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SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. SOBHY (Egypt)

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ORGANIZATION OF WORK

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 84: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (A/C.3/34/1, A/C.3/34/3; A/34/491, A/34/559, A/34/566, A/34/568, A/34/614)

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (A/34/40)

(b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF THE SECRETARY-GENERAL (A/34/440)

1. Mr. BIALY (Poland) welcomed the increase in the number of States which had ratified or acceded to the International Covenants on Human Rights. The Covenants were two more legally binding instruments promoting universal respect for and observance of human rights and fundamental freedoms, without which it would be impossible to achieve the stability and well-being required for peaceful and friendly relations among nations. The lengthy process of preparation of the Covenants showed that it was not easy to arrive at agreement among States with different political and social systems and with different histories, traditions, cultures and customs. It should therefore be remembered that the Covenants were the result of compromise. Human rights were understood and implemented in different ways in States having different social, economic and political systems. All of the human rights to which the Covenants related were equally important and were indivisible and interdependent, as was stated in General Assembly resolution 32/130. Furthermore, human rights were historically relative and the list of human rights provided in the Covenants was not final, as new rights might be added in the years to come. For instance, the Declaration on the Preparation of Societies for Life in Peace, adopted by the General Assembly in its resolution 33/73 on Poland's initiative, stressed the inherent right of every nation and every human being to life in peace. Furthermore, resolution 5 (XXXV) of the Commission of Human Rights (E/1979/36) referred to the right to development as a human right.

2. His delegation believed that there were several indispensable conditions for the fulfilment of human rights, namely the maintenance and strengthening of world peace, the cessation of the arms race, disarmament, the right of nations to self-determination, respect for national sovereignty and non-interference in the internal affairs of other States.

3. Poland fulfilled all of its obligations arising from the International Covenants; the fundamental rights and duties of Polish citizens were enshrined in the Constitution of the Republic, which not only proclaimed those rights and freedoms but attached great importance to guarantees of their full implementation by all organs of the State, as well as by citizens. Poland's legal system and its legislative practice showed that in most instances the Polish socialist system of protection of human rights was much more developed than that provided for in the Covenants. Those who sought to criticize the implementation of human rights in Poland should realize that no State had the right to proclaim its system of human

(Mr. Bialy, Poland)

rights as the model for all others to follow, in particular if that State was a party neither to the International Covenants nor to other international instruments. The principle of so-called "clean hands" in international law required of States that they should not accuse other States of failure to comply with certain international instruments unless they themselves were bound by them or fulfilled obligations arising therefrom. He appealed to those States which were not yet parties to the International Covenants to reconsider their attitude, so that the Covenants could soon become truly universal international legal instruments.

4. Mr. CABRERA (Spain) said that his delegation was pleased to see that more and more States were ratifying the International Covenants on Human Rights and even the Optional Protocol, international legal instruments which represented a significant step forward towards effective and universal enjoyment of human rights. He drew attention to the excellent work of the Human Rights Committee, part of the machinery established in accordance with the Covenants. His Government had recently submitted its first report to that Committee in accordance with article 40 of the International Covenant on Civil and Political Rights. The report had provided an invaluable occasion for presenting to world public opinion a detailed account of the human rights provisions contained in the new Spanish Constitution. The experts of the Human Rights Committee had greatly assisted his country by carefully examining the report and drawing attention to certain areas in which improvements in the legislative process should be made, while recognizing the great progress already achieved since Spain's transition to democracy. His Government was most grateful to the Committee for its careful and constructive criticism; in its view, the Human Rights Committee was filling a gap in the structure of the United Nations human rights programme. His delegation was also glad to note that the Economic and Social Council was laying the groundwork for studying the reports to be submitted by States parties in accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and it hoped that the Council would be able to begin that study by 1980. In conclusion, he said that his delegation welcomed the positive steps taken to ensure effective implementation of both Covenants and the specific machinery established to that end.

5. Mr. TARASYUK (Ukrainian Soviet Socialist Republic) said that his delegation agreed with others that the International Covenants on Human Rights were among the most important international legal instruments imposing specific obligations on Governments to protect a wide range of human rights and freedoms. It was pleased to see that an increasing number of States had become parties to the Covenants, which was an encouraging sign that States were seeking to develop international co-operation in the human rights field. It was regrettable, however, that many States Members of the United Nations, including some which passed themselves off as great defenders of human rights, had failed to take the practical step of becoming parties to the Covenants and assuming the obligations deriving therefrom. His delegation was aware, of course, that the simple fact of signing, ratifying or acceding to an international agreement did not suffice to give effect to that agreement, a problem which was often met by the establishment of machinery under the provisions of the agreement. For example, the Human Rights Committee had been established under article 28 of the International Covenant on Civil and Political

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(Mr. Tarasyuk, Ukrainian SSR)

Rights and had now stood the test of time. At its most recent session that Committee had examined and rated highly the report submitted by his country. His delegation also welcomed the fact that the Economic and Social Council in its resolution 1979/43 had approved the methods of work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

6. The socialist system in the Ukrainian Soviet Socialist Republic was based on respect for human rights and guaranteed the further development of those rights and freedoms along with continuous improvement in the living conditions of citizens. The relevant portions of the new Constitution of his country were in complete conformity with the provisions of international instruments on human rights and in many respects went beyond them. The right to work, also enshrined in the new Constitution, included provisions relating to the guarantee of work and the choice of occupation. That right was guaranteed by the socialist economic system, the continuous growth of industrial power and free vocational training and guidance; it should be noted that since the 1930s there had been no unemployment in his country. Furthermore, the Constitution established the right to rest, to benefit from cultural achievements, to free medical care, to old-age assistance and to assistance in the case of disability or loss of the family bread winner. The Constitution of his country was one of the first in the world to guarantee the right to housing at reasonable cost. He also pointed out that whereas the International Covenant on Economic, Social and Cultural Rights stipulated only that Governments should provide free primary education, his country provided free education at all levels.

7. The socialist concept of human rights and freedoms was based on the principle that the provision and guarantee of economic, social and cultural rights and freedoms enabled people to take the fullest advantage of their political and civil rights and make a positive contribution to the development of society and on the principle that the rights and freedoms in question were interdependent and indivisible. Furthermore, the new Constitution guaranteed the right of every citizen to participate in the management of government and public affairs, primarily through the more than 10,000 Soviets of People's Deputies, elected representative bodies which formed the kernel of the socialist democratic system in his country.

8. His delegation hoped that the General Assembly would request those Governments which had not yet become parties to the International Covenants to do so and play their role in the development of international co-operation to ensure the protection of and respect for human rights and fundamental freedoms.

9. Mr. ERMACORA (Austria) said that his country had ratified the International Covenants on Human Rights after careful consideration of the effects of their implementation on national legislation and jurisdiction and of the relationship between them and the European Convention on Human Rights. His delegation welcomed the fact that the Covenants established implementation machinery, which was a

(Mr. Erracora, Austria)

constructive effort to improve the implementation of human rights. However, it would be seen that that machinery was incomplete and worked unsatisfactorily if it was compared, for example, with the inter-American and European systems for the protection of human rights. At the same time, the implementation machinery of the Covenants was a first and decisive step on the part of the United Nations toward making the obligations undertaken by States binding. Thus for the first time in the history of the United Nations parties to a multilateral treaty were bound to report to the international community on the human rights situation in their territory. His Government noted with satisfaction that States parties could not, for example, invoke emergency legislation and measures or states of siege as reasons for not implementing human rights. It shared the view that the Human Rights Committee had the right and the duty to investigate human rights situations, even in cases where the country under investigation invoked such reasons.

10. The ineffectiveness of the implementation machinery established under the Covenants could be attributed to several factors. Firstly, there was continuing reluctance to recognize the competence of the Human Rights Committee to receive and consider communications, as provided for in article 41 of the International Covenant on Civil and Political Rights, to the effect that a State Party claimed that another State Party was not fulfilling its obligations under the Covenant. Most of the countries that recognized the competence of the Human Rights Committee to receive communications under that article were also parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which meant that they had accepted two kinds of machinery for the implementation of human rights in their jurisdictions. Since so few countries had made declarations under article 41, it was not surprising that no communications filed under that article had been brought before the Human Rights Committee. The fact that the number of countries that recognized the competence of that Committee to receive communications from individuals was even smaller rendered the Covenants even more ineffective. It was, moreover, regrettable that the report of the Human Rights Committee did not indicate the provisions of the Covenant invoked by individuals in submitting communications. Implementation machinery was of great importance because it was essential that human rights should be protected by the possibility of having recourse to legal instruments and to institutions established under those instruments. Although there was also a political dimension to the question of human rights, that dimension must not be given priority.

11. The report of the Human Rights Committee was a useful source of information but it should also look ahead and thus provide a foundation for the further promotion and protection of human rights. That could be achieved only if the General Assembly translated the ideas set forth in the report into concrete political action. Owing to its structure, the report as it stood would not serve that purpose. For example, paragraph 108 of the report, relating to the situation of human rights in Chile, was the only instance in which the Human Rights Committee had been able to reach a conclusion. His delegation wondered why no other conclusions had been drawn. Moreover, the report did not give any indication of

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(Mr. Ermacora, Austria)

the problems arising from implementation of the Covenant. It would be useful if the Human Rights Committee gave an indication of its interpretation of certain provisions of the Covenant, thus drawing attention to weak points that might need to be improved. It could also thus give guidance to the relevant United Nations bodies in the implementation of other existing conventions and in the drafting and implementation of future conventions, such as the draft convention on torture and other cruel, inhuman or degrading treatment or punishment. Furthermore, he wished to appeal to members of the Human Rights Committee contributing to its debates to allow themselves to be identified when their views were cited in that Committee's report.

12. It was the responsibility of the General Assembly to seek ways of dealing with the issues mentioned in the report and to draw political conclusions from the work of the Human Rights Committee. It would be unable to fulfil that responsibility if the report did not supply analytical information and it would thus be limited to appealing to Member States to ratify the Covenants.

13. His delegation was equally interested in implementation of the International Covenant on Economic, Social and Cultural Rights and wished to suggest that in future the report of the Human Rights Committee and the report of the Economic and Social Council on the implementation of that Covenant should be considered together under the same agenda item.

14. He hoped that during the next session of the General Assembly the Chairman of the Human Rights Committee would be invited to reply to questions raised by Member States and enlarge on certain aspects of that Committee's report.

15. Mr. EDIS (United Kingdom) said that, together with the Universal Declaration of Human Rights, the International Covenants on Human Rights provided an internationally accepted statement of human rights. The report submitted by his country under the terms of the International Covenant on Civil and Political Rights had been exhaustively examined during three sessions of the Human Rights Committee. The work of the Human Rights Committee was a fundamental part of United Nations machinery for ensuring the implementation of Member States' commitments to human rights, and his country hoped that that Committee would succeed in establishing continuous and effective leverage in its dialogue with each State party. It was also important that that Committee's work should become more widely known. The Human Rights Committee had conducted its sessions in a constructive manner and had already built up a detailed and educative exchange with the States Parties whose reports had been examined. His delegation hoped that that excellent work and the tradition of independence that had developed would be maintained.

16. His country had also submitted an extensive report in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights. It was pleased that the President of the Economic and Social Council had appointed

(Mr. Edis, United Kingdom)

members of the Sessional Working Group to consider reports of States parties to the Covenant and that the Working Group's methods of work had been approved by the Council. His delegation hoped that that Working Group would take the same approach to reports as did the Human Rights Committee. If it was to do so, there were various practical problems that might need to be considered during its next meeting.

17. His country wished to urge all States that had not done so to ratify the Covenants.

18. Mr. SHERIFIS (Cyprus) said that his delegation had repeatedly placed emphasis on the need for the bodies of the United Nations system concerned with human rights to concentrate on specific, pragmatic measures aimed at the universal implementation of human rights standards. It was saddening to note the distance that separated the declarations of the United Nations from attainment of the objectives pursued and even more saddening to note the helplessness of the international community in the face of violations of painstakingly developed human rights standards. It had been said that in no other activity was there such a discrepancy between the United Nations' resolutions and the realities of international life. It could not be denied that serious violations of human rights continued while the international community was virtually unable or, at times, even unwilling to take effective action. His delegation therefore welcomed the trend in recent years toward providing implementation machinery, as in the case of the International Covenants on Human Rights. The adoption and entry into force of those Covenants meant that the principles embodied in the Universal Declaration of Human Rights had finally become binding. His delegation welcomed the fact that seven States had ratified or acceded to the Covenants since the previous session of the General Assembly and hoped that by the following session it would be possible to report a greater number of ratifications.

19. His delegation noted that the Human Rights Committee had considered 27 initial and five supplementary reports submitted by States parties in accordance with article 40 of the International Covenant on Civil and Political Rights. It further noted that, in its consideration of communications under the Optional Protocol, the Human Rights Committee had for the first time adopted its final views for transmittal to the author of the communication and to the State Party concerned. His country had submitted, in addition to its initial report, which had been considered by the Human Rights Committee in August 1977, a further report containing additional information (CCPR/C/1/Add.28), which had been considered by that Committee in August of the current year. A summary of the deliberations of the Human Rights Committee in that regard was included in paragraphs 372 to 389 of its report.

20. The Human Rights Committee was already held in high esteem, and that esteem could only increase when the results of its work became more visible. The Human Rights Committee had lived up to the expectations of the drafters of the Covenant on Civil and Political Rights and of the States parties, and it was a source of great pride for him that a representative of his country was serving as Chairman of that Committee.

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(Mr. Sherifis, Cyprus)

21. With regard to paragraphs 21 and 22 of the report, it was important that more should be done to make the work of the Human Rights Committee better known and to publicize the provisions of the Covenant more widely. The Committee itself should, however, come forward with relevant suggestions. In that connexion, his delegation welcomed the wish expressed by the Human Rights Committee that it should be given the opportunity to meet in developing countries from time to time in order to publicize both the Covenant and its own activities in different regions of the world. .

AGENDA ITEM 74: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (A/34/303, A/34/566, A/34/569, A/34/614 and Corr.1 (French only), A/34/621)

22. Mr. van BOVEN (Director, Division of Human Rights), introducing item 74, recalled that the idea of preparing a United Nations instrument on the elimination of all forms of religious intolerance had first been decided upon by the General Assembly in 1962 and that consideration had been given to the elaboration of two documents, an international convention and a declaration. In 1972, the General Assembly had decided to defer further study of the international convention until the declaration was completed. Since 1974, the draft declaration had been considered every year by the Commission on Human Rights, which had established a working group at each of its sessions for the purpose. By the end of the Commission's thirty-fourth session, in 1978, the working group had completed its consideration of the preamble of the draft declaration and begun its consideration of the operative part. At its thirty-third session, the General Assembly, in resolution 33/106, had requested the Commission to strive to complete the draft declaration at its thirty-fifth session and submit it, through the Economic and Social Council, to the General Assembly at its thirty-fourth session. It had also decided to include the item in the provisional agenda of its thirty-fourth session and to give it high priority. At its thirty-fifth session, the Commission on Human Rights had noted in its resolution 20 (XXXV) that the working group had achieved far-reaching agreement on several substantive aspects of the first articles of the draft declaration but had been unable to reach consensus on the question of submission of draft articles to the Commission for adoption. It had decided to adopt three draft articles, which were reproduced in document A/34/303. Further details of the Commission's consideration of the subject at its thirty-fifth session were to be found in chapter XIV of its report on that session (E/1979/36). The Commission had also requested the Secretary-General to invite UNESCO to organize a collective consultation on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance and to submit the conclusions reached to the Commission at its thirty-sixth session and had decided to continue at its thirty-sixth session the elaboration of the remaining articles of the draft declaration and to re-establish the open-ended working group at that session. UNESCO planned to organize the proposed consultation at Bangkok in December 1979.

AGENDA ITEM 88: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/34/176, A/34/273, A/34/389 and Corr.1, A/34/566; A/C.3/34/L.24)

- (a) QUESTIONNAIRE ON THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/34/144)
- (b) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/34/145 and Add.1 and 2)
- (c) DRAFT CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS (continued) (A/34/431)

23. Mr. HEINEMANN (Netherlands), introducing draft resolution A/C.3/34/L.24 on behalf of the sponsors, which had now been joined by Italy, recalled that at the thirty-second session of the General Assembly, in connexion with agenda item 80 (Torture and other cruel, inhuman or degrading treatment or punishment), the delegations of India, the Netherlands and Sweden had taken various initiatives relating to unilateral declarations by Member States, the preparation of a draft convention by the Commission on Human Rights and the circulation of a questionnaire on the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Draft resolution A/C.3/34/L.24 was a procedural follow-up to those initiatives, which were specifically referred to in paragraphs 3, 5 and 8, and, broadly speaking, it followed the same lines as General Assembly resolution 33/178. Paragraph 6, requesting the Secretary-General to transmit information received on the basis of the questionnaire, introduced a new element and was designed in part to assist the work of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In the third line of paragraph 6, the words "on the basis of the questionnaire" should be inserted after the word "received".

24. Ms. RICHTER (Argentina) said that her delegation had not felt it necessary to participate in the discussions on item 88 because her Government had provided a very full reply on the question; that reply was reproduced in document E/CN.4/Sub.2/393/Add.2. Her delegation had also made a lengthy statement during the thirty-second session of the General Assembly concerning item 77 (Crime prevention and control) and item 80 (Torture and other cruel, inhuman or degrading treatment or punishment).

25. Turning to draft resolution A/C.3/34/L.24, in connexion with operative paragraph 3, she agreed with the representative of India that it was disturbing that the international community had not been able to find a definition which covered all the manifestations of torture and had limited itself exclusively to the question of torture committed by public officials. Torture could be practised by anybody, and in a violent and politically unstable world the Committee's approach was too restrictive. Paragraph 6 had been somewhat unclear

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(Ms. Richter, Argentina)

in its original form, and she was glad that the sponsors had approved her delegation's suggestion to specify what information was to be transmitted.

AGENDA ITEM 82: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued) (A/C.3/34/L.27)

26. The CHAIRMAN invited the representative of Lesotho to introduce draft resolution A/C.3/34/L.27.

27. Mr. SALAOUANDJI (Algeria), speaking on a point of order, requested that the introduction of draft resolution A/C.3/34/L.27 should be postponed because there were major errors of form and substance in the French text and the Committee should await a new version.

28. Mr. PAPADEMAS (Secretary of the Committee) said it was true that the French text of draft resolution A/C.3/34/L.27 differed substantially from the versions in other languages. Some weeks earlier, the drafting group preparing the draft resolution had asked the Secretariat for an advance translation of a provisional English text into French and the other working languages to facilitate its work. When the final text of the draft resolution had been submitted to the Secretariat the day before the current meeting, the translation services had used the advance translation as a guide, but the French translation service had confused the advance text with the final text. The French text of the draft resolution would therefore be reissued for technical reasons.

29. Mrs. MORRISON (Lesotho) said that the advance translation had been prepared in order to assist the work of the African Group in preparing the draft resolution. The Secretariat had made a very serious error which could not be tolerated, and she hoped that it would not be repeated. It was highly regrettable that an unofficial document had been circulated as an official document of the Committee.

30. Mr. AMINI (Comoros) said that there was an error in paragraph 5 of draft resolution A/C.3/34/L.27; it should refer to contacts between the Comoran Government and the French Government.

31. Mr. PAPADEMAS (Secretary of the Committee) said that in the official text submitted to the Secretariat, the relevant part of paragraph 5 had read "contacts between the Comoro Government in the search ..."; that wording had been changed for editorial reasons.

32. He pointed out that it was the normal practice that working groups could request advance translations of documents only if those documents would eventually be submitted officially.

AGENDA ITEM 87: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/34/L.15/Rev.2, L.16, L.18, L.19, L.20, L.21, L.22, L.23, L.25 and L.26)

33. Mr. van BOVEN (Director, Division of Human Rights), replying to a question raised the preceding afternoon by the representative of Ireland, said that designation of the Division of Human Rights as a centre would involve no administrative costs other than those indicated in document A/C.3/34/L.25 on the administrative and financial implications of draft resolution A/C.3/34/L.16.

34. He also wished to draw attention to an error in documents A/C.3/34/L.25 and A/C.3/34/L.26. Paragraph 3 of each of those documents should make reference to the Administrative and Budgetary Committee, that is to say, the Fifth Committee, and not to the Advisory Committee on Administrative and Budgetary Questions; the Secretariat would issue an appropriate corrigendum.

35. Mr. EDIS (United Kingdom) said that the battery of resolutions and amendments which had been submitted under agenda item 87 was confusing and tended to obfuscate the issues. Draft resolution A/C.3/34/L.15/Rev.2 developed certain aspects of General Assembly resolution 32/130. His delegation believed that, with some give and take, the draft resolution might be adopted by consensus in the same way as resolution 32/130 had been adopted by the General Assembly. It would be desirable to maintain the consensus which had been reached in the past on the item, and he hoped that further steps in that direction would be taken.

36. His delegation welcomed the draft resolution sponsored by India (A/C.3/34/L.20) regarding national institutions, as it would add to the network of institutions in the field of human rights. The draft could be further strengthened. National institutions represented an answer to the proposal to create a post of High Commissioner for Human Rights. It was desirable that measures should be taken at the national level but in such a way that they would have a serious impact and would not be liable to be swept away by autocratic acts of government. Their independence must be strengthened. Non-governmental organizations were of great importance in that connexion, since organs of a purely governmental character were not sufficient to deal with problems in the field of human rights.

37. In his delegation's view, draft resolution A/C.3/34/L.18 was basically a compromise. An Under-Secretary-General would be an international civil servant, not an independent person and such an appointment would therefore allay fears regarding the possibly excessive independence of a High Commissioner. Accordingly, his delegation endorsed the argument of the delegation of Canada that its proposal was more acceptable than that for the creation of a post of High Commissioner for Human Rights. His delegation could not accept the spoiling recommendations contained in document A/C.3/34/L.23.

38. The proposal by the delegation of Italy that the Division of Human Rights should be redesignated as a Centre for Human Rights (A/C.3/34/L.16) was an extremely modest one. The intention was clearly to focus attention on United

(Mr. Edis, United Kingdom)

Nations actions in the field of human rights; it was therefore appropriate that the Division of Human Rights should be upgraded and the responsibilities of its head should be reflected in the elevation of the post to Assistant Secretary-General rank. The financial implications would be minor. His delegation failed to understand the suggestions to the effect that the proposal represented a threat to national sovereignty and was no more than part of a Western propaganda drive. That implication was unjustified. His delegation could not accept the amendments contained in document A/C.3/34/L.22.

39. The draft resolution submitted by Costa Rica and Uganda (A/C.3/34/L.19) was of a purely procedural nature. In its resolution 33/105, the General Assembly had already decided to consider the question of a post of High Commissioner, inter alia, once the Commission on Human Rights had completed and/or reported on the over-all analysis. There was no need for controversy on the draft resolution.

40. Mr. OKOTH (Uganda) said that his delegation had been disappointed to see that delegations showed little interest in submitting draft resolutions on the question of human rights. It would have preferred to see the submission of concrete proposals on human rights rather than opposition to those proposals which had been made. It seemed to his delegation that a great deal of suspicion attached to the whole area of human rights, possibly because the United Nations had little confidence in its own performance in that field. No State was without fault in the field of human rights, and it was perhaps for that reason that problems were shelved or ridiculed. Resolutions represented a step in the process of solving the problems of human rights. It was important that Member States should co-operate with all services having responsibilities in the field of human rights, and he failed to understand the implication that such co-operation represented interference in the internal affairs of States.

41. His delegation appreciated the efforts made by the sponsors of draft resolutions A/C.3/34/L.15/Rev.2, A/C.3/34/L.16, A/C.3/34/L.17 and A/C.3/34/L.18, which all represented endeavours to view the situation in an objective manner. It was ready to negotiate and compromise on the issues concerned. Governments should cater to the interests of the common man, whose interests would be unjustly prejudiced if Governments were to relax their efforts for the safeguarding of human rights and fundamental freedoms.

42. His delegation felt that the Division of Human Rights was not sufficiently powerful. A High Commissioner would have greater authority but would nevertheless be answerable to the General Assembly and would implement programmes approved by it.

43. Draft resolution A/C.3/34/L.19 was of a procedural character. As the General Assembly's resolution 33/105 had been adopted by consensus and as the work of the working group had not been completed, his delegation proposed that the item should be included in the agenda of the thirty-fifth session of the General Assembly.

(Mr. Okoth, Uganda)

44. Violations of human rights were not limited by frontiers or restricted to particular ideologies, and United Nations failures in the human-rights field could not be tolerated. Such violations had occurred in all societies since time immemorial, and, even when a situation had been restored to normal, it had proved impossible to prevent their recurrence. It was therefore the wish of his Government that the matter should be pursued further.

45. Mr. ERMACORA (Austria) said that draft resolution A/C.3/34/L.15/Rev.2 was of great importance in the context of General Assembly resolution 32/130. Since 1945, the United Nations had adopted a number of measures which had established a framework for United Nations policy on human rights, including the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and alien domination, and the guidelines contained in General Assembly resolution 32/130. United Nations actions should be widened in a balanced manner, so that the safeguarding of civil and political rights would progress in step with that of economic and social rights. Violations in both areas should be taken up by United Nations bodies. Draft resolution A/C.3/34/L.15/Rev.2 represented a compromise on a number of ideas, and in certain of its paragraphs there was a balance between civil and political rights on the one hand and economic and social rights on the other. Nevertheless, his delegation would abstain in the vote on that draft resolution if a consensus could not be achieved on paragraph 12. The list of examples contained in that paragraph was too limited and did not include all elements which might deprive people of their human rights. There was, for example, no reference to the rights of national, ethnic and religious minorities or to human-rights violations resulting from genocide.

46. His delegation supported draft resolutions A/C.3/34/L.16 and A/C.3/34/L.17 but hoped that the two texts could be merged.

47. Draft resolution A/C.3/34/L.19 was procedural in character. His delegation believed that the Commission on Human Rights and the Third Committee should continue to study the question of a post of High Commissioner for Human Rights.

48. His delegation supported the proposal contained in draft resolution A/C.3/34/L.20. It also believed that the United Nations should take urgent measures to deal with the escalating refugee problem within the context of item 87.

49. Mr. OBADI (Democratic Yemen) said that the proposals contained in draft resolutions A/C.3/34/L.16 and A/C.3/34/L.18 would have an adverse impact on existing institutions, which would be diminished thereby. His delegation would support the amendments contained in documents A/C.3/34/L.22 and A/C.3/34/L.23.

50. His delegation was a sponsor of draft resolution A/C.3/34/L.15/Rev.2 and believed that it represented an alternative to the proposals contained in draft

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(Mr. Obadi, Democratic Yemen)

resolutions A/C.3/34/L.16 and A/C.3/34/L.18. His delegation and its co-sponsors had made many concessions designed to maintain a balance and to take into account the considerations underlying those two draft resolutions. His delegation would vote against those two draft resolutions and in favour of draft resolution A/C.3/34/L.15/Rev.2.

51. Mrs. LORANGER (Canada) said that the amendments contained in document A/C.3/34/L.23, appeared to assume that the individual appointed to the proposed post of Special Representative would be a man. The Canadian text of draft resolution A/C.3/34/L.18 had been carefully drafted so as to avoid any implication of discrimination on the basis of sex. Her delegation could not accept the amendments contained in document A/C.3/34/L.23.

52. Mr. GARVALOV (Bulgaria) said that the sponsors of document A/C.3/34/L.23 had not contemplated the possibility that a post of Special Representative would be created.

53. Mr. ANSBRO (Ireland), referring to the statement of the representative of Uganda, said that the Committee should appreciate the efforts of those representatives who had submitted draft resolutions for consideration. While some aspects of human rights were controversial, they should nevertheless be discussed, and he was therefore grateful to the sponsors of all the draft resolutions submitted. In the past, there had indeed been an atmosphere of suspicion during the consideration of the issue of human rights, but his delegation hoped that such suspicion was gradually being dissipated.

54. With regard to draft resolution A/C.3/34/L.15/Rev.2, his delegation believed that the changes made were constructive and were designed to facilitate a consensus. It hoped that delegations would make every effort to reach such a consensus.

55. His delegation had noted with appreciation the statement by the Secretariat to the effect that no financial or administrative implications were involved in draft resolution A/C.3/34/L.16 regarding the proposed redesignation of the Division of Human Rights as a Centre for Human Rights.

ORGANIZATION OF WORK

56. The CHAIRMAN suggested that the deadline for the submission of draft resolutions under item 84 should be fixed at Friday, 2 November at 1 p.m.

57. It was so decided.

58. The CHAIRMAN suggested that the list of speakers for item 74 should be closed on Monday, 5 November at 1 p.m.

59. It was so decided.

The meeting rose at 6.05 p.m.