectives of the Covenants and other international human rights instruments, efficient implementation machinery was necessary. His delegation therefore paid particular attention to the question of alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, and had co-sponsored General Assembly resolution 32/130. Far from assigning priority to economic and social rights rather than to civil and political rights, that resolution, in operative paragraph 1, stated that all human rights and fundamental freedoms were indivisible and interdependent and that the full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible. It also stated that equal attention and urgent consideration should be given to the implementation, promotion and protection of both categories of rights. It was clear that States were required to guarantee a wide range of civil rights, irrespective of their economic and social development, and, in particular, a number of fundamental civil rights such as the right to life, freedom from torture, freedom from forced labour and freedom from arbitrary arrest and detention. The undertakings which States made in ratifying the International Covenants on Human Rights were quite different in each case: under the Covenant on Economic, Social and Cultural Rights, the Contracting States merely undertook to aim at certain goals, while in the case of the Covenant on Civil and Political Rights, the Contracting States made specific undertakings to ensure certain rights. That reflected the fact that the realization of economic, social and cultural rights was largely a question of developing economic and human resources, which by definition had to be a progressive process, whereas the realization of civil and political rights was a matter of political will and determination.

24. The promotion of economic, social and cultural rights must, to a large extent, consist in supporting the efforts undertaken by other United Nations bodies to bring about a more equitable distribution of wealth in the world. The promotion of civil and political rights, however, was a question of adopting appropriate rules and standards, which on the whole were satisfactory, and of finding an effective system for their implementation, in which there were great short-comings. Special attention should therefore be paid to the problems of implementation. It was obvious that implementation at the national level alone

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was not sufficient if the rules were to be applied in an effective and uniform manner, and that the international implementation system should therefore be developed and strengthened. That should not be regarded as interference in the domestic affairs of States, and the system should not set out to condemn Governments, but should provide help to people who were suffering. The reporting systems provided for in the Covenants and in the Convention on the Elimination of All Forms of Racial Discrimination were clearly insufficient, and his delegation therefore hoped that an increasing number of Contracting Parties to the Covenant on Civil and Political Rights would make the declaration provided for in article 41 and accede to the Optional Protocol, and that a sufficient number of countries would accept the competence of the Committee on Racial Discrimination to consider individual complaints as envisaged in the Convention on the Elimination of All Forms of Racial Discrimination. The creation of a post with special responsibilities in the field of human rights within the United Nations system might significantly strengthen the United Nations machinery for human rights protection. It was also important to improve the work of the Commission on Human Rights and its capacity to deal with urgent situations. His delegation looked forward to the continued discussion of those matters in the special working group which, if approved by the Council, would meet shortly before the next session of the Commission on Human Rights.

25. Mr. VERMEL (Federal Republic of Germany) said that it was regrettable that the report of the Commission on Human Rights had only just been received by delegations.

26. Since, despite its intensified efforts, the Commission had been unable to deal with all the items on its agenda, it was obvious that administrative steps had to be taken either to lighten the Commission's workload or to give it more time to deal with those items which had been postponed from year to year. The reporting system gave cause for particular concern although in view of the feeling among several members that more efficient machinery might present difficulties, the existing reporting system constituted the most practical means of supervising the implementation of human rights. But in the absence of a special expert group the consideration of States' reports was bound to fall short of expectations. The allocation of more time might be one remedy, and the streamlining of the reporting system another. His delegation had made a proposal in the working group with a view to avoiding duplication in the reporting system, so that the same reports would not have to be considered by both the Human Rights Committee and the Commission on Human Rights; that proposal would at least reduce the number of reports to be considered by the Commission on Human Rights. His Government regretted that the Council had not yet been able to reach agreement on establishing a working group to consider State reports under the Covenant on Economic, Social and Cultural Rights, as it considered that the implementation of economic, social and cultural rights should be given the same attention as the implementation of political and civil rights. It believed that the two categories of human rights were closely interrelated, and it had therefore ratified both the Covenants and made the declaration provided for in article 41 of the Covenant on Civil

(Mr. Merkel, Federal Republic of Germany)

and Political Rights. Individual complaints against the Federal Republic of Germany could be lodged under the comprehensive internal court system and also with the Federal Constitutional Court and the European Human Rights Commission

27. In the light of resolutions 23 (XXIV) and 24 (XXIV) of the Commission, his delegation would welcome any improvement in the field of human rights machinery. To counter the danger of the application of different standards to human rights, some co-ordination would have to be undertaken, for example by a United Nations High Commissioner for human rights, or even an international court for human rights. With regard to the proposal to establish an international criminal court, that institution was conceivable only in terms of established procedural rules, an exact definition of crimes and adequate guarantees, which were not contained in the International Convention on the Suppression and Punishment of the Crime of Apartheid.

28. His delegation was encouraged to see that the Commission had published some of the results of its deliberations under the procedure set out in Economic and Social Council resolution 1503 (XLVIII) and that it had not remained indifferent to reports on human rights violations concerning other countries. Progress in the elaboration of new instruments, conventions and declarations had been rather slow, and his delegation was concerned about trends to deviate from the well-balanced principles and wording of the International Covenants, which might lead to further contradictions between international legal instruments and make ratification difficult. It believed that the wording of the Covenants should in case of doubt, prevail over wordings proposed elsewhere. It hoped that more progress could be achieved in the working groups to be convened before and during the next session of the Commission.

29. The question of the rights of persons belonging to national, ethnic, religious and linguistic minorities was sufficiently important to justify wide distribution of the report on the subject (E/CN.4/Sub.2/304 and Add.1-7), as proposed in draft resolution III. His delegation had already expressed doubts about several aspects of the study on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (E/CN.4/Sub.2/383) and wished to see the final version of the report before approving widespread distribution. It supported the idea of updating the report entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress mentioned in operative paragraph 2 of resolution 10 (XXIV). The comments of his Government on the principles of equality and non-discrimination in respect of persons born out of wedlock could be found in document E/1978/14/Add.2.

30. Miss CAO-PIHNA (Italy) said that she would confine her comments on the report of the Commission on Human Rights - whose thirty-fourth session her delegation had attended as an observer - to two questions referred to the Commission by the Assembly, namely, the over-all analysis of alternative approaches and ways and means for improving the enjoyment of human rights, and the question of a draft convention on the abolition of torture. Although the Commission had dealt with almost all the items on its agenda, its deliberations on those two questions had been less productive than expected. She hoped that the proposed intersessional meeting of an ad hoc working group might lead to more concrete results at the next session.

(Miss Cao-Pinna, Italy)

31. The high priority given to consideration of human rights violations was a necessary development because of the growing evidence of mass violations of those rights. The Commission had a good record in the elaboration of international conventions on most topics, and it had long been recognized that it must concern itself more with their actual implementation. Italy would continue to express concern about human rights violations - including every form of persecution and summary execution of political opponents - and to act accordingly; violations of human rights were no longer the internal affair of individual Member States, particularly when those States were parties to the main international Conventions. Italy was concerned over the selective criteria which the United Nations had long applied in dealing with specific instances of violations. Those criteria might give the public the impression that the United Nations was unwilling or unable to act on human rights violations in any part of the world.

32. At its last session the Commission seemed to have reached a turning-point in that respect. In addition to violations in the occupied Arab territories, southern Africa and Chile, the situation in Democratic Kampuchea had been publicly discussed, and action had been taken. Moreover, the Chairman of the Commission had announced that decisions had been taken, under the confidential procedures established by Council resolution 1503 (XLVIII), concerning Bolivia, Equatorial Guinea, Malawi, the Republic of Korea, Uganda, Ethiopia, Indonesia, Paraguay and Uruguay. He had also announced that the Commission had agreed that the situation in those countries should not be discussed in public meetings at that session. The question whether consideration in both closed and public meetings of a situation relating to human rights violations was compatible with the confidentiality of the procedures laid down in resolution 1503 (XLVIII) had been raised in the Commission the previous year, but had not been decided. In any case, as a result of the agreement reached by the Commission, for the first time countries which had been considered in closed meetings had been mentioned in a public meeting. Her delegation welcomed that part of the agreement because it might help to dispel the public's doubts about the willingness and ability of the United Nations to deal with violations of human rights anywhere in the world. It would welcome a further development of that approach whereby countries considered in private meetings could in future be mentioned at every session.

33. She would like to comment on the Commission's approach to the questions referred to it by the General Assembly in resolutions 32/130 and 32/62 respectively, namely, the over-all analysis of alternative approaches and ways and means for improving the effective enjoyment of human rights and the elaboration of a draft convention on the abolition of torture, and she would also like to discuss the procedural decisions of the Commission, dealt with in draft decision 1 and in resolution 18 (XXXIV). Owing to the large number of items before it and the limited time at its disposal, the Commission had decided to distribute the items among seven groups. However, the question referred to the Commission under General Assembly resolution 32/130 had been placed in a rather broad grouping and, as a result, there had not been enough time to consider the institutional framework of United Nations activities in the field of human rights. Appreciating the importance of the two broadest questions before it - which were also on the agenda of the General Assembly under different titles - the Commission

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had established an informal open-ended working group to consider them. However, similar action had been taken with regard to four other items, so that the time available for each working group had been rather limited. Furthermore, the daily alternation of plenary meetings with meetings of two working groups had resulted in a fragmented approach to most subjects. Because of those difficulties, the working group and the Commission had proposed to the Council - in draft decision 1 - that an intersessional ad hoc working group should be convened for a week immediately before the Commission's next session in order to consider the package of draft resolutions before the working group. While her delegation fully supported draft decision 1, it doubted whether the proposed ad hoc working group could make satisfactory progress, as the Commission had decided that the working group should also consider the draft convention on the abolition of torture. She therefore suggested that the Council should authorize the convening of an open-ended working group for at least eight working days before the Commission's next session.

34. Her delegation was in favour of grouping items together and of establishing sessional working groups, as recommended by the Council in resolution 1992 (LX). However, in view of the results of the thirty-fourth session of the Commission, she drew attention to the desirability of avoiding excessive grouping of important items and of avoiding the establishment of too many sessional working groups, each with a limited number of meetings.

35. In conclusion, she said that the Italian Government was about to ratify the two International Covenants and Optional Protocol, and to make the optional declaration under article 41 of the International Covenant on Civil and Political Rights. A small number of reservations and declarations concerning interpretation had also been decided upon. Italy was also about to make the unilateral declaration against torture and other cruel, inhuman or degrading treatment or punishment, as provided for in General Assembly resolution 32/64.

36. Miss VOP ROEHMER (International Confederation of Free Trade Unions), referring to document E/1978/21, expressed appreciation on behalf of the ICFTU for the comprehensive report, prepared in accordance with Council decision 237 (LXII), which analysed evidence provided by the ICFTU representative in Geneva. She also urged the Council to act on the recommendation contained in paragraph 86.

37. Referring to a further development concerning three of the banned trade unionists mentioned in the report, Loet Douwes Dekker and Eric and Jean Tyacke, who were all white, she said that the Secretary-General of the white-dominated Trade Union Council of South Africa, following discussions with the Minister of Justice, had signed a statement implying that those trade unionists had endangered law and order. The trade unionists had brought defamation actions against him and against the TUCSA, which in an out-of-court settlement had apologized and agreed to pay damages as well as the legal costs.

38. Meanwhile the South African Government was preparing further measures to strip the African population of the last vestiges of civil rights. Proposed legislation would make unemployed African workers liable to detention at rehabilitation centres and prescribed labour at farm colonies, and the Bantu

(Miss von Rechter)

Citizenship Amendment Bill would strip black South Africans of their citizenship. The ICFTU was afraid that the proposed laws would be used for further political repression against young Africans in general, and against trade unionists in particular. Once they were passed, any black youngster considered a potential danger could be deported as soon as he left school.

39. She appealed to Member States to take the strongest measures to put an end to the horrors of the apartheid régime. The ICFTU knew from experience that trade union rights could exist only in a society in which all human rights were respected. It welcomed the fact that the Commission was taking measures with regard to a larger number of countries and that the concept of human rights had been broadened to give greater attention to economic and social rights. It had thus been happy to see the concept of indivisibility and interdependence of all human rights and fundamental freedoms reaffirmed in paragraph 1 (a) of General Assembly resolution 32/130. It also fully agreed with the statement in paragraph 1 (b) that the full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible. However, the reverse was equally true. The ICFTU was deeply concerned at the growing tendency to regard civil and political rights as luxuries which only the more affluent societies could afford. On behalf of its members in developing countries, the ICFTU strongly rejected the view, implied if not always stated, that freedom of expression and assembly were not relevant to the very poor, the hungry and the illiterate. Civil and political rights were indeed part and parcel of meaningful economic development. The importance of popular participation in development was often emphasized; however, it must not be confused with mobilization of the population to implement policies decreed at the top. The ICFTU therefore hoped that the working group to be convened in pursuance of draft decision 1 of the Commission would insist on the indivisibility and interdependence of all human rights and fundamental freedoms and that it would consider proposals for more effective implementation machinery in the field of human rights, such as the proposal concerning the creation of a post of High Commissioner for human rights.

The meeting rose at 5.10 p.m.