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SUMMARY RECORD OF THE 23rd MEETING

Held at Headquarters, New York,
on Thursday, 3 May 1979, at 3 p.m.

Chairman: Mr. O'DONOVAN (Ireland)

later: Mr. HASSAN (Pakistan)

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The meeting was called to order at 3.25 p.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1979/19 and 36 and Add.1 and 2; E/1978/14 and Add.1-8; E/1979/C.2/L.7)

1. Mr. RAHAMTALLA (Sudan) said that the most significant aspect of the work of the Commission on Human Rights during its thirty-fifth session was the fact that, for the first time in its history, it had considered the concept of the right to development as a human right. That concept should be viewed in the context of the need to change the structure of existing economic relations, which were characterized by the economic and commercial hegemony of the developed industrial countries over the resources of third-world countries, bearing in mind the provisions of General Assembly resolutions 3201 (S-VI), on the establishment of a New International Economic Order, and 3281 (XXIX), on the Charter of Economic Rights and Duties of States.
2. The report on violations of human rights in southern Africa (E/CN.4/1311), submitted by the Ad Hoc Working Group of Experts to the Commission on Human Rights, clearly showed the grave situation facing the black population in southern Africa, a situation that had been confirmed in the Economic and Social Council by the Rapporteur of the Special Committee against Apartheid. It was saddening to see that the collaboration of certain Powers with the racist régimes in Pretoria and Salisbury was strengthening the economic and military capabilities of those régimes and enabling them to continue their repressive measures and systematic genocide.
3. With regard to the question of the occupied Arab territories, the Commission had once again reaffirmed the inalienable rights of the Palestinian people to self-determination without external interference, and the establishment of a fully independent sovereign State in Palestine. In addition, in resolution 1 B (XXXV), the Commission had expressed its deep concern at the consequences of Israel's refusal to apply fully and effectively all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War in all the Arab Territories occupied since 1967, including Jerusalem.
4. His delegation noted with regret that, in reporting violations of human rights, the international mass media clearly applied a double standard. For example, when massive and flagrant violations of basic human rights and fundamental freedoms were committed against the freedom fighters in southern Africa and occupied Arab lands, such violations hardly found their way into press or television reports; on the other hand, news of such events as the Israeli Cabinet's approval of the death penalty for what Israel and the so-called "free press" called "acts of terrorism" was picked up by the mass media, which further added to the public's confusion by deliberately introducing words such as "terrorism". His delegation was pleased to see that the Commission on Human Rights, in resolution 2 (XXXV), had recognized the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations.
5. With regard to the further promotion and encouragement of human rights and fundamental freedoms, his delegation thought that the Commission should be given more

(Mr. Rahamtalla, Sudan)

time if it was satisfactorily to conclude its consideration of its agenda items. An increase in the membership of the Commission would further improve its work. In view of the growing responsibilities of the Division of Human Rights in recent years, a corresponding increase in resources had become necessary to enable it to meet those responsibilities. If that was achieved, it would undoubtedly contribute to the promotion and protection of human rights within the United Nations system.

6. Mrs. MARTINEZ (Jamaica) said that the people of Jamaica, like those of many other countries that had become independent in recent years, had become aware of their economic and social rights long after they had realized the need to preserve and protect their civil and political rights. That did not mean that Jamaica attached less importance to the latter rights. It recognized that the two categories of rights could not be put into practice in the same way, but the commitment to put them into practice and to support them was the same.

7. Her delegation was particularly interested in the two texts concerning the right to development as a human right. When considering the protection of economic and social rights, the international community should make a point of considering the policies of international finance institutions. While those institutions declared their support for human rights principles, they adopted their own policies which made it difficult for Governments to safeguard economic and social rights.

8. Her delegation fully supported draft resolution III, on the further promotion of human rights and fundamental freedoms, and trusted that the Council would approve the recommendations contained in it, such as the recommendation to increase the membership of the Commission, to convene meetings of the Bureau of the Commission in intersessional periods and to extend to four weeks the annual session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The resources of the Division of Human Rights must be increased, since the services it provided to different countries and its obligations under the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid would continue to grow. Her delegation also supported the proposal to strengthen the New York liaison office because, although the Division of Human Rights could operate in Geneva, it could not do so without serving the needs of States Members of the United Nations, whose experts on human rights matters were attached to their delegations in New York.

9. Her delegation also supported the programme of advisory services, which had increased recently, and would vote in favour of any initiative designed to strengthen it.

10. At its thirty-fifth session the Commission had made considerable progress with regard to conventions, and particularly the draft convention on torture and other cruel, inhuman or degrading treatment. Unfortunately, similar progress had not been made on the question of religious intolerance or the convention on the rights of the child. Jamaica attached great importance to those subjects and felt that the Commission could have made greater progress.

(Mrs. Martinez, Jamaica)

11. With regard to human rights violations, the recommendation contained in draft decision 7 was of the utmost importance. In her delegation's opinion, public statements about Member States could not be made unless the documents on which such statements were based were also made public. Her delegation expressed satisfaction at the work done with regard to the situation in southern Africa; it also agreed that the mandate of the Ad Hoc Working Group of Experts should be extended and with the recommendations regarding its future work. With regard to other situations, such as the situation in the Middle East, the constant vigilance of the Commission on Human Rights had benefited the international community and, although objections had been raised in certain quarters, it had the respect and gratitude of the vast majority of States. Draft decision 5 contained an interesting proposal that a study should be made of the South African Government's legitimacy in view of the continual and large-scale violations of human rights. In her delegation's opinion, that study should be a legal and not a political one, and the International Court of Justice should officially participate in it. Its official participation was essential if the study was to be of value.

12. Mr. AL-JABIRI (Iraq) said that the Commission on Human Rights, during its six-week session, had tackled almost all the important questions among the 29 items on its agenda, including the question of the flagrant violation of human rights and the right of peoples under occupation and foreign domination to self-determination and independence. Starting its discussion with the most explosive question, that of the Palestinian people and the indigenous populations of southern Africa, who faced the cruel and inhuman policy of occupation, racial discrimination and apartheid, the Commission had emphasized that the right to self-determination was the most important prerequisite for the enjoyment of all other human rights and must be considered to be closely connected with the effort to eliminate the last vestiges of colonialism, racism, occupation and apartheid. Furthermore, the racist régimes of Pretoria, Salisbury and Tel Aviv had been repeatedly condemned for their denial of the right of indigenous peoples to self-determination and independence and for uprooting them from the occupied territories in order to establish, in their place, foreign settlements for the express purpose of changing the demographic structure of those territories.

13. The reports that had appeared in the international media about the gross violations of human rights in occupied Palestine had aroused the Commission's concern and convinced delegations of the need to react promptly and firmly to ensure that the racist régime of Israel halted those criminal acts. The Commission, by a large majority, had decided to send a telegram to the Israeli rulers, expressing serious concern at the systematic torture of Palestinian detainees and at the policies of repression and collective punishment practised by the Israeli occupation forces against the inhabitants of the occupied territories, and calling on the Israeli Government to put an immediate end to those acts, which were clear violations of the Geneva Convention of 1949. Several representatives had also expressed their concern at the Camp David agreements and their view that such an understanding between the leaders of Egypt and Israel, reached in the absence of the people of Palestine, was a gross violation of the right of those peoples to self-determination and independence, as proclaimed by the General Assembly in a number of resolutions. The Camp David agreements even denied the Palestinian people the rights recognized

(Mr. Al-Jabiri, Iraq)

by the United Nations since 1948. His delegation associated itself with the delegations that had condemned those agreements as a conspiracy against the Arab people as a whole and as a gross violation of the inalienable right of the people of Palestine to return to their homeland.

14. Racial discrimination and violations of human rights in South Africa, Zimbabwe and Namibia had claimed the special attention of the Commission on Human Rights. The report of the Chairman of the Special Committee against Apartheid, on recent cases of torture, had emphasized the urgent need for taking all necessary action under the International Convention on the Suppression and Punishment of the Crime of Apartheid. It was disappointing that no Western Power had been among the 50 States that had ratified the Convention. The Western countries should take a clear stand in support of the Convention, should break all their economic, political and other ties with the racist Governments of southern Africa and should end their military co-operation with those Governments. He wished to pay a tribute in that connexion to the attitude of the new Revolutionary Government of Iran, which had cut off oil supplies to and broken off all other relations with those Governments.

15. Special attention had also been paid to the question of the full realization of economic, social and cultural rights. The report of the Secretary-General to the Commission (E/CN.4/1271) represented an ambitious study on respect for human rights in the economic and cultural fields. It had been emphasized in the discussion that man was the subject and not the object of the process, and that the primary aim of development was to satisfy the spiritual and material needs of the individual in a context of respect for human rights. It had also been stressed that the industrialized countries must accept their share of responsibility for the problems arising from the gap between rich and poor countries, and his delegation associated itself with the view expressed by many delegations that the activities of the transnational corporations contributed to the exploitation of the developing countries, with all the detrimental effects that that entailed for the enjoyment of human rights and fundamental freedoms. The eradication of those evils and the nationalization of the wealth and resources of the developing countries would therefore offer a guarantee of prosperity and progress, as well as promoting respect for human rights.

16. His delegation would have liked the Commission to render a final decision on the question of missing persons so as to relieve the anxiety and concern of thousands of families. It hoped that the United Nations and its organs would be in a position to find a just solution to that distressing problem before the thirty-sixth session of the Commission.

17. With regard to the rights of the child, he wished to pay a tribute to the special efforts of the Polish delegation in presenting a draft convention on the subject. It was to be hoped that the modest achievements made at the thirty-fifth session would encourage future work culminating in the conclusion of a draft text for that important instrument.

18. His delegation wished to emphasize its support for the investigations into alleged violations of human rights under Economic and Social Council resolution 1503 (XLVIII), and it hoped that the countries concerned would offer all the necessary support and information, and would collaborate with the Commission in the fulfilment of its task.

19. Mr. KHARJAMOV (Union of Soviet Socialist Republics) said that the work done by the Commission on Human Rights at its last session could be considered positive and had opened up encouraging prospects for the future. The basic objective of the United Nations was to promote international co-operation to ensure respect for and enjoyment of the rights and fundamental freedoms enshrined in the Charter and other international instruments. More than 30 years had elapsed since the San Francisco Conference and the establishment of the United Nations, and since then, as a result of the struggle for national liberation of the peoples who were striving to assert their right to self-determination and win freedom from the colonial yoke, dozens of independent States had appeared on the international scene and were extending generous assistance. The international legal order had been enriched by a new instrument enshrining the right of all peoples to self-determination, as officially established in the Declaration on the Granting of Independence to Colonial Countries and Peoples.
20. Although the struggle for emancipation and liberation from foreign domination had continued to make progress, there were still some vestiges of colonialism; in some areas, the anachronistic practices of apartheid and racism were being applied in an attempt to arrest the course of history, thus representing a source of tension and a threat to international peace and security. The United Nations, thanks to the collaboration between the nations that had conquered nazism, had been established for the maintenance of peace and security, which were an indispensable prerequisite for the enjoyment of human rights and fundamental freedoms. It was therefore essential to make determined efforts to strengthen international peace and security, peaceful co-operation and friendship among States, action to halt the arms race, etc. International co-operation in all those areas must be strengthened through the formulation of generally acceptable international instruments that would command the support and co-operation of all nations. Among other instruments of special importance for the channelling of efforts by the international community in that direction were the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights.
21. The scene of mass violations of human rights in southern Africa was an affront to the world's conscience and to world morality and a painful source of anxiety on the African continent, where millions of people were not even recognized as human beings and were subjected to restrictive and odious practices and policies which kept them in a state of constant exploitation and dependence. The Commission on Human Rights, which had paid special attention to that serious situation, had strongly condemned the Governments of South Africa and Rhodesia and denounced the collaboration maintained by some Western countries with those racist régimes and the harmful activities of imperialist monopolies in consolidating the shameful situation in southern Africa. The constant efforts made by the international community would have achieved more tangible results if the racist régimes had not received support and help from certain countries whose attitude had helped to strengthen exploitation and apartheid. Attempts were already being made in certain Western circles to take advantage of the farce of the so-called elections in Rhodesia in order to lift the sanctions imposed by the Security Council.
22. The Commission on Human Rights had also considered the situation of human rights in the occupied Arab territories, including Palestine, and had called upon the Israeli authorities to put an end to the mass violations of human rights and cease their policy of aggression and expansionism.

23. The General Assembly and the Commission on Human Rights had expressed concern over the disappearance of persons in Chile, who were victims of reprisals. He wished to draw attention to resolution 11 (XXXV) of the Commission on Human Rights, in which institutionalized torture in Chile was condemned. The Commission, the Secretary-General and non-governmental organizations had also appealed to the Government of Chile to end its repressive measures, but there had been no positive response.
24. The Soviet Union strongly condemned the Junta's repressive measures and called for their immediate cessation. The international community must keep a close watch on the situation.
25. He welcomed the contribution made by the Commission on Human Rights, in pursuance of General Assembly resolution 32/130, in condemning the violation of human rights in Nicaragua. He considered that the Commission's resolutions 4 and 5 (XXXV), were important, and reiterated that the denial of the right of peoples to self-determination was an obstacle to the economic and social progress of peoples. The Commission had taken an important step forward in that direction and his delegation trusted that it would continue to make progress in the future.
26. With regard to the rights of citizens, his delegation considered that they came within the purview of each State and its legislation. The Constitution of the Soviet Union of 1977 guaranteed the rights and freedoms of citizens as a basic element in the strengthening of socialist democracy, which gave expression to and protected the interests of every individual and the people as a whole. That was the difference between socialist democracy and the other democracies that existed in the world.
27. The Twenty-fifth Congress of the Communist Party had adopted a programme for the attainment of peace, freedom and independence for all peoples, and for the elimination of the remnants of colonialism and racism.
28. In reply to a statement made that morning by a representative who had once again tried to assert that the socialist community was not ruled by ethical or moral principles, he said that that was the very accusation made by Marxism against the bourgeois ideologies. In that connexion he quoted a passage from the Communist Manifesto of Marx and Engels which read:
- "The bourgeoisie ... has left remaining no other bond between man and man than naked self-interest, than callous 'cash payment'. ... It has resolved human worth into cash value ... In the place of ... indefeasible chartered freedoms, it has set up that single unconscionable freedom, Free Trade ... For exploitation, veiled by religious and political illusions, it has substituted naked, direct, brutal exploitation."
29. At the same meeting, the representative of another country, endeavouring to defend its activities in South-East Asia, had stated that the attack by China on Viet Nam had not constituted an aggressive act, as had been stated in the report of

(Mr. Kharlamov, USSR)

the Commission on Human Rights. However, everyone knew that the real victim had been the people of Kampuchea, who defended by the fraternal people of Viet Nam who had overthrown Pol Pot's bloody clique. To defend the latter and his régime before the Commission on Human Rights was to present a completely distorted picture of reality. Moreover, China had no right to act as an international policeman.

30. Miss BEAGLE (New Zealand), referring to draft resolution III on the further promotion and encouragement of human rights and fundamental freedoms, said that her delegation regarded it as a major achievement of the Commission at its latest session. However, while recognizing it to be a compromise text, the New Zealand delegation shared the feeling of the delegation of Canada that paragraph 8 of the resolution was weak. It felt that the Economic and Social Council should examine that recommendation when it considered the medium-term plan, so as to take into account the upsurge of activities in the area of human rights.

31. It was pleased to note the extension in the present year of the use of public procedures and an attempt to improve the confidential procedures. It supported the decisions relating to the establishment of a working group to examine situations referred to the Commission and to the direct communication of recommendations to Governments concerned in order to facilitate their participation in the proceedings.

32. She hoped that the proposed increase in the Commission's membership would help to increase the objectivity and effectiveness with which it undertook the examination of situations which clearly contravened the standards established by the international community.

33. She joined with the many other delegations that had expressed their concern that the Commission had been unable to take decisions on the very serious problems of large-scale exoduses of refugees and of disappeared persons. The Commission's inability to act in response to a direct request from the General Assembly in resolution 33/173 was doubly unfortunate in view of a decision taken to appoint two experts to study the fate of missing and disappeared persons in one country. A selective approach of that kind did no credit to the Commission, nor did it increase the credibility of the United Nations in the eyes of the world.

34. Turning to other aspects of the Commission's work, she welcomed the draft convention on torture and the draft declaration on religious intolerance; the Commission's resolutions 23 (XXIV) and 24 (XXIV) on public information were likewise useful initiatives. Great importance was attached in New Zealand to action at the national level to promote human rights. In 1977 a national Human Rights Commission had been established to investigate complaints of racial, religious or sexual discrimination under the New Zealand Human Rights Commission Act, which outlawed discrimination in employment, housing, education, access to public facilities and the provision of goods and services. In that regard, she paid a tribute to the invaluable work done by international and national non-governmental organizations, which were making a vital contribution in disseminating information, identifying problems and arousing public concern. Her delegation found it disappointing that the Commission, which had adopted 26 resolutions and 16 decisions, had been unable to adopt even one draft recognizing the very real contribution made by non-governmental organizations.

35. Mr. SID'AHMED VALL (Mauritania) said that of the many questions dealt with in the report of the Commission on Human Rights there was one category which deserved particular attention, namely, that relating to policies having a permanent beneficial or harmful influence on entire communities, peoples or nations, as in the case of racism, racial discrimination, apartheid and colonialism, and the right to development.

36. Those questions were objectively dealt with in some of the resolutions adopted by the Commission on Human Rights. Concern was expressed in the preamble to resolution 1 (XXXV) at the deterioration of the human rights situation in the occupied Arab territories and in Palestine as a result of Israeli measures. The recent session of the Security Council had shown the gravity of the situation.

37. During the debate in the plenary Council on the report of the World Conference to Combat Racism and Racial Discrimination, his delegation had referred to the question of implementing the Programme for the Decade for Action to Combat Racism and Racial Discrimination, the subject of resolution 8 (XXXV). Various resolutions, particularly resolution 9 (XXXV), dealt appropriately with the situation in southern Africa, and his delegation welcomed the decision of the Government of Iran to break all relations with the racist régime in South Africa and to halt all petroleum shipments to it. By virtue of resolution 4 (XXXV), the Commission on Human Rights had recognized the importance of the right to development proclaimed in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. His delegation shared the view that the exercise of the right to development implied the establishment of a new and just international economic order and that it was the duty of all States to create the necessary conditions for it.

38. The delegation of Mauritania found no difficulty in supporting the resolution on the revitalization and reorganization of the work of the Commission on Human Rights and welcomed the suggestion by the delegation of Jamaica that the New York Liaison Office should be strengthened.

38a. Mr. Hassan (Pakistan) took the Chair.

39. Mrs. CALDERON (Observer for Cuba) said that the subject of human rights had occupied the thoughts of everybody with a conscience in the three decades that had elapsed since, overwhelmed by the scale of the horror of Hitler's fascism, mankind had decided to enshrine those rights in the Universal Declaration of Human Rights. Although the efforts to attain those ideals had been steadily intensifying, fascist acts and infringements of the rights of individuals and peoples had also been proliferating in every respect.

40. Her delegation wished to stress the importance of some of the questions dealt with during the thirty-fifth session of the Commission on Human Rights, including those related to the four draft resolutions, particularly draft resolution III on the further promotion and encouragement of human rights and fundamental freedoms. Operative paragraphs 3 and 4 contained an addition to the terms of reference of the Commission, permitting it to increase its membership and to hold meetings for a total of seven weeks a year. Her delegation joined with those which had praised the intense efforts of the Commission during its thirty-fifth session.

(Mrs. Calderon, Observer, Cuba)

41. As a developing country and a member of the Movement of Non-Aligned Countries, her country attached particular importance to measures that could be adopted in the Economic and Social Council with a view to realizing economic, social and cultural rights in all countries and studying the special problems which developing countries faced in their efforts to achieve those human rights. As indicated in resolution 4 (XXXV) of the Commission on Human Rights, the practical value of a UNESCO study that upheld the right to development as a human right, which was closely linked with the rights to peace and to the establishment of the new international economic order, would be increased if the competent economic and social organs of the United Nations took it into account in their activities, and if the study was followed up with an analysis of the regional and national dimensions of the right to development and the obstacles encountered by developing countries in their efforts to secure the enjoyment of that right. However, if the broadening of the study or the application of its conclusions in the plans for the new development strategy were to have optimum results, the Economic and Social Council would also have to endorse the recommendations in resolution 5 (XXXV).

42. Her delegation supported the strong terms in which the Commission on Human Rights, in its resolutions 2 (XXXV), 3 (XXXV), 10 (XXXV), 11 (XXXV) and 12 (XXXV), referred to the continuing violation of rights on the part of the racist régime of Pretoria, the Fascist Junta of Chile and the Zionists of Israel. Another abhorrent case in the western hemisphere was the permanent state of emergency prevailing in Nicaragua, which had been ravaged for decades by the evil Somoza dynasty. Mankind shuddered at the mass and flagrant violations committed in Nicaragua but, at the same time, it took courage at seeing how that nation's valiant sons resisted and stood up to the genocide indiscriminately undertaken by the tyrant Somoza. Her delegation welcomed the prominence given in the report of the Commission on Human Rights to resolution 14 (XXXV) on the situation of human rights in Nicaragua and felt that there was a need for further measures and proposals to remedy that situation. A greater effort must be made to prevent those who were fostering the cause of the oppressors from continuing to do so because, as long as the International Monetary Fund continued to subsidize Somoza and the large team of military advisers of the Zionist régime of Israel shored up his refuge in the Presidential Palace, the human rights of the people of Nicaragua would be violated with impunity again and again. The international community had the right and the duty to demand an end to that situation, which had assumed monstrous proportions with the virtual razing of the city of Esteli by the National Guard.

43. Her delegation attached the greatest importance to increasing the general welfare of children everywhere in the world and to the United Nations work in formulating a draft international convention on the rights of the child, in connexion with the International Year of the Child. The violation of children's rights aroused indignation everywhere in the world, especially in the context of the consideration of ways to combat infanticide and guarantee children the conditions needed for their harmonious and peaceful development. A few days earlier, the Chairman of the Cuban Committee for the International Year of the Child had sent a message to the Secretary-General concerning the heart-rending

(Mrs. Calderon, Observer, Cuba)

problem of the death of thousands of Vietnamese children at the hands of Chinese aggressor forces, requesting that the threats and hostilities against Viet Nam should cease and that Vietnamese children should be provided with what they needed in order to develop harmoniously, so that their childhood memories should not be of bombs.

44. Mr. KOMISSAROV (Observer for the Byelorussian Soviet Socialist Republic) said that his country had unswervingly observed the principles of the Charter regarding international co-operation in the field of human rights and it attached particular importance to the manner in which United Nations activities in that field were conducted, especially the way in which those activities contributed to developing friendly relations between peoples. The report of the Commission on Human Rights on its thirty-fifth session was an important contribution to solving human rights problems, and the constant violations of those rights owing to the continued existence of racism, racial discrimination, colonialism aggression and Fascist policies completely justified the Commission's concentration on consideration of those violations.

45. The Commission had once again considered the question of violations in Namibia, South Africa and Zimbabwe, where racist policies that were a crime against humanity and a threat to international peace and security were applied. It was an outrage that, as indicated in documents E/CN.4/Sub.2/383/Rev.1 and E/CN.4/Sub.2/415, a number of countries, particularly some members of NATO and Israel, should continue to co-operate with the racist régimes and supply them with arms, in violation of United Nations decisions that should be observed by all. The report of the Commission on Human Rights demonstrated the importance attached to the right of the peoples of southern Africa to self-determination, and resolutions 2 (XXXV) and 3 (XXXV) were proof that a majority of countries condemned the Pretoria and Salisbury régimes' refusal to grant independence to Namibia and Zimbabwe, and the Zionists' refusal to recognize the rights of the Palestinian people. His country shared the international community's concern at the violation of human rights in the occupied Arab territories, including Palestine, which had prompted Commission resolution 1 (XXXV), and it demanded Israel's immediate withdrawal from those territories and the immediate restoration of the rights of the Palestinian people.

46. During the thirty-third session of the General Assembly, his delegation had supported restoration of the rights of the people of Chile, which had been usurped by the Fascist régime that had overthrown the legitimate Government of National Unity. The seriousness of the situation that continued to exist in Chile could be seen from the reports of the Ad Hoc Working Group to the General Assembly (A/33/331) and to the Commission on Human Rights (E/CN.4/1310). The Commission on Human Rights had adopted resolution 11 (XXXV), which should fulfil an important function in putting an end to the situation prevailing in Chile. His country felt that the most effective way to remedy the situation would be to extend the Ad Hoc Working Group's mandate and he stressed that, in exercising his functions, the Special Rapporteur who had been appointed must take into account the Group's mandate laid down in Commission resolution 8 (XXXI).

(Mr. Komissarov, Observer, Byelorussian SSR)

47. The debate in the Commission on Human Rights on the right to development demonstrated the correctness of his delegation's position with regard to a whole range of rights enumerated in General Assembly resolution 32/130 and with regard to the concept that all rights were indivisible and that complete implementation of civil and political rights was impossible without the enjoyment of social and cultural rights, it being essential to halt the arms race and adopt measures to promote disarmament and the establishment of a new international economic order.

48. The main obstacles to the right of development were colonialism, foreign occupation and aggression. His delegation supported resolutions 4 (XXXV) and 5 (XXXV) of the Commission on Human Rights and felt that the question of the right to development should be given more comprehensive, in-depth consideration, with a view to all countries giving effect to the economic, social and cultural rights of their citizens. Together with General Assembly resolution 32/130, the consensus achieved with regard to the Commission's draft resolution III could lay the foundation for consideration of the subsequent promotion and encouragement of respect for human rights and fundamental freedoms.

49. His delegation considered it regrettable that the Commission on Human Rights had been unable to draft a convention on the rights of the child. The work of the Commission on Human Rights showed that, in spite of attempts on the part of a number of countries to impose on the Commission consideration of questions of secondary importance in order to divert its attention from more important questions, a majority of countries acted in conformity with the principles of the Charter.

50. In view of the fact that safeguarding human rights was the prerogative of each State, the most important prerequisite for the development of international co-operation in assuring such safeguards was that States should undertake to comply with the norms of international law and fulfil the obligations they had assumed.

51. The legal and social structure of the Byelorussian Republic contained the prerequisites for the enjoyment of all rights and guaranteed participation on the part of all citizens at all levels of national life. Periodically, his country submitted reports on the implementation of the International Covenants and other agreements to which it was a party, and all States that so desired could study those reports.

52. His country expressed its outrage at the manner in which China attempted to make use of the Committee in order to slander Viet Nam, and it condemned those attempts to misrepresent the situation in South-East Asia, which could not deceive anyone.

53. Mr. BUENO (Brazil) said that his country attached great importance to human rights and supported international action for their promotion. Such action, should however, be understood within the limits of the competence of the Organization, as set forth in the Preamble of the Charter. "To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ..." were the words of

the Preamble which, taken together with Article 1, paragraph 3, represented the guidelines for joint action in the field of human rights. As requested in General Assembly resolution 32/130, the Commission on Human Rights was undertaking 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. His delegation would continue to contribute to an effective analysis of the problems existing in that field, taking into account the experiences and contributions of both developed and developing countries.

54. With regard to the report of the Commission on Human Rights on its thirty-fifth session (E/1979/36), draft resolution III was a consensus text that had emerged after painstaking negotiations. The need for additional assistance to the Economic and Social Council in the co-ordination of activities concerning human rights had been equally supported by all delegations; the increase in the membership of the Commission might prove to be helpful in that respect. A consensus had also been reached on operative paragraph 8, in which the Secretary-General has requested to examine the question of the staffing of the Division of Human Rights. A consensus had also been reached on other important points: the recommendation that the period of work of the Commission should be increased to six weeks each year, with an additional week for meetings of working groups; the decision to authorize the extension of the session of the Sub-Commission to four weeks; the request to the Commission to study the possibility of convening meetings of the Bureau in intersessional periods; and the note taken that in certain circumstances the Commission might need to hold special sessions.

55. During the thirty-fifth session of the Commission, his delegation had abstained from voting on resolution 20 (XXXV), regarding the draft declaration on religious intolerance, for procedural reasons, although it agreed with its content. It had also abstained from voting on resolution 16 (XXXV), regarding international legal protection of the human rights of individuals who were not citizens of the country in which they lived, since the Commission had been unable to discuss its substance owing to lack of time.

56. His delegation regretted that an important document circulated within the Commission (E/CN.4/1317), which contained an analysis of existing United Nations procedures for dealing with communications concerning violations of human rights, had not been brought to the attention of the Council. That document was concise, very clear and very useful in orienting delegations with regard to the existing communications mechanisms. In order to increase its value as a document for consultation in years to come, he proposed that at the end of paragraph 19, reference should be made to paragraph 6 (b) (ii) of Council resolution 1503 (XLVIII). Paragraph 19 stated that if the Commission on Human Rights decided that a situation might be the subject of an investigation by an ad hoc committee, that course of action could only be taken with the express consent of the State concerned, and did not state that the investigation was also subject to two other conditions, namely, in the terms of resolution 1503 (XLVIII), that "the situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or in regional conventions".

(Mr. Bueno, Brazil)

57. Finally, he made two small corrections in the Commission's report (E/1979/36): the last sentence of paragraph 281 should indicate that the resolution adopted was resolution 20, and not resolution 19, which referred to the question of a convention on the rights of the child and paragraph 13 of the draft resolution recommended by the Working Group (p. 51) should reflect the text actually prepared by the Group and not the text as amended by the Commission.

58. Mr. SHENIRANI (Iran) said that, at its thirty-fifth session, the Commission on Human Rights had adopted important resolutions and decisions. His delegation supported them in general, but wished to emphasize the resolution on occupied Arab territories, including Palestine, and the resolutions on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. His delegation had voted in favour of those resolutions and wished to emphasize its support for the human rights of all colonial peoples under alien domination.

59. In view of the need to adopt measures to eradicate apartheid and racial discrimination, one of the first measures of the new revolutionary Government had been to break off the economic and political relations that had existed between the former Iranian régime and South Africa and to halt the supply of oil to the Pretoria régime. By exerting pressure on the Government of South Africa, which persistently refused to comply with the resolutions of the Security Council and the General Assembly, it would be possible to make that Government listen to reason. The position of his country was clear with regard to the violation of human rights in southern Africa: in South Africa, Namibia and Zimbabwe millions of persons were still being deprived of the most basic human rights. The inevitable result of that situation was the continuous process of depersonalization, alienation and systematic destruction of the cultural, social and human values of the African people of that region. The time had come to mobilize all international forces to combat the evils of apartheid, racism and racial discrimination. The new Government of Iran was fully committed to the cause of supporting the just and legitimate struggle of the people of southern Africa to free themselves from the yoke of colonial domination and to exercise their inalienable right to self-determination and independence.

60. At the previous day's meeting, the representative of France, speaking on behalf of the European Economic Community, had expressed deep concern over what he called recent executions carried out in various parts of the world which, in certain cases had not taken place within the serene atmosphere of justice. Although no particular country had been mentioned, the intention of the French representative was clear and that was what really mattered. The French representative had also spoken of universal respect for human rights and had referred to the preoccupation expressed by the Secretary-General. As far as Iran was concerned, those who had been executed had committed crimes punishable by death. They had played an active part in creating and consolidating an apparatus of terror and repression which was responsible for the death and disappearance of thousands of Iranian people.

61. Iran welcomed honest, sincere and constructive dialogue, but did not accept lectures on human rights from countries which had different standards for human

(Mr. Shemirani, Iran)

rights. If members of the European countries were really concerned about human rights, he wondered why they kept silent when what they referred to as the "most fundamental human rights" were being flagrantly and massively violated in Iran. During the revolutionary period, almost 50,000 people had been mercilessly killed, tortured to death, murdered, mutilated, and crushed under army tanks. But those countries had just watched and had chosen to ignore what was happening in Iran.

62. In those days, many appeals and petitions had been addressed by the Iranians to many parts of the world, including the Headquarters of the United Nations, asking for help to stop the indiscriminate killing of the Iranian people. He did not recall having monitored any reaction. Everywhere there had been silence. However, some of the same countries which had voiced concern for human rights in the Committee were busy, during the revolutionary struggle, sending words of sympathy and encouragement to a despot who had established in Iran one of the most repressive régimes of terror that had ever existed. Elsewhere the same performance was taking place. He referred to southern Africa, where millions of people were deprived of their most fundamental human rights. In South Africa, in Namibia and in Zimbabwe the most brutal form of denial of human rights persisted, but members of the Community closed their eyes and continued to maintain and even to expand their economic, political and military collaboration with the minority racist régimes in southern Africa, thus helping to perpetuate the colonial and racist domination in southern Africa.

63. Iran was not afraid of criticism. The Islamic Revolution had made it possible for the Iranian people to start building a society based on respect for human rights, human dignity, freedom, equality and justice, something which was inconceivable during the past régime. Iran today was an open society - everybody had a right to express his or her opinion. Iran did not deny having difficulties and problems, but the major difficulties were the heritage of the former régime. Iran had nothing to hide from the outside world; that was why so many foreign correspondents from all over the world were active in Iran.

64. He himself had been a journalist before joining the foreign service. He attached great importance to the role of journalists in promoting understanding among peoples in various parts of the world. But, in Iran's case press coverage had not always been objective, and obviously many western value judgements were formulated on the basis of press reports; hence the necessity for impartial and objective journalism, which would make it possible for the international community to have an accurate reflection of the events in Iran.

65. Many members of the international community would have to discard their prejudices and make an objective study of the current situation in Iran. They would have to understand the motives behind the revolution, and they should then look back at the sad picture presented by the former régime with regard to human rights and fundamental freedoms. The Iranian people, who were in any case the sole masters of their fate, would continue their efforts to transform the country, because they believed in the purity and legitimacy of their revolution.

66. Mr. FIGUEROA (Argentina) said that his delegation attached great importance to enlarging the Commission on Human Rights, since the Commission's debates and the decisions it adopted provided a practical forum for the international community's efforts to give effect to human rights.

67. In the consideration of human rights within the United Nations, the political perspective of the observer influenced the assignment of priorities and the values set on those rights. His delegation therefore wished to remind the only delegation which had explicitly mentioned his country that the darkest pages of the history of the exploitation of man by man had been written by colonialism based on racism and apartheid.

68. Countries which for centuries had profited from colonialist exploitation were currently unwilling to admit the existence of an unjust international economic order, whereas, at the same time, they set themselves up as defenders of human rights in special circumstances. They did all that without bearing in mind that the existence of extreme violence beyond the control of Government: was in some cases the direct result of organized criminal terrorism. It followed that the full enjoyment of human rights required that the State in question be able to eradicate completely all types of violence.

69. His country's experience in that regard had been characterized by a situation of emergency crisis which tended to produce chaos. His Government had taken effective measures to overcome the crisis situation and restore the full and effective force of legal order.

70. For those reasons, his delegation reiterated its support of paragraph 4 (a) of resolution III, which proposed that the number of members of the Commission should be increased to 43.

71. Mr. CU DINH BA (Viet Nam), speaking in exercise of the right of reply, said he totally rejected the false accusations of the representative of China, who had done his best to justify his country's atrocious aggression against Viet Nam, an independent and sovereign country, in violation of the United Nations Charter and international law.

72. The words of the Chinese representative could not reverse the world-wide condemnations protesting the attack launched by more than half a million Chinese troops with artillery and bombs across the border with Viet Nam and the monstrous crimes which they had committed against the Vietnamese population, including women, the aged and children.

73. No one could be surprised to find that aggression mentioned in the report of the Commission on Human Rights on its thirty-fifth session (E/1979/36, para. 153).

74. At the preceding meeting, the representative of China had spoken of the violation of human rights in Kampuchea. It was public knowledge that the Pol Pot régime, directed by the reactionary leaders of the Peking Government, had been precisely the worst fascist and dictatorial régime known in history. He wondered how such a régime, established by the reactionary Chinese leaders, could commit so many crimes and avoid its responsibilities with regard to human rights.

(Mr. Cu Dinh Ba, Viet Nam)

75. Currently, while negotiations between the Government of China and the Government of Viet Nam were under way, Chinese troops were still occupying more than 10 points in Vietnamese territory. The Chinese side was still building strategic roads, digging trenches and building fortifications; it continued to open fire on Vietnamese territory with all kinds of weapons and was at the same time intensifying its naval intrusions into the territorial waters of Viet Nam.
76. His delegation wished to state that neither the threat nor the use of force by the Chinese expansionists could in any way limit the legitimate right of the Vietnamese people to self-determination, independence, sovereignty and territorial integrity.
77. The CHAIRMAN gave the floor to the observer of Democratic Kampuchea.
78. Mr. ZACHMANN (German Democratic Republic), speaking on a point of order, said that his delegation could not recognize the right of the representative of the Pol Pot régime to take the floor in the Committee. The People's Revolutionary Council was the sovereign government of Kampuchea and the sole legitimate representative of its people. The representative of the régime ousted by the people and guided and supported exclusively by a Power which had again sent military armed forces to the Vietnamese border and advocated an aggressive hegemonist policy had the least right of any to represent the people of Kampuchea. According to the New York Times, Mr. Deng had told the Secretary-General that China reserved the right to act and teach the Vietnamese another lesson. That dangerous situation gave rise to deep concern and it was imperative to prevent the worst.
79. The CHAIRMAN took note of the comments made by the representative of the German Democratic Republic and gave the floor to the observer of Democratic Kampuchea.
80. Mr. CHAN Younan (Observer for Democratic Kampuchea) said that, at its 35th session, the Commission on Human Rights had decided to defer consideration of the question of Democratic Kampuchea owing to the new situation created by the Vietnamese-Soviet war of aggression against that country. That war of aggression constituted a flagrant and barbarous violation of the rights of the people of Kampuchea, particularly the fundamental political, economic and social rights guaranteed by the Government of Democratic Kampuchea to all its people during the three and one half years of national reconstruction. Moreover, the independence, sovereignty and territorial integrity of a Member State of the United Nations and the fundamental principles of the Charter had been violated, and the aggression was a serious threat to international peace and security, particularly in South-East Asia, all of Asia and the Pacific. The sole aim of the charges levelled by Viet Nam and the Soviet Union against the People's Republic of China was to conceal the monstrous crimes Viet Nam was committing against the people of Democratic Kampuchea, and the delegation of Democratic Kampuchea felt that the Committee should discuss the aggression of Viet Nam and the Soviet Union and the human rights violations committed in its wake.

(Mr. Chan Youran, Observer,
Democratic Kampuchea)

81. Those collective crimes committed by over 150,000 Vietnamese soldiers and their Soviet advisers were tantamount to genocide carried out in pursuance of a policy of extermination of the people and nation of Kampuchea. The troops of Viet Nam and the Soviet Union had destroyed and burned everything in their path, were indiscriminately slaughtering people and raping women before killing them, looting everywhere and trying to eradicate the national culture and civilization of Kampuchea. Their crimes were as bad or worse than those of the racist régimes of Pretoria and Salisbury against the African peoples and of Israel against the Palestinian and Arab peoples and were not the usual type of human rights violation. It was a case of exterminating the race and people of Kampuchea in order to annex the country to Viet Nam. The Committee should condemn that aggression and those crimes, demand that they stop immediately and call for the total and unconditional withdrawal of Vietnamese and Soviet troops from Kampuchea. His delegation called upon the Committee to consider its report to the Commission on Human Rights on the crimes committed by the armed forces of Viet Nam and the Soviet Union in their aggression against Democratic Kampuchea (E/CH.4/1343).

82. Mr. PU Chao-min (China) said that in their statements, the delegations of the Soviet Union and Viet Nam were trying to distort the truth concerning the unwarranted attacks against China, which had always greatly valued its friendship with Viet Nam. Their relations had deteriorated in recent years as Viet Nam had intensified its hostility towards China and its attacks on Democratic Kampuchea with the support of the Soviet Union, which was pursuing its hegemonist policy. China had been the victim of many attacks and had suffered many losses and when it saw that its warnings went unheeded, it had been forced to counter-attack, as the international community had recognized. China's border defence troops had withdrawn into China as early as 16 March. China had repeatedly attempted to initiate negotiations, but Viet Nam had refused and had provoked further incidents against China on the border. China's good faith had been demonstrated, but Viet Nam had attempted to unleash an outcry against China, thus proving that it was not interested in negotiations. Soviet and Vietnamese expansionism in South-East Asia constituted a threat to peace and security in the region and the countries of the region should unite to stop them.

83. It was pointless to refute the attacks on China by Cuba, a mercenary of Soviet imperialism, which was sending its youth to Africa to serve as cannon fodder. For Cuba to talk about the well-being of children was the height of irony.

84. Mr. CAHANA (Observer for Israel) said that certain delegations were once again attempting to exploit the forum of the Economic and Social Council to launch political attacks against Israel. Unfortunately there was a sharp conflict between those countries and Israel, an essentially political conflict caused by their refusal to respect the inalienable rights of Israel as a nation and the inalienable human rights of its citizens. Their negative approach represented a gross violation of the principles of international law and the Charter of the United Nations, and was expressed, among other things, in their support for violent and indiscriminate attacks on the most basic human right, the right to life, of those who lived in Israel or happened to be there.

(Mr. Cahana, Observer, Israel)

85. Most of the issues which had served as pretexts for anti-Israel initiatives and resolutions in the organs of the United Nations were related to Israel's efforts to defend itself and protect human lives against those illegal policies, and if the Council had been prepared to deal with the real issues of human rights involved in the Arab-Israel conflict, it would have addressed itself long ago to the prime cause and fundamental aspect, namely the violations of Israeli human rights, a truth which no amount of distortion of facts and manipulation of debates in the United Nations could cover up.

86. His delegation called on those delegations which held that the cause of human rights depended on an impartial and sincere approach to oppose the repeated attempts to abuse that cause when it came to the Middle East and Israel.

87. Mr. AL-JABIRI (Iraq), speaking in exercise of his right of reply, said that the representative of Israel had not refuted any of the charges on which most members of the Committee agreed, and asked the Chairman, the Director of the Division of Human Rights and the Secretariat whether a reply had been received from the Government of Israel to the telegram sent it by the Commission on Human Rights expressing its deep concern about systematic torture, policies of repression and collective punishment and the practice of tearing down and looting houses. He quoted an article which had appeared in the New York Times of 2 May about an Arab journalist who was in a Jerusalem hospital recuperating from injuries inflicted by Israeli police who had kept him in prison for 120 days without charges. That article and other reports in other newspapers were evidence of the gross violations of human rights being committed in the occupied Arab territories, including Palestine. The time had come for the Committee and other international bodies to put an end to the Zionist conspiracy not only against the Arabs but against Jews of different nationalities.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (continued)

88. The CHAIRMAN announced that the Philippines had become a sponsor of draft resolution E/1979/C.2/L.5.

The meeting rose at 6.30 p.m.