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SUMMARY RECORD OF THE 15th MEETING

Held at Headquarters, New York,
on Tuesday, 25 April 1978, at 10.30 a.m.

Chairman: Ms. BEAGLE (New Zealand)

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Human rights questions (continued)

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The meeting was called to order at 11.10 a.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1978/14 and Add.1-6, E/1978/21, E/1978/34, E/1978/45; E/1978/L.23; E/1978/C.2/L.3-7)

1. Mr. MARASLI (Observer for Turkey) said that his Government attached particular importance to the question of migrant workers. The phenomenon of international migration had existed for centuries, movements of people being always influenced by prevailing social, economic, demographic and political conditions. Regardless of the causes of and motivations for migration, the immigrant was confronted with a series of problems in adapting to a new environment, new housing and work conditions and new cultural value patterns and behaviour. In spite of the great dimensions of the movements of migrant workers in the twentieth century, it was evident that the implications of the phenomenon for human rights had only slowly been realized. The efforts which had been made by international organizations, and the instruments which had been adopted in an attempt to improve the conditions of migrant workers, were only partially adequate.
2. The work of the Commission on Human Rights on the subject left much to be desired. The Commission's resolutions 3 (XXIX) and 12 (XXXIII) had led to scarcely any progress, largely owing to the Commission's very heavy agenda. Because of the broad scope of the question there was clearly a risk of overlapping with the work carried out by other bodies, and his delegation therefore welcomed the recommendation in General Assembly resolution 32/120 that the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization should co-operate actively with the Commission on that question. In order to give practical substance to that resolution, his delegation had proposed the establishment of an informal working group, and the two draft resolutions it had submitted to the Commission had been adopted as resolutions 21 A (XXXIV) and 21 B (XXXIV). His delegation hoped that, by adopting draft decision 6 recommended by the Commission in its report (E/1978/34), the Council would authorize the convening of a meeting of an open-ended working group in order to analyse the substance of the report to be prepared by the Secretary-General and submit specific proposals to the Commission at its thirty-fifth session. It believed that the work of the open-ended working group would make it possible to limit the fields of action on which the Commission should concentrate its future activity and thereby enable it to act more effectively, and it wished to express its appreciation to the sponsors of draft resolution E/1978/C.2/L.5.
3. With regard to resolution 17 (XXXIV) on the question of human rights in Cyprus, he reaffirmed the statement made in the Commission on Human Rights by the representative of Turkey, who had said that there were certain points in the draft which were likely to prejudice the final solution of the Cyprus question; that, furthermore, the draft referred to resolutions about which Turkey had made reservations or taken positions; that those positions and reservations continued to be valid and were fully maintained; and that, consequently, the Turkish Government could not accept the resolution as a whole.
4. Mrs. FLOREZ PRIDA (Cuba) said that some of the results obtained as a result

(Mrs. Florez Frida, Cuba)

of the hard work at the thirty-fourth session of the Commission on Human Rights were satisfactory, including the first eight resolutions in chapter XXVI, section A, of the Commission's report (E/1978/34), some of which Cuba had co-sponsored. There was no doubt 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, as stated in General Assembly resolution 32/130; it was only on the basis of that concept that the Commission on Human Rights could fulfil its mandate. It had been clear during the debate on that subject that it was advisable for the Commission to increase the number of its members, since its present composition was not in line with that of the United Nations or of the Economic and Social Council itself. It had also been emphasized that it was important for the Bureau of the Commission to meet between sessions to consider cases of mass and flagrant violations of human rights. In 1979, the Commission should arrange for meetings to be held one week before its annual session to continue the work begun in the current year, so as to carry out the task entrusted to it under General Assembly resolution 32/130.

5. The Commission had once again heard evidence about the continuing pattern of gross violations of human rights and fundamental freedoms in Chile, arbitrary arrests and detentions, the lack of constitutional and legal guarantees for human rights and the continuing use of methods of intimidation and torture. It had also been shown that the plebiscite, or electoral farce, carried out in January 1978 under the state of siege in response to the condemnation expressed by the international community in General Assembly resolution 32/118 had not convinced international public opinion, had not clarified the situation of thousands of missing persons and had not meant an end to torture and arbitrary detention or to the immunity and impunity with which the agents of the régime perpetrated their crimes. The Commission had therefore adopted its resolution 12 (XXXIV), which, inter alia, extended the mandate of the Ad Hoc Working Group in order that it might continue to perform in an objective and impartial manner the task entrusted to it by the Commission. Despite its decisive support for that resolution, Cuba had not joined in sponsoring it, as it had done in the case of previous resolutions on the subject, because of the reference in the seventh preambular paragraph to the report of the Inter-American Commission on Human Rights. As her delegation had clearly stated at the time of adoption of the resolution, it could not accept a reference to a regional organization which had never concerned itself with the situation of violations of human rights in Chile. Cuba considered that resolution 13 (XXXIV) on the establishment of a trust fund for Chile, of which it had been a sponsor, would be of great benefit in providing humanitarian, legal and financial aid to Chileans and their families who had had to leave the country because of the prevailing situation.

6. Her delegation believed that the Commission should continue to consider, in accordance with the procedure laid down in Council resolution 1503 (XLVIII), the cases of some of the countries mentioned in paragraph 208 of the report (E/1978/34), where human rights continued to be violated and the situation was steadily deteriorating. In the particular case of Uruguay, international public opinion was deeply concerned for the life of the political leader, Raúl Sendic, who had disappeared from his place of detention and was being tortured.

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(Mrs. Florez Prida, Cuba)

7. Her delegation supported the proposal concerning a convention on the rights of the child and believed that every effort should be made to adopt such a convention in 1979, the International Year of the Child.

8. Mr. RICHARD (United Kingdom), noting that 1978 marked the thirtieth anniversary of the Universal Declaration of Human Rights, said that there was in fact nothing particularly novel in the ideals enshrined in the Declaration. Demands for protection against the tyrannical acts of Governments, for assurances against arbitrary arrest and inhumane punishment, for freedom of assembly and expression, for the rule of law, for better economic and social conditions and for the exercise of those rights through universal suffrage had been among the most insistent themes of political activity in many countries, including his own. However, the achievement of the United Nations in the Charter and, in particular, in the Declaration was that for the first time such demands had been made not as claims by the citizens of one country against their own Government but rather by the peoples of all nations to all Governments all over the world.

9. That in turn had raised new and difficult problems. Governments were not always receptive to criticism by their own nationals, much less to complaints by the citizens of other countries. They had been accustomed to believe that activities relating to their own nationals within their own borders were of no concern to those outside, and international law had traditionally justified a refusal to admit the right of foreigners to interfere in any matters which a Government claimed to be within its own domestic jurisdiction.

10. Such arguments, however, were no longer acceptable. Various contemporary legal documents had demonstrated beyond a shadow of a doubt that abuses of human rights wherever they might occur were now legitimate subjects for international concern and action. An even more fundamental and practical reason for the new approach to human rights was that the world had become smaller, thereby creating a wider community with mutual moral responsibilities. It was now generally accepted that no country had an absolute right to raise impenetrable barriers at its frontiers behind which it could do what it pleased with or to its own citizens. Every régime, however apparently impervious it might be, must be concerned to some extent at the judgements other countries made of their domestic actions.

11. International concern had been expressed in a process through which global standards had been set, beginning with the Universal Declaration and continuing with the drafting of conventions and declarations in various areas. With the completion of the conventions against torture and discrimination against women that were currently under study, the process would be virtually complete. Of course, standards were not enough in themselves if they were blatantly disregarded, as they unfortunately were in the case of many countries. It was necessary to establish effective machinery for the implementation of the standards. Effective measures of implementation had been first established in the European human rights system,

(Mr. Richard, United Kingdom)

through the Commission and Court of Human Rights in Strasbourg. Within the United Nations system the first effective arrangements, apart from the ILO machinery for supervising implementation of conventions on working conditions, had been provided for the Convention on the Elimination of All Forms of Racial Discrimination, which had established a Committee to supervise the performance of Governments. Similarly, the International Covenant on Civil and Political Rights had provided for a Human Rights Committee to monitor its implementation. The International Covenant on Economic, Social and Cultural Rights had charged the Economic and Social Council with a similar responsibility. Possibly the most important advance had been made in Council resolution 1503 (XLVIII), which had established new procedures for dealing with communications that revealed a consistent pattern of gross violations of human rights.

12. The thirty-fourth session of the Commission on Human Rights had been more successful than the preceding session in the eyes of all who genuinely cared about human rights, and progress had been made in several important areas. There had been a spirit of real concern in the Commission on the part of a wide range of countries about violations of human rights, and there had been evidence of a desire to co-operate in tackling them. Particular mention might be made of the action taken by the Commission under the procedure laid down in Council resolution 1503 (XLVIII), in relation to the human rights situation in a number of countries, most particularly Uganda, and in the face of horrifying reports of widespread oppression in Cambodia.

13. There had also been many suggestions from a wide range of countries for specific methods to deal with human rights problems, and concrete steps had been taken by the Commission in relation to initiatives by Nigeria and India respectively to encourage new regional and national tiers of human rights machinery. His delegation welcomed such measures because they recognized the importance of cultural and social diversity. The Commission had also had before it the controversial proposal - opposed by one group of States - to establish a High Commissioner for Human Rights. His delegation hoped that further and perhaps quieter consideration of that proposal by the working group set up by the Commission would remove some of the myths surrounding the idea and expose some of the propaganda that had been spread about it. The High Commissioner would not be a kind of international policeman but rather a conciliator, an adviser and a co-ordinator, filling the gap that clearly existed in the human rights field. There was, of course, room for flexibility over the precise way in which the proposal should be formulated.

14. His delegation strongly supported the suggestion that the Commission should meet more than once a year, since it seemed unjustifiable that, if a serious violation of human rights took place immediately after the Commission had met, a year had to elapse before the matter could be considered, let alone redressed. Another proposal which merited consideration was the holding of ad hoc meetings on the initiative of the Chairman or the Bureau to consider serious new violations of human rights. Those were among the proposals which the Commission had referred to a working group that would meet in Geneva in January 1979. His delegation regretted that the working group would not be able to meet earlier and in New York.

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(Mr. Richard, United Kingdom)

15. His delegation welcomed the start that had been made in drafting a convention against torture, but regretted the lack of progress on the draft declaration on religious intolerance because of the determined opposition of a group of professedly atheistic countries. It naturally regretted the continued practice of presenting in the Commission on Human Rights draft resolutions on southern Africa and the Middle East containing political elements which were known to be unacceptable, although in the case of some of the resolutions on southern Africa there seemed to have been at the most recent session a greater understanding of some of his delegation's problems. His delegation was pleased that the Commission had decided once again to condemn serious violations of human rights in Chile.

16. With regard to the question of the relationship between the various sorts of rights, his delegation was disappointed that the basic concepts of General Assembly resolution 32/130 had not become clearer as a result of the Commission's discussion. That was a matter which the working group would be considering next January. The fundamental question whether that resolution sought to establish a priority for certain sorts of human rights remained unanswered. His delegation was of the view that there could be no hierarchy of human rights. Torture and starvation were both evils, and both could and should be tackled at the same time. Nor did one solution necessarily need to wait for the other. His delegation had been heartened by statements in the Commission showing that its views on the subject were shared by many of the sponsors of resolution 32/130. The two categories of rights, political and civil on the one hand and economic, social and cultural on the other, might be different in nature, as was implicitly demonstrated by the Council's current problems over the implementation of the Covenant on Economic, Social and Cultural Rights. Governments could guarantee administratively rights such as freedom from torture, but guaranteeing the right to work, for example, was not so simple a matter. Nevertheless, the two categories of rights were indivisible. Failure to ensure and protect political rights was likely to have a direct negative consequence on economic and social development, and it was difficult to believe that, in societies where people were denied the means to express views on government decisions, those decisions could be soundly based on the real needs of the people. Nor could people give of their best to the economy of a country in which they were excluded from any say in political and economic affairs or, worse still, where they felt that their personal security and freedom were threatened. The alienation of the worker as described by Marx and Engels in the nineteenth century had been paralleled by the alienation of the governed from their rulers. That relationship should be explored further within the United Nations system, perhaps at one of the seminars planned to commemorate the anniversary of the Universal Declaration.

17. The interrelation of political and economic rights could be put in another way. Demands were made on countries such as his own which, although in the economic area, were presented on a basis that was primarily moral. However, interdependence did not stop at economics; it was not possible to integrate economics while at the same time isolating ideas and moral values, and the responses to the requests made must obviously take those factors into account.

18. With regard to human rights generally, there was much highflown rhetoric on

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(Mr. Richard, United Kingdom)

one side and much obfuscation on the other. But, stripped of polemic and ideology, human rights really came down to Governments' treating their people decently and ensuring that they had the means to eat and clothe themselves, had access to medical care, were not tortured or detained without trial and were allowed to practise their religion, express their thoughts freely and have a say in their own fate. The United Kingdom did not see concern about those issues as imposing its values on others; it believed that such values were of universal application and that human rights were not and should not be a political issue. As a free nation conscious of the benefits that freedom brought and conscious also that the world was now really one human community, the United Kingdom had consistently taken and would continue to take a strong stand in public as well as in private whenever and wherever human rights were withheld or withdrawn.

19. Ms. MARTINEZ (Jamaica) said that the Universal Declaration of Human Rights had been adopted as a standard of achievement, in a very different world and at a time when the United Nations had been very much smaller. In 1968, on an initiative sponsored by Jamaica, the United Nations had taken stock of what had been achieved and had attempted to chart its future course; her delegation hoped that the same spirit of review and assessment would inform the Council's work at the current session. It was a pity that, because of the late appearance of the report of the Commission on Human Rights (E/1978/34) and its complexity, the Council could not hope to carry out the in-depth consideration that was its responsibility under the Charter. It was disturbing to think that the very small number of draft resolutions proposed to the Council for adoption by the Commission on Human Rights might be an indication of a growing belief that the Council was incapable of an in-depth review.

20. The obligation to protect human rights underlay every area of activity of the United Nations and its specialized agencies. Work on human rights in the United Nations had evolved into four main categories. First, the Organization spoke out, on the basis of hard evidence, on consistent and gross violations. In that connexion, her delegation was heartened that the Commission had been able to broaden its areas of consideration without in any way lessening the attention it gave to parts of the world where the worst violations of human rights took place. Economic and Social Council resolution 1503 (XLVIII), although not perfect, was evidence that a consensus was slowly emerging on the subjects which should be considered by the Council. Second, the United Nations elaborated international legal instruments by which Governments undertook to protect the individuals who made up their nations. Her delegation was following with interest the work on the questions of the rights of the child, the rights of persons born out of wedlock, the treatment of detainees, the question of torture and the protection of migrant workers, and it hoped to participate fully in the development of appropriate legal instruments. Third, the United Nations provided multilateral assistance to Member States in guaranteeing the rights of their citizens; its achievements in that sphere were modest, because of the long-term nature of the assistance required and lack of resources. Her delegation therefore supported draft resolution I recommended by the Commission and urged Member States to consider specific ways of increasing resources. It welcomed the holding of a seminar on national and local institutions in the field of human rights referred to in resolution 23 (XXXIV). As early as 1966,

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(Ms. Martinez, Jamaica)

her delegation had proposed that national human rights committees should be set up, but at that time the proposal had been considered premature. Fourth, it had been the objective of the United Nations to educate the peoples of the world, as well as their Governments, about issues of concern to it and situations involving violations of human rights. In that respect, its achievements were insufficient. For instance, it was now universally held by the United Nations, and therefore by the Governments which voted for the statement, that the grave violation of human rights in southern Africa was, by the very nature of the legal institutions there, of a different order from other situations of violation; yet the conscience of most of the peoples of the world, and particularly of the peoples of those nations which supported the South African régime, was only aroused when fresh blood was shed. Her delegation therefore fully supported all efforts of the United Nations, whether through ad hoc working groups or special rapporteurs, to keep the international community informed of grave violations of human rights. The information at its disposal should be made public, so as to burn the truth into the conscience of mankind. The racist régimes of southern Africa were adept at public relations, and the United Nations must strive to equal them. Just as important in a different dimension was the question of the realization of economic, social and cultural rights, and real progress had been made in bringing about increasing acceptance of the idea that the full guarantee of those vital rights depended to a considerable extent on structural changes in the world economy. Recognition of that reality underlay the work of the United Nations, but was not always fully appreciated by the peoples who were represented there. Her delegation therefore hoped that the study on the realization of economic, social and cultural rights would be updated, as suggested in resolution 4 (XXXIII) of the Commission on Human Rights, and would then be effectively disseminated. When examining its activities in the economic and social spheres, the United Nations must consider how it communicated its work to those on whom the success of its efforts would ultimately depend.

21. On the basis of the information so far provided, her delegation could support the six draft resolutions and eight draft decisions contained in the report of the Commission on Human Rights. It was grateful for the report on the situation regarding infringements of trade union rights in South Africa (E/1978/21), although the story it told of efforts to weaken the trade union movement by dividing its components was a depressing one. Her delegation supported the proposal in paragraph 86 of the report, and hoped that the conclusions and recommendations would not only be disseminated to Member States but would find their way to trade unions everywhere. Her Government considered that the draft general principles on equality and non-discrimination in respect of persons born out of wedlock represented a useful step towards reconciling the varied social traditions and legal systems represented in the United Nations. During the past year, Jamaica had removed by Act of Parliament the remaining inequalities affecting children born out of wedlock and had undertaken a programme of public education to erase the results of traditional social prejudice against them. Her delegation therefore agreed that the item should be retained on the agenda. Lastly, her delegation attached great importance to the question of the machinery and procedures for the consideration of human rights in the United Nations. It had studied the various proposals in chapter IX of the Commission's report and would comment further on them at the appropriate time.

22 Mr. OZADCVSKY (Ukrainian Soviet Socialist Republic) said the report of the Commission on Human Rights (E/1978/34) showed that the Commission was making

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(Mr. Ozadovsky, Ukrainian SSR)

considerable efforts to develop international co-operation in promoting universal respect for human rights. The Ukrainian SSR had always supported and continued to support the Commission's constructive efforts in that direction, and noted with satisfaction the results of the Commission's work at its last session, particularly the resolutions and decisions dictated by the desire to promote true respect for human rights in general.

23. His delegation believed that the Commission had been right to concentrate above all on the gross and massive violations of human rights and fundamental freedoms which were continuing to take place as a result of policies of colonialism, apartheid and other forms of racism and racial discrimination, the suppression of national liberation movements, the occupation of foreign territory, economic and social oppression and other factors. It was clear that the question of the violation of elementary human rights in southern Africa should remain at the centre of attention in the work of the United Nations in the human rights field. Information on the flagrant violations of human rights in South Africa was contained in the report of the Ad Hoc Working Group of Experts (E/1978/21). The mass repression carried out by the South African authorities had frequently been condemned by world public opinion and by many international organizations, above all the United Nations.

24. Although the United Nations had been concerned with violations of human rights in South Africa for more than 31 years, apartheid had not yet been eradicated, and in defiance of the overwhelming majority of mankind a handful of senseless racists was carrying out with impunity the savage repression of millions of people who had been reduced to slavery. The reason for that situation was absolutely clear: a number of Western States were failing to take action against the apartheid régime because of their selfish economic and strategic interests and the intrigues of major international monopolies. The Western corporations which dominated the economy of the apartheid régime could not fail to support the South African racists when the flouting of the last rights of the African people brought them fabulous profits. The Special Committee against Apartheid had recently noted the enormous increase in foreign investment in South Africa. It was quite obvious that the inflow of resources not only strengthened the illegal minority régimes in Southern Rhodesia and South Africa but also enabled them to acquire the most modern weapons and military equipment so as to intensify repression against local patriots and also carry out armed provocation and acts of aggression against neighbouring independent African States. It was particularly alarming that South Africa was rapidly preparing to produce nuclear weapons and that the co-operation of certain Western Powers and multinational corporations with South Africa in the nuclear sphere was increasing equally fast. That co-operation, and the direct assistance from the Western protectors of the racists, were essential to the continued existence of the shameful and atavistic colonial system. The direct connivance of certain circles with the racist régimes, or their inaction, sometimes disguised with far-fetched arguments about "settlements", clearly led to an increase in the cruelty of mass repression and to further loss of human life in South Africa. Any plans for agreements with the racists responsible for the policy of apartheid were fraught with danger.

(Mr. Ozadovsky, Ukrainian SSR)

25. The Ukrainian SSR had always actively opposed violations of human rights in South Africa and had supported and strictly implemented all decisions of the United Nations aimed at the eradication of apartheid. As a member of the Special Committee against Apartheid, it participated in the formulation of international measures to support the just struggle of the indigenous population of South Africa for its rights. His delegation hoped that the decisions of the Council at its current session would contribute to the realization of effective measures to protect the rights of the African people of South Africa, particularly as 1978 was the International Anti-Apartheid Year.

26. The report of the Commission on Human Rights showed that among the most flagrant and gross violations of human rights were those perpetuated by the Israeli aggressors in the illegally occupied Arab territories. The years of occupation had meant for the indigenous Arab population cruel and barbaric terror and repression, arrest and torture, racial discrimination, mockery and humiliation and the seizure of their land and homes. The Israelis were carrying out a premeditated policy of colonialism and annexation of the Arab territories and plunder and exploitation of their riches, and with that end in view were attempting to change the status of those territories and alter their demographic nature by driving the Arabs from their lands and setting up Israeli colonial settlements. The most serious violation of human rights in those territories was the very fact of occupation and forced seizure of land and the denial of the inalienable rights of the Arab people of Palestine. The mass violations of human rights in that region could only be ended if a comprehensive and just Middle East settlement was attained, including an immediate end to occupation, the withdrawal of Israeli troops from all the Arab territories occupied in 1967, and the realization of the inalienable rights of the Arab people of Palestine.

27. The Commission on Human Rights had confirmed that the Chilean people were still suffering from the outrages committed by the fascist junta, and the information about the terror and repression carried out by the junta, contained in the report of the Ad Hoc Working Group on the situation of human rights in Chile, disproved the junta's attempts to create an illusion of normality. At the fifth session of the International Committee to investigate the crimes of the military junta in Chile, irrefutable proof had been adduced about the terrorist activity of the Pinochet clique; more than half the political prisoners were still in prison. The General Assembly had been fully justified in adopting its resolution 32/118, calling on the Chilean authorities to take all necessary measures to restore and safeguard basic human rights and fundamental freedoms. Refusing to comply with the demands of the United Nations, the junta was resorting to various manoeuvres in an attempt to divert the attention of world public opinion from the tragedy of the Chilean people. The continuing terror, massive violations of human rights, political repression and cruel torture in Chile made it necessary for the United Nations to adopt the most decisive and urgent measures to ensure the protection of human rights in Chile, put an end to repression and secure the release of all the political prisoners and Chilean patriots struggling for the restoration of democracy in that country.

(Mr. Ozadovsky, Ukrainian SSR)

28. The struggle against all forms of fascism was an inseparable part of genuine concern for human rights, and the Commission should therefore give attention to the dangers of the re-emergence of fascism. The new wave of fascism in a number of countries confirmed the danger of attempts to revive an ideology which was clearly no less dangerous than racism, zionism and apartheid. The Commission on Human Rights must therefore condemn such phenomena.

29. A number of delegations had rightly referred to the great concern of the peoples of the world about the arms race and the development of sophisticated weapons of mass destruction, such as the neutron bomb, which posed a direct threat to the first human right of all, the right to life. The struggle to halt the arms race was therefore the most important aspect of efforts to protect human rights. The Commission on Human Rights must do all it could to ensure the effective guarantee of the right to live in conditions of international peace and security, a right which derived directly from the provisions of the United Nations Charter and the International Covenants on Human Rights.

30. The Ukrainian SSR had every reason to be proud of the practical implementation in its territory of the principles of socialist humanism, the guarantee of the full range of democratic rights and freedoms and the creation of the most favourable conditions for the all-around development of the individual. The new Constitution confirmed and further expanded the guarantee of socio-economic and political rights and freedoms for Ukrainian citizens, particularly the socio-economic rights which lay at the very basis of life, namely, the rights to work, to leisure, to old-age benefits and to free education. The Constitution also spelt out for the first time such important rights and freedoms as the rights to health care and free medical attention, to housing, and to the enjoyment of the achievements of culture, and freedom of scientific, technical and artistic creation.

31. The Ukrainian SSR would continue to take an active part in elaborating decisions aimed at international co-operation in the field of human rights and the development and promotion of true respect for rights and freedoms in accordance with the United Nations Charter.

32. Mr. MEZVINSKY (United States of America) said that the thirty-fourth session of the Commission on Human Rights seemed to have been the beginning of a new spirit of accommodation among its members. The divisions which had characterized previous sessions had become less acute, and many Governments of different economic systems or historical backgrounds were coming to share the view that human rights were of increasing concern for all.

33. His delegation particularly welcomed the leadership role assumed at that session by many third world delegations. It was heartened by the emerging common viewpoint on human rights, which it hoped would enable the Commission to play an even more meaningful role in the over-all work of the United Nations. The Commission had been more even-handed than before in its application of basic human rights principles and had, very rightly, not limited its attention to South Africa, Chile and Israel. Action had been taken under the confidential procedures on a number of other countries and statements had been made about human rights situations in the United States, the Soviet Union, Argentina and Cuba,

(Mr. Mezvinsky, United States)

signalling the end of the double standard and selective morality. His delegation also welcomed the decisions regarding national institutions and regional arrangements in the field of human rights as important ways of strengthening the role of the United Nations.

34. An important beginning had been made in drafting a convention on torture, and his delegation hoped that the convention would be completed in the near future. Work on the draft declaration on religious intolerance was proceeding at a disappointingly slow pace, but his delegation was gratified by the increased interest that had been shown in the draft declaration at the last session.

35. The Commission had taken important decisions with respect to the human rights situation in southern Africa, and the pervasive problem of apartheid very properly continued to occupy a major part of the Commission's attention. The Commission had considered the disturbing reports of human rights violations in Cambodia and should keep that situation, which was among the worst in the world, under review.

36. His delegation had abstained from voting on the resolution concerning the establishment of a voluntary fund for Chile because it considered that it would be more appropriate to establish a general United Nations fund to assist victims of human rights violations throughout the world. It hoped that that idea would find favour and was prepared to enter into discussions on the structure and mandate of such a fund.

37. His delegation regretted that more progress had not been made in considering the many important proposals for strengthening the human rights machinery of the United Nations. The task of the working group which the Council was asked to authorize would be of critical importance to the human rights efforts of the United Nations. Other significant questions, such as those relating to the human rights of migrant workers and persons belonging to national, ethnic, religious and linguistic minorities, remained for further consideration by the Commission.

38. At its thirty-fourth session the Commission had taken a small step forward, but there was still a long way to go. In that connexion he noted that less than 1 per cent of the United Nations budget was allocated to human rights and stressed the need for continued vigilance in the constant struggle for human rights throughout the world.

39. Mr. SAMHAN (United Arab Emirates) said that his Government fully adhered to and respected the Universal Declaration of Human Rights. His delegation was particularly interested in the question of alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms and had supported General Assembly resolution 32/130. The international community should continue to search for solutions to the mass and flagrant violation of human rights of peoples and individuals.

40. The report of the Commission on the work of its thirty-fourth session (E/1978/34) described major violations of human rights in countries throughout the

(Mr. Samhan, United Arab Emirates)

world. It was regrettable that some of the States which condemned such violations continued to help the perpetrators rather than the victims.

41. His delegation recommended that the question of the draft convention on the rights of the child should be included in the agenda of the thirty-fourth session of the General Assembly and be given priority consideration; however, it believed that the convention should take into account the different cultural and religious approaches to children. His delegation would support all the draft resolutions and draft decisions contained in the Commission's report, because of its belief that respect for human rights meant a better world for everyone.

42. The report revealed that Israel was continuing to violate human rights in the occupied Arab territories, including Palestine. His delegation condemned Israel for those violations and appealed to the States which were aiding Israel to advise it to end such violations and respect the resolutions of the General Assembly and the Security Council.

43. With regard to the violation of human rights in South Africa, his delegation condemned the Government of South Africa for killing peaceful demonstrators and murdering political prisoners and detainees. The International Anti-Apartheid Year should concentrate on mobilizing Governments and peoples throughout the world to put an end to collaboration with the apartheid régime and to assist the oppressed people of South Africa and their national liberation movements. His delegation called for a world-wide campaign for the unconditional release of all political prisoners in South Africa and for condemnation of the "homelands" policy, which deprived the African people of real self-determination.

44. The racist régime in South Africa would not have lasted so long without the moral and material support of certain members of the international community and without economic assistance from transnational corporations. The arms embargo imposed by the Security Council in its resolution 418 (1977) had been very important, and his delegation urged all States to apply a complete arms embargo and also economic sanctions against the racist régime.

45. Miss SHAHICAR (Iran) said that her delegation had voted in favour of the resolutions and decisions adopted by the Commission on Human Rights at its thirty-fourth session. It endorsed the conclusions in the report on the work of that session, which reflected the conscientiousness and sense of responsibility with which the Commission had approached its work, thereby achieving very positive results.

46. However, there were some drawbacks to the Commission's approach. In attempting to deal with all the items on its vast agenda, it had been unable to consider items in sufficient depth. That situation had prompted a number of suggestions concerning the programme and methods of work of the Commission which warranted further consideration. However, such suggestions should be considered within the broader context of the Commission's over-all analysis of alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

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47. General Assembly resolution 32/130 had established a number of concepts to guide the Commission in making its over-all analysis. Her delegation wished to stress, however, that, while that resolution emphasized the importance of the concepts it established, it did not state that the approach to human rights activities within the United Nations should be limited to those concepts. In fact, those concepts had been somewhat neglected in recent United Nations human rights activities, a fact which explained why a large number of countries, and in particular the developing countries, felt that the narrow approach to human rights adopted within the United Nations did not take sufficient account of their problems or of real situations and therefore distorted the information available on human rights questions. In that connexion, she endorsed the remarks made by the representative of Sweden at a previous meeting. It was also interesting to note that resolution 32/130 had had an almost immediate impact on many countries' interest and involvement in human rights activities.

48. The Commission had not yet had time to make an exhaustive over-all analysis of alternative ways and means within the United Nations for improving the effectiveness and enjoyment of human rights and fundamental freedoms, but such an analysis should in any case be an ongoing activity in order to keep abreast of developments. The first stage of the analysis had none the less commenced within the working group established by the Commission for that purpose, and a number of positive though limited measures had been taken. The latter were reflected in resolutions 23 (XXXIV) to 26 (XXXIV) of the Commission. With regard to the more technical problem of strengthening the capacity of the United Nations to promote effective enjoyment of human rights, a consensus seemed to be emerging on the need to strengthen the organs responsible for human rights questions and to co-ordinate their activities.

49. Draft resolution I, concerning advisory services in the field of human rights, also reflected Member States' concern for human rights and their desire to increase the effectiveness of human rights activities. Although views still differed as to how to achieve that aim, the latest efforts to reach a consensus were extremely positive and were due largely to a greater all-round effort to understand the problems and particular situations of different countries. Such a spirit of understanding and co-operation was vital if the United Nations was to be at all effective in promoting human rights and fundamental freedoms.

50. Another positive aspect of the work of the thirty-fourth session had been the follow-up to General Assembly resolution 32/62, in which the Assembly had requested the Commission to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment. Her delegation generally supported the draft prepared by the delegation of Sweden. The spirit in which the working group established by the Commission had approached its consideration of that draft gave grounds to hope that a convention on the subject would soon be adopted by consensus. Her delegation was not so optimistic regarding the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief, on which very little progress had been made. With regard to the preparation of other international human rights

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instruments, the draft declaration on the rights of members of minorities submitted by Yugoslavia and the draft convention on the rights of the child submitted by Poland should be transmitted to Governments for their comments. Her delegation could support the draft submitted by Poland, but believed that it should be studied more fully in the light of existing international instruments relating to women's rights.

51. All in all, her delegation was extremely satisfied with the results of the thirty-fourth session of the Commission, which had made an extremely positive contribution to the promotion of human rights.

52. Mr. DIEZ (Observer for Chile) said that there had been a number of developments in the situation of human rights in Chile since the thirty-second session of the General Assembly. The absolute calm which had prevailed in Chile since the referendum on 4 January 1978 had prompted the Government to take a number of measures in the direction of a return to institutional normality.

53. As a first step, the Government had ended the state of siege, so that the executive no longer had the power to detain persons or transfer them from one district to another. The freedom of individuals was thus in the hands of the law courts and habeas corpus had been fully restored. As a second step, the Government had lifted the curfew throughout the country and had pardoned all persons convicted by military courts either before or after 11 September 1973. It had done so not because the sentences imposed by the military courts had been excessive or unjust, but because it wished to promote a spirit of reconciliation among the population. Approximately 200 people have been freed as a result of the pardon. As a third step, the Government had decreed a general amnesty in respect of all crimes connected in any way with the functioning of the State which had been committed between 11 September 1973 and the date of the amnesty decree. The decree did not cover individuals who might be found to have been involved in the assassination of the former Minister for Foreign Affairs, Orlando Letelier.

54. On 21 May 1978, the national commission established to study proposals for a new constitution would be transmitting the results of its deliberations publicly to the President. The public debate on the new constitution would then take place within the Council of State. The constitution would be drafted by the end of 1978 and a referendum on it would be announced for 1979.

55. As his delegation had repeatedly stated, any measures taken by the Chilean Government in recent months formed part of the over-all plan of action which it had adopted when it first came to power. Certain institutional reforms had been required initially in order to deal with the situation then prevailing in Chile, but the country's traditional institutions were now to be restored in full. The current situation of human rights in Chile was completely normal and the press enjoyed far more freedom than in many other countries. That situation contrasted sharply with the situation of human rights in a number of other countries to which the international community devoted far less time and attention.

The meeting rose at 1 p.m.