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SUMMARY RECORD OF THE 13th MEETING

Held at Headquarters, New York,
on Friday, 21 April 1978, at 3 p.m.

Chairman: Miss RICHTER (Argentina)

CONTENTS

Human rights questions (continued)

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

HUMAN RIGHTS QUESTIONS (continued) (E/1978/34, E/1978/14 and Add.1-4, E/1978/45, E/1978/21; E/1978/L.23; E/1978/C.2/L.3)

1. Mr. TORNUDD (Finland) said that his delegation had noted with great satisfaction that, despite its heavy work programme, the Commission on Human Rights had reported progress in many fields.
2. A balance must be struck between three kinds of activities in the human rights field, namely, standard-setting work, investigation of violations, and international implementation and promotion of the enjoyment of human rights. The latter was particularly important. The standard-setting work was now concentrated on certain special groups or categories; however, more general projects still remained, such as that concerning the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief, where the work had been exceedingly slow. His delegation hoped that the Council would be able during the current session to dispose of the item concerning non-discrimination in respect of persons born out of wedlock and that other normative projects on the work programme would be dealt with expeditiously.
3. Referring to the Commission's resolution 20 (XXXIV) concerning the conclusion of a convention on the rights of the child, he said that while there was nothing in the substance of the matter which his delegation could not support, it had doubts as to the usefulness of attempting to give legally binding form to what would be essentially a programmatic document. However, if the convention was widely ratified and the envisaged reporting system functioned effectively, it would have some merit as a further instance of the use of international implementation procedures.
4. While it was clearly necessary in many specific cases to use ad hoc bodies for the investigation of violations of human rights, it should be possible to establish standard procedures for effective implementation of human rights instruments, preferably in co-operation with the Government concerned. While other methods might need to be developed, existing procedures should be used more extensively. His delegation was particularly glad to note that the Commission had devoted considerable time to the discussion of its own working methods under the item "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" referred to it by General Assembly resolution 32/130. The fact that no immediate conclusions had been reached should not be regarded as disappointing. The important thing was that there had been wide support for the continuation of the discussion. His delegation strongly urged that the Council should adopt draft decision 1 which recommended that an open-ended working group should be established for that purpose. It was essential that those who decided to participate in that group should prepare themselves in advance, so as to ensure that no further time was lost.
5. His delegation was also satisfied with the steps which had been taken under

(Mr. Tornudd, Finland)

Council resolution 1503 (XLVIII) to consolidate and improve procedures related to particular human rights situations. It had long held the view that inflexibility of procedures should not stand in the way of effective action.

6. Finally, his delegation wished to indicate particular support for the Commission's draft resolutions I and VI, which dealt, respectively, with the advisory services programme and the programme and methods of work of the Commission; they should be given high priority.

7. Mr. FREYBERG (Poland) said that international co-operation in the field of human rights should be directed primarily against flagrant violations of human rights on a mass scale that constituted a threat to international peace and security and that resulted primarily from aggression, occupation or foreign domination. Such co-operation was exemplified by United Nations actions with respect to the situations in South Africa, the Arab territories occupied by Israel, and Chile. General Assembly resolution 32/130 provided guidance in that regard. Since the most extensive violations of human rights took place during wars, peace should be the main objective of international activities in the field of human rights. The liberation of all nations still under the yoke of colonialism, racism and apartheid and the establishment of the new economic order were prerequisites for achieving effective results in the struggle to promote human rights.

8. The establishment of new machinery, far from promoting human rights, would be detrimental to international co-operation in that field. The proper course of action for the international community would be to strive to ensure that all States undertook specific treaty obligations in the field of human rights through accession to or ratification of the relevant international instruments, as called for in paragraph 1 (g) of General Assembly resolution 32/130. At the international level, an extremely important task was the setting of new standards of human rights within the United Nations system, as the Director of the Division of Human Rights had emphasized.

9. With regard to the resolutions contained in the report of the Commission on Human Rights (E/1978/34), he said that resolution 20 (XXXIV) concerning the question of a convention on the rights of the child was an encouraging example of new initiatives in the area of standard-setting by the United Nations. The adoption in 1979, the International Year of the Child, of the draft convention which had been submitted by his delegation not only would give special meaning to the International Year of the Child celebrations but also would be a very important step towards ensuring full international protection of the rights of those most vulnerable of human beings, children.

10. Mr. SOBHY (Observer for Egypt) said that the work of the Commission on Human Rights had been very useful. He noted that the Commission had again studied the question of human rights violations by Israel in the occupied territories and had recommended the adoption by the Council of two useful decisions. One was draft decision 1 recommending the establishment of a working group to continue the consideration of matters mentioned in decision 4 (XXXIII) as well as those

(Mr. Sobhy, Observer, Egypt)

referred to the Commission by General Assembly resolution 32/130; his delegation strongly supported that draft decision. The other was draft decision 2 concerning the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, adoption of which could help to avoid a repetition of the misunderstandings that had arisen the previous year in that connexion. Accordingly, his delegation supported the draft decision.

11. Noting that resolution 8 (XXXIV) contained several recommendations to the World Conference to Combat Racism and Racial Discrimination, he said the Council should ask the Secretary-General to convey those recommendations to the Conference for its consideration and appropriate action.

12. Mr. MOHAMMED (Bangladesh) commended the Commission on its work, noting that it had focused on human rights violations in various parts of the world. He joined the Commission in expressing grave concern over the deterioration of the situation in the occupied Arab territories and he condemned the establishment by Israel of settlements in those areas.

13. His delegation endorsed the Commission's reaffirmation of the right to self-determination of the people of Namibia, Zimbabwe, South Africa, Palestine and all territories under colonial domination or foreign occupation. Similarly, it condemned the use of mercenary troops against national liberation movements.

14. Noting that General Assembly resolution 32/130 had asked the Commission on Human Rights for 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, he said that his delegation had always advocated a global approach to human rights in the belief that human rights were not limited to civil and political rights but included economic, social and cultural rights. Accordingly, it welcomed draft decision 1 concerning the establishment of an open-ended working group prior to the next session of the Commission to study that question.

15. With regard to the draft convention on the rights of the child referred to in resolution 20 (XXXIV), he said that while his delegation commended that initiative, it believed that so important a convention required further study. Several articles of that draft convention called for resources that were not ordinarily available in many developing countries and some had legal implications that required further study; moreover, the development priorities set by the developing countries must be taken into account. The draft convention should be sent to Governments for their consideration.

The meeting rose at 4.10 p.m.