



UNITED STATES MISSION TO THE UNITED NATIONS

PRESS RELEASE

799 UNITED NATIONS PLAZA
NEW YORK, N. Y. 10017

FOR RELEASE ON DELIVERY
CHECK TEXT AGAINST DELIVERY

Press Release USUN-154(78)
December 7, 1978

Statement by

Edward Mezvinsky

United States Representative
to the Human Rights Commission,
to the Third Committee

on Item 12

Report of the Economic and Social Council

December 7, 1978

Human Rights at the United Nations

In an earlier statement in this Committee, the United States delegation discussed various proposals for improving the human rights machinery and programs of the United Nations system. Today, we wish to discuss the substance of the work of the UN human rights bodies and in particular the work of the Commission on Human Rights and the Economic and Social Council.

It is important for all of us to recognize the new task the world community has assumed. In the past, the UN's work in the human rights field was largely devoted to codification of international standards which were designed to elaborate on the principles laid down in the Universal Declaration of Human Rights thirty years ago. But this vital work of codification has largely been completed. So it was natural and desirable that the world community increasingly turn to the even more vital but more difficult work of implementation. We should approach this task with both determination and humility. What is being attempted is at the same time both necessary and unprecedented. Indeed, until very recently in history the very concept of international standards of human rights was unthinkable. A sovereign owned a territory and its people the way he possessed

its grass and trees. If a piece of territory were given at last to a new sovereign, the people were expected, without complaint, to submit to the will of their new leader, however cruel. It was only in the aftermath of World War II that the international community began, in the kind of step that marks an advance in civilization to recognize new standards of behavior applicable to states as well as people.

As my Government reviews the work of the UN in the human rights field, therefore, we are conscious of the importance of the work being undertaken. We want to move ahead today; at the same time we must think about tomorrow. We want to lay the foundation stones as solidly as we can.

The International Human Rights Treaties

An important step in the implementation process is the ratification by States of the international agreements on human rights. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were opened for signature on December 19, 1966 and both Covenants came into force in 1976 after the required number of States had ratified. Last year President Carter signed the two Covenants in a ceremony here at the United Nations and subsequently submitted both documents to the United States Senate for

ratification. The process of ratification has not yet been completed. However, what is even more important than an examination of the list of ratifications, is for us to concentrate on whether States are striving to live according to the principles in those Covenants, whether they have been ratified or not. Ratification of a document is of no value to the citizens of a State, if they are still deprived of their basic rights.

The citizens of the United States have a deep awareness of their founding principles and after 200 years they continue to bind us together and to define our national identity. A deep popular commitment to justice --social as well as political-- is the life blood of our system of government, encouraging all sectors of our population regularly to seek to redress new or old inequalities. We have never claimed that our society is unblemished. Nor should we accept that any other society is unblemished. No society ever will be. As old struggles are won, new struggles will arise. This is a basic law of social development. We believe the first honest step towards implementation of basic human rights principles would be for every government to acknowledge more of its imperfections and to announce its commitment to end or ameliorate them. What we can never allow is our

collective efforts to promote human rights to diminish because no country has yet reached the state of perfection outlined in the Universal Declaration of Human Rights.

Recent Actions of the Commission on Human Rights and the Sub-Commission

We must honestly face up to the fact that at times we appear to be falling into the trap of ignoring shocking violations of human rights crying out for our attention. Thus, in spite of the fact that the international community has made a great deal of progress on paper in establishing norms and principles, there continue to exist today situations in a few areas which demand much more international attention than they have received. Precisely because we shall never forget the great suffering of peoples in the past, such as the tragedies that befell the Armenian and the Jewish peoples, we should now redouble our efforts on the most serious current cases. At its past session, the Commission on Human Rights addressed the situations in several countries, and took concrete action to inquire into the situations in Uganda and Cambodia.

Mr. Chairman, it is relevant to the world's concern about the human rights situations in these latter countries, and our possibilities for ameliorating worsening conditions there, that both are involved in military conflicts among neighbors, using arms provided by third powers. Both in

Uganda and in Indochina, we condemn this role by outsiders, which shows their lack of concern about the improvement of human rights violations within those countries.

We have noted that the delegation of Uganda at this session of the General Assembly referred to cooperation by Uganda with the United Nations concerning the situation in their country. We hope that this approach will lead to useful results, and we look forward to further consideration of this subject at the coming session of the Commission.

Human Rights in Viet Nam, Kampuchea and Laos

No discussion of the state of human rights in today's world would be complete or even pertinent without a more detailed discussion of the serious human rights situation in the three countries of what was known as Indochina. The increasing flow of refugees from those three countries points to drastic human rights abuses and is creating a serious source of international tension and conflict.

Despite difficult terrain, high seas and other threats to life posed by armed border guards and shore patrols, thousands of refugees are reaching other southeast Asian states, each with his own personal report of oppression in his homeland. These reports are too consistent in detail to be dismissed. The world must heed them.

The world's extraordinary concern about Kampuchea was prompted by repeated reports that whole categories of people, economic and ethnic groupings have been systematically eliminated by the Kampuchean Government. The practice of religion is banned; legal and political rights are non-existent. The government officially discriminates between those who "joined" the revolution early and those who came under its control with the final days of the previous regime.

Despite unspeakable accounts of human suffering as related to Kampuchean refugees there are still those who question the persuasive evidence of mass violations.

Responding to world concern generated by these abuses, delegates to the recent meetings of the human rights Sub-Commission in Geneva had the opportunity to review the massive evidence from many sources. The Sub-Commission was convinced, and recommended for priority consideration an analysis of the evidence to the next meeting of the Human Rights Commission. But is this enough?

During his general debate address, the Secretary of State for External Affairs of Canada called for an investigation of the human rights situation in Kampuchea. My Government has consistently supported the idea.

We have also noted the greater willingness of Kampuchean leaders to allow foreign observers to visit their country. We urge that they also cooperate with the UN Human Rights Commission. Because of both the human rights problems and the severe conflict in the area, we also urge that both Viet Nam and Kampuchea allow a visit by Secretary-General Waldheim to the area.

In Viet Nam, the human rights situation is forcing tens of thousands of individuals to flee. Harsh measures taken by the Vietnamese Government against whole categories of its citizenry and the forced settlement of thousands of Vietnamese to "new economic zones" appear to be principal reasons for the expanding exodus. We are also concerned that tens of thousands of those who did not immediately embrace the regime remain incarcerated without trial in "re-education camps."

We are also concerned about the situation in Laos where minority tribespeople are leaving as a direct result of military pressures. Other Lao appear to be leaving for a broad range of reasons, most of which derive from that government's authoritarian rule and food shortages which derive from natural disasters, and poor agricultural planning.

The abuse of human rights in Indochina constitutes a world concern, as undertaken to care for the scores of thousands of refugees who have in desperation sought to build new lives abroad. This problem must be addressed by this world body as a matter of the utmost urgency.

In all these countries, it is clear with hindsight that they would have been better off not to hide their human rights problems but to attempt to solve them in a manner consistent with the Universal Declaration of Human Rights.

Worldwide concern continues about the human rights situations in many other countries. The longer that these situations remain in darkness, the deeper the suspicions grow. We hope that countries about which substantial allegations have been raised will not make the mistakes we have seen but will think again about cooperating with officials of the UN and other international bodies so that the full facts--including those that reflect well on the country in question--may be brought to light. And more importantly, we hope that--if there is truth to the allegations--these countries will take courses of action which can bring about respect for human dignity and legal process, as well as for the concerns of the international community. Above all, I hope that all of us will not be silent the next time.

Human Rights in Chile

The question of the protection of human rights in Chile will once again be considered under this item. This has been for my delegation, since the matter was first raised in the General Assembly in 1974, a matter of profound concern. The long history of close and harmonious relations between the peoples of Chile and the United States underlies our special interest in the human rights situation there. We have had deep and heartfelt sympathy for the trials which the Chilean people have undergone in recent years and we have been particularly anxious to assure that actions taken by the General Assembly on this matter would be those which were best designed to influence in a positive way the course of events in that country so that basic human rights and fundamental freedoms would be restored and fully respected.

An event of special significance took place this year. The fact that the Ad Hoc Working Group of the Human Rights Commission was at last able to visit Chile was extremely gratifying to my Government. While regretting that the cooperative spirit shown by the Government of Chile in admitting the group could not have come about much sooner, we nevertheless welcome the fact that the visit did take place.

We have read with particular interest the Report of the Ad Hoc Working Group which has recently been issued because it is the only one which is based upon a firsthand observation of the scene in Chile. My Government takes particular note of that paragraph in the Report of the Ad Hoc Working Group to the effect that the information received by the group while in Chile does not contradict the substance and conclusions which the group has previously submitted to the General Assembly and to the Commission on Human Rights. The group also notes that persons of stature within Chile have told the group that the information in its earlier reports was accurate.

We will be taking care to assure that the action we propose for the Assembly this year will be in view of the most recent developments, as reported by the Ad Hoc Working Group. Some of these developments have been encouraging--the group reports that some improvements have taken place. At the same time, other developments have been discouraging--the group reports its conclusions that violations of human rights, often of a serious nature, continue to take place and that this situation should continue to be a matter of concern to the international community. My delegation agrees that the United Nations

must continue to follow the human rights situation in chile.

We will be striving for actions which will most likely be effective in reaching as soon as possible the goal which we all seek, the full and complete restoration of all human rights and fundamental freedoms within that country.

My final word on the subject of Chile must be to note our concern over the continuing problem of the disappeared persons. Madame Chairman, there is too much anguish and torment on the part of the relatives of these persons mixed up in this question for us to wash our hands of it. We must insist that the facts be clarified and that those who still remain in the dark about the fate of their relatives will finally know for sure what has happened.

The problem of missing persons is not limited to Chile alone. The United States views the use of officially sanctioned political kidnappings to be one of the most serious governmental abuses confronting the international community. It requires prompt action by the United Nations to press for its end.

Historically, the tragedy of missing persons resulted from the aftermath of war. In recent years, it has become a deliberate policy of certain governments, a policy aimed at the silent elimination of opponents. As a result, thousands of persons have been detained by government security forces, tortured, and perhaps killed; yet their fate remains enclosed in governmental silence.

Anyone who has talked with parents or children or wives of people who have disappeared knows the intense anguish and suffering they undergo and the destruction of spirit they endure. The individual stories are heartrending and tragic.

-- A young woman, her husband and their infant son were dragged from their home by security forces. The child was found in an orphanage; the parents were never heard from again. The government denies all knowledge of their disappearance.

-- A peasant farmer was pushed into a waiting van by uniformed police. He did not return. The government denies all knowledge of the disappearance.

-- A physicist was dragged away from his home by plainclothes police forces. He was not heard from again. The government denies all knowledge of the disappearance.

-- A clergyman was abducted from his home by security forces, interrogated and tortured incessantly by his captors and then never heard from again. The government denies all knowledge of the disappearance.

-- A 14-year-old boy was picked up on his way from school and his father dragged from his home. Neither was heard from again. The government denies all knowledge of the disappearance.

The victims range across the broad spectrum of society. They include students, workers, doctors, labor leaders, clergy, scientists, and journalists. They are the targets of both right-wing and left-wing authoritarian regimes who view them as a threat. Virtually all are tagged as "subversive" by governments which have used that word so indiscriminately that it has lost all meaning. Some who disappear may be suspected of actual criminal acts of violence, which we all condemn, regardless of the political goal they pursue. Yet for all of these individuals, there is no trial, no court, no legal procedures to judge guilt or innocence. They disappear under administrative orders from a government, a military command, a security subdivision. They disappear because security forces have been given nearly unlimited power to arrest, search, interrogate, torture, imprison and even execute without accountability.

The Nobel Prize winning non-governmental organization, Amnesty International, has termed this disturbing new tendency "political killings." Its International Executive Committee Chairman said, "It has become too complicated to arrive at someone's house with a warrant for arrest, take him away, investigate, bring him to trial, sentence and imprison. It's so much easier for governments to send out their plainclothes agents to kidnap, torture and shoot. This type of wantonly illegal repression ... must be ... exposed; and the response from those governments .. that they have no responsibility or power to control the vigilante groups is not a satisfactory answer. The governments are responsible."

In confronting domestic violence or terrorism, governments have the authority to use legal means to restore public peace and order and protect the lives and safety of their citizens. When terrorists kidnap and kill defenseless victims, governments must seek to bring them to justice. But not by using the same methods of the terrorist. Even in such emergencies, there is no basis under domestic or international law for governments to engage in abductions, torture or murder. Governments claim to be the custodians of law; yet when they engage in campaigns of terror, they undermine the rule of law as well as their own right to govern.

International law, as set forth in the International Covenant on Civil and Political Rights (Article 4), the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 15), and the American Convention on Human Rights (Article 27), prohibits states even in times of public emergency from derogating from certain fundamental guarantees afforded the individual. Under no circumstances can a state arbitrarily deprive its citizens of their life or subject them to torture or cruel, inhuman or degrading treatment or punishment. Governments are responsible for the safety and protection of those detained. They also are responsible for rendering an accounting of the whereabouts and fate of those apprehended.

The General Assembly in December 1977 (Res. 31/121) drew attention to the "special dangers" to which persons detained "by reason of their political opinion or conviction" are often "exposed" as regards "the protection of their human rights and fundamental freedoms." A resolution adopted by consensus called upon member states to "safeguard" the human rights of this special category of prisoner.

The twin principles of accountability and of humanitarian and legal access for persons deprived by any authority of their personal liberty are recognized in the Geneva Conventions for the Protection of War Victims of 1949, the recently signed 1977 Protocols to those Conventions, Article 36 of the Vienna Consular Convention of 1963, Articles 8 through 11 of the Universal Declaration of Human Rights, corresponding provisions of the International Covenant on Civil and Political Rights and the draft body of principles for the protection of all persons under any form of detention or imprisonment, as adopted this fall by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The Geneva Conventions testify to what governments accept as treaty law, even in armed conflict, where states tend to preserve the greatest latitude for taking emergency measures as a matter of national self-preservation. They also reflect the understanding that soldier and civilian prisoners alike are entitled to respect by the authorities for their right to life, to humane treatment and judicial guarantees.

At a very minimum, governments must be urged to issue statements reflecting kidnappings or other excesses and insuring that those guilty of such practices will be

punished in accordance with law. They must publish lists of those missing and provide death certificates for those known to be killed. They must consider ways to award compensation to families, to return remains to relatives and most importantly, to establish a governmental mechanism, together with the courts, to trace missing people and clarify their status for their relatives.

A central characteristic of the twentieth century profoundly distinguishing it from previous centuries is the recognition that governments are obliged to protect the fundamental human rights, safety and well-being of their citizens. No nation in the world today can hide politically-sanctioned abductions and murders, torture, or other gross violations of human rights behind assertions of sovereignty. Where basic human rights are concerned, all governments are accountable not only to their own citizens, but to the entire community of nations. Governments are committed to protect their citizens' right to liberty and security of person; their right to freedom from torture, to freedom from arbitrary arrest or imprisonment; the right to fair public trials; and to freedom from invasion of the home.

At this General Assembly session, it is incumbent upon the world community to draw attention to the special

dangers existing in those societies where substantial numbers of persons have disappeared and remain unaccounted for.

In this modern era, 30 years after the adoption of the Universal Declaration of Human Rights, the world community must seek to make midnight arrests, summary executions, torture, disappearance and failure to account for the missing alien to the experience of any nation.

Let us take a first step by endorsing a resolution on missing persons, thereby generating support for long awaited action on this tragic, humanitarian problem.

The 1503 Procedures

Madame Chairman, we are encouraged with the dignity and wisdom with which the Human Rights Commission Sub-Commission have handled their mandate under ECOSOC Resolution 1503, which establishes confidential procedures for examining allegations of violations of human rights. After several years of rather futile debate immediately following the adoption of this resolution, this year the Sub-Commission and the Human Rights Commission finally began to come to grips with the large number of allegations and acted on ten cases, as reported to the Economic and Social Council.

Madame Chairman, it is only in taking seriously allegations about human rights violations in any nation, in all regions of the world, about any category of human rights, that the United Nations will be able to escape the accusation of following a double standard, blaming a few scapegoats instead of maintaining a balanced approach. We believe the Human Rights Commission demonstrated a new maturity this year, in considering seriously cases in nearly a dozen nations. We have great hopes that Resolution 1503 will be utilized even more in future years, and that all nations will lose their fear of responding to inquiries that may be addressed to it under this procedure.

The Struggle Against Torture

In April of 1977, before the Economic and Social Council, Ambassador Young said that he believed that the United Nations should set priorities in its struggle for human rights and fundamental freedoms in order to concentrate our resources and focus our attention. One of the three priorities he suggested was the struggle against torture, which he called "the leading edge of oppression," and which is surely an affront to the conscience of the international community.

We are glad to note that the worldwide appeals from many groups--including the world religious communities --and the growing concern of governments during the past four or five years--has finally begun to show some progress, and that apparently there are fewer cases of torture in the world today than there were even two or three years ago.

We are also alarmed by the use of modern science to engage in more sophisticated forms of torture, including the professional misuse of psychiatric wards to silence legitimate expression of political opinions.

We welcome the draft resolution sponsored by the Netherlands, India, and Sweden, and express our commitment to a speedy conclusion of the drafting process of the treaty against torture. We cannot cease our concern nor our vigilance in this area, Madame Chairman.

Freedom of Religion

In a survey of the overall human rights record in the United Nations for the past year, there is one particular area which stands out for special notice. My Government and my country attach deep importance to the right of everyone to freedom of thought, conscience and religion. As stated in Article 18 of the Universal Declaration, this right includes freedom to change one's religion or belief and freedom, either alone or in community with others and in public or in private, to manifest one's religion or belief in teaching, practice, worship and observance.

Madame Chairman, we have already had occasion to discuss the very disappointing record so far achieved by the Commission on Human Rights in drafting a Declaration on Religious Intolerance. Everyone in this room knows that my Government is eager for the drafting exercise to go forward. But our concern is not because we want to see another document added to the collection already produced in the United Nations. It is because we know that freedom of religion is a freedom that is widely denied in the world today. It is a freedom in which every country represented here should be interested because this is the freedom which applies not just to

religions in a particular country or area of the world, but to each of the many religions which are practiced throughout the world. There are countries in the world today where Muslims are denied the practice of their religion, where Jews are discriminated against, where Christians are unable to worship freely. I urge all of you to pay greater attention to this question and to join together to resist those who would obstruct the efforts of this body to make into a reality throughout the world the words of Article 18 of the Universal Declaration.

I repeat, this is not a problem which should be the concern of just one or two countries, or of one or two religions. Everyone who professes a religion, regardless of the particular beliefs with which his religion may be identified, will benefit in direct measure as this Organization can succeed in strengthening the observance of religious freedom everywhere.

Protection of Human Rights of Arrested or Detained Trade Unionists

Last year the General Assembly adopted Resolution 32/121 regarding the protection of the human rights of persons detained or imprisoned for their political opinions or convictions. This year that resolution is being

specifically applied to a certain category of persons, those arrested or detained on account of their trade union activities. My delegation strongly supports this resolution. We firmly believe that at the heart of any healthy society lies a healthy trade union movement. History demonstrates that when human rights are violated and tyrannies used, the first to resist and the first to suffer is the trade union movement.

In supporting the resolution, in document L.44, my delegation would like to note that it has been 30 years since the freedom to form and to join trade unions was proclaimed a basic human right in the Universal Declaration of Human Rights and in the convention on freedom of association adopted that same year by the International Labor Organization. We believe it is time for the UN to devote much more attention to this area.

This resolution is directed to all Member States. However, I would wish to note several specific examples. In South Africa, we have recently been encouraged by certain preliminary stirrings toward the development of black trade unionism in that country. This resolution, if adopted, will serve notice that the United Nations and its Member States will give special attention to the

measure in which the Government of South Africa grants to its black citizens the right of association in trade unions of their own choosing. But here again we must avoid the double standard.

We would also hope that this resolution would be noted by the Governments of Tunisia, Bangladesh, Argentina, Chile, and Uruguay, governments to which the International Labor Organization has within the past year appealed for the release of trade unionists from imprisonment or detention. We would hope that the resolution would also be noted by those Communist countries in which workers are beginning to insist on the exercise of their trade union rights. In China, Poland, Romania and the Soviet Union, we have seen a small beginning. Some workers have begun to speak out for their rights. Workers have gone on strike or attempted to form unions of their choosing, as guaranteed in the Universal Declaration. We believe this is an important test for the countries in question and for the international community. Such a central force in any community cannot forever be denied rights that are internationally sanctioned and socially wise.

Conclusion

Finally, let me re-enforce what the United States has said on numerous occasions about the continuing importance of economic and social rights. President Carter has said that the right to a job is a basic human right, and yet in my own country we have an unemployment problem. There is a massive problem in the world as a whole as millions flee the soil prematurely to seek work they cannot find in the cities. The numbers of the impoverished, the starving, the sick, the uneducated, the jobless--all over the world--are massive by any calculation. Ninety percent of the resources of the UN and its affiliated agencies are directed at this problem and the bilateral assistance programs of my own and many other governments are aimed --in various ways--at making progress on this issue. The denial of life, or health, or schooling, or employment is no less a denial of human rights because it results from neglect or maldistribution of available resources, or the lack of technological skills to solve very real practical problems. Our concern is for human beings whose rights are being denied, whatever the reason. We urge that the United Nations and its Member countries continue their concerted efforts to address economic and

social questions and to operate increasingly effective and efficient programs that give even greater impact to limited resources that are available. We ask that these developed states that place special stress on economic and social rights now join with the rest of the developed countries in contributing their fair share to international efforts to solve these problems. We all can do more if we feel that everyone is working together. The United Nations Charter determined that a goal of this body is "to promote social progress and better standards of life in larger freedom." Let us work to that objective.

I need not remind this group that this year we commemorate the 30th anniversary of the Universal Declaration of Human Rights. That and other legal documents prepared by this body challenges us to put into practice the principles so carefully laid down by Member governments. As worldwide concern for human rights, in all their forms, has grown over the past year, I urge that we seize this opportunity to make a quantum leap forward--to end human rights abuses and encourage Member nations to foster new understanding and concern for the rights of individuals everywhere.