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SUMMARY RECORD OF THE 17th MEETING

Held at Headquarters, New York,  
on Monday, 4 May 1981, at 3 p.m.

Chairman: Mr. MAPP (Barbados)

later: Ms. WELLS (Australia)

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The meeting was called to order at 3.30 p.m.

HUMAN RIGHTS QUESTIONS (continued) (A/36/209; E/1981/25 and Corr.1 and Add.1, Z/1981/28 and 68; E/1981/C.2/L.12-L.15/Rev.1 and L.17)

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (continued) (E/1981/25 and 26; E/1981/C.2/16)

1. Mr. SHERIFIS (Cyprus) said that the aspiration of all peoples of the world that their fundamental rights should be respected had prompted the elaboration of a large number of international standards in the field of human rights. The principles embodied in the Universal Declaration of Human Rights had acquired binding force through the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. None the less, there was an ever-present distance between the declarations adopted and international realities, with the world witnessing many different forms of flagrant or indirect violations of human rights, in the face of which the international community remained passive and powerless.

2. As a result, his delegation believed that idealistic declarations were not enough and that ways and means must be found to implement those declarations fully and effectively. It therefore supported strongly the recent trend towards including in conventions the necessary built-in machinery for their implementation. That was the case of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, which were semi-judicial organs concerned with monitoring compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights respectively.

3. The Commission on Human Rights, for its part, must adopt a more pragmatic approach and become a more action-oriented organ capable of following through with the application of the resolutions and decisions it adopted and of acting on a continuous basis throughout the year. In the view of his delegation, the Commission on Human Rights had a three-fold responsibility in the area of human rights: it was responsible for drafting legally-binding instruments, assisting the Economic and Social Council in co-ordinating the activities of the entire United Nations system and dealing with violations of human rights and fundamental freedoms by adopting concrete measures and monitoring their implementation.

4. His delegation welcomed the extension of the mandate of the working group established the previous year to deal with enforced or involuntary disappearances. Among other things, that group was pursuing its humanitarian work in relation to persons who had disappeared as a result of armed conflict in Cyprus. His delegation also endorsed the Commission's decision to extend the mandates of the Special Rapporteur on the situation of human rights in Chile and of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa. It also welcomed the Commission's decision to appoint a special rapporteur to study for a period of one year the question of human rights and massive exoduses.

(Mr. Sherifis, Cyprus)

5. The numerous resolutions and decisions adopted by the Commission on Human Rights at its thirty-seventh session showed that the overwhelming majority of members of the Commission supported the oppressed peoples of the world. His delegation attached particular importance to the resolutions on the question of the violation of human rights in the occupied Arab territories, including Palestine, which reaffirmed the inadmissibility of the acquisition of territory by force, and strongly condemned the policies of the occupying Power, as well as all the resolutions condemning the massive violations of human rights in southern Africa by the racist apartheid régime, which were a crime against the conscience and dignity of mankind. It also supported the struggle of the peoples of Namibia and Western Sahara, and all peoples under foreign domination or occupation, to realize their inalienable rights.
6. With regard to the question of human rights in Cyprus, the consideration of which the Commission had decided to postpone until its next session, his delegation hoped that the intervening period would be used fully to enhance the enjoyment of human rights in Cyprus and to eliminate the causes which had led to the inclusion of that item in the Commission's agenda.
7. Mr. BERGTHUN (Norway) said that his delegation supported fully the work for a further elaboration of economic, social and cultural rights and the Commission's decision to establish a working group to study the scope and content of the right to development. The Working Group would have to bring together in a definition the various interpretations of the right to development on which there was agreement, and analyse the controversial aspects of the question with a view to presenting a report to the Commission on Human Rights.
8. His delegation believed that religious intolerance had been a major obstacle to the full enjoyment of human rights and had considered it a rather historic moment when, after 17 years of negotiations, the Commission had adopted the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Although it was regrettable that a vote had been necessary for the adoption of the draft Declaration, there was still hope that a consensus would be reached in the final stage.
9. Norway had participated actively in the work of the Commission's Working Group on the draft Convention on the Rights of the Child, which it considered extremely important, and had hoped that the Working Group on the draft Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment would conclude its work at the Commission's most recent session. It was regrettable that the provisions for implementing the Convention had caused more complicated negotiations than had been foreseen, but it should be possible to find an acceptable compromise at the Commission's next session.
10. With regard to the Working Group on Enforced or Involuntary Disappearances, whose mandate had been extended, his delegation considered it fortunate that the Group had adopted a more flexible procedure than the so-called 1503 procedure in dealing with individual cases. The question of how far Governments were responsible for massive disappearances remained unanswered and the Commission would have to deal with it if such disappearances continued.

(Mr. Bergthun, Norway)

11. Draft resolution IV of the Commission contained a proposal by the Nordic countries concerning the redesignation of the United Nations Trust Fund for Chile as a United Nations Voluntary Fund for victims of torture. His delegation hoped that it would be possible to work out administrative guidelines for the extended Fund that were acceptable to all the parties concerned.
12. His delegation considered the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be very important to the promotion of human rights within the United Nations system. At its thirty-seventh session, the Commission had given considerable attention to the report of the Sub-Commission and to the question of the definition of its mandate, which Norway believed should be given a broad interpretation. It was encouraging that resolution 22 (XXXVII) on discrimination against indigenous peoples had been adopted without a vote.
13. The Commission had devoted special attention to the situation in southern Africa and the Middle East, where strict adherence to the accepted principles of human rights and fundamental freedoms assumed particular importance in the light of the tense political and military situation. The same could be said for Cambodia and Afghanistan where there had still not been significant progress towards the enjoyment of the right to self-determination.
14. The resolution adopted by the Commission on the situation of human rights in Chile had not received the broad support given to similar resolutions in the past, although the situation in that country had not improved and had in fact worsened in certain areas. His delegation hoped that it would be possible to regain the previous broad agreement on resolutions on the situation of human rights in Chile.
15. In compliance with General Assembly resolution 35/192, the Commission had given special attention to the situation of human rights in El Salvador. In that connexion, it was very sound practice that the Commission was conducting a thorough investigation before it pronounced itself in detail on the human rights situation in a given country. His delegation therefore supported fully the appointment of a Special Representative of the Commission to study the situation in El Salvador and the appointment of a Special Envoy of the Commission to study the situation of human rights in Bolivia. His delegation supported the idea of providing consultative and advisory services to help the Governments of the Central African Republic and Uganda take measures to continue to guarantee the full enjoyment of human rights and fundamental freedoms.
16. Mr. AL GHAZALY (Iraq) said that the Universal Declaration of Human Rights represented an ideal goal for the developing countries in general and the Arab nation in particular. Its translation into reality would make it possible to establish a society free of imperialism, exploitation, oppression and tyranny.
17. Iraq had always complied with the internationally established rules governing human rights and considered the right to self-determination an essential condition for the exercise of human rights. It could be observed that in the world, those systems and régimes that abused the rights of nations systematically violated human

(Mr. Al Ghazaly, Iraq)

rights. An example of that was the Zionist entity in Palestine which disregarded United Nations resolutions, the Geneva Conventions and the Universal Declaration of Human Rights.

18. At its thirty-seventh session, the Commission on Human Rights had called upon the Zionist entity to release all Arabs detained or imprisoned as a result of their struggle for self-determination and had requested the Secretary-General to collect all relevant information related to the issue and to make such information available to the Commission. However, the Zionist entity had continued to persecute Palestinians inside the occupied Arab territories and to pursue them into their places of exile. In that connexion, the Zionist entity had requested the Government of the United States of America to extradite the Palestinian student named Ziad Abu Ain, in accordance with the agreement between the two countries on the extradition of criminals. His delegation felt that if the United States handed over Ziad Abu Ain, who had been detained in Chicago for more than 18 months, it would be violating the agreement which forbade the extradition of individuals accused of special political crimes.

19. Iraq considered the abolition of racism as a basic step towards the establishment of a society which guaranteed human rights, and was convinced that the inhuman Zionist practices in Palestine and the racist system in South Africa constituted an obstacle to the achievement of human rights and peace in the world. Iraq also felt that the right to economic and educational development and the guarantee of the basic needs of mankind must be accorded first priority in terms of human rights and that the establishment of a new economic order was indispensable to the creation in developing countries of economic conditions conducive to the attainment of human rights. Since human rights in all their forms - civil, political, economic, social, educational and cultural, were interrelated, it was impossible to treat one without considering the others and the General Assembly had rightly pointed out in resolution 32/130 that the circumstances of the developing countries required them to give preference to economic, social and educational rights in order to participate in the creation of the necessary conditions to guarantee the realization of civil and political human rights. Aware that the eradication of illiteracy was an important and fundamental stage in the development of human rights, Iraq had embarked on a comprehensive national literacy campaign, through which it hoped to increase the awareness of human rights in the country.

20. In conclusion, he said that in judging the dedication of a State to the cause of human rights, its ratification of the relevant conventions and agreements should be taken into account, because unfortunately many States used human rights for political propaganda purposes without ratifying those agreements.

21. Mr. MI Guojun (China) observed that the many items considered at the thirty-seventh session of the Commission on Human Rights had included the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". Human history had shown clearly that that right was essential, not only to the achievement of independence and sovereignty, but also to the effective enjoyment of political, economic, cultural and social rights.

(Mr. Mi Guojun, China)

22. Since the end of the Second World War, many colonial peoples had achieved independence and self-determination and created favourable conditions for the development of their economy, national culture and future prosperity. The independence of Zimbabwe was the latest event in the recent history of national liberation movements in Africa. However, the threatening forces of imperialism, colonialism and racism still existed and the struggle would have to be waged for a long time yet before those forces could be eliminated once and for all. At its thirty-seventh session, the Commission on Human Rights had adopted several resolutions condemning the reactionary authorities of South Africa and Israel and supporting the just struggles of the peoples of Namibia, Azania and Palestine. The Government of China also wished to express its opposition to South Africa's policies of racial discrimination and apartheid and Israel's policies of aggression and expansion and to observe that the safeguarding of the right to self-determination applied not only to the struggles for national liberation of peoples still under colonial domination, but also to people who, having at one point in history achieved independence and sovereignty, found their gains threatened by the armed aggression and military occupation of countries with hegemonistic tendencies.

23. As was well-known, the tragedy that had befallen the peoples of Afghanistan and Kampuchea was the direct result of the policies of hegemonism pursued by the Soviet Union and Viet Nam. The aggressors had trampled under foot the sovereignty of two independent States and inflicted untold suffering on their peoples, who on seeing the destruction of their homes and property had refused to submit to the yoke of the aggressor and been forced to abandon their homeland and become refugees. Furthermore, the aggression perpetrated against the peoples of Afghanistan and Kampuchea seriously threatened the security of neighbouring States and was the root cause of the aggravation of tension in the entire region of Asia and the Pacific.

24. In various forums, the international community had categorically condemned the aggression perpetrated by global and regional hegemonism against Afghanistan and Kampuchea and demanded the immediate and unconditional withdrawal from those countries of all foreign troops. The Government of China resolutely supported that just demand.

25. In blatant violation of the United Nations Charter and in defiance of international public opinion, the Soviet Union and Viet Nam had refused to implement the numerous resolutions adopted by the international community in connexion with the situation in Afghanistan and Kampuchea and used all kinds of pretexts for not putting an end to their aggression and occupation. His delegation therefore felt that the Economic and Social Council should take further action urging the parties concerned to implement unconditionally the relevant resolutions particularly resolutions 11 (XXXVII) and 13 (XXXVII) of the Commission on Human Rights. His delegation also supported draft decision E/1981/C.2/L.13.

26. He stressed the importance that his delegation attached to the right to development, which was a basic human right, and welcomed the decision by the

(Mr. Mi Guojun, China)

Commission on Human Rights to establish a working group to study that question. His Government had always shown its deep interest in international activities for the protection of human rights and whole-heartedly supported the further development of well-intentioned international co-operation in the field of human rights. On the basis of the principles and purposes of the United Nations Charter, his Government was willing to work together with the States Members of the United Nations to safeguard national independence and self-determination, to defend basic human rights, and to promote international activities for the cause of world peace and social progress.

27. Lastly, referring to the statements made at the morning session by the observers for Viet Nam and another country, he said that those observers had launched slanderous and unfounded attacks against China in an attempt to evade their responsibility for committing aggression against the people of Kampuchea. It was well known that China had no troops stationed on foreign soil, while for over two years the aggressor troops of Viet Nam had been violating the sovereignty of Kampuchea and trampling the right to self-determination of the Kampuchean people.

28. Mr. ZENTAR (Morocco) said that after the Second World War, mankind, having triumphed over the dark forces of Nazism and Fascism, had believed it was entering the era in which colonialism, political and economic imperialism, racism and discrimination would be irrevocably eradicated. Although many of those noble objectives had been attained, the task was far from completed. The Palestinian people, who constituted an entity recognized and respected as such by the international community, were still living in refugee camps maintained with international assistance, deprived of the right to return to their homeland and to establish within it a sovereign and independent State. Other peoples in Asia were likewise prevented from fully exercising their inalienable rights free from any foreign interference, despite the specific resolutions adopted to that effect.

29. Racism and racial discrimination were another scourge which the international community still had to endure, despite the tireless efforts of the United Nations. In some States, migrant workers were victims of such shameful practices, and Morocco hoped that the States concerned would take appropriate measures to bring about the elimination of racism and racial discrimination, which were an affront to mankind.

30. Recently, there had also been such disturbing examples of violations of fundamental human rights as the semi-official taking of hostages, State terrorism at the national level and abroad, and enforced or involuntary disappearances of persons, which were directly attributable to lawfully established Governments. It was to be hoped that the growing interest of the Commission on Human Rights and of the United Nations in such problems would suffice to remedy them once and for all as soon as possible.

31. The situation in the Arab territories occupied by Israel, and particularly Palestine, continued to give cause for profound concern, because of Israel's continued defiance of the international community and its cruel and arbitrary

(Mr. Zentar, Morocco)

practices in those territories which were arousing the legitimate indignation of the entire world. The Israeli authorities' plans to change the nature, structure, status and future of the Islamic and Christian Holy Places in Jerusalem constituted an intolerable violation of human rights and a blatant provocation of adherents of those religions, for whom the Holy City was part of their inalienable spiritual heritage. The Al-Quds Committee, presided over by His Majesty King Hassan II of Morocco, was making indefatigable efforts to bring about the liberation of the Holy City, the rehabilitation of the Holy Places and the return of the historical and religious treasures to their rightful owners.

32. The policy of apartheid pursued by the South African authorities was an affront to the dignity and most strongly felt sentiments of the Africans. South Africa was trying to perpetuate its illegal rule over Namibia, despite the resolutions of the United Nations, and was practising a despicable, inhuman policy of racism against the black majority of the country. As other United Nations bodies had done, the Commission on Human Rights had appealed to the international community to break all relations with the racism régime in order to force it to abandon a policy that was so degrading to the human person. The position taken by the Commission on Human Rights was entirely consistent with the international measures adopted at the initiative of the Organization of African Unity and the non-aligned movement.

33. The Commission on Human Rights must perform its essential function of protecting the fundamental rights of the human person objectively and calmly, working on the basis of real, hard facts and impartial data; it should not serve as a forum for its members to settle scores, stir up rivalry or take revenge.

34. Western Sahara had finally been decolonized, thanks to the efforts and sacrifices of the Moroccan people, led by His Majesty King Hassan II. The return of Western Sahara to the mother country was thus a brilliant conquest for the Moroccan people, their Government and their King, achieved through struggle, steadfastness and self-sacrifice for the cause of law and justice. That national conquest, based on international treaties, was final and irreversible, and had the support of the political, trade-union and professional organizations of Western Sahara. Morocco was not an occupying Power, but had liberated the Saharan people, who fully enjoyed their civil, political and economic rights. The exercise of those rights was real and was guaranteed by the Constitution throughout the national territory of Morocco.

35. In view of those considerations, he pointed out that resolution 12 (XXXVII), appearing in the report of the Commission on Human Rights (E/1981/25), was based on facts that were basically wrong in that they failed to take account of the opinion of the International Court of Justice, the Madrid agreement of November 1975, the General Assembly resolution 3458 B (XXX) or the freely expressed will of the people of Western Sahara. As the Economic and Social Council was preparing to take note of the report of the Commission on Human Rights on its thirty-seventh session, his delegation wished to state that resolution 12 (XXXVII), contained in that report, was unbalanced and a threat to the legitimate rights of Morocco; for those reasons, his delegation was obliged to reject it categorically, as to both form and substance, and express serious reservations concerning that part of the report.

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36. Ms. Wells (Australia) took the Chair.
37. Miss IONICLE (Bahamas) said that all the norms of customary international law and the law of international treaties pertaining to the enjoyment and promotion of human rights were enshrined in the Constitution of the Bahamas, various articles of which guaranteed respect for the principles of human rights codified by the United Nations. Accordingly, the Bahamas fully supported all the draft resolutions and decisions recommended by the Commission on Human Rights in chapter I of its report (E/1981/25) for adoption by the Economic and Social Council.
38. In introducing the report of the Commission, the Director of the Division of Human Rights had drawn attention to the complexity of the issues that underlay the struggle for universal and continuing respect for human rights. Her delegation agreed with the dual approach currently adopted by the Commission in the struggle for human rights which emphasized standard-setting in conjunction with practical implementation measures. It also endorsed the Commission's continuing attempt to evaluate its own activities, as outlined in resolution 28 (XXXVI).
39. With respect to the standard-setting work carried out by the Commission and its subsidiary bodies, her delegation believed that not only should greater attention be paid to violations of the international obligations incumbent on States by virtue of articles 1, 2, 28 and 30 of the Universal Declaration of Human Rights but also, and especially, that when complaints and independent research by the Commission and its subsidiary bodies confirmed violations which threatened the political, economic and social development of peoples, the Commission should explore ways of ensuring that its conclusions and recommendations relating to such violations of human rights and of the fundamental freedoms of peoples were brought to the direct attention of all subsidiary organs of the United Nations dealing with other aspects of the same situation, for example, the Ad Hoc Committee on mercenaries and bodies studying the effects of economic colonization.
40. With regard to the important work carried out by the Commission in respect of the human rights implementation machinery of the United Nations system, she drew attention to the far-reaching effects of draft resolution IV and draft decision 9 in that connexion. Perhaps, before the recommendations of the Committee were made final, the open-ended sessional working group referred to in Commission resolution 28 (XXXVI) should consider the possibility of drawing on the Joint Inspection Unit's expertise in system-wide evaluation exercises. Moreover, with a view to ensuring that its evaluation efforts achieved the greatest medium and long-term success, the Sessional Working Group should clearly indicate to the Commission priority areas for activities to promote and preserve human rights, so that the Commission could transmit that information to the Committee for Programme and Co-ordination.
41. Mr. SOPIŃSKY (Union of Soviet Socialist Republics) said that human rights were of paramount importance to all individuals and all States, without exception. Immediately after the Second World War, the Soviet Union had proposed the elaboration of norms reflecting the need to promote and protect human rights and to encourage international co-operation in that area. The Soviet Union had also played an active part, for many years, in the work of United Nations bodies dealing with human rights.

(Mr. Sofinsky, Union of Soviet  
Socialist Republics)

42. One of the most important human rights was the right to life, as President Brezhnev had stated at the twenty-sixth Congress of the Communist Party of the Soviet Union. He had said that the maintenance of peace was essential for the realization of the right to life and had also made various proposals, for the strengthening of détente and the promotion of disarmament, which would greatly help to avert the danger of war and promote international co-operation for peace.

43. The USSR felt that the appropriate United Nations bodies should concentrate on large-scale violations of human rights, particularly those resulting from the aberrant practices of racism, apartheid, colonialism and neo-colonialism. The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the United Nations in resolution 1514 (XV), had been of cardinal importance in the valiant struggle by the countries under colonial domination to throw off the colonial yoke and win independence and the chance to exercise their right to self-determination.

44. For more than 30 years the Commission on Human Rights had been contributing to international co-operation on human rights by drawing up international instruments and helping to stop violations of such rights. Its contribution would have been the greater, however, had there not been forces actively disrupting the process of détente by ignoring the Charter of the United Nations. In the statement he had made on Friday, the representative of the United States had divided States, on the basis of the annual report of the Freedom House organization, into two categories: the totalitarian or authoritarian, and the free. The free countries would be those allied with NATO or Israel, and the semi-free, those other States that were known to be friends and allies of the United States. The countries that were not free would be those without any military alliance with the United States, meaning the developing and the socialist countries. The countries which the United States classed as free were those that were seeking to impose their supremacy around the world, those that continued to support the racist, colonialist régime of South Africa, those that, while co-operating with the inhuman apartheid régime, sought to instruct other countries on the subject of freedom and human rights. As President Brezhnev had said at the twenty-sixth Congress of the Communist Party of the Soviet Union, such countries showed, in their behaviour, total disregard for the rights and aspirations of the peoples. It was those same countries that sought to represent the liberation movements as a manifestation of terrorism and were trying to prevent the Palestinians from enjoying the right to self-determination. Ignoring the decisions of the General Assembly on non-intervention in El Salvador, they continued to provide military aid and send weapons to prop up the junta that was oppressing the people of that country.

45. In another part of the world, bombardments of Kampuchea and the application of Maoist theories in that country had cost three million Kampuchean their lives, but Kampuchea had now warded off these threats and was strengthening its sovereignty and successfully exercising its self-determination.

(Mr. Dofinsky, Union of Soviet  
Socialist Republics)

46. At its most recent session the Commission on Human Rights had again condemned the apartheid régime in South Africa, reaffirmed that the international community should isolate the country and reiterated its condemnation of the occupation of Namibia. It had also requested the Security Council to use economic sanctions and the arms embargo to put an end to the co-operation of imperialist countries and monopolies with South Africa. Many countries, however, chose to ignore those decisions, as could be seen from the attitude of the United States and other countries to the Security Council's decision on the arms embargo.

47. In the Middle East, Israel continued to commit human rights violations in the occupied territories. A fascist military dictatorship had been in power in Chile for eight years and, with no regard for human rights, made arbitrary arrests and sought in every way to intimidate the population. The situation in the country had deteriorated in spite of the many decisions taken by the Commission on Human Rights, the General Assembly, the Economic and Social Council and other United Nations bodies, calling for an immediate end to all human rights violations. As for the United Nations Trust Fund for Chile, his delegation did not agree with the change proposed by the Commission.

48. The USSR was deeply concerned at the resurgence of ideologies such as fascism and nazism, which fostered enmity between nations and were at variance with international law and the resolutions and decisions of the United Nations. Referring to paragraph 11 of document A/36/209, he said that those ideologies were particularly in evidence where migrant workers were concerned, and clearly reflected the interests of the capitalist monopolies. The phenomenon was especially visible in the activities of the fascist South African apartheid régime.

49. The representative of the United States had drawn a parallel between the Soviet Union and the Hitler régime. But the attempt to attribute such an ideology to the Soviet Union was an absurdity typical of the imperialist system, which appeared to have forgotten that the victory over fascism had cost the Soviet Union 20 million casualties. Being aware of the aspirations of the developing countries, which wished to be able to enjoy their economic, social and cultural rights together with their development, and also aware that that could be achieved only as a result of the independent development of countries' national economies and a fair distribution of wealth, the Soviet Union had always staunchly upheld the rights of the peoples to bring about social and economic change, and had given its support to their national liberation movements. It had recently been said that there were 19 million unemployed in the developed countries. But it must be remembered that in the developing countries there were 400 million unemployed, 800 million people suffering from malnutrition and 50 million people starving to death each year, and that the imperialist States, which had prospered by plundering other countries, were bent on perpetuating those injustices. His delegation reiterated its view that the right to development and the right to peace were indivisible, and that efforts to promote détente and stop the arms race must therefore be intensified. The General Assembly's adoption of resolution 35/174 was important in that connexion.

(Mr. Sofinsky, Union of Soviet  
Socialist Republics)

50. He regretted that fact that the articles on work by the children of migrant workers had been eliminated from the draft convention on the rights of the child, which now referred only to the equality of the mother and father.

51. As for what was termed "the Afghan question", his delegation categorically refuted all suggestions that any such "question" existed; his country was merely providing Afghanistan, at its request, with assistance in defending its sovereignty. The representative of China, on the other hand, had stated that there were no Chinese soldiers on foreign territory. It would be interesting to know what the people of India and Tibet had to say to that. And as to the unfounded and hypocritical accusations made in connexion with Kampuchea, suffice it to say that Kampuchea was finally recovering from the acts of aggression committed against it by the United States. In that context, his delegation fully supported the proposals put forward at the meeting of the Ministers for Foreign Affairs of the three South-East Asian nations, since it considered that they were calculated to achieve the normalization of the situation in the region.

52. His delegation deplored the scant progress made in implementing General Assembly resolution 34/172, calling for the elaboration of a convention to protect the rights of migrant workers, and it expressed the hope that the task would be taken up at the following session, by which time the Working Group could have prepared a draft text.

53. Mr. Mapp (Barbados) resumed the Chair.

54. Mr. SHAPT (United States of America) said that the statement by the representative of the Union of Soviet Socialist Republics contained references to the United States, and he accordingly reserved his right of reply.

55. Mr. MI GUOJUN (China) said that in the statements by the Union of Soviet Socialist Republics attacks had been made on China, and he reserved his right of reply.

56. Mrs. GHANDOUR (Observer for the Palestine Liberation Organization) said that international co-operation to promote respect for human rights and fundamental freedoms was one of the objectives of the Charter of the United Nations, but could not be considered in isolation from efforts to achieve international peace and security. In fact, United Nations activities to promote human rights depended on the extent to which the policies and practices of States conformed to those objectives. Referring specifically to the Zionist settlement policy, she said that its object was to deprive the Palestinian people of their livelihood and undermine the geographical basis of the Palestinian people as a nation. The crimes committed by the Israeli occupation authorities directly contravened the 1949 Geneva Convention for the protection of Civilian Persons in Time of War. The Israeli practices of collective punishment, mass arrests, humiliation, the destruction of homes and property and attacks on students and educational institutions brought to mind the behaviour of the Nazis towards the Jews, or of South African troops towards the black population.

(Mrs. Ghandour, Observer, PLO)

57. The Israeli authorities claimed that they had a system of justice, but that justice operated only for the benefit of Zionism and the Zionists and was unjust to the Palestinians. The Israeli authorities did not recognize the applicability of international conventions in the occupied territories and systematically used torture against the Palestinian people. The very fact that the Palestinian people were still deprived of their right to self-determination, independence and freedom was a form of continuous torture and violation of their human rights.

58. Following the conclusion of the infamous "peace" accords, which provided for the perpetuation of Israel's occupation of Palestinian land, and with the increasing opposition to those accords, oppression by the Zionist authorities had become even harsher. The annual reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories clearly documented the systematic use of torture by the Israeli Government which, while it had always denied the accusations made against it, had never allowed the Special Committee or any other body to enter the country to investigate conditions in Israeli prisons. The latest report of the United States Department of State on the human rights problem in Israel, submitted a year ago to the United States Congress, mentioned instances of degrading treatment in connexion with interrogation following arrest. It was to be hoped, therefore, that the Commission on Human Rights would do everything possible to ensure that torture cease to be used in Israeli prisons. In that connexion, it must be noted that in many cases there was a flagrant discrepancy between words and deeds with respect to human rights. For example, the Secretary of State of the United States had recently said that his country opposed the violation of human rights by ally or adversary and condoned no abuse of human rights. One might wonder whether that did not constitute a double standard in view of the attitude taken by the United States towards the repeated violations of the human rights of the Palestinians.

59. Her delegation believed that the nations that were providing Israel with economic, military and diplomatic support should assume their moral responsibility, recognize the human rights violations committed against the Palestinians and act decisively to end those abuses.

60. The Palestine Liberation Organization expressed appreciation to the nations and United Nations organizations that supported its struggle and worked towards the eradication of human rights violations. In spite of all those efforts, however, Israel continued to defy world public opinion and to ignore the numerous resolutions of the General Assembly and the Security Council, and the many reports condemning its flagrant violations of the human rights of the Palestinians. The international community could pass over in silence the fact that a people was facing genocide inside and outside occupied Palestine, and must finally realize that peace and security for all peoples of the area could not be achieved until the basic human rights of the Palestinian people were recognized.

61. Sister CARROLL (Observer for the Holy See) said that the Holy See wished to express appreciation to the Commission on Human Rights for having concluded the drafting of the Declaration on the Elimination of All Forms of Intolerance and of

(Sister Carroll, Observer, Holy See)

Discrimination based on Religion or Belief, and hoped that the General Assembly would solemnly proclaim that Declaration at its next session. The Holy See's respect for the spiritual dimension of life was reflected in the principles of the Declaration of Vatican II "Dignitatis Humanae" in which reference was made to the right and the responsibility to seek the truth, especially religious truth.

62. Mr. CASTILLO ARRIOLA (Observer for Guatemala) said that although the report of the Commission on Human Rights was thorough, objective and informative, it did not contain all the necessary details to provide a full account of the Geneva session and to enable the Economic and Social Council to rectify the wrong-turn it had taken in its treatment of human rights. The Commission on Human Rights had an obligation to work jointly with States to guarantee the full exercise of the individual and collective human rights set forth in the Universal Declaration of Human Rights. However, the criteria applied in considering the situation regarding the implementation of that Declaration differed from those which had led to its adoption in 1960. Although the Economic and Social Council had created legal instruments for the implementation of the Declaration, the fact remained that the Commission on Human Rights was guided more by the political interests prevailing within it and within the United Nations than by a desire to bring about the full exercise of the principles of the Declaration. Consequently some countries, whose own domestic situation would not bear examining, dared to accuse other States on untenable political grounds, for the unconfessed purpose of destabilizing other States with an established democratic system.

63. In Economic and Social Council resolution 1503 (XLVIII) special machinery had been established to enable the Commission on Human Rights to analyze the human rights situation in various countries by means of a private and confidential examination process. In conformity with that resolution, on 6 February 1981 the Commission had invited Guatemala to send a representative to examine, at a private meeting, the situation regarding human rights in Guatemala.

64. It must be stressed that the nature and origin of human rights violations in Guatemala were attributable to the extraordinary violence of terrorist acts committed by clandestine extreme right and extreme left groups and by common criminals who employed the same terrorist tactics, with the result that the Guatemalan people found themselves in a distressing situation.

65. The Government of Guatemala had taken all the necessary steps to deal with the rampant violence in the country, instigated by outside forces, in order to restore respect for the human rights and fundamental freedoms of the Guatemalan people. In that spirit, it had agreed that the Inter-American Commission on Human Rights could make an extensive and thorough tour of the country. However, the Commission had requested that the visit should be postponed until after the General Assembly of the Organization of American States had been held, in October 1980. Lastly, the Commission on Human Rights had requested the Secretary-General of the United Nations to draw the attention of the Government of Guatemala to resolution 32 (XXXVI) and to report on the results of that contact at the thirty-seventh session. The Government of Guatemala wished to repeat that it was ready to co-operate as fully as possible with the Commission.

66. Mr. MIYAKAWA (Observer for Japan), exercising his right of reply, said that the remarks made by the representative of the Lao People's Democratic Republic at the Committee's 16th meeting were disappointing because, even since the Second World War, Japan had tried to maintain relations of friendship and economic co-operation with all south-east Asian countries, including the Lao People's Democratic Republic.

67. With regard to the problem of apartheid in South Africa, Japan had always denounced that policy and had co-operated with the United Nations in attempting to solve the problem. Japan maintained no diplomatic relations with the Government of South Africa and, despite its policy of liberalizing foreign investments, had prohibited direct investments and the establishment of Japanese companies in South Africa. The Government of Japan engaged in no form of economic co-operation with South Africa. Even before the adoption of Security Council resolution 418 (1977), his Government had instituted an arms embargo against South Africa. Since 1974 it had discouraged all sporting, cultural or educational exchanges with South Africa. Moreover, Japan was providing assistance for the victims of apartheid and the liberation movements by contributing to various United Nations funds and programmes. Japan had always condemned the illegal occupation of Namibia by the Government of South Africa and had stressed the need to hold fair elections under United Nations supervision in order to bring about the independence of the Territory.

68. At the meetings of the recent Security Council, Japan had voted in favour of the resolution on the arms embargo and had abstained in the voting on the other resolutions because it entertained some doubts as to whether, in the present circumstances, the sanctions requested would be the most effective means of achieving the desired ends. At that time, Japan had renewed its pledge to continue to co-operate in all efforts to achieve a peaceful solution of the problem.

69. Japan attached great importance to the question of human rights throughout the world and reaffirmed its intention of participating in all United Nations activities in that field.

70. Mr. KITTIKHOUN (Observer for the Lao People's Democratic Republic) said that it had not been his delegation's intention to stir up polemics; it had simply sought to bring to the Committee's attention some facts on file at the United Nations, concerning the attitude of certain countries with regard to the right to self-determination. The attitude of those countries to the human rights and right to self-determination of peoples such as those of Namibia, Palestine and South Africa could be deduced from the results of the voting on those questions.

71. Mr. THIOUNN (Observer for Democratic Kampuchea) said that at the 16th meeting of the Committee the representative of Viet Nam had taken the floor to make slanderous and false allegations. The truth of the matter was that the Hanoi authorities were continuing their military and administrative occupation of Kampuchea, in violation of fundamental principles of the Charter of the United Nations and in defiance of the almost unanimous condemnation of the United Nations and the non-aligned movement. The representative of Viet Nam had once again drawn attention to the fact that the Hanoi authorities were pursuing their policy of expansion and aggression and denying the inalienable rights of the people of

(Mr. Thiounn, Observer,  
Democratic Kampuchea)

Kampuchea, and that they represented the chief danger to security, stability and peace in the region. In any case, slanderous statements made by the representative of a country that had become a colony of Viet Nam deserved no reply whatsoever.

72. Mrs. RODRIGUEZ-CALDERON (Observer for Cuba), exercising her right of reply, said that at the Committee's 15th meeting the representative of the United States of America had made an unfortunate reference to Cuba. The vague abstractions concerning authoritarianism and totalitarianism presented in that statement were unworthy of comment since they did not seem to enjoy much credence even in the United States. Instead, the United States should concern itself with the human rights of its black, Chicano, Puerto Rican and North American Indian minorities, which were constantly being violated in that country.

73. The statement in question had however, served, to supplement the information available on the current ideas of the United States delegation on the subject of human rights, and also on the person who was taking responsibility for expressing those ideas. In that connexion, it was interesting to note that the United States representative was one of the advisers of an entity known as the Institute for Religion and Democracy, which had sponsored the small rally in support of the aggression against the people of El Salvador held in Washington at the same time as the heavily attended protest against United States military assistance to the genocidal junta in that Central American country.

74. Mr. SHAFT (United States of America) said that the question of El Salvador had already been discussed extensively, and that the Committee was not the appropriate forum for personal attacks.

75. Mr. MI Guojun (China) said that the representative of the Soviet Union had made a slanderous attack against his country. It was an irrefutable fact that China did not have a single soldier in a foreign country and that the Soviet Union was seeking to use the Committee as a forum to foment discord between China and other countries. The situation between China and Viet Nam had been discussed fully and there was no need to revert to it.

76. The reference made by the representative of the Soviet Union to the question of Tibet constituted interference in the internal affairs of China. The truth was that the people of Tibet were taking part in the reconstruction of the country together with the people of China. It was the Soviet Union, not China, that had sent troops to invade other countries.

77. The CHAIRMAN announced that the general debate on item 7 had concluded, and invited delegations to submit proposals in connexion with agenda items 7 and 8.

Draft resolution E/1981/C.2/L.12

78. Mrs. DEVAUD (France) said that the problem dealt with in draft resolution E/1981/C.2/L.12 had already been discussed repeatedly in various United Nations bodies. There was no doubt that the right over one's own person was a fundamental right; however, since the entry into force of the Convention for the Suppression

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(Mrs. Devaud, France)

of the Traffic in Persons and of the Exploitation of the Prostitution of Others, little progress had been made in that area. On the contrary, the situation seemed to be steadily deteriorating because, where once there had been the problem of the exploitation of women, children and adolescents were now the objects of such traffic, which frequently resulted in the death of the victims. There was evidence proving the existence of a network for the traffic in persons, often working hand in hand with the drug-traffic network.

75 The purpose of the draft resolution, of which Japan had become a co-sponsor, was to ensure that the Secretary-General was able to obtain information from Governments on the situation in their respective countries regarding the traffic in persons. The replies of Governments, and of interested international organizations, would be used for the preparation of a report to be submitted to the General Assembly at its thirty-seventh session. That report, together with the report to be prepared by the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and other studies, could serve as a basis for the organization of a round table which might result in effective measures to deal with the problem of the traffic in persons.

Draft decision E/1981/C.2/L.14 and draft resolution E/1981/C.2/L.15/Rev.1

80. Miss OBAFEMI (Nigeria) called the Committee's attention to the amendments which the sponsors had made to the draft decision and the draft resolution. In the draft decision contained in document E/1981/C.2/L.14 the words "in 1982" should be added at the end of the paragraph. In the draft resolution contained in document E/1981/C.2/L.15/Rev.1, the following amendments should be made: in operative paragraph 3, the words "Regrets that" should be replaced by the word "Deplores", the word "inhuman" should be added before the word "conditions", and the words "continue to be unsatisfactory" at the end of the paragraph should be deleted. The new operative paragraph 3 would thus read: "Deplores the inhuman conditions of African workers, particularly agricultural workers;". In operative paragraph 7, the words "of allegations regarding infringements of trade union rights in the Republic of South Africa" should be added after the word "question", and after "1982" the words "as a subitem" should be added.

81. After briefly outlining the contents of the draft decision and the draft resolution, she noted that the report of the Ad Hoc Working Group of Experts on Infringement of Trade Union Rights (document E/1981/68) indicated that industrial relations reforms in South Africa had enabled the Government of that country to exercise greater control over African trade unions. Furthermore, the Code of Conduct of the European Economic Community gave transnational corporations a pretext for continuing their operations in South Africa, from which they derived large profits at the expense of the workers of the country. South Africa was also the scene of continuing police and state interference in industrial disputes. For all those reasons, the international community must continue to study the situation with a view to adopting effective measures for improving the lot of black workers in South Africa. It was to be hoped, therefore, that the draft decision and the draft resolution on that question could be adopted without a vote.

Draft resolution E/1981/C.2/L.20

82. Mrs. SEMICHI (Algeria) introduced, on behalf of the sponsors, the draft decision contained in document E/1981/C.2/L.20, which reproduced the contents of paragraph 9 of resolution 36 (XXXVII) of the Commission on Human Rights, with regard to holding in New York the seminar on the relations that exist between human rights, peace and development. The financial implications of resolution 36 (XXXVII), which had been adopted by 40 to 1, with 2 abstentions, were presented in document E/1981/C.2/L.17. Paragraph 11 of that document indicated that the Secretariat, while confirming that the seminar could be held at Geneva, foresaw a number of difficulties if the Economic and Social Council should decide to hold the seminar in New York. The sponsors of the draft decision once again stressed the importance of holding the seminar in New York in order to facilitate the widest possible participation by developing countries, and they expressed the hope that the draft decision would be adopted without a vote.

83. Mrs. RADIC (Yugoslavia) said that her delegation had supported the action taken by the General Assembly with a view to improving the situation of migrant workers, both for humanitarian reasons, in accordance with the underlying principles of life in Yugoslavia and the feelings of the Yugoslav people, who were opposed to any form of discrimination against any category of people, and for pragmatic reasons, since there were several hundred thousands of Yugoslav workers in other countries. Her delegation attached great importance to the elaboration of the international convention on the protection of the rights of migrant workers. It believed that the active participation of both sending and receiving countries was necessary to ensure that the convention was universally accepted, did not remain a dead letter and constituted a practical instrument subject to immediate ratification by the countries concerned. The Working Group entrusted with the elaboration of the draft convention should continue to profit from the experienced advice of ILO.

84. Her delegation supported the two resolutions on migrant workers elaborated by the Commission on Human Rights and the Commission for Social Development. It regretted that some delegations had problems in accepting the second resolution without a vote. It was also regrettable that the Commission on Human Rights had failed to discuss the question of migrant workers at its thirty-seventh session.

85. Ms. Wells (Australia) resumed the Chair.

86. The Reverend DI FILIPPO (Observer for the Holy See) said that the Holy See welcomed the effort to develop an international convention on the rights of migrant workers. It was necessary to underscore the general principles relating to non-discrimination, participation, family unity, the opportunity to maintain and enhance cultural life, freedom of conscience and the development of the whole person without sacrificing people to economic growth. The Church, which in its social teaching had long addressed itself to the issues of human dignity, human rights and the rights of workers, was following with interest the efforts of the Working Group entrusted with the elaboration of a draft international convention on the protection of the rights of migrant workers and their families. The Holy See wished to contribute to the discussions and to the reformulation of the text of the draft convention.

(The Reverend Di Filippo, Observer, Holy See)

87. Pope Leo XIII had addressed himself to the rights of workers in his encyclical Rerum Novarum. Pope Paul VI had stated in his encyclical Populorum Progressio that development could not be limited to mere economic growth, since in order to be authentic, it must be integral; in other words, it had to promote the good of every person and of the whole person. In his encyclical Octogesima Adveniens, the same Pope had affirmed that every person had the right to work, to a chance to develop his personality in the exercise of his profession, to equitable remuneration and to assistance in case of sickness and age.

Draft resolution E/1981/C.2/L.16

88. Mrs. SEMICHI (Algeria), introducing draft resolution E/1981/C.2/L.16, announced that the delegations of Egypt and Senegal had joined the list of sponsors. In the penultimate preambular paragraph, beginning with the words "Recalling its resolution 1981/\_\_\_\_", the number of the resolution had to be inserted and the words "recommended for adoption by the Commission for Social Development" should be added.

89. In paragraph 4, the words "relating to the elaboration of the International Convention on" should be deleted. The words "done with a view to" should be added after the word "work".

90. The present situation of migrant workers was receiving increasing attention from the international community, which recognized the need to co-ordinate the efforts of Member States and interested international organizations with a view to solving the problems of those workers and their families and elaborating an international convention on the question. It was commendable, at the same time, that ILO, which had much experience in the area, had expressed its firm desire to co-operate closely with the Working Group established pursuant to General Assembly resolution 34/172. It was to be hoped that the misunderstandings and concerns apparent in some statements would be dispelled so that all delegations could co-operate effectively in elaborating the draft convention.

91. The text of the draft resolution was similar to that of other documents adopted under the item in the General Assembly, the Economic and Social Council, the Commission for Social Development and the Commission on Human Rights. The operative part faithfully reflected the position of the sponsors with regard to the importance of the Working Group established pursuant to Assembly resolution 34/172, their conviction that the elaboration of the draft convention would further facilitate the exchanges of views needed for protecting the rights of migrant workers, and their hope that the Working Group would make substantial progress so that it could complete the elaboration of the convention during the thirty-sixth session of the Assembly. In considering the item at its first regular session of 1982, the Economic and Social Council would be able to take into account the work done to protect the rights of migrant workers and their families. It would perhaps be possible then to begin implementing the convention, since its text posed no difficulties and was a faithful reflection of the views expressed during the discussion.

The meeting rose at 7.25 p.m.