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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 19th MEETING

Held at Headquarters, New York, on Monday, 28 April 1980, at 10.30 a.m.

Chairman: Mr. NORDENFELT (Sweden)

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The meeting was called to order at 11 a.m.

ORGANIZATION OF WORK

- 1. The CHAIRMAN suggested that the Committee should agree to establish a deadline for the submission of draft resolutions concerning agenda items 6, 8 and 9 at 6 p.m. that same day, 28 April 1980.
- It was so decided.

HUMAN RIGHTS QUESTIONS (continued) (E/1980/9 and Corr.1 and Add.1 and 2, E/1980/13 and Corr.1, E/1980/25; E/CN.5/558, chap. VII; E/1980/NGO.1)

- 3. <u>Ms. RASI</u> (Finland) said that the Commission on Human Rights had accomplished a great deal at its thirty-sixth session. The human rights situation as a whole, however, called for further and intensified action by the Commission as well as by other competent United Nations organs.
- 4. The plight of refugees was one aspect of the general question of human rights, and the Geneva Meeting on Refugees and Displaced Persons in South-East Asia, held in July 1979, had been an example of how the United Nations could deal with such issues. However, concrete steps to assist refugees were possible only with the full support and active participation of Member States. All States, especially those States which large numbers of refugees were leaving, should be called upon once again to promote and encourage respect for human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations and other international instruments.
- 5. As far as United Nations clarification and standard-setting work was concerned, she drew attention to the draft Declaration on the human rights of individuals who are not citatens of the country in which they live a draft which, in her Government's view, was an important attempt to satisfy the need to supplement existing international instruments.
- 6. The international community should, in future, increasingly focus on the effective implementation of human rights. Her delegation appreciated the thorough and systematic approach taken by the Human Rights Committee in reviewing the reports submitted by States parties to the International Covenant on Civil and Political Rights. It was also pleased that the Sessional Working Group had been able to begin its substantive examination of national reports concerning the implementation of the International Covenant on Economic, Social and Cultural Rights.
- 7. Her delegation fully supported the proposal by the Commission inviting the Secretary-General to consider the redesignation of the Division of Human Rights (Commission on Human Rights resolution 22 (XXXVI)) and looked forward to action by the Secretary-General as soon as possible. The strengthening of the Secretariat to accommodate its expanding responsibilities was a matter of urgency.

(Ms. Rasi, Finland)

- 8. Her delegation welcomed the decision of the Commission to establish, at the beginning of its next session, an open-ended sessional working group to continue the analysis of ways to promote and encourage respect for human rights and fundamental freedoms. It felt that the Commission's decision to establish a five-member working group to examine questions relating to enforced or involuntary disappearances of persons, had been an important step in implementing human rights.
- 9. The dissemination of information on human rights with a view to educating the public and stimulating public discussion played an important role in ensuring observance of those rights. The Commission on Human Rights could profitably pay more attention to the question of information and make proposals to the Council in that regard. The active and instructive role played by NGOs in that context must not be forgotten.
- 10. Mr. WASILEWSKI (Observer for Poland) said that human rights were defined and established in the constitutions of States or in accepted international instruments on the subject. Therefore, like the whole body of law, they could not exist outside or in opposition to the State, which was responsible both for establishing them and for guaranteeing their exercise. Since one of the main tasks of the Commission on Human Rights was to develop international standards for human rights, his delegation had joined with others at the Commission's thirty-sixth session in proposing the preparation of a convention on the rights of the child.
- 11. The concern of the international community for the children of the world was evident, but the needs of children remained overwhelming and the international community must seek new approaches and more effective forms of international co-operation for improving their lot. His delegation therefore commended the Commission for its work on the new draft convention, which would establish programmes binding on the States parties for the benefit of the world's children. The Commission should complete the drafting of the convention and transmit it to the General Assembly for adoption; he therefore supported its resolution 36 (XXXVI) and hoped that the Council would agree to a one-week session of an open-ended working group prior to the thirty-seventh session which would be devoted to that task.
- 12. Ms. SPERO (United States of America) said that the thirty-sixth session of the Commission on Human Rights had resulted in remarkable progress. The Commission had adopted an unusually large number of resolutions and decisions, many of them by consensus, in an outstanding display of unity on human rights issues. Moreover, the Commission had adopted resolutions on subjects not dealt with before, it was reassuring to find the Commission pioneering new areas as well as affirming its opposition to apartheid and the invasion of Afghanistan.
- 13. New institutional machinery had been used, thanks to the establishment of new working groups on a variety of subjects. Meanwhile, the Commission had continued to formulate important international instruments, building up the structure of international law; her delegation hoped that it would be sending completed draft conventions to the Council after its next session.

(Ms. Spero, United States)

- 14. In another important advance, the Commission had dealt with human rights abuses in 19 countries, rather than only in a few selected areas, demonstrating even-handedness and efforts to redress human rights violations wherever they occurred.
- 15. In the case of virtually every item on the Commission's agenda, the non-aligned nations had played a critical and constructive role in securing the adoption of most of the resolutions. That was a tribute both to their lendership and to the continued relevance of human rights as an item on the international agenda. The promotion of human rights was vital to the struggle for a peaceful world under a rule of law which enhanced individual freedom, development, dignity and the worth of the human person. The Council should be proud of the advances made by the Commission on Human Rights at its thirty-sixth session.
- 16. Mr. de PINIFS (Spain) said that true respect for human rights was, for his country, not merely an inescapable domestic obligation but also one of the most important elements in its foreign policy. Guaranteeing human rights all over the world was a matter which transcended the limits of State sovereignty and thus constituted a challenge to the international community that could not be ignored. While good progress had been made, the fundamental freedoms of millions of individuals and entire peoples were still being systematically violated every day and much remained to be done.
- 17. Human rights were, by their nature, inviolable, indivisible and inalienable. Spain had submitted its report on the application of the International Covenant on Civil and Political Rights in 1979, and had recently submitted its report on the implementation of certain articles in the International Covenant on Economic, Social and Cultural Rights to the Sessional Working Group. The fact that the two Covenants were already being implemented in a considerable number of countries indicated that the international community was on a promising course.
- 18. The large number of items considered by the Commission on Human Rights at its thirty-sixth session represented a decisive step forward in the humanitarian tasks which the United Nations had assumed. His delegation attached special importance to those decisions of the Commission recommended for approval by the Council which sought to increase the efficiency of the Commission itself and of the Division of Human Rights within the Secretariat. It was particularly pleased that substantial progress had been made on the draft convention on torture.
- 19. With regard to the question of capital punishment, Spain, which had abolished the death penalty in 1978 except for crimes committed in time of war, considered that the trend towards abolition or, at least, sparing application of the death penalty, was a positive one. The various studies undertaken on the question would be very useful when the time came to take effective steps at the Sixth United Mations Congress on the Prevention of Crime and the Treatment of Offenders to be held in Caracas.
- 20. Mr. DYRLUED (Observer for Denmark) said that the phenomenon of missing and disappeared persons continued to be one of the most serious violations of human

(Mr. Dyrlund, Observer, Denmark)

rights with which the Commission on Human Rights had to deal. His Government therefore welcomed the adoption of resolution 20 (XXVI), setting up an expert group to investigate the fate of disappeared persons, and hoped that the Council would approve that decision. Denmark strongly hoped that Governments would be ready to provide the expert group with the necessary information and to co-operate with it in the months to come.

- 21. His delegation had noted with satisfaction the progress made by the Commission on the draft convention against torture. Since much remained to be done, however, before the Commission could present the General Assembly with a draft convention in accordance with resolution 32/62, his delegation supported the adoption by the Council of draft resolution V (E/1980/13, p. 3), authorizing a meeting of an open-ended working group for one week prior to the thirty-seventh session of the Commission, in order to complete the work on the draft convention.
- 22. The Nordic countries had for some time been working together to promote the rights of indigenous peoples. That co-operation would continue. In that connexion, they looked forward to the results of the Commission's survey of the situation and rights of indigenous peoples.
- 23. While the confidential procedure within the Commission permitted under Council resolution 1503 (XLVIII) had evident merits, it also had some flaws. The screen of confidentiality should not be allowed to cover up a lack of co-operation on the part of a Government. The confidential procedure had been introduced in order to advance the work to promote human rights, and it lost its raison d'être if it failed to achieve that purpose.
- 24. A number of delegations at the thirty-sixth session of the Commission had dealt with the question of development as a human right. His delegation agreed that there should be greater understanding of the close relationship between the implementation of human rights and the realization of a more just international economic order, and was looking forward to the Secretary-General's study of the regional and national dimensions of the right of development as a human right before it could participate in a decision as to how the Commission should deal with the issue.
- 25. Denmark had for years advocated strengthening the Secretariat in the field of human rights. His delegation would therefore support the adoption by the Council of draft decision 10 recommended by the Commission in its report (E/1980/13, p. 7), requesting the Secretary-General to consider the redesignation of the Division of Human Rights and to ensure that adequate financial and other resources were allocated to the sector in the Secretariat concerned with human rights.
- 26. <u>Fr. NYAMEKYE</u> (Ghana) pointed out that General Assembly resolution 32/123 on the observance of the thirtieth anniversary of the Universal Declaration of Human Rights confirmed that the concepts outlined in that instrument remained valid. Horeover, experts in the field of human rights had cited evidence reaffirming the Declaration's validity as an authoritative statement of human rights. The

(Mr. Nyamekye, Ghana)

Declaration had inspired the International Covenants on Human Rights and many other instruments such as the European Convention for the Protection of Human Rights and Fundamental Freedoms. It had not only provided guidance in the interpretation of the Charter but had also strengthened further important declarations and Security Council decisions, as well as the Proclamation of Teheran and the Final Act of the Helsinki Conference on European Security and Co-operation.

- 27. New concepts that had evolved since the adoption of the Declaration of Human Rights were also relevant. General Assembly resolution 32/130 concerning improvement of the effective enjoyment of human rights and fundamental freedoms could be regarded as a watershed in that regard, in that it re-emphasized the indivisibility and interdependence of all human rights and fundamental freedoms and strengthened the concept of the right to development as a human right. Paragraph 1 (f) of General Assembly resolution 32/130 recognized the importance of the new international economic order for promotion of human rights and fundamental freedoms. Moreover, the importance of the integration of human rights in development and in the effort to establish a new international economic and social order had been reflected in the Secretary-General's report to the General Assembly during the thirty-fourth session.
- 28. Drawing attention to paragraph 1 of resolution 7 (XXXVI) adopted by the Commission on Human Rights, he expressed the hope that, during its special session scheduled to begin in August of the current year, the General Assembly would take due account of human rights questions in the development process and, in particular, of the important concepts of the right to development advanced in the Secretary-General's study on the international dimensions of the right to development (E/CN.4/1334). The Secretary-General and the Director-General for Development and International Economic Co-operation should exert every effort to ensure compliance with the Commission's request. It was also his delegation's expectation that the special session would take due account of the work of the seminar envisaged in paragraph 6 of Commission resolution 6 (XXXVI).
- 29. Since social development was inseparable from human rights, the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations should give due consideration to human rights in the social development process. Moreover, in the global context, the United Nations must develop human rights approaches to such international issues as peace, disarmament, development and social welfare.
- 30. He noted that in his introductory statement, the Director of the Division of Human Rights had found it difficult to report any significant progress in the development of United Nations procedures for dealing with allegations of human rights violations and in prevailing on Member States to ratify or enforce provisions of the International Covenants. As agreed in the Proclamation of Teheran, Member States should translate the commitments they had undertaken on paper into practice.

(Mr. Nyamekye, Ghana)

- 31. In his book entitled "Managing Global Problems: A Guide to Survival",
 Mr. C. Maxwell Stanley called for intensification of established United Nations
 and regional human rights activities, strengthening of machinery to deal with
 those activities and implementation of new procedures. In the view of the
 author, the United Nations could encourage nations to ratify, promote and enforce
 existing human rights conventions; establish additional standards and focus
 world attention on human rights matters; monitor human rights progress and
 censor nations committing or permitting gross violations of established
 standards of human rights; provide machinery for petitions, asylum, relief and
 equitable treatment for individuals allegedly deprived of rights; and establish
 peaceful procedures to deal with massive violations of human rights affecting
 minority or political groups. Although those were long-term goals, there was
 no reason why the international community should not be successful in its
 endeavours if a number of those issues were properly addressed in a spirit of
 co-operation.
- 32. His delegation saw great possibilities in the mediating role played by the Secretary-General in assisting Member States to resolve problems in the field of human rights. It recognized the potential usefulness of Commission resolutions on such matters as mass exoduses, disappeared persons, and the rights of United Nations employees. It was to be hoped that the Secretary-General would receive the necessary co-operation from Member States so that he could continue to offer his good offices in resolving human rights problems.
- 33. One of the achievements of the most recent session of the Commission on Human Rights was the adoption by consensus of resolution 20 (XXXVI) on the question of missing and disappeared persons. In seeking to discourage the continuation of that practice, a posture of accusing Governments should be avoided; the problem of disappearances should be considered on a universal basis; methods that would be of assistance in documenting cases of disappeared persons should be developed; procedures should be flexible and provide for urgent action. The international community should avoid considering the question of missing and disappeared persons from a partisan point of view and should seek to identify the various aspects of the phenomenon of disappearances and most appropriate type of action.
- 34. His delegation saw the need for an intersessional role for the Bureau of the Commission on Human Rights and expected that the open-ended working group established under Council resolution 28 (XXXVI) would seriously address that question during the next session of the Commission.
- 35. With regard to the question of the development of public information activities in the field of human rights, he drew attention to the last two preambular paragraphs and paragraph 1 of Council resolution III (E/1980/13, p. 2). The Committee on Information would be meeting the challenge expressed in paragraph 4 of that resolution if it addressed itself seriously to the issue. His delegation hoped it would have full co-operation from the Department of Public Information.

(ltr. Nyamekye, Ghana)

- 36. With regard to the question of the redesignation of the Division of Human Rights, he drew attention to draft decision 10 of the Council concerning Commission resolution 22 (XXXVI) on ways and means within the United Nations system for improving enjoyment of human rights and fundamental freedoms. When introducing the resolution in question before the Commission, his delegation had emphasized that matters relating to the internal organization and staffing of the Secretariat fell within the province of the Secretary-General. Its intention had simply been to indicate its views regarding the needs of the Secretariat in the human rights sector. Commission resolution 22 (XXXVI) was based on the same premises as General Assembly resolution 34/47, which had been intended to enhance the human rights sector of the Secretariat. The request that the Secretary-General should consider the redesignation of the Division of Human Rights was not necessarily related to any other proposals put forward recently. His delegation was gratified to note the Secretary-General's readiness, expressed in his most recent Report on the Work of the Organization (A/34/1), to consider all useful suggestions for strengthening the contribution of the Secretariat in the field of human rights.
 - 37. With regard to standard-setting, it was to be hoped that the Commission would continue to make progress in preparing the draft convention on torture and other cruel, inhuman or degrading treatment or punishment so that it could be adopted by the General Assembly as soon as possible. His delegation hoped that similar progress would be made in drafting a convention on the rights of the child and the draft declaration on the elimination of all forms of religious intolerance and of discrimination based on religion or belief. It also hoped that the Commission would soon address itself to the question of the realization of economic, social and cultural rights, particularly the right to be free from hunger and starvation.
 - 38. With regard to implementation of the International Convention on the suppression and punishment of the crime of aparthoid, the question of the establishment of the international penal tribunal referred to in article V should be seriously considered. His delegation hoped that the Secretary-General's renewed invitation to States parties to suggest ways and means for the establishment of the international penal tribunal would receive a favourable response.
 - 39. With regard to implementation of the International Covenant on Economic, Social and Cultural Rights, the recommendation of the Session Working Group that the Council should urgently review its decision on the composition of the Working Group during the current session (E/1980/WG.1/L.3, para. 15) indicated the need for a new look at how the implementation machinery of the Covenant was functioning. While considering the proposals put forward by the Working Group, the Council should also consider entrusting implementation of the Covenant to a sessional working group of the Commission on Human Rights.
 - 40. There was considerable room for expansion of the fact-finding activities of the United Nations in the field of human rights. The Commission on Human Rights could usefully supplement its work on the models of procedure for United

(Mr. Nyamekve, Chana)

Nations bodies engaged in fact-finding by giving attention to the substantive aspect of the conduct of fact-finding operations. The Secretary-General could perhaps provide an up-to-date report on fact-finding methods in the field of human rights.

- 41. Hr. THIOUNN (Observer for Democratic Kampuchea) reiterated his delegation's satisfaction with resolution 29 (XXXVI) of the Commission on Human Rights on the human rights situation in Democratic Kampuchea and drew attention, in particular, to paragraphs 3 to 5. Implementation of the provisions of that resolution was urgent, since the people of his country were facing a war of racial extermination waged by the Vietnamese regional expansionists with considerable support from the international expansionists of the Soviet Union.
- 42. In March 1980 his delegation had described to the Commission on Human Rights the barbarous crimes committed in Kampuchea by the Vietnamese invaders with the aid of three weapons: massacres, starvation and toxic chemicals. His intention was therefore merely to cite a number of recent events.
- 43. The following massacres had been carried out with conventional veapons: in February 1980, in the commune of Svay Chres (Kratié province, north-eastern region) 100 persons had been massacred by the Vietnamese invaders as a result of various forms of violence and torture; in the same month, the Vietnamese invaders had arrested 20 families of the commune of Thmar Kaul (Battambang province, north-western region) and had bayonetted the children in front of their parents before executing the parents themselves; in March 1980 in the village of Treng Trayoeung (Kampong Speu province, western region) the Vietnamese invaders had raped nine girls, causing their death; also in March, in the commune of Chaong Maong (Kampong Chhnang province, in the central area)
 20 Vietnamese invaders had killed 31 peasants; at Phnom Penh the Vietnamese occupiers killed a number of inhabitants of the Tuol Kork quarter each evening. The Vietnamese invaders were committing those monstrous crimes in their desire to swallow up Kampuchea as part of the "Indo-Chinese Federation".
- 44. Using the weapon of starvation, the Vietnamese invaders had deliberately created a food shortage in Kampuchea. More recently, in February 1980, they had seized rice and the population's entire stock of seed in the commune of Cheang Dek (Prey Veng province, eastern region) and in the district of Phnom Srok, Thmar Puok and Haung Russey (Battambang province, north-western region). It was well known that international humanitarian aid channeled through Phnom Penh had been diverted by the invaders for their own purposes. That fact had been confirmed by professor !!. Scott Thompson, a visiting scholar at the Harvard Center for International Affairs, in an article published in the Christian Science Monitor on 8 April 1980.
- 45. Despite world-wide condemnation, the Vietnamese invaders had intensified the use of chemical weapons in Kampuchea, just as the Soviet troops were doing in Afghanistan. His delegation had already described to the Commission on Human Rights their desperate attempt to break the resistance of the Kampuchean people. Since the beginning of the year, they had been spraying toxic chemicals from the air and shelling with toxic gas. Several hundred persons had been killed and several thousand more had been seriously poisoned.

(Mr. Thiounn, Observer, Democratic Kampuchea)

- 46. Victims of those chemical weapons within a radius of 500 metres: om the point of explosion normally did not survive any longer than 48 hours and experienced agony before dying. Moreover, since the beginning of April, the Vietnamese invaders had been spraying a new type of toxic chemical on fields and in the Mon Thon River in the Kch Kong Leu district (Koh Kong province, western region). Persons who drank the water of that river died immediately and persons who had walked in contaminated fields died one to three days later. The new product had already killed 48 persons, and 50 more were in a serious condition. His country was being used as an experimental laboratory for the new chemical weapons of the Soviet Union which had been placed in the criminal hands of the Vietnamese regional expansionists.
- 47. The Vietnamese aggressors could not camouflage that reality, which had shocked world public opinion. To date, over 2 million Kampucheans had already been massacred by the Vietnamese invaders, who now had 250,000 troops stationed in his country. The Vietnamese occupiers continued to massacre several hundred Kampucheans daily in what was tantamount to a war of extermination against the people and the nation of Kampuchea.
- 48. His delegation strongly supported resolution 29 (XXXVI) of the Commission on Human Rights, which was in conformity with General Assembly resolution 34/22, and appealed to the Economic and Social Council to see that adequate measures were taken immediately to ensure its implementation. Only cessation of the Vietnamese aggression in his country and total withdrawal of Vietnamese troops would halt the extermination of the Kampuchean people and prevent obliteration of the nation and civilization of Kampuchea.
- 49. Mr. RANGACHARI (India) said that the two sets of human rights political and civil and economic, social and cultural should be considered indivisible. Political equality, economic development and social justice must go hand in hand and each nation must determine its own priorities. Attempts to impose a pre-determined set of priorities could not solve the problems impeding full enjoyment of human rights; the urgency of establishing the new international economic order must be viewed in that context. International assistance was indispensable to restructuring the existing unjust international economic order if the right to development was not to remain a pious hope.
- 50. His delegation noted that the Commission on Human Rights had reiterated its concern at the human rights violations in southern Africa and in the occupied Arab territories. It was distressed to see that entities of several Member States continued to trade with South Africa. In the circumstances it was only to be expected that people would try to fight for their rights by all available means.
- 51. His delegation was happy to note the decision of the Commission to set up a working group at the start of its next session to consider the question of the co-ordination of human rights approaches in the United Nations system. It also supported the Commission's decision to seek additional meeting services. The

(Mr. Rangachari, India)

Commission had not had enough time to consider some important issues that had been repeatedly postponed and unless it decided to drop them altogether, it seemed only logical to provide the necessary facilities for discussing them. His delegation hoped that delegations would view the financial implications involved in relation to the work that could be done and endorse the Commission's decision. It was happy to note the progress being made in respect of the conventions being drafted by the Commission and hoped that the work could be expedited.

- 52. At the same time, he expressed concern at the attempt being made to use the Commission as an arena for political confrontation, and viewed with disquiet the plethora of resolutions which the Commission did not have the opportunity to discuss properly and which it had to vote upon without adequate reflection. In several instances his delegation had felt that the concepts being enunciated were not clearly understood and that the wording of the draft resolutions was somewhat ambiguous. The cause of human rights would not be served by divisiveness; decisions were most likely to be implemented if they won wide acceptance.
- 53. He expressed the hope that the Division of Human Rights would be given greater resources to enable it to carry out its work effectively. Finally, noting that several delegations had referred to the work of the Ad Hoc Working Group on the Social Aspects of Development Activities of the United Nations (E/1980/31) and the need to relate human rights and social development questions, his delegation reserved the right to comment on the subject in greater detail when it had had time to study the Working Group's report.
- 54. Mr. VOLLERS (Federal Republic of Germany) said that his delegation velcomed the report of the Secretary-General on capital punishment (E/1980/9). Capital punishment had been abolished in his country 30 years ago and his delegation was gratified to note that the number of countries which were taking that action was increasing. It hoped that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held later in 1980 would be a further incentive for the abolition of capital punishment.
- 55. His delegation welcomed the report of the Commission on Human Rights on its thirty-sixth session (E/1980/13). Noting that the resolution conderwing Soviet aggression against the people of Afghanistan had been adopted by a great majority, he asked what purpose there was in scrutinizing States' reports concerning their compliance with the various human rights Covenants when those same Covenants were being violated so openly by a great Power which had ratified all of them. The Federal Republic of Germany viewed the right to self-determination as particularly important and it would never cease to work for its realization.
- 56. The situation in Democratic Kampuchea had led to a dangerous crisis and the vast refugee problem had been greatly aggravated by the Vietnamese invasion. He appealed to all parties not to take any action which could further endanger

(Mr. Vollers, Federal Republic of Germany)

the refugees and urged that food and medical supplies should be channeled to them without obstruction. His delegation hoped that the reports of improvements in the supply situation were correct and noted that the United Nations was dutybound to help ensure the repatriation of the refugees. The difficult situation prevailing in South-East Asia could be overcome only if a lasting political solution was found.

- 57. Persecution of citizens by their own Governments because of their political and religious convictions was one of the most frequent instances of violations of human rights. The States which had participated in the Conference on Security and Co-operation in Europe had hoped that the Final Act of Helsinki would contribute to a more humane treatment of political opponents in all signatory States; however, despite temporary improvements in some eastern European States their hopes had been disappointed. There had been a growing incidence of rigorous action taken against individuals who engaged in the struggle for human rights not only for their own sake but also for the sake of their fellow citizens.
- 58. His Government viewed freedom of the citizens of a State to express dissenting views as a sign of consolidation of a State's internal order. Accordingly, it attached great importance to Commission resolution 23 (XXXVI). Full attention should also be given to resolution 31 (XXXVI) concerning the human rights of United Nations staff members. His delegation hoped that the working group established under Commission resolution 20 (XXXVI) to examine disappearances of persons would be able to do fruitful work on that distressing problem.
- 59. His delegation supported the Council's draft decision 11 (E/1980/13, p. 7) which requested the reinstatement of summary records because of the obvious difficulties the Commission had encountered at its thirty-sixth session. Considering the financial implications arising from the manner in which the Commission had solved those difficulties, reinstatement of summary records might even be less costly than the present situation.
- 60. His delegation had been impressed by the views expressed by the representative of Chana concerning the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights and supported his suggestion. While the urgent problems caused by such issues as racism and apartheid required continued attention, past experience should be used to combat violations of human rights in new situations.
- 51. One way of improving the work of the United Nations would be by strengthening the Division of Human Rights. His delegation would promote any action likely to facilitate the valuable activities of that Division. Accordingly, his delegation welcomed the Council's draft decision 10 requesting the redesignation of the Division and the allocation of adequate resources to the sector concerned with human rights to enable it to discharge its functions.
- 62. Mr. de PADUA (Observer for Portugal) said that the Commission on Human Rights had achieved a great deal at its thirty-sixth session. It reiterated its

(Mr. de Padua, Observer, Fortugal)

concern at the gross and flagrant human rights violations that continued in many parts of the world. The Commission should continue to be seized of the issues of apartheid in South Africa, violations of human rights in the occupied Arab territories and the very grave situation in Afghanistan.

- 63. The action taken by the Commission on the question of disappeared persons was a positive step towards the solution of the problem. His delegation hoped that the newly-created working group would conduct its investigations efficiently and discreetly.
- 64. His delegation firmly supported the decision taken by the Commission to request the Secretary-General to consider redesignating the Division of Human Rights and allocating to it adequate financial and other resources.
- 55. Turning to the report of the Secretary-General on capital punishment (E/1980/9), he said that his delegation applauded the trend towards the abolition of the death penalty in some parts of the world but viewed with misgivings the restoration of capital punishment in others. Portugal had abolished capital punishment as far back as 1867 and would associate itself in any efforts taken by the international community to that end. Noting that the Parliamentary Assembly of the Council of Europe had recently condemned capital punishment as inhuman in time of peace and had recommended that the European Convention on Human Rights should be amended to make the death penalty illegal, he said that his delegation hoped that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would recommend the abolition of the death penalty and the establishment of safeguards to protect the lives of offenders.
- 66. Hr. WIESNER (Observer for Austria) said that the report of the Secretary-General on capital punishment (E/1980/9) presented an excellent basis for discussion of the issue. The debate initiated in the Committee should continue at the forthcoming Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The report, while encouraging in some respects, was disappointing because only a rather limited number of countries had responded to the Secretary-General's call for information. It was to be regretted that, in a number of countries, persons who had fallen into political disgrace continued to suffer capital punishment. At the same time there seemed to be indications that the number of countries endeavouring to provide full legal safeguards for those sentenced to death was increasing. That could be a first decisive step towards the abolition of capital punishment.
- 67. In that connexion he drew attention to the resolution adopted recently by the Parliamentary Assembly of the Council of Europe appealing to the Parliaments of all member States of the Council to enact legislation abolishing the death penalty in time of peace.
- 63. Another problem that deserved full attention in all international forums dealing with law enforcement was that of extrajudicial execution. In a number of countries individuals were executed without a trial and these killings were either tolerated by the authorities or were the direct result of incitement by the government authorities.

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(Hr. Wiesner, Observer, Austria)

69. In conclusion, he said that his delegation would support any effort to keep alive the momentum generated by the report so that the issue could be dealt with at the forthcoming United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

The meeting rose at 12.55 p.m.