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COMMISSION ON HUMAN RIGHTS

Thirty-fourth session

SUMMARY RECORD OF THE 1471st MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 7 March 1978, at 8.45 p.m.

Chairman:

Mr. N'DIAYE

Senegal

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
- (b) THE BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (agenda item 10) (continued) (E/CN.4/L.1400)

1. The CHAIRMAN invited the Commission to continue its consideration of agenda item 10 and to take a decision on the draft resolution appearing in paragraph 20 of the report of the informal working group (E/CN.4/L.1400).
2. Mr. PACE (Secretary of the Commission) drew attention to the amendments made to the draft resolution. The preamble remained as it stood. In operative paragraph 1, the expression "and other States wishing to express themselves on this subject" should be added after the words "Member States". Operative paragraph 2 now reads:  
"2. Recommends to the Economic and Social Council to authorize the holding of a meeting of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission with the task of preparing concrete drafting proposals to the Commission on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from Governments."
3. Operative paragraph 3 remained as it stood, but a new paragraph 4 should be added, which would read:  
"4. Requests the Secretary-General to transmit to the General Assembly at its thirty-third session this resolution, together with the relevant chapter of the report of the Commission to the Economic and Social Council, as constituting the Commission's progress report requested in General Assembly resolution 32/72".
4. Mr. ZORIN (Union of Soviet Socialist Republics) said that he wondered whether it was possible to convene simultaneously two working groups open to all the members of the Commission, independently of the groups which already existed. A working group could not express an opinion simultaneously on agenda items 11 and 10, and operative paragraph 2 was not acceptable in its present form.
5. Mr. van BOWEN (Director, Division of Human Rights) said that he realized that it would be difficult to hold meetings at one and the same time of the Commission's three working groups which were already in existence and which operated under its regular work programme, and of other plenary groups open to all the members of the Commission. The latter groups might perhaps meet after the others, for a week, and it would then be the Commission as such that would be meeting. Thus, it would be necessary for the Commission to have an additional week at its disposal. There were limits to what the Secretariat could do to ensure that the working groups were serviced, just as there were limits to what delegations could do in order to be represented at the meetings of the different working groups.

6. The CHAIRMAN put before the Commission a proposal made by its Bureau. The Secretariat might arrange for a working group which would be additional to the three existing groups. That group would meet for a week before the Commission's session and, during that week, would mainly consider agenda item 11 but also agenda item 10 as a secondary topic. He was of the opinion that that solution would make it possible to reconcile the possibilities offered by the Secretariat and the requirements for the consideration of certain agenda items.
7. Mr. CALERO-RODRIGUEZ (Brazil) said that he had gained the impression, from what the Director of the Division of Human Rights had said, that the group which was under consideration could only meet before the Commission; hence the need for an additional week.
8. Mr. van BOWEN (Director, Division of Human Rights) said that it was possible for the Secretariat to ensure the servicing of the three existing working groups and of another group to be set up, but not simultaneously. The Secretariat therefore proposed that a week should be devoted to the work of the three existing groups, that the working group open to all the members of the Commission should meet the following week and that the Commission itself should then meet for five weeks.
9. Mr. DIDINO RIOS (Panama) said he would like to know the methods of work of the various working groups and what the proposed time-table was, so that the members of the Commission would be duly informed. They would then be in a position to send their observations to the groups and see if they could take part in their work.
10. The CHAIRMAN said that there would be only one group open to all the members of the Commission; the membership of the three other existing groups was limited.
11. Mr. ESPACORA (Austria) said that, if the group which was open to all the members of the Commission met at the same time as the others, it would be difficult for small delegations to be represented on it. The experience of the present session showed that delegations which could be represented were better informed than the others.
12. Mr. van BOWEN (Director, Division of Human Rights) said that according to the provisional calendar of meetings the three limited groups - the group set up pursuant to Economic and Social Council resolution 1503 (XLVIII) and the groups dealing respectively with the consideration of periodic reports and the application of the International Convention on the Suppression and Punishment of the Crime of Apartheid - would meet during the week from 5 to 9 February 1979. The working group open to all the members of the Commission would meet the following week, from 12 to 16 February. The Commission itself would hold its session from 19 February to 21 March.
13. Mr. ESPACORA (Austria) said that he wondered what would happen if, at the request of delegations, informal working groups were set up.
14. The CHAIRMAN said that the groups which met before the session and those which were set up during the Commission's session should not be confused.

15. Mr. SAHON (Deputy Director, Division of Human Rights) said that the financial implications of the draft resolution in document E/CN.4/L.1400 related mainly to conference services and were estimated at \$26,600 for the period from 12 to 16 February, when agenda items 11 and 10 would be considered.
16. Mr. YAVUZALP (Turkey) said that there was still the problem of the working groups which were to be set up and which would meet at the same time as the groups that might be described as institutional. The question whether a group could meet at an earlier date remained open.
17. The CHAIRMAN replied that the question raised by the representative of Turkey would be settled when agenda item 23 was considered.
18. Mr. CALERO-RODRIGUEZ (Brazil) said that he wondered whether it was correct to say that the three existing groups would meet a week before the Commission.
19. The CHAIRMAN said that, during the week from 12 to 16 February, it was the working group open to all the members of the Commission that would meet. As it was a working group of the whole, it might be considered, in a certain sense, that the Commission would be meeting from that moment.
20. Mr. CALERO-RODRIGUEZ (Brazil) said that in fact the three groups would meet two weeks before the Commission; operative paragraph 2 of the draft resolution under consideration would therefore have to be amended accordingly.
21. The CHAIRMAN said that he was prepared to make the necessary amendments.
22. Mr. ZORIN (Union of Soviet Socialist Republics) said that he was doubtful about the arrangements for the group open to all the members of the Commission and could not accept operative paragraph 2 of the draft resolution as it stood. There were two possibilities: either to say that the group would meet for two or three days during the week preceding the thirty-fifth session of the Commission, or to adopt the proposal made by the working group which had considered agenda item 10, namely to convene a meeting of the Permanent Representatives of Member States at Geneva. Agenda item 11 called for a comparatively full analysis and two or three days would not allow the working group enough time to consider it. The USSR was therefore of the opinion that the second variant, which would also be less costly, should be adopted.
23. The CHAIRMAN said that the procedure advocated by the representative of the USSR would be tantamount to setting aside the Bureau's proposal that the group should mainly consider agenda item 11 but also agenda item 10 as a secondary topic. Not all the delegations had permanent representation at Geneva, but if the USSR accepted the Bureau's proposal it could be a decision of the Commission, which would read:

"The working groups referred to in paragraphs x... and y... (of the resolution relating to item 11 and the resolution under consideration) constitute only one group which will mainly consider agenda item 11 but also agenda item 10 as a secondary topic."

24. If the Commission accepted that arrangement, the Bureau would submit a draft decision to that effect. If there was no objection, he would invite the Commission to continue its consideration of the draft resolution.

25. Mr. ZORIN (Union of Soviet Socialist Republics) said that the USSR could not accept the proposed addition to operative paragraph 1. There was not a single resolution in which a formula inviting all Governments which wished to do so to take part in the work of the body referred to was to be found. A question of principle was involved. The whole point was to enable Switzerland to take part in the work of the group in question. The USSR saw no objection to its participation, but the formula proposed, as at present worded, was likely to create a precedent. The commissions individually could not settle questions of principle which concerned the whole United Nations. In operative paragraph 1, therefore, mention should be made only of Member States.

26. Mr. DANIELIUS (Sweden) explained that the purpose of the proposed addition was to enable the Swiss delegation to take part in the work. Switzerland's contribution could be valuable because of its humanitarian traditions and the interest which its Government had constantly shown in those questions. Sweden would therefore like to find a formula which would enable Switzerland to take part in the work of drafting a convention on torture.

27. Mr. ESPACOSA said that he was in favour of the Swedish proposal to amend operative paragraph 1, but he understood the concern of the USSR. There were questions in the consideration of which States should be able to take part even if they were not Members of the United Nations. That was not a question of principle and there was no reason to fear that a precedent would be created.

28. Mr. GARYALOV (Bulgaria) pointed out that the Secretary-General was going to come up against a difficulty of a practical nature: that of how he would be able to transmit documents to Governments which might be interested. Since there was, as it were, a hallowed formula on the subject, it would be better to keep to it.

29. The CHAIRMAN suggested that the proposed addition should be replaced by the following: "and the other States members of the specialized agencies which would like to express an opinion on the subject".

30. Mr. ZORIN (Union of Soviet Socialist Republics) said that, since, in practice, it was a question of Switzerland, the simplest thing would be not to add the proposed phrase and not to object to the participation in the work of the group of the representative of Switzerland, to whom the documents which he needed would be sent.

31. Messrs. LUONI (Observer for the Holy See) said that he would like the formula proposed by the Chairman to be adopted.

32. The CHAIRMAN appealed to delegations which had raised objections to show understanding so that a generally acceptable formula could be found.

33. Mr. ZORIN said that he saw no reason why the Holy See should not take part in the work, too, but he objected to the use of too broad a formula which would cover countries whose presence would not be desired.

34. Sir Keith UMWIN (United Kingdom) said that the formula mentioning the States Members of the United Nations or members of the specialized agencies was a formula which had often been used in the past and which would make it possible to solve the problem. Nevertheless, as the representative of the USSR had said, if the participation of Switzerland and the Holy See was desired, there was no reason not to say so.

35. Mr. BEAULNE (Canada) supported the USSR proposal that Switzerland and the Holy See should be mentioned.

36. The CHAIRMAN asked the representative of Canada if that was a formal proposal.

37. Mr. BEAULNE replied that it was.

38. Mr. ARLIA (Observer for Argentina) said that Argentina, too, would like to be mentioned, for it was very interested in the consideration of agenda item 11.

39. The CHAIRMAN objected that it was dangerous in a resolution of the Commission to invite one State or another by name. There was nothing to prevent the Commission from keeping within its bounds by adopting a formula along the following lines:

"Requests the Secretary-General to transmit ... to the Governments of Member States, and of other States members of the specialized agencies wishing to express themselves on this subject, for their comments, ...".

He asked the Commission to come to a decision on that proposal.

40. Mr. SHENIRANI (Iran) said that there was in fact a precedent on the subject. At the last session of the General Assembly, when there had been a question of permitting Switzerland to take part in the work of a committee of the whole dealing with economic questions, it had been agreed that only the word "States" should be mentioned.

41. The text proposed by the Chairman was adopted by 28 votes to none, with 4 abstentions.

42. The CHAIRMAN asked the Commission to take a decision on the draft resolution. He noted that there was general agreement.

43. The draft resolution appearing in paragraph 20 of document E/CN.4/L.1400, as amended, was adopted.

## THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING:

- (a) CHANNELS OF COMMUNICATION WITH YOUTH AND INTERNATIONAL YOUTH ORGANIZATIONS;
- (b) THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 15)  
(E/CN.4/1223 and Add.1 to 3, E/CN.4/1240, E/CN.4/1241; A/10275; A/32/161,  
A/32/162, A/32/170, A/32/171; E/CN.4/S/O/217, E/CN.4/S/O/220)

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 22)  
(E/CN.4/S/O/225; E/CN.4/L.1366/Rev.2)

44. Mr. ROKOCZEWSKI (Poland), speaking on agenda item 15, said that in Poland, where 50 per cent of the population was under 30 years of age, the problems of youth were at the very centre of the Government's attention. Those problems could and should be the subject of international co-operation and of activities of the United Nations system. The United Nations should promote the education of the young generation, in all countries of the world, in the goals and ideals of the Charter, in the spirit of peace among nations, strengthening of international security and condemnation of colonialism, neo-colonialism, apartheid, imperialism, national oppression and social exploitation. The young should receive an education free from all prejudice against any other nation and directed, without seeking to erase all traces of the past, towards the future; such an approach was in the interest of international peace and security. Those were the principles applied in Poland.

45. The ideals of peace, mutual respect and understanding must be promoted among young people; the profoundly humanitarian ideals enshrined in the Charter should be applied in the light of the United Nations Declaration of 7 December 1965. All countries should make known to their young people the educational and training programmes of other countries so that the end of the century might be an era of peaceful construction and of education directed towards peace. Respect for other peoples and for the right of all peoples to live in freedom, equality and peace should be inculcated in young people.

46. His delegation wished to announce that a draft declaration on the subject would be submitted to the Commission on Human Rights at its thirty-fifth session and it requested the inclusion in the provisional agenda for the thirty-fifth session of the following item: "Question of the Declaration on the education of youth for peace and friendship among nations". It hoped that that initiative would receive the support of all members of the Commission.

47. On the subject of channels of communication with youth and international youth organizations, his delegation felt that youth itself should play an important part in that field through the national and international organizations and other institutions engaged in the international co-operation of youth. The informal meetings of non-governmental youth organizations which took place at Geneva should play an important role in that respect; there was no need to develop bureaucratic activities within the United Nations. It was for each Government to ensure a peaceful and prosperous future for youth, fostering its active participation in the social, political, economic and cultural life of the country and promoting ever-wider co-operation with youth in other countries through those organizations. His delegation was

convinced that the United Nations should encourage youth organizations to strengthen their co-operation and intensify their exchanges of ideas and experience.

48. Mr. BRAULNE (Canada) said that at its last session, the Commission had decided to mark the thirtieth anniversary of the Universal Declaration the occasion for undertaking a world campaign for education in human rights, which in many countries was beginning to make its mark. In Canada, the campaign was a rallying point for the network of organizations working within the school and related systems which disseminated knowledge of human rights and inculcated respect for them. Progress in the field of human rights depended in fact on the faith, idealism and energy of youth.

49. At the preceding session, his delegation had circulated a working paper and a draft resolution on conscientious objection. It had subsequently organized surveys in several countries. While there was some apparently invincible opposition, the idea was making headway. In October 1977 the Assembly of the Council of Europe had called for conscientious objection to military service to be included among the rights guaranteed by the European Convention on Human Rights. His Government's investigation had not yet, however, produced sufficiently conclusive results for it to seek to take the matter further at the current session. He therefore requested that the question should be placed on the agenda for the thirty-fifth session.

50. Mr. UTKAN (Turkey) said that the establishment of effective channels of communication between the United Nations and international youth organizations was of the greatest importance for its future vitality, for it was the young who in the future would have to uphold the principles and ideals of the United Nations. The support of youth for those ideals seemed unwavering in the struggle against colonialism and racial discrimination. Young people were keenly interested in the impact of a fairer international economic order on the enjoyment of economic and social rights.

51. There was an element of contradiction to be found in comparison between the conclusions of the Secretary-General's report on the problems confronting youth (E/CN.5/534) and the reports of the Ad Hoc Advisory Group on Youth on its second and third sessions (E/CN.4/1240 and E/CN.4/1241). The Secretary-General's conclusions stressed the great variety of activities undertaken by the United Nations and the specialized agencies, whereas a sense of frustration emerged from the two reports of the Advisory Group (para. 49 of the report on the second session). The Secretary-General also drew attention to the need for adaptation of the system to the problems of youth (E/CN.5/534, para. 114). At the Commission's thirty-second session, several members had drawn attention to the dangers of an over-paternalist approach. It was therefore important to determine the most effective procedures to ensure the participation of young people in decisions concerning them. In that respect the reports of the Ad Hoc Advisory Group deserved the Commission's closest attention.

52. His delegation found the idea of the development of a representative Forum for consultation between the United Nations and youth and international youth organizations, as suggested in the two reports of the Ad Hoc Advisory Group, most attractive. In that connexion, the work of the Informal Meeting of International Youth Organizations at Geneva had been a particularly valuable experiment, as had the International Youth Symposium on population which had been held at Bucharest from 11 to 15 August 1974.



53. He recalled the resolution, of which Turkey was a sponsor adopted by the Commission for Social Development at its last session (E/CN.5/L.432). In it the Secretary-General was requested to continue to use the Informal Meeting of International Non-governmental Youth Organizations as a channel of communication between the United Nations and such organizations, and to explore every opportunity to enable all such organizations to participate in the Informal Meeting. The essential problem in that context was to enable the youth organizations of developing countries to participate in the work of the Informal Meeting.

54. He referred also to the seminars held at Belgrade in 1970 and at San Remo in 1975 on the role of youth in the protection and promotion of human rights, and General Assembly resolution 32/134 on the organization of an International Youth Year. That last initiative should help to focus attention on the means for improving the efficiency of channels of communication between the United Nations and youth organizations.

55. His delegation was of the opinion that the Commission on Human Rights should continue to encourage activities responding to the aspirations and concerns of youth.

56. Mr. LOPATKA (Poland) explained that the second revised version of the draft Convention on the Rights of the Child (E/CN.4/L.1366/Rev.2) had been drafted to meet some suggestions made by members of the Secretariat and some points made in document E/CN.4/NGO/225.

57. In the new version the Secretary-General was requested to transmit the draft Convention not only to Member States but also to competent specialized agencies, regional intergovernmental organizations and competent non-governmental organizations, inviting them to communicate to him their views, observations and suggestions, not by 30 June, as in the previous draft, but by 31 October 1978. It was also proposed that the draft Convention should be considered, not in 1978 at the sixty-fifth session of the Economic and Social Council, but by the Commission on Human Rights at its thirty-fifth session, in 1979, with a view to the adoption of the Convention at that session and its transmission to the General Assembly through the Economic and Social Council. It was also requested that the Economic and Social Council should recommend to the General Assembly the inclusion of the question of the adoption of a Convention on the Rights of the Child in the agenda for its thirty-fourth session.

58. It was clear from the draft resolution that the sponsors wished to request the Commission to take a direct part in the process of working out the draft Convention, so that it could be adopted by the General Assembly at its thirty-fourth session, during the International Year of the Child. The draft Convention made some additional recommendations concerning the procedure for reporting on its implementation, with a view to improving the international control provided for in paragraphs XI and XII.

59. On behalf of the sponsors, he thanked all delegations, as also the Secretariat of the Division of Human Rights, who had co-operated in improving the document, and he announced that Peru had joined the sponsors. His

delegation was sure that the other States members of the Commission were animated by the noble desire to contribute to improving the lot of children by adopting that international document during the International Year of the Child. To that end it urged that draft resolution E/CN.4/L.1366/Rev.2 should be adopted by consensus.

60. Mr. ROME (Canada) said that, when the Commission had agreed by consensus to include the question in its programme of work for the thirty-fourth session, several delegations had been under the impression that it would be desirable to adopt a resolution by consensus on the possible preparation of a draft Convention on the Rights of the Child. His delegation, like a number of others, wondered, however, whether that initiative should be given priority in the work that the Commission was to accomplish at its thirty-fifth session and whether it was appropriate at that stage to talk about adopting the Convention at the thirty-fifth session. His delegation felt that it would be a premature assumption, since the Commission would be asked to take a decision before Governments, specialized agencies, intergovernmental and regional organizations and competent non-governmental organizations had been able to communicate their views to the Secretary-General. In document E/CN.4/SGO/225, 23 non-governmental organizations had requested that the preparation of the Convention should not be undertaken too rapidly, since they wanted Governments to be able to examine their studies and proposals first.

61. His delegation therefore proposed the following amendments to document E/CN.4/L.1366/Rev.2: in operative paragraph 2, the words "continue, as a matter of priority at its thirty-fifth session, its consideration" should be replaced by "include among its priority matters, at its thirty-fifth session, further consideration" and the end of the same paragraph should be amended to read: "with a view to concluding as soon as possible a Convention for transmission ...". To bring the remainder of the resolution into line with those amendments, his delegation proposed that the penultimate paragraph of the draft resolution to be recommended for adoption by the Council should be amended to read: "Takes note with satisfaction of the work undertaken by the Commission at its thirty-fourth session with a view to completing as soon as possible a Convention on the Rights of the Child and to start considering this work at its thirty-fifth session." The last paragraph would be reworded to read: "Recommends to the General Assembly that it should consider the inclusion in the agenda for its thirty-fourth session the question of the adoption of a Convention on the Rights of the Child".

62. He reaffirmed his delegation's strong support for the International Year of the Child. He sincerely hoped that measures acceptable to all could be adopted with regard to a Convention on the Rights of the Child but felt that the resolution could be improved to take into account the wishes of several delegations and the important work of the non-governmental organizations. He hoped that those amendments would be accepted by the sponsors so that the Commission could adopt the resolution, as amended, by consensus.

63. Mr. LOPATKA (Poland), replying to the proposals by the Canadian delegation, said that the sponsors would like the Convention to be adopted in 1979 to mark the International Year of the Child. That would be possible if the Governments of all States Members of the United Nations showed good will; moreover, it should be remembered that the draft Convention was based on declarations which were already in being concerning the rights of the child.

64. With regard to the opinions of non-governmental organizations, his country attached great importance to their views but did not think they needed several years to make their opinions known on questions which they had long had under consideration.

65. If Canada shared the Commission's desire, it would agree to withdraw its amendments, which were not in keeping with the hopes which had been expressed that the Convention could be adopted during the International Year of the Child. Moreover, the amendments seemed to prejudge the outcome of the Commission's work at its thirty-fifth session, for while it might not be able to complete its consideration of the draft Convention, it was premature to assert that it could not.

66. Miss SHEHER FADLI (Syrian Arab Republic) said that the Syrian Arab Republic had joined the sponsors of draft resolution E/CN.4/L.1366/Rev.2. The protection of the child should be one of the prime objectives of any social and economic development strategy. The creation of a social climate favourable to the child would perhaps eliminate some of the problems which were obstacles to the right to development. Nineteen years after the adoption by the General Assembly of the Declaration of the Rights of the Child, hundreds of children were still dying of hunger, disease or the consequences of natural disasters such as drought. Thousands of children were deprived of their most fundamental rights by the racist regimes of southern Africa, while thousands more in Palestine were deprived of their right to a nationality, the right to return to their own countries and to have proper housing. At the beginning of the session, the representative of the International Indian Treaty Council had stated that one Indian child out of three died before it was six months old because of malnutrition and the wretched living conditions of the American Indian nation.

67. The Syrian Arab delegation considered that the rights of the child varied from one geographical region to another. The privileged children had a right to leisure and to the full development of their personality, and to be protected against violence, cruelty, exploitation, drugs and the slave trade, while the underprivileged children of developing societies had the right to life, to their daily bread, to shelter and to protection against underdevelopment. Only through international solidarity could children be properly protected. At the national level, it was essential that children should be protected against all practices leading to hatred, to segregation or to racial or religious supremacy. They must be brought up in a spirit of equality among peoples and universal brotherhood. For all these reasons, the proposed draft resolution should be able to serve as a basis for a final document.

68. Mr. FRAMBACH (Observer for the German Democratic Republic) said that the chief aim of the year 1979, which had been declared the International Year of the Child by General Assembly resolution 31/169 of 21 December 1976, would be to consolidate the fundamental rights of the child, which in many countries were still not guaranteed. The delegation of the German Democratic Republic therefore welcomed the proposal for the preparation of a Convention on the Rights of the Child. Children continued to be the innocent victims of acts of aggression, colonialism, fascism and racism and were still exposed to discrimination because of their race, their national or social origin, their beliefs or their sex.

69. Two of the consequences of centuries of colonial oppression and imperialist exploitation were that children grew up illiterate and that, according to UNICEF, some 350 million children lacked the minimum necessities of life. In addition, according to the UNICEF Information Bulletin No.14/1977 there were all the groups of children faced with special problems. His delegation therefore considered that a Convention on the Rights of the Child could be an important basis for the adoption of measures designed to solve the problems he had mentioned and to improve the lives of millions of children. His delegation was ready to make an active contribution to the preparation of such a Convention.

70. Mr. DANIELIUS (Sweden) said that the Swedish delegation felt strongly that a Convention should differ in many respects from the 1959 Declaration. During the 20 years that had elapsed, considerable experience had been gained, general views on some of the questions had changed, and new States which had not participated in drafting the Declaration would be able to take part in the drafting of the Convention.

71. In 1979, the International Year of the Child, Governments would present national reports on the situation of children in their respective countries. Those reports would provide a better basis for evaluating the contents of a Convention and for judging to what extent the provisions of the 1959 Declaration were being observed. His delegation therefore considered that it would be premature to aim at completing the work on a Convention during the 1979 session and that it would be preferable to complete that work at a later stage after the Commission had had the opportunity to study the material which would be made available in 1979.

72. Sir Keith UNWIN (United Kingdom) said that he did not think that the sponsors of draft resolution E.1366/Rev.2 had sufficiently demonstrated the advantages that a Convention on the Rights of the Child would have over the 1959 Declaration of the Rights of the Child. Furthermore, the preparations for the International Year of the Child had led to a large number of studies, surveys and programmes being undertaken both by non-governmental organizations competent in the field of the rights of the child and in specialized bodies such as UNICEF, UNESCO and ILO. Those documents would not be available before the Commission's next session. It would therefore seem premature to push on at the present stage of the discussions to the adoption of the draft resolution in question. He therefore supported the amendments proposed by the representative of Canada.

73. Mr. CARVALOV (Bulgaria) said that his delegation welcomed the Polish delegation's initiative in having the question of a Convention on the Rights of the Child placed on the agenda of the present session of the Commission. That initiative had met with unanimous support in the Commission. His delegation was also glad to have been able to be a sponsor of draft resolution E.1366/Rev.2. In his opinion, it was necessary that the rights of the child should be laid down in an instrument which was mandatory and it was also important that the preparation of the draft Convention should coincide with the International Year of the Child (1979). A considerable amount of work had already been done or was being done on the subject. The draft resolution had already been amended to take account of the views expressed and its adoption would in no way prejudice

the position which the Governments concerned might adopt with regard to the Convention, since it was unanimously recognized that there must be an instrument of that kind. Moreover, the work of drawing up a Convention would not begin until Governments had communicated their views on the draft resolution and the draft Convention. While account must be taken of the views of the non-governmental organizations which had suggested (E/CN.4/SR.225) that the discussions on such a draft Convention should start during the thirty-sixth session of the Commission on Human Rights, in 1980, it must not be forgotten that the views of Member States were particularly important, since it was they which would become parties to the Convention. He therefore hoped that the Commission would adopt the draft resolution without a formal vote. While fully appreciating the reasons and the concern that had prompted the amendments proposed by the Canadian delegation, he considered that the text of draft resolution L.1366/Rev.2 could be accepted by the Commission.

74. Mr. ERMACORA (Austria) said that, after hearing the comments made by the Canadian and United Kingdom delegations, his delegation found itself in a difficult position. As one of the sponsors of the draft resolution in question, it could not go back on the text of the draft. Nevertheless the discussions had raised points of procedure, and the possibility of compromise on the draft resolution should be considered. As far as the Convention itself was concerned, it was not certain that the Austrian Government would be able to adopt a Convention at the thirty-fifth session of the Commission. Speaking on behalf of the Austrian delegation, he said that he would be able to accept a change in the wording of operative paragraph 1 of the draft resolution to take into account the amendment proposed by the Canadian delegation.

75. Mr. DAVIS (Australia) said that he welcomed the initiative taken by the Polish delegation. In his opinion, there was room for constructive statements and it would be desirable for the draft resolution to be adopted by consensus. The value of the Convention, which should be a lasting instrument, would depend on its contents and not on the date on which it was adopted. As the representative of Sweden had pointed out, the reports which Governments would present in 1979 on the occasion of the International Year of the Child would be a valuable element which should influence the actual content of a Convention. The Commission should therefore take its time in considering the draft resolution and not adopt a position on the subject at the present meeting.

76. Mr. ZORIN (Union of Soviet Socialist Republics) stressed the importance of the Polish delegation's initiative for future generations, and thus for the future of the Commission's work. He had noted that no delegation had spoken against the substance of the initiative, indeed the contrary was the case. That being so, he was surprised that a number of delegations, which happened all to belong to the same geographical region, were trying to delay the accomplishment of the Commission's work on the subject. The representative of Sweden had even considered it premature to draw up a Convention on the Rights of the Child. Yet that was a task to which no one who was concerned with human rights and the rights of future generations could object. The representative of the United Kingdom had questioned whether a Convention would have any

advantage over the Declaration of the Rights of the Child. A Convention, however, was a binding agreement, while a declaration was a moral and political document. A Convention would therefore be particularly valuable for the rights of children, since it was children who suffered most from wars, from privileges given to others, etc. The practical difficulties did not seem to be insoluble, for the Commission would in fact have before it a year of preparatory work and a session (the thirty-sixth) before submitting the draft Convention to the General Assembly.

77. Unlike other representatives, he considered the time at which the Convention would be adopted to be very important. There was a Russian proverb which said that Easter was the time for Easter eggs, and it was during the International Year of the Child that a Convention on the Rights of the Child should be adopted. He was entirely in favour of draft resolution E.1366/Rev.2 and considered that the Commission could adopt it without amendments. He saw no need for amendments that would have the effect of slowing down the work in a domain which was so important for peace.

78. Mr. DANIELIUS (Sweden) said he wished to explain the purport of his earlier remarks. During 1979 important new documents would become available which should be taken into consideration in drawing up the draft Convention on the Rights of the Child. If the Commission wished to be able to take advantage of them, it could not complete its work at the next session. It would therefore be preferable to postpone the completion of the work of drawing up a draft Convention until after the thirty-sixth session of the Commission.

79. Mrs. UNDERHILL (International Union for Child Welfare), speaking at the invitation of the Chairman in accordance with rules 75 and 76 of the rules of procedure, said that the first Declaration of the Rights of the Child had been promulgated in 1925 but it had taken six years of efforts to achieve its unanimous acceptance. The United Nations Declaration of the Rights of the Child had been adopted in 1959, at a time when most countries in Africa and Asia had been colonies. Those countries had since become independent and a large number of the principles in the Declaration might not be acceptable to them. One of the major tasks of the International Year of the Child was to study the implementation, applicability and non-applicability of each of the ten principles of the Declaration. For that purpose, the International Union for Child Welfare had sent a questionnaire to its 170 members in 74 countries. Other organisations were producing studies and surveys on international legislation relating to the protection of children in armed conflicts and in peace. Some countries were for the first time translating the Declaration into their local and tribal languages. There were promotion and education activities which needed time. It was therefore necessary to allow enough time for all organisations, Governments, communities, parents and children to investigate the real problems in the different countries and regions, and to measure the differences between the legislation on the protection of children and the reality. The final aim was to arrive at a Declaration which could be implemented by every region and every community.

80. It was true that a convention was a binding instrument and a declaration was not. It was noteworthy, however, that the Universal Declaration of Human Rights had a persuasive value that was universally recognized. The number of countries which would be able to ratify and implement fully a covenant based on the Declaration adopted by the United Nations in 1959 might be very small. If a Convention on the Rights of the Child were decided upon too rapidly, it might possibly exclude 80 per cent of the population of the world and deprive them of the little protection they now had. It would be better to take enough time to make a thorough study which could lead to a universally acceptable new instrument. She therefore urged the Commission to accept the amendments proposed by the representative of Canada in order to allow enough time for the drafting of a convention which could be unanimously adopted.

81. Mr. OWEN (International Youth and Student Movement for the United Nations), speaking at the invitation of the Chairman in accordance with rules 75 and 76 of the rules of procedure, said that the question of youth and conscientious objection to compulsory military service had received very little attention from the Commission in recent years. The Movement he represented realized the seriousness of most of the agenda items that had already been discussed, but it must be remembered that the situation of young people making an effort to resist compulsory military service was duplicated in a large number of countries around the world. Among the 80-odd States which enforced conscription, only about 20 provided for the right of conscientious objection. Where that right was not recognized, the young person or student who refused compulsory military service was liable to a variety of penalties including imprisonment, loss of civil rights, and fines.

82. The view that conscientious objection was a human rights matter was not perhaps shared by all the members of the Commission. World opinion, which was deeply affected by the crimes of torture and apartheid, was less shocked by reports of young people serving prison sentences for their refusal to serve in national armed forces. For that reason, the right to conscientious objection must find an international legal basis before it could be more widely recognized by the international community.

83. The situation in the apartheid regimes of southern Africa provided a case in point. His Movement had recently appealed directly to southern African youth to resist military co-operation with the armed forces in Zimbabwe and South Africa because it was those armies which were instrumental in enforcing policies of apartheid and discrimination. Some States might find it easy to support such initiatives for conscientious objection in South Africa and Zimbabwe, since there was almost unanimous agreement on the illegality of those regimes. The test was, of course, what happened in the rest of the world. At present thousands of young people were still persecuted for their refusal, on principle, to perform military service, whether on religious, philosophical, intellectual or political grounds. The International Youth and Student Movement for the United Nations firmly supported the granting of legalized exemption from military service for those persons who expressed objections of principle to it. They therefore respectfully asked the Commission to give careful consideration to the

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question at its thirty-fifth session. They further asked the Commission to invite the Secretary-General to update the report he had drawn up in 1972 on the right of conscientious objection to military service.

84. Mr. BOMÉ (Canada) said that he wished to draw attention to the statement by the representative of Australia. He sincerely hoped that the draft resolution would obtain general agreement in the Commission and he therefore requested the sponsors of the draft resolution and the other participants to study the matter before the next meeting of the Commission.

The meeting rose at 11.45 p.m.