COMMISSION ON HUMAN RIGHTS
Forty-fourth session
SUMMARY RECORD OF THE 1st MEETING
Held at the Palais des Nations, Geneva,
on Monday, 1 February 1988, at 11 a.m.

Temporary Chairman: Mr. EVMENOV (Byelorussian Soviet Socialist Republic)
Chairman: Mr. SENE (Senegal)

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The meeting was called to order at 11.20 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the forty-fourth session of the Commission on Human Rights.

2. Among the positive international developments that had occurred over the past year, pride of place should be given to the historic Washington meeting between the General Secretary of the Central Committee of the Communist Party of the Soviet Union and the President of the United States; the conclusion of a treaty on the elimination of medium-range and shorter-range nuclear missiles; and the significant shift towards a search for political compromise in a number of situations of conflict throughout the world.

3. The Commission had undoubtedly helped to create the more hopeful situation currently prevailing in matters of human rights. Although the shadow of confrontation had not been completely dispelled from its work, the seeds of constructive and positive co-operation sown at the forty-third session were beginning to burgeon. The need to replace relations of hostility, distrust and self-interest by positive collaboration founded upon confidence, agreement, an equitable balance of interests and the abolition of the use of war and every form of violence as a means of solving international and human-rights problems was becoming more widely recognized as an objective demand of the nuclear age.

4. The three global problems currently facing mankind were nuclear disarmament, the ecological crisis and violations of human rights, especially the right to self-determination and the right to development. The very survival of the human race depended upon the solution of each of those interconnected problems. Denial of human rights, at a time when the nuclear cancer was spreading to all parts of the globe, threatened to produce the annihilation of the human race. A world in which human rights were flouted could not be considered safe. In that connection, he referred to the idea of establishing a comprehensive system of international security advanced by Mr. Gorbachev at the Twenty-seventh Congress of the CPSU. A new approach to human rights in the international field could form an important component of such a system.

5. The humanization of international relations called for the gradual replacing of confrontation by a healthy rivalry in creating the conditions necessary for a better life for individuals, peoples and mankind as a whole. The image of "the other" must no longer be identified with that of "the enemy". Increased respect for the other's point of view must go hand in hand with a more self-critical attitude and with recognition of the overriding importance of the life, freedom and dignity of all individuals and peoples.

6. With reference to the forthcoming fortieth anniversary of the Universal Declaration of Human Rights, he expressed the hope that the Commission's future activities would be still more conducive towards bringing national legislation in the humanitarian field into line with international obligations and standards. Co-operation among States and an exchange of experience in that area should be developed and greater attention paid to the experience of other organizations of the United Nations system, such as UNESCO. The commemoration of that anniversary should stimulate the Commission in its search for new and more effective forms of co-operation.
STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

7. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that the current session of the Commission was of particular significance, in that 1988 marked the fortieth anniversary of the adoption by the General Assembly of the Universal Declaration of Human Rights. The 40 years that had elapsed since then had tested and confirmed not only the value and validity of the Universal Declaration but also - and especially - its universal applicability. It was not surprising that it was a source of inspiration for so many national constitutions and laws and that it had left its mark on several intergovernmental organizations.

8. With the adoption of the Universal Declaration of Human Rights, a new approach and a new spirit had been born which had gradually changed ideas and behaviour with regard to human rights. What had initially seemed an idealistic or even utopian concept had taken shape in specific actions by the entire international community. Important achievements had been recorded over the past four decades.

9. Admittedly, that process had not occurred overnight. Nearly 20 years had been required for the elaboration of the fundamental texts of the International Bill of Human Rights and, during that period, in which a number of instruments having international binding force had been adopted, only a few cautious attempts had been made to bring about the actual realization of human rights.

10. A new phase of activity was thus about to open, in which efforts to develop human-rights legislation and its implementation would be accompanied by the increasingly urgent need to develop information, education and dissemination to the public and national institutions. There was a triangular relationship among three elements: legislation, realization of human rights and providing information and education. The implementation of human rights could not be achieved without a general consciousness-raising effort, and thus there must be activities designed to promote that consciousness.

11. The results achieved by the United Nations in codifying and developing international legislation on human rights were tangible and outstanding, and the Commission was entitled to be proud of them. Without its initiatives and dedication, a number of principles and standards currently in force which represented substantial progress in the promotion of and respect for human rights would not exist.

12. For example, a significant step had been taken in the international community's campaign against torture with the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the establishment of the Committee against Torture, its monitoring instrument. Under the Convention, which was of universal application, torture had been explicitly banned for the first time, and the international community had been provided with a series of international law measures to prevent and eliminate that crime. Torturers would no longer be able to find a haven in the States parties or justify their activities by citing the pretext of orders received.

13. It was most desirable that similar steps be taken to protect the most vulnerable group of human beings - particularly children. For a number of
years, the international community had been confronted by the sad spectacle of millions of children undergoing the most terrible sufferings, from hunger, disease and poverty. Many were also victims of the horrors created by armed conflicts or were directly involved in such conflicts. Many had also to suffer abuse of all kinds from adults who were exploiting them.

14. Given the distressing situation of so many children throughout the world, it was urgent that the United Nations should take speedy and energetic action. The proposed convention on the rights of the child, which would be a crucial step towards improving the living conditions of the world's children, should thus be adopted as soon as possible.

15. There was no doubt that the existing human-rights structures could not have their intended effect unless primary importance was assigned to implementation. The United Nations had therefore resolutely and decisively undertaken to see that those rights were realized.

16. The evolution of the Commission attested to the new commitment. From being a body which had laid down the fundamental principles with regard to human rights, it had also developed into a monitoring body. While it continued to carry out important legislative activities, its new function was probably one of its essential tasks, and one of the most effective means of ensuring the application of the existing standards.

17. Since most investigations took place directly in the field and reflected a direct and personal experience of events, the Commission, having such direct information, found its efforts considerably strengthened. In that connection, tribute should be paid to the Commission's special rapporteurs and working groups for carrying the torch of the United Nations in the human-rights cause and producing a growing confidence by Governments in their expertise and objectivity.

18. As could be seen from the Commission's complex and lengthy agenda, human rights covered a vast domain. They involved nothing less than the relationship of the individual to his or her society, the relationship of the citizen to his or her State. The international standards which had been agreed upon to provide universal norms in that regard permeated and indeed afforded guidance to practically every sphere of human activity.

19. Given the nature and scope of human rights and of United Nations efforts to promote them, such endeavours could not be entirely isolated from the practical realm of "politics", and an intergovernmental meeting, by its very essence, took place at the political level. However, the Commission, as the main United Nations body responsible for the protection and promotion of human rights, should continue to approach such a crucial issue in a constructive, serious and productive manner. For any multilateral endeavour to succeed, an approach must be adopted based on consensus rather than confrontation, one that was pragmatic rather than polemical.

20. Nowhere was that more essential than in the sphere of human rights. It was axiomatic that in its human-rights activities, the United Nations directly affected the lives and well-being of citizens in its Member States. The aspirations of the millions of men, women and children who wanted their individual human rights to be safeguarded by the Commission must be heeded.
21. There were some reasons to hope that such an approach was feasible. As the Secretary-General had said in his report to the most recent session of the General Assembly, a "greater commonality" of views on global problems could be seen amongst the membership of the Organization. He had also heralded a "greater solidarity among nations" within the multilateral framework of the United Nations. There could be few areas where such a heartening trend could produce greater fruits than the cause of human rights. Moreover, recent positive developments in relations between the great Powers - most notably the summit meeting in Washington and the signing of the historic agreement on the elimination of intermediate nuclear missiles - might provide renewed confidence in a constructive atmosphere. It would not be unreasonable to hope that a better climate in international relations globally might have some bearing upon common efforts in the important sector of human rights as well.

22. In specific cases, there must be no fear of speaking out unequivocally when the need arose. If the international community's criteria were known and accepted, and if its standards were truly universal and objective, its representatives could speak with a clear conscience. Silence was all too often the willing accomplice of tyranny.

23. A careful review of the methods being used might help to secure real progress for human rights. As the Secretary-General had remarked, preventive medicine was usually preferable to the performance of autopsies. A fundamental objective was to help prevent human rights violations before they occurred and to assist Member States in building up the necessary infrastructures to ensure the widest realization of human rights.

24. Secure in the knowledge that the international framework was sound and objective, the international community must promote consensus and common progress on human rights. The Centre for Human Rights accordingly set particular store by its programme of advisory services and had presented the Commission with some thoughts for its future. The establishment of a voluntary fund in that crucial sector was a most encouraging development. Steps had also been taken to strengthen the relevant section within the Centre in order to enhance that growing area of activity, and it was to be hoped that an increasing number of Member States would approach the Centre for advice and assistance.

25. Despite encouraging progress, the human-rights situation nevertheless remained of the greatest concern. Serious violations of internationally accepted rights continued to occur on an alarming scale. For that reason, the Centre was giving greater emphasis than before to the requirements of information and education. Universal implementation of human-rights standards could be fully achieved only through a thorough and world-wide awareness, for which a consciousness-raising exercise was needed. Indeed, people throughout the world were entitled to know about their basic rights and fundamental freedoms, so that everyone, everywhere, could take advantage of the Universal Declaration and of the framework for human rights that had gradually been set in place. Information was thus a key to the universal implementation of the body of law available in the field of human rights.

26. One of his first actions as Under-Secretary-General for Human Rights had been to establish a new section within the Centre, to deal with external relations, publications and documentation which in close collaboration with the Department of Public Information, would increase co-operation and exchange also with the wider human-rights community - composed of non-governmental
organizations, educational and research institutions and the concerned media - to help create a broad awareness of fundamental rights and freedoms and a well-informed, realistic and constructive public opinion throughout the world.

27. Following the adoption by consensus of General Assembly resolution 42/118, the Secretary-General was also in the process of preparing a report on the feasibility and modalities for a world-wide campaign on human rights to be considered by the Assembly at its next session. The launching of such a campaign could certainly be considered an important contribution to the commemoration of the fortieth anniversary of the Universal Declaration. People needed to be made clearly aware of their rights and informed that there were standards to which they could appeal, by which national legislation could be measured, and that international machinery existed to promote and protect those rights. For such a campaign to be successful, it would have to be given the full support of Member States, of non-governmental organizations and of interested individuals.

28. The Centre had already begun - within the framework of the fortieth anniversary year - a new and expanded publications programme. New publications - such as the Fact Sheet series on human rights - were being issued to explain, in a more attractive and interesting format addressed to the public at large, essential questions concerning human rights and fundamental freedoms, the work of the United Nations and the international machinery available to promote and protect those rights.

29. The Commission was not only called upon to deal with pressing situations of violations of human rights or with the task of drafting new international standards, it had also the responsibility of contributing to consideration of the place of human rights within the United Nations and, in particular, with regard to the functioning of United Nations human-rights bodies.

30. The General Assembly, in a decision on that issue, adopted at its most recent session, had requested intergovernmental bodies in the social field that had not yet done so to submit their views and proposals to the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields. In response to the Assembly's request, the Commission might well make an important contribution to the improvement and effective use of the limited resources in the human rights field; the appropriate bodies in New York were awaiting the Commission's views on those issues.

31. In view of the vital role in the Commission's activities played by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the cancellation of the 1986 session had left a serious void in the human rights programme. It had also brought home to Governments, non-governmental organizations and the public at large the importance of human rights to the international community and especially its central role within the Organization. The Sub-Commission did, however, hold its 1987 session, and the results of its activities were before the Commission in the form of its report (E/CN.4/1988/37). The Commission would no doubt find in that report worthwhile initiatives dealing with the interdependent and interrelated character of human rights.

32. Special significance should be attached to the Second Decade to Combat Racism and Racial Discrimination. The horror of a recent racial holocaust had made the drafters of the Charter place the campaign against racism and
racial discrimination at the very core of United Nations human-rights activities. Consequently the Organization had, over the years, developed many tools in its work against racism, and special attention had always been paid to apartheid, the institutionalized and legalized form of racism. The Secretary-General had asked him to co-ordinate the full range of activities and programmes of the United Nations system as they related to the objectives of the Second Decade, and he would be energetically pursuing that especially significant task.

33. In the 40 years since the adoption of the Universal Declaration, human rights had come to play an ever more significant and prominent role on the international agenda. Their increasing importance had been foreseen by the Charter, which had called for the reaffirmation of faith in fundamental human rights as one of the first priorities for the construction of the new, international society to take shape after the bloodshed and devastation of war. Human rights were seen as an intrinsic component of such endeavours, based as they were on the recognition of the dignity and worth of the human person.

34. The assurance of human dignity and worth comprised multiple facets, as reflected in the breadth and vision of the Universal Declaration. The primary objectives of development found their place in the articles providing for the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care, or in the right to education.

35. Throughout the world, people were increasingly active in the defence of their own human rights and in calling for respect for the human rights of others, in which connection he wished to pay tribute to the non-governmental organizations' part in the international human-rights endeavour. There had, moreover, been many tragic consequences in recent months for human-rights activists.

36. Lastly, he called for renewed determination to make the precepts of the Universal Declaration a truly universal reality, and expressed his hope that the observance in all member countries of the fortieth anniversary of that historic document would lend fresh impetus to that end.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

37. Mr. HACENE (Algeria) nominated Mr. Sene (Senegal) for the office of Chairman.

38. Mr. LOOEIKO (Union of Soviet Socialist Republics), Mr. BOSSUYT (Belgium), Mr. MARIATEGUI (Peru), Mr. RASHID (Bangladesh), Mr. DITCHEV (Bulgaria) and Mr. KOLBY (Norway) supported the nomination.

39. Mr. Sene (Senegal) was elected Chairman by acclamation.

40. Mr. Sene (Senegal) took the Chair.

41. The CHAIRMAN, having thanked the members of the Commission for the confidence that they had shown in him, said that, in a few months' time the United Nations would celebrate the fortieth anniversary of the Universal Declaration of Human Rights. At the time of its adoption, that document had
symbolized the hopes of a world still marked by the most devastating war in
history, an experience which had inspired the authors of the Declaration to
seek to create a world without fear, poverty or torture.

42. The Declaration reflected the aspiration that human rights would serve as
a guarantee for peace, which, in its turn, was the natural environment for the
enjoyment of human rights. However, since the Second World War, there had
been more than 100 armed conflicts throughout the world, and war was still
being waged in a number of places, spreading death, destruction and
suffering. An unprecedented level of militarization and a proliferation of
weapons of mass destruction had increased the risk of a nuclear holocaust,
which must be prevented at all costs since it was absurd, and would entail the
destruction of the human race. That being so, the Agreement recently signed
by the two super-Powers in Washington was to be welcomed, because it would
encourage the multilateral negotiations on disarmament.

43. It was to be hoped that that new international situation would strengthen
détente by easing the tensions between the blocs. In view of the growing
interdependence of the contemporary world, the race for military supremacy and
hegemonic designs had become increasingly out of place. Instead, economic
co-operation and cultural exchanges should be developed and human rights
promoted with a view to finding peaceful solutions to regional conflicts and
relieving the suffering of innocent civilian populations.

44. Once again, it was important to protect the inherent dignity of all those
whose inalienable rights constituted the foundation for justice and liberty.
The problem of apartheid, with its pernicious consequences for the situation
in southern Africa, and the tragic events in the occupied Arab territories
were matters that required urgent consideration by the Commission. The
implementation of the right to self-determination, the violations of human
rights in any part of the world, torture, enforced or involuntary
disappearances, the taking of hostages, religious intolerance, summary and
arbitrary executions, the question of minorities, the rights of native
populations, the rights of the child and the status of the International
Covenants on Human Rights were all problems of concern to the international
community.

45. While the Commission on Human Rights was not a miniature version of the
General Assembly, the Economic and Social Council, the International Court of
Justice or the Security Council, all human rights questions touched upon in
those bodies came within its province. All the representatives in the
Commission had received instructions reflecting the position of their
Governments, but they would certainly desire to conduct a conciliatory
dialogue based upon mutual comprehension and tolerance. The Commission should
always seek to avoid biased positions, political rhetoric, useless polemics or
double standards.

46. Its goal should be not to condemn or humiliate but to ensure respect for
human rights. Over the past 40 years, it had set up machinery to prevent
human rights violations without offending Governments, by securing their
coopération. It must never lose sight, however, of the need to apply the
basic principles embodied in the Covenants, which imposed binding legal
obligations on the States that had ratified them.
47. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights were making important contributions to the work of the Commission. Contributions to the cause of human rights were also made by many specialized agencies and other organs of the United Nations system, and it might be advisable for the Centre for Human Rights to ask the Economic and Social Council to co-ordinate all the human rights activities of the system.

48. The non-governmental organizations in consultative status with the Economic and Social Council and the liberation movements recognized by the General Assembly had a decisive role to play in defending human rights and pursuing humanitarian goals.

49. The Commission should also set up practical machinery for improving the follow-up to the activities of local, national and regional institutions. It was also important to introduce the teaching of human rights into the schools so that young people would be better prepared to assume their role in that area. That was, perhaps, a task for the mass media and the universities.

50. The Commission should pay tribute to all the unknown heroes who had risked their lives for the cause of human rights and human dignity. It should also express its appreciation for the recent meeting in Paris of Nobel Prize winners to discuss the urgent problems confronting mankind.

51. It was clear that economic inequality was incompatible with world peace and stability, and that the tension and violence to which that situation gave rise were threats to human rights. The obligation to show solidarity and the need to share responsibilities required an institutionalized dialogue with a view to improving international economic relations. A new international economic order and a new world information order would, however, be meaningless without respect for human rights, including freedom of expression and communication.

52. International co-operation should increasingly focus, therefore, on the rights and aspirations of all under the Charter and other human-rights instruments. The emergence of the idea of the right to development, as a human right had stemmed from the other rights already recognized in the International Covenants. Human rights must be viewed as the cornerstone of international relations and progress. In particular, the benefits of technological progress must be adapted to the traditions and cultural values of all societies.

53. The eve of the fortieth anniversary of the Universal Declaration of Human Rights was a moment not only to review the past but also to look to the future, within the restructuring of the United Nations system. While it was still important to draw up new standards, it was essential to continue following up effectively cases of human-rights violations. The various bodies established for that purpose has proved their worth and should be given further human and material resources so that they could continue the immense task of international humanitarian co-operation and thus ease the burden on the Commission's own agenda. A balance would have to be sought between diplomatic procedures and the true needs of the peoples the Commission was called upon to serve.
54. The pragmatic approach of the Declaration's authors had facilitated agreement on a set of rules of conduct providing a basis of understanding for action by Governments. Given such understanding and good will, it should be possible to make some progress, at the current session, in promoting and protecting human rights.

55. As the Secretary-General had recently noted, there were some clear improvements in international co-operation, dialogue and negotiation, which augured well for success. One example was the recent signing by the Soviet Union and the United States of America of the treaty on the banning of intermediate-range and short-range missiles - an unprecedented event in the history of disarmament efforts. Other examples were the more conciliatory dialogue lately prevailing within UNCTAD and the consensus approach to decisions taken by the Working Group of Governmental Experts on the Right to Development. The new approach should be adopted by all delegations, so that problems could be tackled with understanding, clarity and creativity in the cause of enhancing human dignity and progress.

56. The Universal Declaration had frequently been described as the "Ten Commandments of the twentieth century" since it set forth in legal terms the ethical obligation to respect the rights and dignity of others, in the name of mankind as a whole - in other words, the universal struggle, reflected throughout different epochs and cultures, to promote human rights.

57. Mr. TAYLHARDAT (Venezuela), speaking on behalf of the Group of Latin American countries, nominated Mr. Delgado Barreto (Peru) for the office of Vice-Chairman.

58. Mr. RASHID (Bangladesh), speaking on behalf of the Group of Asian countries, nominated Mr. Ingles (Philippines) for the office of Vice-Chairman.

59. Mr. KOLBY (Norway), speaking on behalf of the Group of West European and other countries, nominated Mr. Mezzalama (Italy) for the office of Vice-Chairman.

60. Mr. Delgado Barreto (Peru), Mr. Ingles (Philippines) and Mr. Mezzalama (Italy) were elected Vice-Chairmen by acclamation.

61. Mr. EVMENOV (Byelorussian Soviet Socialist Republics), speaking on behalf of the Group of Socialist countries of Eastern Europe, nominated Mr. Richter (German Democratic Republic) for the office of Rapporteur.

62. Mr. Richter (German Democratic Republic) was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1988/1 and Add.1)

63. The agenda was adopted.

The meeting rose at 1.20 p.m.