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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 12th MEETING

Held at Headquarters, New York,  
on Thursday, 20 April 1978, at 10.30 a.m.

Chairman: Mr. EHSASSI (Iran)

CONTENTS

Human rights questions (continued)

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The meeting was called to order at 11.10 a.m.

HUMAN RIGHTS QUESTIONS (continued) (E/1978/34, E/1978/14 and Add.1-2, E/1978/45, E/1978/21; E/1978/L.23)

1. Mr. NORDENFELT (Sweden) said that in considering the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, the Government of Sweden had been guided by two basic principles. First, birth out of wedlock was nothing shameful or disreputable; therefore, the purpose of the principles should be to combat any notion that a child born out of wedlock was inferior to a child born in wedlock. Second, the formulation of the principles should be determined exclusively by the best interests of the child, which implied that it was necessary in some respects to go beyond formal equality in order to achieve equality in effect.
2. As far as the first principle was concerned, the draft was not altogether satisfactory. His delegation was in favour of deleting the last sentence of principle 8 and the whole of principle 14, since they seemed to imply that the fact that a person was born out of wedlock was something that had to be hidden. If principle 14 was retained, it should be rephrased to read: "Information in birth registers and other registers containing personal data, for instance, about births out of wedlock, shall not be made available to the public where such disclosures would cause prejudice to the person or persons concerned".
3. Full equality of legal status between persons born in wedlock and those born out of wedlock might prove too general a principle to be in the child's best interest. Consequently, special rules for persons born out of wedlock were called for in respect of parental authority and nationality. Since in many countries, the custody of a person born out of wedlock was normally entrusted to the mother, even if paternal affiliation had been established, his delegation suggested that principle 9 should be rephrased to read: "The rights and obligations pertaining to parental authority shall, whether the child is born in wedlock or out of wedlock, be determined exclusively on the basis of what is the best interest of the child."
4. With respect to the nationality or citizenship of a person born out of wedlock, principle 13 provided that the same rules should apply as for a person born in wedlock. However, the nationality laws of many countries provided that the child born in wedlock acquired the citizenship of its father, a provision which was of doubtful advantage to a child born out of wedlock, whose links with the home country of the father were in many cases weak or non-existent. The Swedish Government was therefore in favour of the deletion of principle 13, which, moreover, in its present wording could not be applied at all in cases where the paternal affiliation had not been established.
5. Mr. HUSSEIN (Iraq) said that, although aware of the constraints of time and available resources, his delegation considered that the three pages in the report of the Commission on Human Rights (E/1978/34) which were allotted to the question of the violation of human rights in the occupied Arab territories, including

(Mr. Hussein, Iraq)

Palestine, did not sufficiently cover the evils of zionism in that region. The people in Palestine and other occupied Arab territories were affected by aggression that left no single aspect of their daily life untouched, it was no static situation but a cancer which must be eradicated.

6. The Charter of the United Nations, the Universal Declaration of Human Rights, and other international instruments and United Nations resolutions, all were aimed at the promotion of the effective enjoyment of human rights and fundamental freedoms. Yet, their provisions were being flagrantly violated in various parts of the world; examples were the acts of the racist Zionist entity and the racist régimes of southern Africa. The very existence of the Zionist entity was a gross violation of the essence of human rights; it was a crime of genocide which was being committed feverishly against the Palestinian people not only on Palestinian soil but wherever the Palestinians were to be found. The Israeli invasion of Lebanon had resulted in the death of close to 2,000 civilians, the exodus of about 300,000 refugees from their homes and the total destruction of the southern part of the country. The Zionist invaders were armed to the teeth with the most advanced and sophisticated American weapons. The Zionist-American approach seemed to hold that a destructive arsenal was the best way of promoting human rights. In that context, his delegation commended the Commission on the adoption of resolution 1 (XXXIV), which condemned Israeli policies and practices in the Arab occupied territories, including Palestine, and wished to express its strong support for that resolution.

7. In southern Africa, Pretoria, with its apartheid system, was subjecting the indigenous people to its policies of racial segregation, bantustans, destruction of family unity and exploitation of labour. The occupation of Namibia by the Vorster régime was a challenge to the very concept of self-determination stipulated in General Assembly resolution 1514 (XV). The illegal minority régime in Southern Rhodesia was another remnant of colonial domination which represented a denial of human rights. Those three alien racist régimes of Southern Rhodesia, South Africa and occupied Palestine should be crushed so as to ensure that the indigenous peoples were able to enjoy their inalienable rights.

8. Miss RICHTER (Argentina) said that her delegation supported draft resolution I of the Commission on Human Rights concerning advisory services in the field of human rights. General Assembly resolution 32/123 had recommended that a special seminar should be organized at Geneva at the world-wide level on the subject of national and local institutions for the promotion and protection of human rights, and that the report of that seminar should be forwarded to the General Assembly. Perhaps officials in the Division of Human Rights and the Budget Division could reach agreement in the near future on ways and means of organizing that seminar in 1978. Her delegation wished to know the duration of the fellowships and training courses and whether the travel expenses of participants would be paid. In its view, it was more in keeping with the spirit of the Charter, and more beneficial, to invest in training than in abundant travel by members of commissions of inquiry.

(Miss Richter, Argentina)

9. With respect to draft resolution III concerning rights of persons belonging to national, ethnic, religious and linguistic minorities, her delegation joined with others in expressing appreciation to Mr. Capatorti for his study (E/CN.4/2/384 and Add.1) and fully supported the conclusion in paragraph 26 of addendum 5, namely, that it was imperative for States which had not already done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

10. In connexion with draft resolution IV concerning a body of principles for the protection of all persons under any form of detention or imprisonment, her delegation required sufficient time to peruse Mr. Hettel's study (E/CN.4/Sub.2/395) in the light of national legislation. The wish to appoint a group of five experts to prepare another report on the same subject was somewhat perplexing. In her delegation's view, draft resolution IV should be considered in the light of the fact that the Commission on Human Rights had already decided, in its resolution 18 (XXXIV), to prepare a draft convention, that a text had already been sent to Governments, and that the Commission intended to hold a meeting to consider that issue immediately prior to its thirty-fifth session. As the scope of the aforementioned draft was broader than the enunciation of general principles, it seemed doubtful whether it was necessary to request a new study on the subject.

11. The Polish delegation was to be commended for its initiative with respect to draft resolution V concerning the question of a convention on the rights of the child. Her delegation, which had participated actively in the drafting of General Assembly resolution 1386 (XIV), was very pleased that the Assembly, after 20 years, had reverted to the question of the rights of the child.

12. Her delegation would like draft decision 1 to give due prominence to General Assembly resolution 32/130. Its wording might be amended to read: "The Economic and Social Council, noting Commission on Human Rights resolution 26 (XXXIV) and decision 4 (XXXIII), authorizes the convening of an open-ended working group of the Commission on Human Rights to meet for one week immediately before the Commission's thirty-fifth session, and requests the Secretary-General to bring to the attention of the General Assembly resolution 26 (XXXIV) and the relevant chapter of the Commission's report, in pursuance of General Assembly resolution 32/130".

13. In her delegation's opinion, draft decision 5 should be supplemented by the addition of a final sentence, to read: "The Economic and Social Council requests the Secretary-General to transmit to the General Assembly, at its thirty-third session, resolution 18 (XXXIV), together with the relevant chapter of the Commission's report, as requested in General Assembly resolution 32/62."

14. With respect to the organization of work of the Commission on Human Rights, her delegation shared the view of the Director of the Division of Human Rights that the current methods of work were very exacting for the small delegations of developing countries. To remedy that difficulty, the possibility of increasing the Commission's membership should be studied, with a view to achieving a better

(Miss Richter, Argentina)

division of labour among its members and responding to the growing interest in human rights of the international community by enabling more States to participate in the Commission's work.

15. Mr. AYENI (Nigeria) said that the thirty-fourth session of the Commission on Human Rights had been characterized by the discussion of a great number of important subjects and the adoption of appropriate resolutions and decisions; he was thinking, in particular, of the decisions taken with regard to the violations of human rights in southern Africa, the advisory services in the field of human rights, the report of the Ad Hoc Working Group to inquire into the situation of human rights in Chile, and the establishment of a Trust Fund for Chile. Working groups had also been set up to consider such questions as the rights of persons belonging to national, ethnic, religious and linguistic minorities, and the draft convention on torture and other cruel, inhuman or degrading treatment or punishment.

16. Referring to the question of the United Nations advisory services, he said that the funds normally made available for those services had proved grossly inadequate. At the thirty-fourth session of the Commission on Human Rights his delegation had expressed the hope that the United Nations Secretariat would make appropriate administrative arrangements to ensure that sufficient funds were made available and that the Division of Human Rights would be given a greater say in the disbursement of such funds.

17. The report which the Commission on Human Rights had considered on the subject of the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (E/CN.4/Sub.2/383) was balanced and drew attention to the connexion between such assistance and the capacity of the racist régimes to defy the entire world.

18. He appreciated the concern of some delegations over the lack of appreciable progress on the item relating to further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, an item which was full of implications for the work of the United Nations in the area of human rights and might well have a bearing on the United Nations system as at present organized.

19. With regard to General Assembly resolution 32/130, his delegation believed that some reorganization, probably marginal, would be necessary if the general principles were to have any meaning. It was not sufficient merely to elaborate principles and ideals with respect to human rights; it was necessary also to take effective steps to translate them into reality. The world aspired to peace and security, in terms not only of avoiding war but also of eradicating illiteracy and hunger. The United Nations had shown interest in assisting Member States to provide their populations with decent housing and health services.

(Mr. Ayeni, Nigeria)

20. With respect to the draft convention on the rights of the child, his delegation welcomed the initiative of the Polish delegation and was prepared to associate itself fully with any action taken by the international community to ensure a safer and healthier world for children. However, Governments should have an opportunity to study further the draft convention. Nigeria had already taken action on several of the matters dealt with in the draft convention; however, a number of its provisions would require investments which were beyond the means of most developing countries. Moreover, not all of the provisions had taken account of the special social traditions of many developing countries with regard to the child and his welfare. His delegation hoped that the Economic and Social Council would take measures to ensure that the different regions of the world were adequately represented on the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The meeting rose at 11.55 a.m.