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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 16th MEETING

Held at Headquarters, New York,  
on Friday, 27 April 1979, at 10.30 a.m.

Chairman: Mr. HASSAN (Pakistan)

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

SOCIAL DEVELOPMENT QUESTIONS (continued) (E/1979/24, E/1979/36, E/1979/C.2/CRP.2)

1. Mr. O'DONOVAN (Ireland), referring to draft resolution VIII submitted by the Commission for Social Development (E/1979/24, p. 9), said that a number of delegations had questioned the wording of the fifth preambular paragraph and operative paragraph 1 (c). The delegation of Argentina had proposed an amendment (E/1979/C.2/CRP.2, item 4). It might be more appropriate to use wording similar to that quoted in operative paragraph 3 of the draft resolution on the programme and methods of the work of the Commission on Human Rights, contained in that Commission's report (E/1979/36, p. 50):

"The Commission shall assist the Economic and Social Council in the co-ordination of activities concerning human rights in the United Nations system."

He would like to ask whether a representative of the Office of Legal Affairs could attend the following meeting and comment on his suggestion.

2. Miss RICHTER (Argentina) said that she would support the wording proposed by the representative of Ireland in preference to the wording in her delegation's amendment in document E/1979/C.2/CRP.2.

3. The CHAIRMAN said that he would ask the Secretariat to consult the Office of Legal Affairs.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (continued) (E/1979/24, chap. I, draft resolution V, and chap. VII, paras. 139-143, 169-170; E/1979/36, chap. XII and chap. XXI, resolution 25 (XXXV))

4. Mr. SID'AHMED VALL (Mauritania) said that, despite continuous study in different bodies of the United Nations system, the problem of the protection of migrant workers and their families was still sufficiently serious to warrant special attention from the Council. It was reassuring to note an awareness of the problem and concern over it in both countries of origin and host countries, but attention needed to be drawn to certain particular problems. In the first place, he shared the concern expressed by most delegations about the importance of preserving the cultural identity of migrant workers and their families, and particularly of the children. Secondly, it was essential to ensure respect for the dignity of migrant workers and their families and safeguard all their human rights, both in their work and in their private life. Thirdly, efforts must be made to avoid any action that might disrupt the economies of the countries of origin or the host countries and further complicate the situation of migrant workers and their families. Lastly, the organizations in the United Nations system, and in particular the International Labour Organisation (ILO), must continue to concern themselves with migrant workers and the various aspects of their problems.

5. He welcomed resolution 25 (XXXV) adopted by the Commission on Human Rights.

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6. Mr. MERCADO (Mexico) said that migrant labour was not only a work force; it had a social value accumulated in its country of origin. Each migrant worker represented an investment by the country of origin in education, medical care and other social inputs, and it could reasonably be said that the preparation of migrant workers as social groups enriched the labour factor and represented a financial contribution by the country of origin to the production system in the host country. In fact, migrant labour benefited both sides. The country of origin received part of the money earned, and the pressure of unemployment and underemployment was relieved; the host country benefited by the strengthening of the labour element in its productive system and also by the revenue derived from tax on earnings.
7. The general situation of migrant workers had been the subject of study, analysis and agreements for many decades on a bilateral basis. At the multilateral level, the International Labour Organisation (ILO) had carried out studies and adopted standards for the protection of migrant workers in such matters as social security and equal treatment. In recent years, as indicated in the ILO report to the Commission for Social Development (E/CN.5/572), a Convention and Recommendations on migrant workers had been adopted, dealing among other matters, with abusive conditions of employment and equality of opportunity and treatment. The Universal Declaration of Human Rights, adopted in 1948, included provisions on the right to free choice of employment, just and favourable conditions of work, the right to join trade unions, the right to rest, etc. Those rights were applicable to all human beings, regardless of migrant status, wherever a labour relationship between employer and employee existed.
8. Since 1973 United Nations organs, from the General Assembly to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had considered the problem of migrant workers and in 1976, 1977 and 1978 the General Assembly had adopted resolutions recommending that the Council and the Commission on Human Rights should study, fully and in depth, ways and means of improving the situation of migrant workers and ensuring respect for their human rights and dignity. Unfortunately, a heavy agenda had prevented both the Commission and the Council from completing those tasks. Although an effort had been made to find a solution, the reports received so far from the Commission on Human Rights and the Commission for Social Development gave little hope of a detailed and comprehensive study being completed in the near future on the basis of which proposals for action could be made with a view to ending the problem.
9. In that connexion he referred to the progress report of the Secretary-General on the welfare of migrant workers and their families (E/CN.5/568), in paragraph 21 of which it was stated that about 25 per cent of the economically active population of his country - at a conservative estimate about 4 million Mexican workers - had entered the United States without immigration permits. According to the foot-note on that page those figures came from a report published in 1977 by the United States firm Lesko Associates. However, since 1978 it had been recognized, even in official United States media, that the figures and forecasts in that and similar studies could not be accepted as accurate, and both countries had agreed that a great deal of research remained to be done before the truth could be known about the flow of migrants without permits between Mexico and its northern neighbour.

(Mr. Mercado, Mexico)

10. At the thirtieth session of the General Assembly, in 1975, his delegation had submitted a proposal on the urgent need for an international instrument - a multilateral code or convention - on safeguards for all migrant workers and protection against any restriction of the full enjoyment of their human rights, including respect for their freedom and physical integrity, freedom from mass deportation and discrimination, the right to fair wages and continuity in employment, medical care and access to social security. Such an instrument should also make provision for the right to respect for the preservation of the ethnic identity and cultural heritage of migrant workers, bearing in mind the principles set forth in the Philadelphia Declaration, adopted at the twenty-sixth General Conference of ILO, in 1944.
11. The general situation of migrant workers, irrespective of their migrant status, called for immediate action. They were an important element in the progress and development of the host countries and their situation was simply a reflection of the structure and complexity of present-day economic relations.
12. Activities for the benefit of migrant workers would best be channelled through a single body which could deal with the question as a matter of priority and submit concrete proposals to the Council and the General Assembly or prepare a draft international code or convention on respect for the human rights of all migrant workers. Such machinery, supported by the Secretary-General, the Commission on Human Rights, the Commission for Social Development and ILO and the other agencies, would provide the co-ordination that was needed and would prevent the duplication of effort that consumed so much of the Organization's time and resources.
13. His delegation reserved the right to speak again on the subject if necessary.
14. Mr. BERGTHUN (Observer for Norway), speaking on behalf of Denmark, Finland, Iceland, Sweden and his own country, said that the Nordic delegations were pleased to see that migrant workers were receiving more attention in the United Nations system and that their rights were becoming better defined and more widely supported - in particular those relating to equal rights with the citizens of the host country in employment, social security, trade union activity, vocational training and the right of family unification.
15. To improve the social situation of migrant workers, it was important that they should be given a proper opportunity to articulate and promote their own welfare interests in the society in which they lived. In that respect the Nordic delegations stressed the importance of the right of assembly and the right to establish organizations. Assistance from the authorities in the provision of office facilities and facilities for communal meetings and for worship would facilitate the exercise of those rights. The authorities should also try to facilitate communication between themselves and migrant workers and among the migrant workers themselves.
16. An important democratic principle was the right to influence relevant decisions and to participate in decision-making on matters of direct importance to the

(Mr. Berntsen, Observer, Norway)

individual or the group. All the countries concerned should consider the possibility of giving the right to stand as candidates in local or municipal elections to all migrant workers who had resided in the country for a prolonged period.

17. The problems of the children of migrant workers, living under the cross-pressure of the culture of their host and their mother country, could to some extent be solved by providing bicultural education. Co-operation between the host country and the home country would be helpful in that respect.

18. Further discussion within the United Nations system of measures to improve the social situation of migrant workers and ensure their human rights and dignity should concentrate on practical action. The specialized agencies, in particular the International Labour Organisation, had contributed in that connexion and their action should be supported and intensified.

19. The Nordic delegations wished to reaffirm their support for draft resolution V on the welfare of migrant workers, contained in the report of the Commission for Social Development (E/1979/24).

20. Mr. MARASLI (Turkey) said that immigrants had to face a series of problems in the process of adaptation to a new environment and integration into an essentially foreign community. Family units were deeply affected by migratory movements and, even if the members left behind found themselves materially better off as a result of the emigration, the improvement in their living conditions might be accompanied by severe problems of a social or mental character. Article 16 of the Universal Declaration of Human Rights stated that the family, as the natural and fundamental unit of society, had the right to protection; and article 13 of the Recommendation concerning Migrant Workers adopted by ILO in 1975, stated that all possible measures should be taken both by countries of employment and by countries of origin to facilitate the reunification of families of migrant workers, as rapidly as possible. Although, however, family reunion and family migration as a human right were recognized and increasingly accepted by the international community, they were rarely mentioned expressly in bilateral migration agreements or in national legislation on migration, and decisions were being left to the discretionary powers of the administrative or executive authorities. International instruments should clearly state that the migrant had a right to family migration which, as a human right, had binding force and could not be annulled by other international provisions or by a country's national legislation.

21. Language and education were important factors in the successful adaptation and integration of the immigrant and his family, and special measures taken to provide educational programmes for immigrants and their children must respond to the needs of each group. Perhaps the most serious obstacle to the social promotion of migrant workers was their limited access to vocational training: the vast majority of unskilled migrants never became skilled workers during their stay abroad. Although officially, foreign workers were entitled to the same vocational training as nationals in most receiving countries, actual practice did not always accord



(Mr. Marasli, Turkey)

with the guiding principles. It was essential that migrant workers should enjoy the same rights and opportunities for social and occupational advancement as nationals of the host countries.

22. One aspect of the problem on which the States concerned and international organizations could concentrate, to enable migrant workers to exercise their fundamental rights to the full, was the enjoyment of social security rights. Although that was widely protected in international instruments and bilateral agreements, there was still room for improvement. The rights already acquired or in the process of being acquired should be safeguarded so that migrant workers could benefit from them wherever they settled. Safeguards should cover the transfer of both migrant workers' and employers' shares of social security contributions to the national social security institutions of the country of origin, should the worker leave the country of immigration before being eligible for pension or other benefits. Great progress had been made in bilateral and multilateral efforts to overcome the difficulties by co-ordinating laws on social security. He welcomed international co-operation, particularly in ILO, and hoped that current efforts would continue.

23. The problems faced by migrant workers had been a source of major concern to the international community for the past decade; but, despite international, multilateral and bilateral efforts, migrant workers still encountered difficulties which deprived them of the full enjoyment of their human rights. There seemed to be a need for a more integrated approach to the issues involved and a strengthening of existing measures. In that connexion, he recalled the measures recommended by the World Conference to Combat Racism and Racial Discrimination in paragraph 13 of the Programme of Action, concerning the right of family reunion; equality of treatment in all fields for the children of migrant workers, including those of the second generation; equality of treatment for migrant workers in the field of social security; ratification of or accession to international instruments aimed at protecting migrants from discrimination; and the possibility of adopting an international convention on the rights of migrant workers. Most of those points were covered in General Assembly resolution 33/163. He hoped that the Secretary-General would report to the General Assembly at its thirty-fourth session on the results of his action, in pursuance of operative paragraph 7 of the resolution in exploring the possibility of drawing up an international convention on the rights of migrant workers.

24. Mr. VALDERRAMA (Philippines) said that his delegation attached great importance to measures to improve the situation and ensure the human rights and dignity of all migrant workers and had, therefore, supported the inclusion of that item in the Council's agenda for the current session, as well as sponsoring the resolution on the subject adopted at the twenty-sixth session of the Commission for Social Development and actively participating in the drafting of paragraphs 12, 13 and 14, relative to the plight of migrant workers, of the Programme of Action formulated at the World Conference to Combat Racism and Racial Discrimination. Although his country was not a member of the Commission on Human Rights, it firmly supported resolution 25 (XXXV), adopted by that body at its thirty-fifth session.

(Mr. Valderrama, Philippines)

Furthermore, he commended the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO) on their imaginative approach to the subject, and endorsed their respective programmes.

25. If Member States were to be true to the principles of the Charter, the Universal Declaration of Human Rights, and other international human rights instruments, they had to implement, individually and collectively, through concerted international action, the various measures to improve the situation and ensure the human rights of migrant workers. The higher concerns of human dignity, irrespective of race, sex, religion, or colour, demanded the amendment of any national legislation which inhibited Governments from affording full protection to migrant workers and their families. With the necessary political will, Governments should be able to enact legislation in harmony with current international thinking and measures in that field. His own Government had enacted legislative measures to ensure the well-being and welfare of migrant workers and their families as a demonstration of its commitment to their cause.

26. Mr. BECKER-BARBROCK (Federal Republic of Germany) explained that his Government had undertaken to grant foreign workers the same treatment as it did to their German counterparts, and to provide additional social services to help counteract the cultural, linguistic and other disadvantages faced by migrant workers. During the previous month the Federal Cabinet had decided in principle to grant work permits for children and spouses of migrant workers, after a waiting period of two and four years respectively, which meant that about 1.5 million people would be able to start work in the Federal Republic in the immediate or near future. The Federal Government was taking a considerable risk, as there were only 2 million jobs in the country, and about 850,000 people unemployed. The decision was further proof of his Government's positive attitude to the problems of foreign workers, and presupposed a large measure of understanding on the part of the German public.

27. Anachronistic prejudices against what was alien or foreign had to be overcome as a prerequisite for a humanitarian social policy for migrant workers, and his Government had succeeded to a very considerable extent in neutralizing existing prejudices. The fairly good relationship between migrant workers and German nationals was exemplified by the fact that, although the number of unemployed in the country since the 1973 recession was roughly equal to the number of jobs held by foreign workers, the idea of sending such workers home had never been seriously discussed either by the media or the public at large. All the political parties represented in the Federal Parliament had included in their party programmes a demand that migrant workers should be granted the right to vote and to stand for election to office at the communal level; that demand would be met in the near future.

28. Any action by the host countries to cope with the enormously complex problem of migrant workers was often portrayed with a negative connotation, but there were many positive aspects. Values such as tolerance, the gradual removal of prejudices, and progress through contact with different cultural values and ways of thinking,

(Mr. Becker-Barbrock, Federal  
Republic of Germany)

had always been highly rated in Europe and, long after the Middle Ages, a period as a travelling journeyman had still constituted a prerequisite in many European countries for admission to a recognized trade at home.

29. To illustrate the importance of the advantages of migrant labour he pointed out that without migrant workers in the hotel and restaurant trade, he and his compatriots, for example, might still be compelled to rely on a diet consisting of sausages and sauerkraut, as their forefathers had done.

30. Mr. EL-MOKRI (Morocco) said that migratory movements had to be considered within the context of the New International Economic and Social Order, since they helped to establish social, economic and cultural ties between countries. Those ties were often governed by bilateral agreements and, as a country of emigration, Morocco complied with the spirit and the letter of its international commitments to facilitate the employment of migrant workers. However, the host countries also had a role to play, particularly with regard to information. In the context of the new International Development Strategy, world public opinion had to be made aware of problems such as the state of mind of migrant workers and their families. Several countries had made praiseworthy efforts to improve the lot of migrant workers, but much remained to be done. Issues relating to migrant workers should be taught to children and young people at school, and given at least the same attention as sex education and road safety. That would help to eliminate many of the problems facing both migrants and their host countries.

31. Mr. MALIK (Pakistan) expressed the interest of his delegation in the over-all question of the welfare of migrant workers and their families. International labour migration, by its very nature, produced multifarious problems and challenges, which had to be tackled imaginatively. The task of the host countries in devising appropriate policies to absorb migrants into the mainstream of their economic, political and cultural milieux could be made much easier by greater co-operation with the relevant United Nations organs. The Commission for Social Development, in paragraphs 141 and 142 of its report (E/1979/24), had correctly assessed family reunion, education of children, repatriation of migrants and the legalizing of so-called "illegal" migrants as some of the major problems which merited the Council's attention, as well as the need for the host countries to recognize the principle of equality of treatment of migrant workers, also as regards access to social services.

32. His Government was committed to protecting the rights of the approximately 1.2 million Pakistani workers who had emigrated. In some countries those workers received discriminatory treatment, and the employing agencies did not honour the terms and conditions of their contracts. Such practices were inconsistent with the Universal Declaration of Human Rights and ILO Convention No. 143. The signatories to that Convention should be urged to ensure that it was fully incorporated into their national laws. In his country, a number of measures had been taken at the national level to ensure that its nationals received due care and protection in all matters concerning their emigration. An Emigration Ordinance, 1979, had been promulgated which, inter alia, provided for the



(Mr. Malik, Pakistan)

appointment of a Director-General of Emigration and Overseas Employment Promoters, and for rules and penalties relating to the emigration of workers. Under the new emigration policy, social welfare officers had been stationed at points of entry and exit, to safeguard the interests of migrants.

33. His Government would continue to improve its co-operation with United Nations agencies concerned with the welfare of migrant workers and to extend full support to all United Nations activities directed towards that end.

34. Mr. ARTACHO CASTELLANO (Spain) said that his country, which had long been a source of emigration, and more recently of migrant labour, would also continue to welcome all those who migrated to Spain.

35. The economic, social, cultural and humanitarian problems of emigration had been borne in mind at all stages of the drafting of Spanish legislation on the subject. The recently promulgated Constitution specifically stated that the State would take particular care to safeguard the economic and social rights of Spanish workers abroad and would direct its policy towards their return. The Emigration Act of 21 July 1971 recognized the freedom to emigrate, and the State paid particular attention to improving assistance to, and protection and care of emigrants.

36. His country had ratified ILO Convention No. 97 concerning Migration for Employment and had negotiated and constantly updated bilateral agreements with neighbouring countries in Western Europe. The restrictions imposed by those countries as a result of the post-1973 economic situation had had the effect of considerably increasing unemployment in Spain. As a result of the Amnesty Act promulgated in October 1977 those workers who had been forced to emigrate for political reasons under the former régime were being helped to return, and all employment rights, including social security benefits and retirement pensions, were being restored to them.

37. Migrant workers from Portugal, Latin America, Brazil, Andorra and the Philippines had the same employment rights as Spaniards, and no restrictions were placed on the employment of foreign workers, despite the high rate of unemployment in Spain.

38. His country was closely co-operating with the United Nations in establishing suitable international channels for the solution or alleviation of problems such as the education of children of migrant workers, family reunification, links between countries of emigration and host countries, and the creation of an international framework effectively to guarantee full respect for the rights of migrant workers, in theory and in practice.

39. His delegation was particularly interested in operative paragraphs 2 and 3 of draft resolution V, contained in the report of the Commission for Social Development (E/1979/24), and agreed with the points mentioned in paragraph 141 of that report. He had carefully studied chapter XII of the report of the Commission on Human Rights (E/1979/36) and the comprehensive and detailed text of the Commission's resolution 25 (XXXV). The reports of the Secretary-General contained in documents E/CH.5/564 and 568 were extremely useful.

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(Mr. Artacho Castellano, Spain)

40. Greater co-ordination between the various bodies and Secretariat units dealing with migrant workers would be appropriate, as would the collating of all the data contained in the various reports. In that connexion, the guidelines for the medium-term plan, the recommendations of the Committee for Programme and Co-ordination, and any comments by the Joint Inspection Unit should be taken into account. The Economic and Social Council would be the obvious channel for co-ordination, without prejudice to any subsidiary work that might be done at other levels.

41. His country would continue to support and promote any measure which would improve the employment and cultural situation of migrant workers, and it attached great importance to the possibility of drafting an instrument clearly enunciating the rights of migrant workers in all fields, and establishing procedures effectively to protect them. The question of the rights of migrant workers should remain as a separate item on the Council's agenda.

42. Mrs. RESTREPO de REYES (Colombia) remarked that resolution 25 (XXXV) of the Commission on Human Rights and draft resolution V contained in the report of the Commission for Social Development (E/1979/24) were complementary. Both expressed the view that migrant workers, whatever their juridical status, were entitled to protection under the labour and social laws of the host countries. To deny them their rights was to reduce them to a state of slavery.

43. Problems of migrant workers should also be dealt with in bilateral treaties, since the relationships between the various countries of origin and host countries were specific in character, and had to be dealt with on a case-by-case basis. In most instances, migration led to the separation of families and to cultural shock, resulting from the different languages, religions and social and educational systems encountered by migrants. The host countries had to study and handle those situations carefully so that the change was effected without trauma or violent upheaval. Instead of problems, mutual enrichment should be the result.

44. The twentieth century had been an age of large-scale migration, particularly of the work force, which had become an economic force to be reckoned with in the host countries. Migrants were employed at various levels of skill, and in a variety of sectors, thereby helping to enrich the recipient States. Since universal labour legislation made no distinction between migrant and other workers it was therefore only logical that it should apply to both.

45. She requested clarification of the use of the words "interrelated, manner" in operative paragraph 2 of draft resolution V, which were unclear in English, and even more so in Spanish. She presumed the intention had been to state that migrant workers should be given the same treatment as local workers in the host country.

46. Mr. FOX (Observer, World Federation of Trade Unions) pointed out that his organization had submitted a written statement, but that it had unfortunately not yet been circulated. It dealt with current problems of migrant workers in all

(Mr. Fox, Observer, WFTU)

countries and on every continent. There had been little improvement in conditions for migrant workers, and most countries still used them as a reserve army of cheap labour to be discarded when no longer needed, usually with no entitlement to social security or other benefits. He commended the ideas contained in the written statement to the Committee for its consideration.

47. Mr. EDIS (United Kingdom) said that temporary migration of labour had developed on a large scale since the Second World War, not least in Western Europe, and it was only right that it should be the focus of increasing international attention. People who left their countries to seek work and a better life should not be regarded as mere labour units to be shunted in and out in response to the laws of economics or, worse still, as political scapegoats. It should go without saying that they were human beings, with the same feelings and aspirations as anyone else, and had to be treated accordingly.

48. Large-scale migrations could, and did, lead to friction, but the problems of the host countries should not be discounted, and those countries should not be cast in the role of villain. His country could reasonably claim to have a good, even if not perfect, record with regard to migrant workers. Most immigrants, who would have been treated as migrant workers in other countries, had been allowed to settle, to acquire citizenship, and to bring in their immediate family. From the time they arrived, they were entitled to the same social security and welfare services as nationals, and had the right to vote. Given the sheer scale of the migration, it was not surprising that problems sometimes arose, but they ought not to be exaggerated. It was, in many respects, remarkable that migrants had been assimilated so smoothly; that said much for the good sense and tolerance of both migrants and hosts.

49. His delegation shared the interest and concern expressed by those who had cogently, and often movingly, described the problems of migrant workers. The subject should be treated seriously and constructively in the United Nations system. That was the approach most likely to achieve satisfactory results for all, including the migrant workers.

50. Mr. CHABALA (Zambia) said that the question of migrant workers required resolute action at the national, bilateral and international levels. The measures provided for in the resolutions before the Council were intended for Governments with normal legislative frameworks. The situation in the southern African territories under white racist domination, however, was unique. For that reason, he wished to commend to the attention of Council members the provisions of the Lusaka Charter on the situation of minority workers in South Africa which would be of great assistance in providing a basis for effective action to resolve the situation in those territories. He wished to know if the Secretariat could circulate the Lusaka Charter to members of the Council who might not be acquainted with its contents.

51. The CHAIRMAN said that he would consult the Secretariat on the matter.

HUMAN RIGHTS QUESTIONS (E/1979/36, E/1979/14 and Add.1-C, E/1979/19; E/1978/C.2/L.6)

52. Mr. VAN BOVEN (Director, Division of Human Rights), introducing the item, said that the Ad Hoc Working Group of Experts had prepared a report on allegations regarding infringements of trade union rights (E/1979/17), which contained information obtained in 1978 by the Working Group during its field mission to Africa. The two major issues dealt with in the report were: suppression of the right to organize trade unions, and the persecution of workers because of their activities, especially as a consequence of strike action. He referred members of the Council to documents E/CN.4/1311 and E/1979/36 for information gathered by the Working Group on the situation of other human rights in South Africa.

53. The draft general principles on equality and non-discrimination in respect of persons born out of wedlock had been referred to the Council by the Commission on Human Rights. The comments received by the Council from Governments reflected the great diversity of opinion and the problems encountered in differing cultural and social systems with regard to that matter.

54. Referring to the report of the Commission on Human Rights (E/1979/36), he said that the Commission's increased concern over situations of serious violations of human rights throughout the world was reflected in the large proportion of meetings, both public and private, which it had devoted to examining such situations. A central aspect of its work had become the methods, procedures and criteria for handling allegations of human rights violations.

55. There was a growing desire among Member States to become members of the Commission, and the list of observers was growing every year, while a similar increasing desire for participation was shown by non-governmental organizations. That interest in the Commission reflected its importance and value; it was the most appropriate policy organ for securing consistency and co-ordination in the human rights programme.

56. In draft resolution II proposed by the Commission on Human Rights, the Commission requested the Council to authorize a meeting of an open-ended working group to complete the work on a draft convention on torture and other cruel, inhuman or degrading treatment or punishment and recommended that the Council should request the Secretary-General to transmit to Member States for their comments the revised body of principles for the protection of all persons under any form of detention or imprisonment so that the General Assembly could consider their adoption at its thirty-fifth session.

57. Two draft resolutions on missing persons and a proposal for amendments had been submitted to the Commission, but attempts to reach a solution regarding the amendments had been unsuccessful. For that reason, the Commission had been unable to take action on a matter over which the General Assembly had expressed deep concern, particularly in its resolution 33/173.

58. The sessional working group established to draw up the convention on the rights of the child had adopted several provisions but had not completed its work. The

Commission had decided to continue its work on the convention at its thirty-sixth session and to invite the Secretary-General to consider organizing a seminar on the rights of the child in the light of international instruments on human rights and their implementation and progressive development.

59. The Commission had adopted three articles of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief and had decided to continue the elaboration of the remaining articles at its next session.

60. It had adopted a resolution on the rights of persons belonging to national, ethnic, religious and linguistic minorities [resolution 21 (XXXV)], in which it requested Governments which had not yet done so to submit their comments on the subject for consideration by the Commission and requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit its opinion on the draft declaration that had been proposed.

61. The Commission had requested the Council to consider the text of the draft declaration on the question of international legal protection of the human rights of individuals who were not citizens of the country in which they lived, with a view to submitting it to the General Assembly [resolution 16 (XXXV)].

62. It had given close attention to the question of the realization in all countries of economic, social and cultural rights and the special problems which the developing countries faced in their efforts to achieve those human rights. It had examined the comprehensive study submitted by the Secretary-General on the international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs. In resolution 5 (XXXV), it had reaffirmed the inalienable right of all nations to pursue freely their economic and social development and to exercise full and complete sovereignty over all their natural resources, and had recognized that it was indispensable to establish a more equitable and just international economic order. One of the most important proposals made by the Commission was that the Preparatory Committee for the New International Development Strategy should pay due attention to the integration of human rights in the development process. The Commission had recommended that a study should be undertaken on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of that right. It had further recommended that a seminar should be held in 1980 on the effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that it represented for the implementation of human rights and fundamental freedoms.

63. In its resolutions on the right of peoples to self-determination [resolutions 2 and 3 (XXXV)] the Commission had reaffirmed the inalienable right of the peoples of Namibia, Zimbabwe, South Africa and the people of Palestine and of



(Mr. Van Boven)

all peoples under alien and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference and, in particular, the right of the Palestinians to return to their homes and to the establishment of a fully independent and sovereign State in Palestine. It had condemned the practice of using mercenaries against national liberation movements and sovereign States and the policy of those States which, in disregard of the United Nations resolutions, continued to maintain political, economic, military and other relations with the racist régimes in southern Africa and elsewhere. It had rejected completely and emphatically the so-called "internal settlement" in Zimbabwe and had sent a telegram to the Government of Israel calling upon that Government to cease forthwith its systematic torture of Palestinian detainees and its repression and collective punishment of the Palestinian people. In its resolution on the violation of human rights in the occupied Arab territories, including Palestine [resolution 1 (XXXV)], it had condemned a number of specific Israeli policies and practices.

64. The Commission had adopted two resolutions on violations of human rights in southern Africa [resolutions 12 and 13 (XXXV)] in which it had, inter alia, strongly condemned the increased military presence of South Africa in Namibia. In draft decisions 5 and 6, it had made specific recommendations on that subject to the Council.

65. With regard to the resolution adopted by the Commission regarding 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, he drew attention to General Assembly resolution 33/23, in which the Assembly had decided to consider the question in the light of any recommendations which the Council, among other bodies, might wish to submit. He suggested that the Council might wish to consider the manner in which it would prepare its recommendations.

66. The Commission had also considered the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid and the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

67. In private meetings, it had discussed situations appearing to reveal a consistent pattern of gross violations of human rights. Decisions had been taken which constituted in some respects advances in the case law of the Commission in that matter. At the beginning of the session, it had decided to invite representatives of the States concerned under the provisions of Council resolution 1503 (XLVIII) to address the Commission and answer questions. It had also decided that recommendations made by its pre-session working group should be transmitted as soon as possible to the States parties concerned to facilitate their participation in the examination of those situations.

68. It had adopted decisions concerning the situation of human rights in Chile, Nicaragua, Equatorial Guinea and Democratic Kampuchea, and decided to send a telegram to the Government of Guatemala concerning the assassination of a former Minister for Foreign Affairs of that country.

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69. The Commission had adopted a resolution concerning the development of public information activities in the field of human rights (resolution 23 (XXXV)) in which, inter alia, it had urged Governments to consider action to give publicity to United Nations activities in that field and had requested the Secretary-General to take all appropriate measures further to develop public information activities.

70. In connexion with the same item, it had adopted a resolution on national institutions for the promotion and protection of human rights [resolution 24 (XXXV)], in which it had endorsed the guidelines on the structure and functioning of such national institutions contained in the report on the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights. It had invited Member States where such national institutions did not yet exist to take appropriate steps for their establishment.

71. Many of the steps taken by the Commission, for example the requests for two new seminars and two new working groups, required new or additional services from the Secretariat. It was necessary to draw attention to the fact that the workload of the human rights programme had increased greatly in the past few years as a result of the increasing demands made by human rights bodies and the entry into force of the International Covenants on Human Rights. The number of days that human rights bodies were in session or on mission had increased by more than 50 per cent in the last three years. The increasing responsibilities of the Division of Human Rights, however, had not been matched by a corresponding increase in resources. Unless that imbalance was redressed, it might be impossible to undertake new tasks proposed by human rights bodies. He drew attention in that regard to draft resolution III, paragraph 8, of the Commission and said, in conclusion, that the greatest concern of the Division was to respond to the calls by United Nations bodies in the field of human rights for substantive support for their activities and to provide the highest standard of services possible.

The meeting rose at 1.25 p.m.