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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 19TH MEETING

Held at Headquarters, New York,  
on Tuesday, 5 May 1981, at 3 p.m.

Chairman: Mr. MAPP (Barbados)

later: Mrs. WELLS (Australia)

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Human rights questions (continued)

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The meeting was called to order at 3.55 p.m.

AGENDA ITEM 7: HUMAN RIGHTS QUESTIONS (continued) (A/36/209; E/1981/25 and Corr.1 and Add.1, E/1981/28 and 68; E/1981/C.2/L.12-14, L.15/Rev.1 and L.17-20)

Draft decision 4

1. Mr. CHERNICHENKO (Union of Soviet Socialist Republics), speaking in explanation of his delegation's vote on draft decision 4 adopted at the preceding meeting, said that he shared the concern of the international community regarding the disappearances that had occurred in certain countries. However, he considered the results of the work of the Working Group established to deal with that situation to be very disappointing. Since it had been decided to extend the mandate of the Working Group, his delegation wished to emphasize that the Working Group should not act contrary to the wishes of the States concerned, should limit itself to the procedures and practices which had been established in that field, should work on the basis of consensus and should take account of the fact that the disappearances constituted massive violations of human rights. The Working Group could function effectively only under those conditions.
2. Mr. MOLTENI (Argentina) recalled that his delegation had set forth its objections to paragraphs 25 and 26 of annex III to document E/1981/25 during the discussion of the financial implications of draft decision 4 at the 16th meeting of the Committee and that it had not been the only delegation to point out that budgetary questions were a matter for the consideration of the General Assembly. After asking how the report of the Committee would reflect the agreement reached on that point, his delegation had learnt that the representatives of the Secretariat did not share its point of view. He therefore wished to reiterate his delegation's position that the members of the Committee agreed that the Committee should take note of paragraphs 25 and 26 and of the views expressed on those paragraphs, it being understood that the matter came within the purview of the General Assembly.
3. Mrs. CONDEVEAUX (Secretary of the Committee) pointed out that, in accordance with established practice, the Committee's report dealt with the results of its deliberations, not their content, which was reflected in the summary records.
4. Mr. MOLTENI (Argentina) expressed regret that others had not demonstrated the same goodwill which his delegation had shown and said that his delegation did not see any difficulty in mentioning in the report of the Committee that the administrative and financial implications came within the purview of the General Assembly. If the debate was reflected only in the summary records, the Council would not know that the members of the Committee had agreed that the matter came within the purview of the General Assembly; if, on the other hand, the report reflected the reservations which one delegation had expressed with regard to the financial implications, the Council could refer to the summary record of that meeting and would not need to reopen the question.
5. The CHAIRMAN suggested that the observations made by the representative of Argentina should be communicated to the Secretariat so that it could settle the matter.

Draft decision 5

6. Draft decision 5 was adopted.

Draft decision 6

7. Draft decision 6 was adopted by 39 votes to 5, with 6 abstentions.
8. Mr. XIFRA (Spain) said that, although his delegation had voted in favour of draft decision 6, that did not mean that it supported all the provisions of resolution 8 (XXXVII) of the Commission, to which the text referred.

Draft decision 7

9. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) expressed regret at the inaccuracies and discrepancies which he had found in the Russian text of resolution 8 (XXXVII). He requested the Secretariat to issue a corrigendum and said that his delegation, nevertheless, supported the adoption of draft decision 7.
10. Draft decision 7 was adopted.

Draft decision 8

11. Draft decision 8 was adopted.

Draft decision 9

12. Mr. LIRIARTE (Brazil) proposed that the words "this subject" in the last line of the draft decision should be replaced by the words "measures taken to enhance public information activities in the field of human rights".
13. Draft decision 9, as amended, was adopted.

Draft decision 10

14. Draft decision 10 was adopted.

Draft decision 11

15. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) recalled that his delegation had expressed regret at the thirty-fifth session of the General Assembly that the mandate of the Special Rapporteur had not been more clearly defined. He would, therefore, vote against draft decision 11.
16. Draft decision 11 was adopted by 43 votes to 5, with 2 abstentions.

17. Mr. FURSLAND (United Kingdom) said that, contrary to what had been indicated by the mechanical voting machine, he had voted in favour of the draft decision.

Draft decision 12

18. Draft decision 12 was adopted.

Draft decision 13

19. Mrs. NUÑEZ-RAUSSEO (Venezuela) said that her delegation would abstain in the vote on the draft decision.

20. Draft decision 13 was adopted by 37 votes to none, with 14 abstentions.

Draft decision 14

21. Draft decision 14 was adopted by 37 votes to 3, with 11 abstentions.

Draft decision 15

22. At the request of the representative of Brazil, a recorded vote was taken on draft decision 15.

In favour: Algeria, Argentina, Australia, Bahamas, Barbados, Belgium, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Cyprus, Denmark, Ecuador, Fiji, France, German Democratic Republic, Germany, Federal Republic of, Ghana, India, Indonesia, Iraq, Ireland, Italy, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Peru, Poland, Senegal, Spain, Sudan, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

23. Draft decision 15 was adopted by 50 votes to 1.

24. Mrs. WELLS (Australia) took the Chair.

25. Mr. LINCKE (Federal Republic of Germany) said that his delegation had voted in favour of draft decision 15, although it felt that the mandate of the Working Group was too vague, and expressed regret that the Commission on Human Rights had been so slow to reach an agreement on the Group's composition.

26. Mr. SHAPT (United States of America) said that his delegation had voted against draft decision 15 because it felt that the limited resources available in the United Nations for human rights activities could be better used for other purposes, and that the seminar whose report the Working Group had been requested to take into account, in accordance with resolution 36 (XXXVII) of the Commission, had not been judiciously set up. The right to development, the scope and contents of which the Working Group would be responsible for studying, was a vague and ambiguous concept and the preparation of a draft international instrument for its implementation would be premature at the current stage.

Draft decision 16

27. The CHAIRMAN drew the attention of the Committee to the corrigendum to draft decision 16 contained in document E/1981/C.2/SR.19. The words "which the Commission has decided to keep under review" should be replaced by the words "with which the Commission is seized", in both the title and the text of the draft.

28. Mr. VAN BOVEN (Director, Division of Human Rights), replying to questions from the representatives of India and Thailand, explained that the correct wording was the one contained in the corrigendum and that the slight difference in the English versions between the wording of the corrigendum and the text contained in paragraph 28 of the Commission's report was purely linguistic and would be ironed out in consultation with the competent services.

29. Draft decision 16 was adopted.

Draft decisions 17, 18 and 19

30. Draft decisions 17, 18 and 19 were adopted.

31. Mr. VERKERCKE (Belgium) said that he had voted for draft decision 3 because the human rights situation in Chile continued to be a matter of concern and that the international community had good reasons at the moment for extending the mandate of the Special Rapporteur. However, resolution 9 (XXXVII), on which the draft decision was based, should have been more restrained. His delegation reserved the right, moreover, to form an opinion subsequent to any draft decision to extend the mandate of the Special Rapporteur in the light of the human rights situation prevailing in Chile at that time and the over-all action undertaken by the United Nations for the protection of human rights.

32. With regard to draft decision 15, his delegation felt that a study of the special problems which the developing countries faced in their efforts to achieve human rights was indeed worthwhile, but that the text of resolution 16 (XXXVII) of the Commission on Human Rights, on which the draft decision was based, lacked a certain balance because it did not sufficiently stress the fact that the right to development was a right of the individual presupposing a respect for all human rights, including civil and political rights. It was, therefore, to be hoped that the Working Group would take into account all points of view expressed on the subject.

33. Mr. GIUSTETTI (France) said that he had voted for draft decision 4 and hoped that the Working Group would achieve tangible results, while observing the discretion so often urged upon it. The Secretary-General should afford the Group every means necessary for that purpose, and the Governments concerned should give it their full co-operation. His delegation felt, however, that discretion was not an end in itself and would find it unacceptable if its effect was to allow certain practices to continue with impunity.

34. Mr. GURAKAN (Turkey), speaking in explanation of his vote on draft decision 4, said that his delegation had joined in the consensus on the extension of the mandate of the Working Group; in that connexion he wished to clarify his country's understanding of a general principle of law; it considered that, if specific provisions were applicable to a problem, more general provisions could not apply.

35. Mr. PURSLAND (United Kingdom) said that his delegation had joined in the consensus on draft decision 1 even though it did not approve of all the provisions of resolution 5 (XXXVII) of the Commission. It had also voted for draft decision 3 in the hope that the mandate of the Special Rapporteur would end as soon as warranted by the human rights situation in Chile.

36. Mrs. NUNEZ-RAUSSEO (Venezuela) said that her delegation had voted against the amendment to draft resolution IV because it felt that human rights violations were not the exclusive province of the American continent. Her delegation had abstained in the vote on draft decision 13 concerning El Salvador, because it felt that the Salvadorean people were making a considerable effort to ensure social justice in the country despite organized violence by extremist movements of the left and the right.

37. Mr. URIARTE (Chile) said that his delegation had voted in favour of draft decision 6, but that it did not share some of the ideas expressed in resolution 8 (XXXVII) of the Commission, on which it was based. It had voted against draft decision 3 because it was based on resolution 9 (XXXVII) on the human rights situation in Chile, a resolution which was not only unfair but unrealistic, immoral, restrictive and discriminatory, and which violated the principle of non-interference in the internal affairs of States. The decision to extend the mandate of the Special Rapporteur, which was contrary to United Nations policy had, moreover, been supported by certain countries, such as the Soviet Union, which assumed the right to attack Chile even though their own régimes were based on a total disregard for human rights.

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

38. Mrs. DEVAUD (France) proposed that draft resolution E/1981/C.2/L.12 should be revised by replacing the words "has been defined" in the fourth preambular paragraph by the words "may be defined"; by adding the words "and the international non-governmental organizations concerned" after the parentheses in the sole operative paragraph; and by deleting the word "new" in the last line of that paragraph.

39. Mrs. WARZAI (Morocco) said that her delegation found the proposed text very interesting but felt that it was necessary to strike at the real roots of the evil. In addition, it wished to know who had invited the Working Group to collaborate in the preparation of the study on procuring mentioned in the fifth preambular paragraph.

40. Mrs. DEVAUD (France), replying to the questions of the Moroccan delegation, said that the improvement of economic and social conditions was perhaps the way to fight against prostitution itself but not against the exploitation of that phenomenon. She indicated that it had been the Sub-Commission on Prevention of Discrimination and Protection of Minorities which had invited the Working Group to collaborate in the preparation of the study on prostitution mentioned in the fifth preambular paragraph.

41. Mrs. WARZAZI (Morocco) said that her delegation would vote in favour of the draft resolution if it was put to a vote and wished to make it clear that that did not mean that Morocco encouraged prostitution.

42. Draft resolution E/1981/C.2/L.12, as orally revised, was adopted.

Draft decision E/1981/C.2/L.13

43. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics), speaking also on behalf of the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, the German Democratic Republic and Poland, observed that draft decision E/1981/C.2/L.13 was in fact only a more succinct version of the resolution on the subject of Kampuchea adopted by the General Assembly at its preceding session. The convening of the international conference mentioned in the draft decision, to which the Kampuchean Government was firmly opposed, and a study of questions of Kampuchea's domestic policies without the participation of the legitimate representatives of that country would constitute an unacceptable interference in the country's internal affairs and a flagrant violation of the provisions of the United Nations Charter. That was no way to restore a healthy climate in South-East Asia, and attempts to drape such illegal actions in the flag of the United Nations could only have disastrous effects on the prestige of the Organization.

44. The sponsors of the draft decision under consideration were deliberately distorting the facts to conceal aims which they did not dare acknowledge. The elections just held in Kampuchea demonstrated the democratic character of the revolutionary authorities who had put an end to a régime guilty of genocide. The delegations on whose behalf he was speaking intended to vote against the draft decision because they considered it totally unacceptable; they called upon all the other delegations as well to weigh the disastrous consequences its adoption would have.

45. At the request of the representative of Thailand, a recorded vote was taken on draft decision E/1981/C.2/L.13.

In favour: Argentina, Australia, Bahamas, Bangladesh, Barbados, Belgium, Brazil, Burundi, Canada, Chile, China, Denmark, Ecuador, Fiji, France, Germany, Federal Republic of, Ghana, Indonesia, Ireland, Italy, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Peru, Senegal, Spain, Sudan, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Venezuela, Yugoslavia, Zaïre, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, German Democratic Republic, India, Nicaragua, Poland, Union of Soviet Socialist Republics.

Abstaining: Algeria.

46. Draft decision E/1981/C.2/L.13 was adopted by 39 votes to 7, with 1 abstention.

Draft decision E/1981/C.2/L.14

47. The CHAIRMAN invited the Committee to adopt draft decision E/1981/C.2/L.14. Cyprus, Egypt Ethiopia, the Sudan and the United Republic of Cameroon had become sponsors of the draft decision. In introducing it, the representative of Nigeria had added "in 1982" at the end of the text.

48. Draft decision E/1981/C.2/L.14, as revised, was adopted.

Draft resolution E/1981/C.2/L.15/Rev.1

49. The CHAIRMAN invited the Committee to adopt draft resolution E/1981/C.2/L.15/Rev.1. Cyprus and Ethiopia had joined the list of sponsors of the draft resolution, which had been introduced by the representative of Nigeria on behalf of the sponsors. She referred to the revisions to paragraphs 3 and 7 of the draft proposed by the Nigerian representative.

50. Draft resolution E/1981/C.2/L.15/Rev.1, as orally revised, was adopted.

51. Mr. PURSLAND (United Kingdom), speaking on behalf of those States members of the European Communities which were also members of the Economic and Social Council, said that, while they had joined in the consensus on draft resolution E/1981/C.2/L.15/Rev.1, they wished to express reservations with regard to the seventh preambular paragraph, which stated that the Code of Conduct of the European Economic Community had not brought about much appreciable change. It would be unrealistic to expect the application of the Code to change the notorious system of apartheid overnight. The States members of the European Communities had, however, been informed that progress had been made with regard to the implementation of the Code, and they were confident that further progress would be achieved in the years to come. They would continue their efforts to ensure that the Code was applied by the South African subsidiaries of firms operating in their territories, and they considered that such firms could help to transform the social situation in South Africa by adopting non-discriminatory wage and employment policies.

52. Mr. SHAPT (United States of America) said that his delegation had joined in the consensus on the draft resolution just adopted, although it considered that, contrary to the view expressed therein, progress had been made in the labour field in South Africa. Such progress could be attributed to the fact that the Government and business circles in South Africa had begun to realize that apartheid acted as a constraint to economic growth. His delegation also disagreed with the view that the codes of conduct on labour relations had not brought about any appreciable change. It believed that it was in the interest of all South Africans to ensure that the hateful system of apartheid was eliminated as quickly as possible.



53. Mr. XIPRA (Spain) said that his delegation had joined in the consensus on the resolution just adopted in view of the great importance it attached to the question of the violation of trade union rights in South Africa. At the same time, his delegation wished to affirm that it did not agree with the value judgement concerning the Code of Conduct of the European Economic Community which was contained in the final preambular paragraph.

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

54. Mrs. SEMICHI (Algeria) said that the title of the French version of draft decision E/1981/C.2/L.20 should be brought into line with that of the English version.

55. Mrs. MARAZZI (Morocco) said that she wished to draw the attention of the Director of the Division of Human Rights to the need to make a careful and balanced choice of the States which would participate in the seminar on the relations that exist between human rights, peace and development. Such a choice was all the more important as it was essential to prevent a repetition of the situation which had arisen in 1980 at the time of the Seminar on the Effects of the Existing Unjust International Economic Order on the Economies of the Developing Countries. Her delegation hoped that the seminar would be highly successful, but considered that such success could be assured only if all points of view were represented. It hoped too that the participants would work in a spirit of genuine co-operation so that the report of the seminar could be adopted by consensus. A correction should be made to the title of the French version of the draft decision under consideration, the last words of which should read "de ces droits de l'homme", rather than "des droits de l'homme".

56. Mr. VAN BOVEN (Division of Human Rights) said that the unbalanced representation alluded to by the representative of Morocco in connexion with the Seminar held in Geneva in 1980 could not be attributed to the Secretariat. A number of States invited to participate had been unable to; the Secretariat had taken great care to invite, as replacements, others from the same region, but some of them had, in turn, declined the invitation. It went without saying that the report of the Seminar should be adopted by consensus.

57. Mr. MATELJAK (Yugoslavia) supported the Director of the Division of Human Rights. A number of States had in fact declined the invitation extended by the Division of Human Rights to participate in the 1980 Seminar. He appealed to States to ensure adequate participation in the seminar.

58. The CHAIRMAN said that a vote had been requested on draft decision E/1981/C.2/L.20.

59. Draft decision E/1981/C.2/L.20 was adopted by 38 votes to 1, with 12 abstentions.

60. Mr. SHAFT (United States of America), speaking in explanation of vote, said that the United States, which had not supported the draft decision relating to the establishment of a working group of experts to study the scope and content of the right to development, was also opposed to the holding of the seminar on the relations that exist between human rights, peace and development. Several of the reasons relating to the draft decision on the working group also applied to the draft decision under consideration. Furthermore, the agenda of the seminar included the "consideration of the impact of the arms race in the realization of peace and the right to development", a matter which had only a tenuous link with human rights. The holding of the seminar in New York would, moreover, entail additional expenditure and administrative problems that could not easily be justified.

61. Mr. VERKERCKE (Belgium) said that his delegation had abstained in the vote on draft decision E/1981/C.2/L.20 since it believed that there was no reason to derogate from the Assembly's rule that meetings and seminars such as the scheduled seminar should, as far as possible, be held where the competent secretariat was located. The substantial difficulties referred to in document E/1981/C.2/L.20 had further reinforced that opinion.

62. Mr. GIUSTETTI (France) said that his delegation had abstained in the vote on draft decision E/1981/C.2/L.20 for the same reasons as the Belgian delegation, namely, the choice of venue for the seminar. With respect to the title of the draft decision, his delegation considered the words "efforts tendant à la réalisation des droits de l'homme" to be in order. That wording was consistent with the wording of agenda item 8 of the Commission on Human Rights and his delegation considered it to be of great importance. France's readiness to participate in efforts to define what the right to development might be was itself an effort to determine appropriate measures to ensure the enjoyment of all human rights, including civil and political rights and economic, social and cultural rights.

63. Mr. O'DONOVAN (Ireland) said that his delegation had abstained in the vote on draft decision E/1981/C.2/L.20 because of the practical difficulties of holding the seminar in New York.

64. Mr. LINCKE (Federal Republic of Germany) said that his delegation had abstained in the vote on draft decision E/1981/C.2/L.20 because of the additional cost and administrative problem of holding the seminar in New York. Moreover, the subject of the seminar had been defined too loosely to allow participants to arrive at solutions or to formulate specific proposals on human rights.

65. The CHAIRMAN suggested that the Committee should take note of the report of the Secretary-General contained in document A/36/209 and transmit it to the General Assembly.

66. It was so decided.

67. Mr. SHAFT (United States of America), speaking in exercise of the right of reply, said that the statements which the representatives of the Byelorussian SSR and the Soviet Union had made in reply to the statement made by the United States delegation on 1 May had been confused and defensive. The confusion apparently stemmed from the definition of authoritarian and totalitarian régimes. As the United States delegation had already stated, totalitarian nations were collectivist; to them the individual was subordinate. In such countries, the State controlled the political, economic and moral life of its citizens in the name of the collective good. The concept of the totalitarian State was very clear.

68. By contrast, some societies regarded the individual as the most potent and creative social force in the universe. Such societies strictly limited the powers of the State. They thereby nourished the liberties of individual intelligence and will. The United States, which maintained friendly relations with such societies, patiently awaited the day when the dream of liberty would awaken in the hearts and minds of the millions of people living under the yoke of totalitarian States.

69. Mr. SVIRIDOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the representative of the United States had not denied the charges made by the Soviet delegation concerning human rights violations in the United States.

70. Mr. PISENKO (Byelorussian Soviet Socialist Republic), speaking in exercise of the right of reply, said that the representative of the United States had merely repeated what he had said in his first statement; the statements by that representative could apply to his own society, as indicated by the way in which May Day was celebrated in the United States.

The meeting rose at 6.10 p.m.