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SUMMARY RECORD OF THE 9th MEETING

Held at Headquarters, New York,
on Monday, 27 April 1981, at 3 p.m.

Chairman: Mr. MAPP (Barbados)

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consolidated in a single corrigendum, to be issued shortly after the end of the
session.

The meeting was called to order at 3.45 p.m.

HUMAN RIGHTS QUESTIONS (A/36/209; E/1981/25 and 28)

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL
MIGRANT WORKERS (E/1981/25 and 26)

1. Mr. VAN BOVEN (Director, Human Rights Division) said that, besides introducing the report of the Commission on Human Rights on its thirty-seventh session, he would also refer to the question of the measures to improve the situation and ensure the human rights and dignity of all migrant workers.
2. At its thirty-seventh session, which took place in Geneva from 2 February to 13 March 1981, the Commission had reaffirmed its place as the central organ of the United Nations in matters of human rights and fundamental freedoms. The role of the Commission was reflected in the 40 resolutions and 12 decisions which it adopted during its session and, in particular, in the four draft resolutions and 19 draft decisions which it had recommended to the Economic and Social Council for adoption.
3. As in the past, the Commission had made full use of pre-sessional and sessional working groups and of the additional meeting time which the Council had authorized in 1980. During the current year the Commission had already requested similar authorization from the Council.
4. The three main areas which largely reflected the activities of the Commission on Human Rights were standard-setting, violations of human rights and the implementation of international standards, and research and studies.
5. In the area of standard-setting, the Commission established at its thirty-seventh session a sessional Working Group on the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Working Group had proposed a draft Declaration to the Commission which the Commission adopted. Consequently, the Commission had recommended to the General Assembly, through the Council, that the Assembly should consider the Declaration, with a view to adopting and solemnly proclaiming it at the thirty-sixth session, thus concluding the work begun in 1963.
6. As authorized by the Economic and Social Council, a Working Group met one week prior to the Commission's session to consider the drafting of a Convention on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Working Group continued to meet during the whole of the Commission's session. Some progress was made and agreement was reached on a number of articles of the draft Convention. The principal focus of the Working Group's discussions was measures for implementing the substantive articles of the draft Declaration. The Commission, in its resolution 25 (XXXVII), recognized that it was advisable to continue to work on the draft Convention in a Working Group which would meet before the Commission's thirty-eighth session and it proposed to the Council a draft resolution which would authorize the Working Group to meet one week prior to the Commission's next session to complete its work.

(Mr. Van Boven)

7. The Council also authorized a Working Group to meet for one week prior to the thirty-seventh session of the Commission to consider the draft Convention on the Rights of the Child. The importance attached to that draft Convention was reflected in the wide participation of States and the interest shown by non-governmental organizations. In its resolution 26 (XXXVII) the Commission decided to continue at its thirty-eighth session as a matter of priority its work on the draft Convention with a view to completing it for transmission to the General Assembly, through the Economic and Social Council. For that purpose, it requested the Council to authorize a one-week session of an open-ended Working Group prior to the thirty-eighth session.
8. The Commission had also turned its attention to the rights of persons belonging to national, ethnic, religious and linguistic minorities. During its most recent session, the Commission had established a Working Group to consider a draft Declaration on that subject. Agreement was reached on some parts of it and consequently in its resolution 21 (XXXVII) the Commission had decided to establish at its thirty-eighth session an open-ended Working Group in order to continue consideration of the draft Declaration. Similarly, in its resolution 19 (XXXVII) the Commission had decided to consider at its next session the question of setting further standards in the field of the individual's duties to the community and the limitations on human rights and fundamental freedoms under article 29 of the Universal Declaration of Human Rights.
9. In its resolution 3 (XXXVII) the Commission had also decided to consider at its next session the possibility of elaborating a draft declaration concerning measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred.
10. In the area of standard-setting, the Commission on Human Rights had also dealt with measures to improve the situation and ensure the human rights and dignity of migrant workers. The General Assembly had decided upon the preparation of a convention on that subject and to that end had established a Working Group which began its work during the last session of the General Assembly. In its resolution 35/198, the General Assembly decided that the Working Group should hold an intersessional meeting of two weeks which would take place immediately after the present session of the Economic and Social Council. In resolution 37 (XXXVII) the Commission on Human Rights noted those developments with satisfaction and expressed the hope that the General Assembly would complete the elaboration of the convention at its thirty-sixth session.
11. In the second of the main spheres of interest of the Commission - that concerning violations of human rights and the implementation of international standards - the work of the Commission had developed along three lines. The Commission had studied in some detail certain specific violations of human rights such as the denial of self-determination, racism and racial discrimination, massive exoduses of missing persons. Secondly, the Commission had dealt with the situation of human rights in a number of specific countries and territories. Thirdly, the Commission had taken steps to provide assistance to countries for the restoration of human rights and fundamental freedoms and it had adopted a proposal aimed at providing aid to individual victims of human rights violations.

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12. With regard to self-determination, he referred to resolution 14 (XXXVII) of the Commission on Human Rights on the right of people to self-determination and its application to peoples under colonial or alien domination or foreign occupation. He quoted the most important paragraphs of that resolution.

13. On the question of Palestine, the Commission, in its resolution 2 (XXXVII) had reaffirmed the inalienable rights of the Palestinian people to self-determination and the establishment of a fully independent and sovereign State in Palestine. It also reaffirmed the Palestinians' right to return to their homes and called for their return in exercise of their right to self-determination. The Commission also strongly condemned all partial agreements and separate treaties.

14. On the question of Kampuchea, the Commission dealt with the problem of fundamental human rights and freedoms, including the right to self-determination of the Kampuchean people. In that connexion, the Commission had before it the review of the situation of human rights in Kampuchea prepared by Mr. Boudhiba. In its resolution 11 (XXXVII), the Commission had reiterated its condemnation of the gross and flagrant violations of human rights which had occurred and which continued to occur in Kampuchea and it affirmed that the primary violation of human rights in Kampuchea at present was the persistence of foreign occupation which prevented the people of Kampuchea from exercising their right to self-determination.

15. With regard to the question of Western Sahara, the Commission, in its resolution 12 (XXXVII) had dealt with the denial to the people of Western Sahara of their right to self-determination and other fundamental human rights as a result of the occupation of their territory by Morocco. The Commission had also reiterated the determination of the United Nations to co-operate fully with the Organization of African Unity so as to enable the people of Western Sahara to exercise their right to self-determination and independence.

16. In its resolution 13 (XXXVII) the Commission had likewise reaffirmed its profound concern that the people of Afghanistan continued to be denied their right to self-determination and had appealed to all States and national and international organizations to extend humanitarian relief assistance to the Afghan refugees in co-ordination with the United Nations High Commissioner for Refugees.

17. In the same area, the Commission on Human Rights had adopted resolution 7 (XXXVII), entitled "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination", in which it had welcomed the General Assembly's decision to hold in 1983 a second world conference to combat racism and racial discrimination.

18. In accordance with General Assembly resolution 35/197, the Commission, in its resolution 29 (XXXVII), had recalled that large exoduses were in many cases the result of violations of human rights and had decided to appoint for a period of one year a special rapporteur to study the question.

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19. With regard to the question of hostage-taking, the Commission, in its resolution 27 (XXXVII), had expressed its concern at the increasing number of hostage-takings and had called on all States to observe fully and unconditionally their international obligations to protect diplomatic and consular personnel and premises and to prevent the taking of hostages.

20. With regard to the question of enforced or involuntary disappearances, the Commission had had before it the report of the Working Group on Enforced or Involuntary Disappearances established by its resolution 20 (XXXVI), and had decided to extend the Group's mandate for one year. The Commission had requested the Group to submit to it at its next session a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as to protect persons providing information and to limit the dissemination of information provided by Governments. The Commission had also requested the Sub-Commission to continue studying the most effective means for eliminating the problem, with a view to making recommendations to the Commission at its thirty-eighth session, and had decided to consider the question at that session.

21. At its thirty-seventh session, the Commission had also dealt with the question of the violation of human rights in a number of specific situations. In its resolution 1 (XXXVII), on the violation of human rights in the occupied Arab territories including Palestine, the Commission had condemned certain Israeli policies and practices in the most forceful terms.

22. With regard to South Africa, the Commission had had before it the report of the Ad Hoc Working Group of Experts on southern Africa and the revised report by the Sub-Commission's Special Rapporteur, which contained a provisional list of banks, transnational corporations and other organizations giving assistance to the racist and colonial régime in South Africa. In its resolution 5 (XXXVII), the Commission had suggested that the United Nations General Assembly should refer to the International Court of Justice for consideration the question of whether a State which pursued a policy of apartheid and denied human rights as did South Africa could lawfully continue to hold a place in the international community in view of the provisions of the United Nations Charter. The Commission had decided to renew the mandate of the Ad Hoc Working Group of Experts and had also decided that the Group should continue to institute inquiries in respect of any person suspected of having been guilty in Namibia of the crime of apartheid or any other serious violation of human rights and bring the results of those inquiries to the attention of the Commission. Lastly, it had requested the Economic and Social Council to transmit resolution 5 (XXXVII) to the General Assembly, the Security Council and the Special Committee against Apartheid.

23. In its resolution 8 (XXXVII) on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa, the Commission had dealt with the problem of collaboration with and support for the racist régime, and in its resolution 4 (XXXVII) it had dealt specifically with respect for human rights in Namibia and had requested the Security Council to consider imposing mandatory economic sanctions against South Africa under Chapter VII of the United Nations Charter, and to reinforce the arms embargo against South Africa.

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24. The Commission had considered the question of human rights in Chile on the basis of reports submitted by the Special Rapporteur appointed by the Commission at its thirty-fifth session and had expressed its deep concern at the conclusions of the Rapporteur, according to which the human rights situation in Chile had not improved but had, on the contrary, deteriorated. Resolution 9 (XXXVII) reflected the Commission's desire to put an end to the problem in that country.

25. With regard to Guatemala, the Commission had considered the report of the Secretary-General and had adopted resolution 33 (XXXVII) relating to that country.

26. Similarly, the Commission's deep concern at the grave violations of human rights and fundamental freedoms in El Salvador had prompted it to adopt resolution 32 (XXXVII), in which it had requested its Chairman to appoint, after consultations within the Bureau, a Special Representative of the Commission with a mandate to investigate reports about murders, abductions, disappearances, terrorist acts and all gross violations of human rights and fundamental freedoms in El Salvador and to make recommendations as to what steps the Commission could take to help to secure the enjoyment of human rights and fundamental freedoms in that country.

27. Lastly, the Commission had dealt with the situation of human rights in Bolivia and in resolution 34 (XXXVII) had requested its Chairman to appoint, after consultations within the Bureau, a Special Envoy of the Commission to make a thorough study of the human rights situation in Bolivia, thus accepting the invitation of the Government of Bolivia, which had been transmitted to the Commission by the General Assembly in its resolution 35/185.

28. In closed meetings the Commission had continued considering communications concerning violations of human rights under the procedure established by resolution 1503 (XLVIII) and the Chairman, before opening the public debate on the question of violations of human rights, had announced that the Commission had taken decisions concerning 17 countries in private sessions under that resolution. As in previous years, the Commission had decided, subject to the approval of the Council, to set up a working group of five of its members to examine specific situations that might be referred to it by the Sub-Commission and those which the Commission itself had decided to keep under review.

29. With regard to the need to take steps to restore respect for human rights and fundamental freedoms where in previous situations such rights and freedoms had been violated, and to provide assistance for that purpose, the Commission had adopted three resolutions concerning three specific countries: resolution 15 (XXXVII) on the Central African Republic, resolution 30 (XXXVII) on the situation in Uganda and resolution 31 (XXXVII) on the situation in Equatorial Guinea. With regard to the last-named country, the Commission had had before it the report by the Expert appointed pursuant to a resolution adopted by the Commission at its thirty-sixth session. That report contained information on the three-stage plan for assistance to Equatorial Guinea in the full restoration of human rights which the Government of that country had accepted. With a view to providing assistance to the victims of violations of human rights, the Commission, in its

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resolution 35 (XXXVII), had invited the Council to recommend to the General Assembly that it redesignate the United Nations Trust Fund for Chile as a voluntary fund of the United Nations for victims of torture.

30. In the field of research and studies, the Commission had continued to give close attention to some structural phenomena which caused serious violations of human rights and, in particular, had studied the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights and the special problems which the developing countries faced in their efforts to achieve those human rights. At the current session, the Commission had had before it the first part of a study prepared by the Secretary-General on the regional and national dimensions of the right to development as a human right, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of that right and the report of the Seminar on the effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that that represented for the implementation of human rights and fundamental freedoms, which had taken place in Geneva from 30 June to 11 July 1980. The Commission's concern on the subject was reflected in resolution 36 (XXXVII) in which it had decided to establish a Working Group of 15 governmental experts to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments and had requested the Working Group to submit to the Commission at its next session a report with concrete proposals for implementation of the right to development and for a draft international instrument on the subject.

31. The Commission had also adopted resolution 17 (XXXVII) on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which it had recalled various resolutions relating to the mandate of the Sub-Commission and invited the Sub-Commission to take note of the comments and suggestions made in the course of the Commission's discussion and to follow a number of guidelines in preparing its report.

32. The Commission had also considered an item entitled "further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", and for that purpose had established an open-ended working group. Since the Working Group's report contained interesting ideas which merited further study, the Commission, in resolution 23 (XXXVII), had decided to establish a similar working group at its thirty-eighth session to continue the consideration of the subject. The Commission had also requested the Secretary-General to draw the attention of the Economic and Social Council to resolution 23 (XXXVII) and the relevant chapter of the Commission's report on its thirty-seventh session.

(Mr. Van Boven)

33. The Commission had also adopted resolution 24 (XXXVII) on the development of public information activities in the field of human rights in which it had made a number of requests to Governments and to the Secretary-General.

34. It had also taken up the question of human rights in its resolution 28 (XXXVII) in which it had reiterated the right and responsibility of individuals and organs of society to strive for the promotion and observance of the rights recognized in international instruments on the subject.

35. The Commission on Human Rights, in performing its functions, should never lose sight of the human factor. Although much remained to be done to fulfil the expectations placed in it, its efforts were being successfully deepened and widened.

36. The CHAIRMAN drew the Committee's attention to draft resolution VIII entitled "Welfare of migrant workers and their families" which the Commission for Social Development recommended to the Council for its approval (E/1981/26, chap. I), and resolution 37 adopted by the Commission on Human Rights at its recent session (E/1981/25, chap. XXVIII).

SOCIAL DEVELOPMENT QUESTIONS (continued) (A/36/70, 115, 135, 140 and Add.1 and 2; E/1980/112 and Corr.1 (English only); E/1981/3, 7 and 26; E/1981/C.2/L.1-4 and L.7

37. Mr. KAMIL (Indonesia), introducing the draft resolution entitled "Co-ordination and information in the field of youth" (E/1981/C.2/L.1) on behalf of the delegations of Algeria, Bangladesh, Burundi, Ecuador, India, Morocco, Nigeria, Pakistan, Romania, Senegal, Venezuela, Yugoslavia and his own delegation, noted that the report prepared by the Secretary-General in accordance with Economic and Social Council resolution 1979/27 (A/36/35) was restricted to certain aspects of co-ordination and information in the field of youth and that a systematic analysis of views, observations and suggestions of the specialized agencies and United Nations bodies on the needs and aspirations of young people in the contemporary world had been postponed. Accordingly, and taking into account the fact that the preparatory process for International Youth Year had already started, the sponsors of the draft resolution believed that it was useful to request the Secretary-General to continue to analyse the views, observations and suggestions of the specialized agencies and United Nations bodies on the situation, needs and aspirations of youth in the contemporary world and to report to the Council at its first regular session of 1982. The report would be of great help in making preparations for International Youth Year.

38. Moreover, at its twenty-first session, the Committee for Programme and Co-ordination would undertake a programme analysis of youth activities in the United Nations system. Thus it would be useful for the Council to consider, at its second regular session in 1981, the comments and recommendations of CPC on the co-ordination of United Nations activities in the field of youth, an idea which was reflected in operative paragraph 2 of the draft resolution.

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(Mr. Kamil, Indonesia)

39. In presenting the draft resolution, the sponsors were inspired by the importance attached to International Youth Year and they hoped that the draft resolution would be adopted by consensus.

40. Mrs. DEVAUD (France) introducing the draft resolution entitled "Women and development" (E/1981/C.2/L.4) on behalf of the delegations of Belgium, Poland and France, noted that in various United Nations documents among the groups mentioned as deserving special attention and social protection were the elderly, youth, the handicapped, offenders and women. Her delegation had already stated its opposition on previous occasions to the identification of women as a disadvantaged social group in need of special protection. Obviously, there were women who were members of particular groups and who, as such, were entitled to special protection. However, identifying all women as a disadvantaged group denied all women the right to participate as agents and beneficiaries of integrated economic and social development. Despite that fact, women had participated and continued to participate in social development as the equals of men and, accordingly, they had the same right to share in the benefits of development.

41. The aim of the sponsors of the draft resolution was for United Nations documents to serve as an example, to stop including women among the marginal categories and to refer instead to their necessary participation in economic and social development and in the relevant decision-making process. In view of the importance of recognizing the equal rights of women, it was to be hoped that the draft resolution would be adopted by the Committee.

42. Ms. WELLS (Australia) introducing an amendment to draft resolution XI contained in the report of the Commission for Social Development (E/1981/C.2/L.7), noted that the draft resolution highlighted the importance which the Council attached to co-ordination between its functional commissions and committees and to the development of a conceptual framework for an integrated approach to developmental problems, particularly in the field of social development.

43. In that connexion, it should be noted that one of the most important conceptual advances made by the Commission on Human Rights had been to identify the right to development as a human right. In view of the existence of a Working Group of Governmental Experts established in pursuance of resolution 36 (XXXVII) of the Commission on Human Rights to study the meaning of the right to development, it would be appropriate to draw to the Working Group's attention resolution XI of the Commission for Social Development, the report of the Ad Hoc Working Group on the Social Aspects of the Development Activities of the United Nations (E/1981/3) and the note by the Secretary-General on aspects of social development in the 1980s (E/CN.5/585), all of which were referred to in her delegation's proposed amendment.

ACTIVITIES FOR THE ADVANCEMENT OF WOMEN: UNITED NATIONS DECADE FOR WOMEN:
EQUALITY, DEVELOPMENT AND PEACE (continued) (E/1981/32 and 33; E/1981/NGO/2;
E/1981/C.2/L.5 and L.6)

44. Mrs. DEVAUD (France), introducing the draft resolution entitled "Social indicators applicable to studies on women" (E/1981/C.2/L.5), said that there was a

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(Mrs. Devaud, France)

long-standing desire to standardize terms of reference used in research and studies on women with a view to facilitating comparisons. There was a need therefore to develop social indicators for measuring the progress made in promoting the advancement of women. In that connexion, the establishment of the International Research and Training Institute for the Advancement of Women could assist the Branch for the Advancement of Women in conducting its assessments and studies; hence the importance of establishing a permanent link between the two bodies. Her delegation hoped that the draft resolution, which dealt primarily with an organizational matter, would be adopted by consensus.

45. Introducing the draft resolution entitled "International Research and Training Institute for the Advancement of Women" (E/1981/C.2/L.6), she emphasized that the decision to set up the Institute had been taken five years earlier. A Director had already been nominated and a headquarters agreement had already been concluded. All that was needed now was to give expression to the political will to bring the Institute into operation. It should be noted in that connexion that delays had very adverse consequences in that they caused initial enthusiasm to dissipate and might result in the loss of financial support.

46. Before the Copenhagen Conference a provisional secretariat had been in existence and various documents had been issued which were now difficult to obtain. Subsequently, the provisional secretariat had been disbanded for reasons unknown to the Board of Trustees, and for six months the work of the Institute had been interrupted. In the circumstances, her delegation considered it necessary to make a special appeal to the officials concerned to rectify the situation as soon as possible.

The meeting rose at 5.30 p.m.