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UNITED NATIONS COMMISSION ON HUMAN RIGHTS  
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The 35th Session of the Commission on  
Human Rights - An Assessment of  
United States Participation

The United Nations Charter establishes the promotion of human rights as one of the purposes of the Organization and provides for the setting up of a Commission on Human Rights. We regard this Commission as the key organ for the pursuit of the United Nations goals in the field of human rights. Our overriding concern, therefore, is to assure that the Commission functions as effectively as possible. In recent years, this has meant that we have concentrated our efforts upon improving the methods of work of the Commission so that the Commission can deal in as evenhanded a manner as possible with human rights problem areas throughout the world. We have also been concerned that the full range of human rights be dealt with, without attaching priority to any particular group of rights.

These two concerns led to the emphasis which the United States Delegation gave to our participation in the 35th session of the Commission. As usual the Commission was faced with a very heavy agenda. One item of



overriding significance during the session was that which had the title, "Alternative approaches and ways and means within the United Nations System for improving the effective enjoyment of human rights and fundamental freedoms." Under this item the Commission undertook at the request of the United Nations General Assembly, an overall analysis of the human rights program in the United Nations. Another item to which we attached special importance was a recurring item which appears annually on the agenda relating to violations of human rights. Under this item are considered those country situations which have been determined by a Subcommission of the Commission to involve a consistent pattern of gross violations of human rights. In a sense, this item complements a number of other separate items on the Commission's agenda which deal with individual country situations as a result of initiatives taken by Member States on the Commission. I refer in particular to allegations concerning violations of human rights in the occupied territories of the Middle East, to the question of human rights in Chile, and to human rights in southern Africa. Other items of special interest concerned the drafting of an International Convention Against Torture, the drafting of a Declaration on



Religious Intolerance, a discussion of measures to encourage the establishment of national human rights machinery, and, finally, the consideration of the Report of the Commission's Subcommittee on Prevention of Discrimination and Protection of Minorities. This latter report covers the important work done annually by the Subcommittee, which plays the key role in screening the thousands of private communications which are received each year by the United Nations in order to identify those situations, to which I referred above, appearing to reveal a consistent pattern of gross and reliably attested violations of human rights.

My summary of those items on the agenda which to us appear the most important, is not meant to suggest that many of the other items on the Commission's agenda were not also of primary importance. | A drawing of distinctions among the agenda items is an inescapable consequence of the Commission's crowded agenda. Human rights in the United Nations is becoming more and more encompassing and there is an endless flow of subjects which can be addressed in a timely fashion by the Commission. The key problem then is one of time. In our view, we need longer Commission sessions,



or additional sessions during each year. This is a long-term goal which we have set for ourselves. It is one to which President Carter referred when he addressed the United Nations in March 1977.

Having described the principal items on the agenda, I would now like to set down for you our judgment as to the accomplishments which were achieved. First and foremost, we succeeded in producing a resolution on the basis of the overall analysis which was undertaken, which in our view protected the essentials of the basic framework of the Commission. Its Terms of Reference were satisfactorily preserved so that the Commission maintains its capacity, as it has always done, to deal with the whole range of human rights,

civil and political and economic social and cultural. The efforts of some delegations to shift the focus to rights which they call collective rights were unsuccessful. The resolution which was adopted by consensus under this item contained important provisions in the area of coordination of the total human rights effort in the United Nations system, provided for a reasonable enlargement of the Commission, provided for longer sessions of the Commission as



well as for the possible establishment of intersessional machinery to function in emergency situations, and for extended annual sessions of the Subcommittee. The important proposal for a High Commissioner for Human Rights, which has for many years been strongly favored by the United States Government, was discussed but no agreement was reached. This means that further efforts to promote this proposal in the United Nations General Assembly may be carried forward, since the proposal is before the General Assembly for final decision, it having already been once endorsed by the Commission on Human Rights a number of years ago.

A serious and substantial beginning was achieved in the drafting of a Convention Against Torture. We were encouraged by the workman-like attitude on the part of all delegations as well as by the constructive discussion which took place on the key measures of implementation of such a Convention.

Further progress was achieved in strengthening the procedures for dealing with country situations concerning consistent patterns of gross violations of human rights. These procedures, which were authorized a number of years ago with the strong support of the



United States, are laid down in ECOSOC Resolution 1503. They use as their basis the mass of evidentiary material which is submitted to the United Nations from private sources including, very importantly, the non-governmental organizations. These procedures are confidential and therefore I cannot describe the developments which took place under them in detail. Suffice it to say that the Commission acted upon serious human rights situations in the following countries: Bolivia, Burma, Ethiopia, Malawi, Paraguay, Republic of Korea, Uruguay, Indonesia, Uganda and Equatorial Guinea. In the case of the latter, an important precedent was set in that for the first time the discussion was moved out of the confidential setting. This shift from confidential to public discussion represents one of the sanctions available to the Commission in these types of cases.

Progress in drafting a Declaration on Religious Intolerance moved forward through the adoption of three substantive articles. Compared to previous sessions, this was an unusual development in that, finally, the delaying tactics of those delegations opposed in principle to the drafting of such a Declaration were successfully countered.



A decision to maintain a watching brief on the human rights situation in Chile was achieved. The Commission's Ad Hoc Working Group was abolished and in its place agreement was reached upon the establishment of a Special Rapporteur. The serious problem of disappeared persons in Chile was also addressed through the choice of two experts who have been given the task of looking into that situation and reporting upon it to the next General Assembly.

In the discussion of the Report of the Subcommittee on Discrimination and Minorities, unusual attention was directed to one aspect of the Subcommittee's work, namely, a report which had been in preparation for a number of years on the subject of genocide. The discussion centered upon the historical analysis section of this report and the extent to which specific instances of genocide in the past should be described. Our delegation spoke out against the deletion from the report of a paragraph, which had appeared in an earlier progress report, relating to the instance of the Armenian massacres.

Finally, satisfactory progress was achieved in furthering Commission encouragement of the establishment



within Member States of national institutions for the promotion of human rights.

This record of accomplishment, while in my view an impressive one, does not deal with the whole story. There were serious omissions and shortcomings. The principal one was the failure of the Commission to deal with the problem of human rights in Democratic Kampuchea. The United States Delegation played a strong role in urging such consideration on the basis of the mass of evidentiary material which had been gathered at the request of the Commission when this subject was first raised last year. Unfortunately, because of the political events which have occurred in that country, the majority of the members of the Commission, principally the Third World countries, shied away from taking positions on the question and instead the Commission adopted the Third World proposal that the issue be put off until next year.' There was also an unfortunate failure to address squarely the serious human rights problem of the disappeared persons. This problem was addressed in the context of the human rights situation in Chile, but the United States Delegation had hoped for an overall approach which



would have reflected a proper concern with the startling fact that disappeared persons is a major human rights problem area in a number of other countries in South America and in other regions of the world.

Finally, in the general debate which annually takes place under the agenda item dealing with human rights violations, the United States Delegation delivered a major statement constituting an overview of the human rights situation as it exists in the world today. In this overview, we noted particularly the importance of the Helsinki Accords and their implementation. In the United States statement were Soviet included the names of 22 monitors of these Accords.

In summary, it is difficult to state specific conclusions about the effect which the last session of the Commission had upon the state of human rights throughout the world. It is fair to say that the Commission does carry out a necessary role in that, through its discussions, attention is focused on human rights problems. This attention means discussion and publicity which ultimately are the chief weapons the United Nations possesses in bringing its influence to bear in the direction of improvement of human rights problem areas. Progress must necessarily be



slow and uncertain, but there is no alternative but to keep trying. The ideals and historical principles upon which the United States Government is based require that we give our best efforts in the United Nations to supporting programs and actions by that Organization to achieve the Charter goal of encouraging greater respect for human rights and fundamental freedoms.