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SUMMARY RECORD OF THE 20th MEETING

Held at Headquarters, New York,
on Wednesday, 2 May 1979, at 10.30 a.m.

Chairman: Mr. O'DONOVAN (Ireland)

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Human Rights Questions (continued)

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The meeting was called to order at 10.55 a.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1979/19 and 36; E/1978/14 and Add.1-8; E/1978/C.2/L.6)

1. Miss CAO-PINNA (Italy) said that in reviewing the work of the Commission on Human Rights at its thirty-fifth session it was important to consider not only the positive features - the large amount of work done and the numerous resolutions and decisions adopted - but also the decisions that had not been taken on extremely important issues and how some of them had been evaded. Within the Commission there were varying interpretations of its role, in both standard-setting and the implementation of agreed standards, and consequently it was not always able to move in the direction or with the speed required by the world human rights situation. For one thing, its modus operandi, especially in respect of violations of human rights, was not very satisfactory: it worked first on communications, which did not always come from all the countries where violations occurred; second, on information from outside sources, which were not always considered reliable by all members of the Commission; and third on the initiative of delegations. There was thus a sharp contrast between the limited number of specific cases of violation of human rights considered by the Commission and the number of cases reported by non-governmental organizations and by the world press - a situation which was damaging to the public image of the United Nations where human rights were concerned.
2. In the field of standard-setting, the Commission had made excellent progress in the preparation of a draft convention on torture and other cruel, inhuman or degrading treatment or punishment. In view of the evidence that had come before the Commission, her delegation considered that every effort should be made to complete the draft instrument as soon as possible. It fully supported draft resolution II, which proposed that the Council should authorize a meeting of an open-ended working group for a period of one week prior to the thirty-sixth session of the Commission, to complete work on the draft convention.
3. Her delegation also supported draft resolution I, on the question of the human rights of all persons subjected to any form of detention or imprisonment. The Commission had not actually had time to consider the body of principles referred to in the second preambular paragraph, and the decision to send it to Governments for comment might facilitate consideration at the next session.
4. Work on the preparation of a draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief had been far less productive, because the prolonged discussions in the working group that the Commission had set up for the purpose raised serious doubts about the willingness of a number of delegations to reach a consensus on any further specification of the principles already affirmed in the main international instruments on human rights. Her delegation therefore welcomed resolution 20 (XXXV) in which the Commission decided to adopt the three articles of the draft declaration in respect of which the working group had reached agreement on substance though not on wording.

(Miss Cao-Pinna, Italy)

5. She noted that the Commission had made some progress in the preparation of a draft convention on the rights of the child, but had been unable to conclude it because of the complexity of the subject, the need to avoid a repetition of the Declaration on the Rights of the Child, and the contribution that might be expected from the International Year of the Child - in which her country was taking an active part. Her delegation therefore supported draft resolution 19 (XXXV).
6. With regard to draft resolution 21 (XXXV) on the rights of persons belonging to national, ethnic, religious and linguistic minorities, she suggested that, in addition to obtaining the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the draft declaration mentioned in operative paragraph 2, it might be possible to obtain a general picture on the basis of information on the protection of national minorities provided by the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. She would welcome comments on that idea by the Director of the Division of Human Rights.
7. On standard-setting in general, she noted that the working groups established by the Commission for the various draft instruments had worked throughout the session on the basis of an extremely haphazard time-table. She hoped that if the Council adopted the proposal in paragraph 4 (b) of draft resolution III to extend the duration of the Commission's sessions to six weeks, with an additional week for working groups, steps would be taken to avoid a fragmented calendar of meetings in the extended session.
8. With regard to implementation, the Commission had undoubtedly been more active and successful than in past years in dealing with new cases of violation of human rights, the consideration of which had been either transferred from closed meetings under the confidential procedures established by the Council in resolution 1503 (XLVIII) or proposed by delegations. The Commission had taken action in all cases except one, in respect of which, after hearing a detailed statement by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it had, surprisingly, decided to postpone consideration to the following session. As a result of that decision - which might well cause misunderstandings both inside and outside the United Nations - a draft resolution submitted by four countries had not been voted on and the Commission would have to wait another year before expressing itself on undeniable evidence of gross and mass violations in the country concerned.
9. The Commission had also failed to act on a draft resolution concerning large-scale exodus from certain States and territories, which had been withdrawn because of a series of amendments that would have entirely reversed its purely humanitarian purpose. Similarly, it had taken no action on two draft resolutions on the question of missing persons, of the discussion being postponed to the next session.

(Miss Cao-Pinna, Italy)

10. These cases were, she felt, examples of a point made by the Director of the Division of Human Rights in his introductory statement, to the effect that the manner in which the Commission dealt with allegations of violations of human rights and the procedures and criteria it applied in that connexion had become a central aspect of its work. However, her delegation's concern about the need to strengthen the role of the United Nations in the field of human rights went beyond the work of the Commission and encompassed the work of the whole Organization, and it was therefore not satisfied with the conclusions reached by the Commission in draft resolution III, adopted by consensus as a compromise text. In that draft the Commission had, in fact, concentrated almost entirely on its terms of reference, membership, duration of sessions, special sessions, the increases in the workload of the Division of Human Rights and the need to examine the question of staffing and other resources of the human rights sector of the Secretariat, and it had failed to implement its terms of reference under General Assembly resolution 32/130 requiring it to make "an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". Her delegation was particularly disappointed that the Commission had been unable to agree on any practical measures for the protection of human rights, such as the creation of a post of High Commissioner for Human Rights.

11. With more specific reference to the provisions of draft resolution III, she said that while her delegation supported the increase in the membership of the Commission to 43 members, that measure should not be taken as a precedent for enlarging other functional commissions of the Council; the Commission should make efforts to ensure that its enlargement, together with the longer duration of its sessions, did not merely result in longer debates, without any rationalization of working methods. Her delegation therefore hoped that further work on the over-all analysis would include that basic aspect of the Commission's work.

12. Mr. YEO (Malaysia), Rapporteur of the Special Committee against Apartheid, said that the Chairman of the Special Committee had made a statement to the Commission on Human Rights at its thirty-fifth session on the broad question of violation of human rights in South Africa and had outlined the Special Committee's programme of work in the international field. He himself would be speaking mainly about more recent developments in South Africa.

13. The South African régime remained intransigent in the face of the growing international campaign against its racist policies. It was resorting to brute force and increasingly repressive measures, with police raids and the Bethal 18, Soweto 11 and other trials, and was subjecting more people to banning and detention without trial. Despite world-wide pleas for clemency it had executed the freedom fighter, Solomon Mahlangu, in defiance of General Assembly resolution 33/183 P, which warned of the grave consequences of execution of freedom fighters and urged the Secretary-General and Member States to take appropriate measures to save the lives of captured freedom fighters, and the Security Council's solemn call for clemency. Mahlangu had not been sentenced to death because of proven guilt in the murder case involved but because of his

(Mr. Yeo, Malaysia)

"common cause" with another accused. He had testified that he had been tortured in prison; his body had not been released to his family and his burial place had not been made known until a week after his execution. Three prominent members of the Indian community had been fined for entering the black area of Rockville without a permit to attend his memorial service.

14. In 1978, a total of 132 men had been hanged, the largest number since 1910 when the Union of South Africa was founded; since 1 July 1978, 134 blacks and 38 coloureds had been hanged, whereas only four whites had been executed, although whites accounted for nearly the same proportion of crimes committed. The death of Steve Biko under torture on 12 September 1977 was only one of 28 cases of death in detention in the past few years. Arrests under pass laws and influx control measures were increasing. In the second half of January, 4,000 people had been arrested in Johannesburg, compared with 2,382 during the whole of December 1978; statistics for the whole country indicated a record of 272,887 in 1978, an increase of 100,000 over the arrests made in 1977.

15. The news media in South Africa continually reported incidents of families being evicted or their homes destroyed because of their race and ethnic background. The Group Areas Act of 1950, which required the segregation of racial groups, was still being fully implemented. There were at present about 178 people under banning orders, nine reported during the current year and 22 in the last two months of 1978. A total of about 1,386 people had been banned since the introduction of the Suppression of Communism Act of 1950, as amended by the Internal Security Act of 1976. In March a young activist, Peter Jones, arrested with Steve Biko, had been released from detention without trial, after 545 days in a cell, only to be faced with an immediate banning order for five years.

16. The recent Police Act Amendment Bill placed further curbs on the press by putting the onus of proof on reporters and making it virtually obligatory for them to check news items about the police with the police themselves. The new Education and Training Bill was designed to enable the régime to exercise stronger control over all aspects of black education, including students, teachers and the three tribal universities. Separate schools for blacks were maintained, and teachers were prohibited from making public comments against government departments and provincial councils with regard to working conditions, salaries, health facilities or influx control. The proposed legislation was to be retroactive, and some teachers had already suffered salary cuts and loss of tenure.

17. In addition to the régime's repressive legislative and other measures, there was a growing right-wing terrorism in South Africa, designed to intimidate the oppressed people and prevent any expression of their aspirations. That terrorism extended even to sport. In February of the present year a shotgun blast had shattered the windows of the home of a prominent sports administrator, the Secretary of the South African Council on Sport. A similar incident had occurred in March at the home of the head of the non-racial South African Amateur Swimming Federation, following the breakdown of a meeting with the White South African Amateur Swimming Union because the Federation had insisted on complete non-racialism in swimming.

(Mr. Yeo, Malaysia)

18. Apartheid was a challenge to humanity and a threat to international peace. Public opinion throughout the world must be made fully aware of its implications. The South African régime must be isolated in all fields in order to give all possible moral, material and political support to the oppressed people of South Africa and their national liberation movements. The United Nations must implement its programme for international mobilization against apartheid with all speed; ensure that the International Convention on the Suppression and Punishment of the Crime of Apartheid was implemented; co-operate closely with the International Commission of Inquiry into the Crimes of Apartheid and Racist Régimes in Southern Africa; and adopt the strongest measures against the apartheid régime, including the imposition of measures under chapter VII of the Charter. It was high time the study of the South African Government's legitimacy in view of its policy of apartheid, recommended by the Ad Hoc Working Group of Experts of the Commission on Human Rights, was carried out.

19. The international community should take effective action against apartheid and not merely condemn it. The oppressed people of South Africa would never achieve racial equality or enjoy their human rights and fundamental freedoms in accordance with the Charter until the evil crime of apartheid was totally eradicated.

20. Mr. LEPRETTE (France), speaking on behalf of the nine countries of the European Economic Community, made a statement on the executions that had recently occurred in various parts of the world. He said that public opinion in the countries of the European Economic Community had been greatly disturbed at those executions and the preceding trials which, in some cases, appeared to have taken place without the impartiality essential to justice. The nine countries of the Community believed that such events ran counter to the universal respect for human rights that all States Members of the United Nations had pledged themselves to promote. The countries where the executions had taken place could not remain indifferent to the concern to which those acts had given rise. The members of the European Economic Community associated themselves with the statements made by the Secretary-General of the United Nations deploring the executions which had taken place in various countries despite appeals for clemency to the authorities concerned on the ground of respect for fundamental human rights. The Nine shared the serious concern expressed by the Secretary-General.

21. Speaking on behalf of his own delegation, he said that appreciable progress had been made at the most recent session of the Commission on Human Rights in defining both its standard-setting and its monitoring functions. He stressed the importance which his delegation attached to such progress. It had to be recognized that there had been division among Member States when the General Assembly had adopted resolution 32/130. His own delegation had abstained for reasons which it had consistently and frankly reiterated. It had, however, been convinced of the necessity and possibility of finding a new consensus, since the concerns of the majority of Member States were not irreconcilable and actually appeared to converge once one side had proved that it was not overlooking the aspirations and inherent problems of the developing countries and the other had shown that it did not intend to make explicit recognition of individual rights

(Mr. Leprette, France)

subject to fulfilment of certain pre-conditions. Now that it had been recognized without any ambiguity that the effective enjoyment of economic and social rights facilitated the exercise of civil and political rights, and that situations of dependence or under-development affected the implementation of individual rights which it was the duty of States expressly to guarantee, it had become possible to consider practical measures to improve the effectiveness of existing organs. That was basically a technical problem; practical and specific solutions for the protection and promotion of human rights had to be proposed. That should be done with scrupulous respect for the competence of the various organs of the United Nations system under the Charter, and the principle of non-interference in the internal affairs of States should not be ignored. Care should be taken also not to extend the activities of the Commission on Human Rights into spheres such as the economy, the environment or health, on the pretext that they involved human rights. In any case, his delegation was convinced that the means available to the United Nations in the human rights area should be strengthened, at the level either of the policy-making bodies or of the Secretariat.

22. With regard to the study of special problems which the developing countries faced in their efforts to achieve human rights, he noted that the preambles to the International Covenants on Human Rights affirmed that freedom from fear and want could only be achieved if conditions were created whereby everyone might enjoy his economic, social and cultural rights, as well as his civil and political rights. Some countries were not yet in a position fully to ensure to all the right to a reasonable standard of living; international co-operation, freely granted, should help them to achieve that objective. At its thirty-fifth session the Commission on Human Rights had clearly underlined the need for a great upsurge of solidarity in the search for a new, more just and more fraternal order of human relations.

23. His delegation welcomed the fact that most of the speakers at the thirty-fifth session had agreed, as stated in paragraphs 113 and 114 of the Commission's report, that the primary aim of development was to satisfy man's spiritual and material needs and that it had become clear that a development strategy based on political repression and the denial of human rights, although it might contribute to the realization of some economic objectives, could never lead to full and genuine development. The importance of public participation in the process, as well as in the benefits, of development, had also been underlined.

24. The concept of a right to development was an expression of the conviction that development could be given no higher status than that of a human right. His delegation was convinced that the struggle for development had to be waged and won in the name of human rights. It therefore approved of the recommendation made to the Council in the Commission's resolution 4 (XXXV) with regard to a study of the regional and national dimensions of the right to development. In the first place, such a document should provide a more complete analysis of the link between the sovereign independence of States and the development process. It should then proceed to analyse further the motion of natural resources, and underline, in particular, that technological know-how was a resource like the others which should be placed under the control of those peoples who possessed it, without prejudice, however, to the obligations deriving from international economic

(Mr. Leprette, France)

co-operation. A more careful distinction would have to be made between the developed countries and the developing countries, which were not necessarily synonymous with the rich and the poor respectively. Some developing countries already had a per capita income in excess of that of many developed countries. Many developing countries were huge in size and rich in mineral resources, while some developed countries were small and much poorer in resources.

25. The Commission's recent discussions had given cause for some satisfaction with regard to consideration of communications concerning human rights. The confidential procedure was working, and decisions had been taken with regard to the mandate of the Working Group on Communications which would obviate differences of interpretation in the future and facilitate the implementation of that procedure. In resolution 15 (XXXV), the Commission recommended that the Economic and Social Council should make an appeal to the Government of Equatorial Guinea, the purpose of which would be to open public debate on an issue that had so far been dealt with under the confidentiality procedure.

26. It was only natural that the international community, working through its competent organs, should ensure that States respected the standards it had laid down in matters of human rights, but that did not mean it should assume a judicial function and pronounce certain States guilty. Essentially, the aim was to gain their co-operation, in order first to ascertain whether the allegations in communications were accurate and then, if they were, to try to bring about the adoption of the appropriate measures. In determining whether there had been violations of the standards laid down in international instruments, objectivity must be a constant concern. It would be regrettable if human rights became a weapon used by States against one another. If the co-operation of States in verifying allegations was essential, it was even more so when it came to suggesting measures to be taken. The United Nations had neither de facto nor de jure power to adopt coercive measures. What it could do was to use persuasion. In doing so, care had to be taken to show the State in question that it was not its political options that were being condemned, but certain acts or practices obviously contrary to internationally recognized standards. For all those reasons, the confidential procedure should be given preference over public proceedings, as far as possible, in order to protect the standing and sovereignty of States, to respect the principle of non-interference, and to reduce the risks of a public debate turning into a political trial. Public debate could be envisaged as a last resort, but only when the State refused to co-operate. It would certainly be useful if the Secretary-General could complement the excellent analysis he had submitted on existing United Nations procedures for dealing with communications (E/CN.4/1317) by another study to define objective criteria to distinguish between communications on violations of an incidental nature and those which seemed to reveal a consistent and systematic pattern of violations.

27. He hoped that the Commission on Human Rights would be able to make progress in drafting the various standard-setting documents, declarations and conventions which were under way. The results of the most recent session had been somewhat disappointing in that it had succeeded in adopting only the first article of the draft convention on torture and other cruel, inhuman and degrading treatment or

(Mr. Leprette, France)

punishment (resolution 18 (XXXV)) and the first three operative paragraphs of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (resolution 20 (XXXV)). Those two causes should be as vigorously defended by the international community as the cause of combating racism, to which they were in many ways related. The drafting of international standards on human rights and the monitoring of their implementation should go hand in hand with an improvement in methods of work and procedures. Only by rejecting rivalry or differences which gave rise to conflict could Member States fulfil what was one of the fundamental missions of the United Nations, namely, the achievement of international co-operation through the development and encouragement of respect for human rights and fundamental freedoms, irrespective of race, sex, language or religion.

28. Mr. NYAMEKYE (Ghana) said his delegation believed that the thirty-fifth session of the Commission on Human Rights had been a milestone in the history of the consideration of human rights because of the decisions it had taken and recommendations it had made. Its consideration of the right to development as the responsibility and duty of all members of the international community should be viewed as opening a new area of activity in which much could be done to fulfil the aspirations of the less developed countries and their citizens. Furthermore, the appeal to all States to create conditions for the full realization of economic, social and cultural rights as an essential means of ensuring the enjoyment of civil and political rights and fundamental freedoms should benefit whole communities within States and help to put an end to callous exploitation; that concept of human rights should be further developed.

29. His delegation supported the view that wide publicity should be given to the study submitted by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the historical and current development of the right to self-determination and the updated version of the report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights and political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa. The latter report would be a useful supplement to the information contained in the report on bank loans to southern Africa between 1972 and 1978 prepared by the Corporate Data Exchange, Inc., which had been released by the Special Committee against Apartheid on 2 April of the current year.

30. With regard to the report of the Ad Hoc Working Group of Experts on the violations of human rights in southern Africa, his delegation was alarmed by the continuing deterioration of the working conditions of the black majority in southern Africa. The information contained in document E/1979/19 on allegations regarding infringements of trade union rights should make those who supported the racist régime in South Africa examine their consciences. Drawing attention to an article published that very day in The New York Times, he said that the recommendations of the Wiehahn Commission were nothing more than window-dressing. Similarly, the "code of conduct" adopted by the Ministers for Foreign Affairs of the European Economic Community and the principles adopted in the United States in no way met the demands of the oppressed people for fundamental change and only

(Mr. Nyamekye, Ghana)

preserved the apartheid system, which rested on the political, economic and social oppression of the black people of South Africa.

31. Although there was general agreement that the violations of human rights in southern Africa were objectionable, nothing was being done about them. Rather, continued collaboration with South Africa was being carried on in all fields, especially the economic, military and nuclear fields. The international community had anticipated that Iran's decision to cut off the supply of oil to South Africa would greatly contribute to putting an end to the apartheid régime. Those hopes had been frustrated, however, by the revelation that oil was being diverted to South Africa on the open seas.

32. His delegation believed that one of the most important decisions of the Commission was its proposal for a study concerning the South African Government's legitimacy in view of its policy of apartheid (draft decision 5, para. 2 (d)); that study was long overdue. His delegation wished to urge the Security Council to take steps to impose on South Africa mandatory sanctions as provided for in Chapter VII of the Charter.

33. His delegation supported the recommendations of the Commission on all other matters. It was particularly pleased with the progress made in drafting conventions on the rights of the child (resolution 19 A and B (XXIV)) and on torture (resolution 18 (XXIV)) and a declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (resolution 20 (XXIV)). His delegation was confident that the question of the staffing and other resources of the human rights sector of the Secretariat mentioned in draft resolution III, paragraph 8, would be given serious consideration.

34. Mr. ERDŐS (Hungary) said that the thirty-fifth session of the Commission on Human Rights had accomplished a great deal of valuable work in significant areas of human rights. However, entire populations were still deprived of fundamental rights in many parts of the world, including the right to work, leisure, education, health and culture. In that respect, he agreed with the representative of the United Arab Emirates that all other rights were meaningless without respect for economic and social rights. As long as there was still exploitation of man by man, there would be obstacles to the full enjoyment of economic and social rights and, consequently, of civil and political rights too. Progress could be made, however, if every individual country made a contribution to the full attainment of human rights through its national activities and through international co-operation in accordance with the principles of international law. Peaceful international conditions would have an impact on relations between members of the international community and would be a great encouragement to economic, social and cultural development, especially in the developing countries.

35. The root causes of the social injustices affecting hundreds of millions of people should not be forgotten. Without genuine political and economic liberation, those people would continue to be deprived of their fundamental rights.

(Mr. Erdős, Hungary)

36. The Commission had taken an important step forward at its thirty-fifth session, inter alia, by adopting resolutions 4 (XXXV) and 5 (XXXV). The introduction of the right to development, as a human right, was a major event. It unquestionably encompassed a whole series of other rights which were already the subject of international instruments. His delegation believed that it would be useful to study further the nature, scope and context of the right to development, together with the obstacles to its full implementation. He hoped that the Working Group set up by the Council to study reports from States parties to the International Covenant on Economic, Social and Cultural Rights would successfully complete its work. Its procedures and methods of work should permit a constructive exchange of views and mutual agreement.

37. His country had signed and ratified the Covenant, but that had not necessitated any change in its existing national legislation, which, in certain cases, guaranteed rights more extensive than those set forth in the Covenant. Under the Constitution, Hungarian citizens enjoyed a very wide range of social, political and economic rights, and the material conditions had been created to ensure their implementation. It was not sufficient, however, merely to embody such rights in legislation. Untiring efforts were required to ensure their implementation, since new problems constantly arose.

38. Pursuant to article 16 of the Covenant, his country had submitted its first report giving details of progress made in achieving the observance of economic, social and cultural rights. All States parties should translate their commitments into deeds by adopting the necessary legislative and other measures, which were, of course, matters falling within their domestic competence. He stressed the importance of international co-operation to ensure the full attainment of human rights, in accordance with the Charter of the United Nations and other relevant international instruments.

39. His delegation had already informed the Committee of its plans to mark the International Year of the Child and it hoped to have the support of the international community for the forum his Government would be organizing in Budapest in June 1979 to mark that occasion.

40. Mr. MARVILLE (Barbados) said that his Government was irrevocably committed to the protection of all forms of human rights. It was particularly concerned with the protection of the individual against torture and other forms of inhuman treatment, the right to health care, education and employment for all and the establishment of a just international economic order.

41. While his delegation did not believe that some violators of human rights should be condemned and others protected on the basis of political considerations, it was not in any way opposed to the exposure of violations wherever they occurred. It was particularly grateful to the Commission for its coverage of human rights violations in southern Africa and would support the resolutions dealing with that question and with the right of peoples to self-determination and its realization by peoples under colonial or alien domination.

(Mr. Marville, Barbados)

42. His delegation saw apartheid as a violation of all the basic rights not only of indigenous adult Africans but also of their children and, indeed, of generations to come. The diminution of a man's stature as a result of the degrading experience of apartheid was a form of torture more insidious than that practised in the Dark Ages or in the secret prisons and detention camps of the contemporary world, and more lasting than the pain that had been imprinted on the minds of generations of Africans who had seen their leaders brutalized and butchered and their own days numbered by the systematic lack of health care in the mines where they made the racist rulers of their homeland rich. His delegation agreed with the views of previous speakers that no solution could be envisaged in South Africa until certain Western countries and their transnational corporations ceased to co-operate with the racist régime of southern Africa.

43. With regard to the right to development, his delegation was of the view that it was timely to stress the human rights aspect of development and that the current state of international economic activity prevented genuine efforts by the developing countries to secure such human rights as education and employment for their citizens. When one part of the world enjoyed healthy standards of living at the expense of the majority and that situation was reinforced by an institutionalized system of exploitation, human rights were clearly violated. When waste was as endemic in some countries as want was in others it was clear that insufficient concern was being paid to the right of every human being to an adequate standard of living. Consciousness of all human rights must be heightened nationally and internationally and the political will for co-operation in securing the protection of all human rights must be carefully nurtured. The role of the Commission in that area was crucial.

44. Mrs. SIBEL (India) said that as a member of the Commission on Human Rights her delegation had participated actively in the work of the thirty-fifth session. It had introduced two draft resolutions, which the Commission had adopted on the question of the violations of human rights in the occupied Arab territories, including Palestine. The Commission had considered violations of human rights in southern Africa and a related question, the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The indignities and hardships suffered by non-white immigrants had been discussed extensively under the latter item.

45. The report on the international dimensions of the right to development as a human right (E/CN.4/1334) deserved far more study than the Commission had been able to give it. Her delegation had certain reservations, however, concerning the recommendation in paragraph 279 of that report that a more detailed study could be made to formulate general principles and criteria which might guide future bilateral and multilateral assistance arrangements. Such generalized criteria could greatly complicate bilateral commercial and aid relations between developed and developing countries and also provide a convenient cover for protectionist trends in the developed world.

(Mrs. Sibel, India)

46. It was acknowledged that the provision of bilateral assistance to an oppressive régime had definite consequences for the observance of human rights, and everyone was aware of 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 was generally acknowledged. Yet the very countries that insisted that investment by their transnationals in southern Africa raised the standard of living of the black population were elsewhere seeking to link human rights issues with economic relations between developed and developing countries, in particular in the field of commercial and aid relations. That was a distortion of the concept of the promotion of human rights and fundamental freedoms throughout the world. The intention of the developed countries was clearly to protect their own industries and evade their responsibility for the establishment of a new international economic order.

47. Currently, developed countries imported from developing countries only what they wished to import, at prices which they chose to pay, taking primary products, such as food and raw materials, which those countries could least afford to export. The terms of trade were constantly becoming less favourable to the underdeveloped economies. Yet the emerging trend toward imposing on economic relations between developed and developing countries certain conditions relating to human rights would hardly improve trade conditions or lead to a change in the existing patterns of dominance and dependence in the world.

48. With regard to the question of national institutions for the promotion and protection of human rights, her delegation was particularly pleased that the Commission had endorsed the guidelines for such institutions prepared by the seminar on that question. It was her delegation's belief that national institutions could prove extremely effective in the field of human rights by acting, inter alia, as a channel between the Government and its people to reinforce the rights enshrined in the national constitution and protected by an independent judiciary. Her delegation hoped that the entire question would be debated further in the General Assembly and that the Council would recommend such a debate for the thirty-sixth session of the Assembly in order to give Member States time to consider the question.

49. Draft resolution III on further promotion and encouragement of human rights and fundamental freedoms was the result of careful analysis by the Working Group of ways and means and alternative approaches for the protection and promotion of human rights within the United Nations system. It was based on a delicately balanced consensus and her delegation hoped that the Council would adopt it.

(Mrs. Sibel, India)

50. Her delegation hoped that the progress made on the drafting of a convention on the elimination of torture would be continued at the Commission's next session.

51. She wished to announce that India had recently deposited its instrument of accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

The meeting rose at 12.35 p.m.