



SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. SOBHY (Egypt)

later: Mr. JAIN (India)

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ORGANIZATION OF WORK

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/34/3 and Add.1, Add.2 and Corr.1, Add.5, Add.12, Add.16-26, Add.28, Add.34, Add.35, Add.39; A/34/289, 345, 357, 359 and Add.1, 385, 389 and Corr.1, 499, 535 and Add.1, 542, 583 and Add.1, 658 and Add.1, 697; A/C.3/34/5, A/C.3/34/10, A/C.3/34/11 and Add.1, A/C.3/34/12, A/C.3/34/13; A/C.3/34/L.34/Rev.1, L.40, L.55, L.56/Rev.1, L.58-64, L.69, L.70, L.71, L.72)

AGENDA ITEM 76: WORLD SOCIAL SITUATION (continued) (A/C.3/34/L.54)

AGENDA ITEM 88: TORTURE AND OTHER CRUEL; INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

(c) DRAFT CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS (A/C.3/34/L.65)

1. Mr. GONZALEZ de LEON (Mexico) said that it was a profound source of regret to his delegation that on the eve of the tenth anniversary of the Declaration on Social Progress and Development there continued to be very serious deficiencies in nutrition, health, housing and environmental sanitation, education, employment and income distribution all over the world, particularly in the developing countries. During the past decade, very little progress had been made in the distribution of those limited benefits among various population groups. There continued to be a wide social and economic gap both within and between countries, and in many cases there had been no halt to the serious deterioration in the quality of life of some groups, even in industrial countries.

2. In those 10 years, a number of major international conferences had been held on such subjects as environment, population problems, the status of women, human settlements, employment problems, water resources, racial discrimination, rural problems, and science and technology. Unfortunately, most of them had not yielded practical results, and the implementation of the Declaration on Social Progress and Development had been discouragingly inadequate. The reason was that there was no comprehensive plan in the social field that corresponded to the programme undertaken by the international community in the field of economic development. There was too much emphasis on the material side of development, with a lack of emphasis on the social aspects, and in particular on subjective satisfaction, the social structure and popular participation of all kinds.

3. His delegation considered that since social problems transcended the local or national sphere in which they arose, it was essential for the international community to deal with them on a comprehensive basis. Since social life was multidimensional, a strategy was called for that included specific measures in the fields of population, nutrition, health, housing, human settlements, environment, education, employment, science and technology, culture, information and human rights. The strategy should be based on the diversity of ideological, political,

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economic, social and cultural structures that existed in individual communities, with due regard for the identity and integrity of the peoples concerned.

4. The preparation and implementation of a comprehensive programme to deal with social problems could be designed and carried out only by the United Nations, with the co-operation of all the Departments and specialized agencies concerned. At the same time, Governments should make individual efforts to establish an integral social development plan to restore the humanist vocation of the international community and raise the levels of living of all members of society not only in the material but also in the spiritual sphere. Accordingly, his delegation was one of the sponsors of the draft resolution submitted by the Group of 77 in document A/C.3/34/L.54.

5. Referring to document A/C.3/34/L.63, of which his delegation was also a sponsor, he said that in the area of narcotics his Government had made notable efforts to prevent trafficking in and illicit use of narcotics, and had invested large sums in national and international programmes in that area. He hoped that the draft resolution, if adopted, would provide an added impetus to the fight against the abuse of narcotic drugs.

6. Turning to the question of human rights, he was pleased to announce that his Government was considering the possibility of acceding very soon to the International Covenants on Human Rights. By doing so, his Government would give a further demonstration of its commitment to the protection of the basic safeguards of human dignity which did indeed govern both its internal and external policy. His delegation had consequently become a sponsor of the draft resolution in document A/C.3/34/L.69 on the deplorable situation of human rights in Chile, and it had no doubt that the Committee and subsequently the plenary Assembly would vote unanimously for that further expression of repugnance at the condition imposed on one of the most heroic nations in Latin America.

7. His delegation was also a sponsor of the draft resolution in document A/C.3/34/L.64, referring to such guarantees of human rights as amparo and habeas corpus, safeguards that had long been respected in his country.

8. Mexico had also been a sponsor of draft resolution A/C.3/34/L.55, and was happy that the Committee had adopted it by a large majority, and that it had decided to establish at the Assembly's thirty-fifth session a working group to prepare an international convention to guarantee respect for the human rights and dignity of all migrant workers. The current migration of labour was the largest migratory movement in history and was one of the most dynamic factors in the world's economy. Without that contribution, many economies, including those of the most developed countries, would break down. Consequently, an international convention to protect the human rights of migrant workers should take into account the situation of all those who worked outside their own countries quite apart from the fact that they were migrants within the country where they were working. In other words, it was essential to distinguish three aspects of the situation of such workers in the host country: as foreigners they were migrants; as workers they had labour rights, and, above all, as people they had human rights. Thus, as people they had

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the right, together with their families, to expect safeguards for their personal dignity, whether or not they had the correct documents and whether or not they were permanently employed. As workers, they must enjoy protection of their labour rights and social guarantees for themselves and their families that they had earned by their work, whether or not they had the right documents.

9. Mr. KEATING (Ireland), speaking on behalf of the nine member countries of the European Community, took up some of the human rights issues arising under the report of the Economic and Social Council.

10. Although the United Nations had had difficulty in devising means of safeguarding human rights, there had been some hopeful recent developments. States were paying increasing attention to the international instruments on human rights, notably the two Covenants and the Convention on Racism, and agreed procedures under those instruments should be fully and effectively used. The discussion that had been initiated on ways and means of securing greater respect for human rights had continued at the thirty-fifth session of the Commission on Human Rights, at the first regular session of the Economic and Social Council in 1979, and at the current session of the General Assembly. Progress had also been made at the regional level, and the continued efforts of the Organization of American States in that regard were to be welcomed. A regional seminar on human rights had been held recently at Monrovia and there had been a proposal to establish a Human Rights Commission for Africa. Significant emphasis had also been attached to human rights questions at the most recent summit meeting of the Organization of African Unity.

11. Several proposals had been made at the thirty-fifth session of the Commission on Human Rights, and at the current session of the General Assembly, to increase the Organization's capacity to implement human rights. In that connexion, he welcomed the adoption by the General Assembly of resolutions 34/46 and 34/47.

12. In recent years, the Commission on Human Rights and its Sub-Commission on Prevention and Discrimination and Protection of Minorities had devoted increasing time to the question of investigating violations of human rights. The gradual development of the Commission's investigative procedures, including continuing progress in the confidential procedure (Economic and Social Council resolution 1503 (LXVIII)) gave grounds for some satisfaction but not for complacency. Unless further progress was attempted, none would be made. Furthermore, there were inconsistencies in the Commission's approach to questions of human rights violations brought to its attention: action was taken on some matters but not on others.

13. The members of the European Community attached importance to improving the machinery through which the United Nations helped to protect and promote human rights and fundamental freedoms, and therefore supported draft resolution A/C.3/34/L.59, which urged the appropriate United Nations bodies to take timely and effective action in existing and future cases of gross and persistent violations of human rights. In that connexion, they attached particular significance to the visit of the Ad hoc Working Group to Chile in 1978 as a precedent for future co-operation among Members of the United Nations in investigating gross violations of human rights.

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14. In the past year, the peoples of a number of countries had put an end to appalling violations of human rights. However, they might have done so earlier if the United Nations had found it possible to take a stand. A number of speakers had expressed concern at what was seen as the failure of the Organization to exercise its responsibilities in regard to situations where human rights were flagrantly violated. Such statements had come from various countries in different regional groups, including the group of Eastern European countries, a development which was to be welcomed.

15. The members of the European Community hoped that those views would be developed further at the next session of the Commission on Human Rights. For the time being, they would merely draw attention to General Assembly resolution 33/176 and express the hope that there would be a concrete follow-up to it. Both the Commission on Human Rights and the Sub-Commission had considered the question of the situation in Kampuchea and the matter remained on the Commission's agenda. In the light of the unanimous concern expressed in the General Assembly for human rights in Kampuchea, he hoped that at its next session the Commission on Human Rights would be able to take action on the report on the situation in that country (E/CN.4/1335).

16. On the serious question of missing or disappeared persons, he said that the international community must act against the current phenomenon of the mass disappearance of persons. In resolution 33/173 the General Assembly had expressed deep concern at reports from various parts of the world relating to enforced or involuntary disappearances of persons. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had proposed that the emergency action called for should be entrusted to a group of experts of the Sub-Commission, who would be given all the available information that could be useful in locating missing and disappeared persons in different parts of the world and would make the necessary contacts with the Governments and families concerned. The Sub-Commission had also suggested that, if the phenomenon continued, its extreme gravity would justify envisaging some form of emergency remedy, based on the notion of habeas corpus or some other type of legal protection, designed to induce official organs to take the necessary steps to search for missing and disappeared persons.

17. The body of principles for the protection of all persons under any form of detention or imprisonment, a revised draft of which was before the Committee (A/34/146), should be adopted and publicized. The draft code of conduct for law enforcement officials (A/C.3/34/L.65) should also be speedily adopted and observed. The detention of persons for political reasons was not admissible on any pretext, including that of mental illness, and the disturbing trend towards the increasing use of the death penalty for political reasons even less so.

18. Turning to the question of human rights in Chile, he said that the conclusions of the reports of the Special Rapporteur and of the expert on the question of the fate of missing and disappeared persons (A/34/583 and Add.1) were clear. The

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over-all tenor of the Special Rapporteur's report was that the enjoyment of human rights in Chile had lessened and that the level of protection provided by the Chilean authorities for those rights had not been maintained. In the past year, there had been no case of disappeared persons reported in Chile, but the 1978 rate of normalization, when the Government had taken measures such as the general amnesty and the change from a State of Siege to a State of Emergency, had not been maintained in 1979. The state of emergency had been automatically renewed, the amnesty had not facilitated the return of exiles to the degree expected, and the Chilean Government had done little to modify the legal framework by which human rights were repressed.

19. The labour plan, introduced in June 1979, had provided workers with a measure of freedom to organize, hold meetings, bargain collectively and strike. Those rights were, however, severely limited and did not apply to all categories of workers. Moreover, even for those workers who had a limited right to strike the exercise of the right brought more risks than advantages. The repression of civil and political rights continued virtually unabated. Apart from the new provisions in the trade union field, there had been no improvement in respect of the elementary rights to freedom of association and expression.

20. Under the state of emergency, the Executive was empowered to detain political prisoners for up to five days, after which they must be released or brought before a competent magistrate. The power had been used many times, and reports indicated that many people had been detained for political reasons in the past year. Although the number of arrests had diminished in the early part of 1979, they were continuing at a higher rate than in 1977.

21. The incidence of torture or ill-treatment of detainees appeared to have increased, as had acts of persecution or intimidation for political or trade union reasons, and there had been accounts of deaths provoked by military or security officials. Judges continued to be limited in their functions by the emergency laws and by a Decree Law declaring civil judges incompetent in cases concerning military personnel. Despite those restrictions, however, there had been demonstrations of judicial independence in individual cases. The members of the European Community attached great importance to remedies such as amparo and habeas corpus for safeguarding the liberty of persons, and regretted that in the period 1973-1979, out of many thousands of applications, there had been only four cases in which amparo was granted. Contrary to law and contrary to indications given to the Ad Hoc Working Group, there also appeared to have been an increase in the powers and prerogatives of the Chilean security organs.

22. The Chilean Government had not kept its promises or fulfilled its international obligations in respect of cases of disappeared persons. It had not conducted adequate investigations, nor had it replied satisfactorily to requests for information about the fate of many persons who had disappeared after arrest. Those persons had not disappeared during civil disturbances but had been under the effective control of government agents when they disappeared. The Chilean Government therefore had a duty to inform their relatives of their fate, but in fact had done so in only a few cases. It should be urged to co-operate fully

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with relatives and with the interested church authorities in establishing the whereabouts or explaining the fate of missing persons, and it should accept and implement the recommendations contained in the Expert's report (A/34/583/Add.1).

23. The members of the European Community had noted an increased desire on the part of exiles to return to Chile. Under the State of Emergency banishment was not permitted as it had been under the State of Siege, but it was in effect continued by the refusal of the Chilean Government to allow refugees and exiles to return. Only a very small number had been allowed to exercise their right to return, and many applications had been refused. Temporary admissions had been granted in some cases on humanitarian grounds, and he trusted that progress would be made in that area in the near future, with the assistance of the United Nations High Commissioner for Refugees, who had been exercising his good offices in that important matter.

24. In conclusion, he said that although Chile was the only country on which there were reports before the Committee, it was not the only one in which there were serious violations of human rights. He therefore emphasized once again the jointly held view of the members of the European Community that the United Nations should attend to human rights violations wherever they existed. The Governments of all States should be urged to fulfil their international obligations to respect, promote and safeguard the human rights of their peoples.

25. Mr. SCHELTEMA (Netherlands) said that the statement made by the previous speaker on behalf of the members of the European Community fully reflected the views of his Government on most of the points under consideration. He would concentrate, therefore, on one of the most pressing issues in the field of protection of human rights: the persecution for political reasons of individuals whose views did not correspond to officially held doctrines. Such individuals were often committed to detention without a criminal charge, and if such a charge was made they were frequently accused of an offence which was in fact no more than the exercise of their freedom of opinion and expression, as recognized in the International Covenant on Civil and Political Rights.

26. A different strategy also used by Governments against political opponents was the practice of kidnapping people and having them disappear without a trace. In that way, individuals entitled to liberty and security of persons were deprived of the remedies offered by existing rules and procedures designed to safeguard that right.

27. The over-all situation with regard to political detention was alarming. Tens of thousands on almost all continents were being detained in prisons and prison camps because of their real or alleged political or religious views, most of them without charge and without the prospect of a fair trial. It was disturbing that, in the era of the Universal Declaration of Human Rights and the International Covenants, so many should be deprived of their freedom, although their thoughts were seen as a threat by only a few. In Eastern Europe, some countries continued to retain legislation that prescribed imprisonment specifically for the exercise of human rights in ways that were disapproved of by the authorities. In the past

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two years, movements advocating respect for the human rights undertakings in the Helsinki Final Act and in United Nations instruments had been active in several Eastern European countries, and a number of participants in such movements had become prisoners of conscience. The fact that they had been convicted for professing basic human values, which their own Government had vowed to protect, and the harshness of the sentences passed, reflected a disheartening trend. Some of the victims of those repressive policies were not brought to trial at all but were committed to psychiatric institutions or mental hospitals. Despite authoritative international condemnation of such practices, they continued to exist.

28. There were worse instances of political persecution elsewhere. For example, one of the worst situations of that kind had developed in a country in Asia since a coup there in April 1978. Reports indicated that at least 3,000 summary executions had been carried out and that there might be as many as 15,000 to 20,000 political prisoners. There had been repeated purges of intellectuals and other groups, and torture was regularly used.

29. In Africa, the persecution of opponents of the system of apartheid in South Africa had rightly received much attention from the United Nations. His own Government's total rejection of apartheid was well known. However, human rights were not always respected elsewhere in Africa. There had been reports of indiscriminate and mass killings and large-scale arbitrary arrests and detention in one African country following the overthrow of an age-old dynasty. On the other hand, the world had witnessed the ouster of men such as Idi Amin, Macias and Bokassa. It was gratifying that the lawlessness and brutality of their régimes had finally come to an end, and there were encouraging reports of releases of political prisoners in other parts of the globe, notably Indonesia and Cuba.

30. Some of the most disconcerting human rights situations were in Latin America, and not only in Chile. There were reliable reports from other countries about large numbers of prisoners of conscience, lack of legal safeguards at the time of arrest, long periods of detention incommunicado, maltreatment and torture, and poor prison conditions. One country in Latin America had recently allowed a human rights mission of the Organization of American States to conduct an investigation on the spot. His Government welcomed that positive attitude and hoped to see it continued in the future. He hoped that the authorities would heed the recommendations that the mission's report was likely to contain, and would make substantial changes in the human rights situation, for a phenomenon even more ominous than political imprisonment had taken on frightful dimensions in that country in the past few years. Kidnapping by members of the police and by security forces was still the order of the day, although there seemed to have been a decline in recent months. The total number of disappearances attributable to that country's security forces over the past three years had been estimated at more than 15,000, with many of the victims presumed dead. The uncertainty of the fate of those missing persons caused exceptional grief and hardship to their relatives, and his Government deeply sympathized with their predicament.

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31. It was alarming that, in various countries, the administrative authorities, in their efforts to silence people because of their political opinions or convictions, were disregarding even the ordinary laws of criminal procedure by detaining people for lengthy periods without any formal charges or trial, or by simply having them disappear. The role of the judiciary in safeguarding the rights of the victims of such practices was crucial. The International Covenant on Civil and Political Rights provided that anyone deprived of his liberty by arrest or detention should be entitled to proceedings before a court, so that the court could decide without delay on the lawfulness of his detention and order his release if it was not lawful. Members of the Human Rights Committee had stressed that the provision also applied to cases where a person was placed in a psychiatric institution or hospital. It was clear that the effectiveness of remedies such as amparo and habeas corpus depended on the co-operation of the Executive. If a Government denied having any knowledge of the whereabouts of missing persons, the most perfect system of statutory safeguards would fail. The actions and conduct of secret police forces likewise escaped any judicial scrutiny in many instances. It was crucially important, therefore, that Governments should see that the use of those remedies was fully guaranteed.

32. The judicial authorities must also be prepared to use their powers to the full. The report on missing and disappeared persons in Chile showed that the judiciary there lacked the opportunity to use its powers fully because of restrictive legislation, or had failed to do so because of intimidation by the administrative authorities. For all those reasons, his delegation urged the General Assembly to call upon all Governments to guarantee to persons within their jurisdiction the full enjoyment of the right of habeas corpus, amparo or other legal remedies to the same effect.

33. Mr. JAIN (India) took the Chair.

34. Mr. THUNBORG (Sweden) said that human rights were indivisible and interdependent, and the individual must be safeguarded against all kinds of oppression. Full realization of civil and political rights called for full enjoyment of economic, social and cultural rights. However, all States, whatever the level of their economic and social development, had an absolute obligation to guarantee civil and political rights. It must also be remembered that economic, social and cultural rights, as well as civil and political rights, were essentially rights of the individual.

35. His country had traditionally seen efforts to establish international safeguards for human rights as an essential task. A number of years earlier a General Assembly resolution on capital punishment had indicated that the ultimate goal was total abolition of the death penalty. However, in many countries death sentences were imposed at least as frequently as before, and many of those death sentences were also carried out. Various repugnant forms of corporal punishment were also still being practised in many countries, and a number of countries had either reintroduced or increased the use of such practices. There were also countries where several thousands of persons had disappeared. His delegation called on the Governments concerned to undertake effective investigations to

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(Mr. Thunborg, Sweden)

clarify the fate of such persons. Furthermore, during the current session the General Assembly should also continue to consider the question of persons detained by reason of their political opinions or convictions, or as a result of their trade union activities. Naturally, it rested primarily with each State to ensure that human rights were respected within its territory, but many States were not fulfilling their obligations in that regard, and in a number of countries human rights were being systematically violated.

36. It was a source of satisfaction for his delegation that a number of oppressive régimes had been overthrown during the past year. Violations of human rights committed by those régimes had subsequently been thoroughly documented, thus confirming the importance of vigilance on the part of the world community with regard to respect for human rights in individual countries. His country could not agree that open discussion or criticism of human rights violations constituted interference in the internal affairs of a country, since the Charter described protection of human rights as the common concern of Member States. It was encouraging that the attitudes of Member States seemed to reflect an increasing awareness in that connexion. It was vital to ensure implementation of existing rules and norms, and another important task was to develop new norms that supplemented or defined more precisely the provisions of existing international human rights instruments. A commitment to respect human rights that was not accompanied by acceptance of some form of international control constituted a half-measure. The goodwill of each individual State was not a sufficient guarantee that the provisions of a convention were actually respected, and the international implementation system should therefore be developed and strengthened. Moreover, the aim of international implementation should not be to condemn Governments but to help the victims of human rights violations. The smooth and rapid functioning of the implementation machinery of the Human Rights Covenants and the International Convention on the Elimination of All Forms of Racial Discrimination was of vital importance. Since responsibility for that implementation machinery fell to the Division of Human Rights, in addition to its ever-increasing tasks in implementation of various resolutions, that body's workload had increased considerably. It was therefore essential that the financial and personnel resources of the Division should be strengthened.

37. Mr. FAURIS (France) said that, where the work of the Commission on Human Rights was concerned, the most interesting development was the improvement in the area of measures to promote and protect human rights. The notion of human rights had thus been further extended, and a third generation of collective social and economic rights had appeared with the declaration during the current year of the right to development. That notion must be properly defined and be based on the concept of solidarity among Member States.

38. His delegation also appreciated the fact that during the current year the Commission on Human Rights had displayed a greater interest in consideration of specific situations of serious human rights violations in a number of parts of the world. With regard to consideration of allegations of human rights violations, his delegation would like to see the Commission more frequently request the

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(Mr. Fauris, France)

Governments concerned to accept a committee of inquiry, as provided for under paragraph 6 (b) of Economic and Social Council resolution 1503 (XLVIII) on the procedure for dealing with communications relating to violations of human rights and fundamental freedoms. At the same time, his delegation regretted that the United Nations was making little progress in the field of standard-setting and that the pace at which drafting proceeded was so slow.

39. With regard to the question of protection of migrant workers and their families, his country's legislation guaranteed respect for the human rights of all persons residing or working in its territory. A distinction should be made between the question of treatment of foreign nationals, whose human rights should be guaranteed without discrimination, and the question of their working conditions, which fell within the purview of labour legislation and the Conventions of the International Labour Organisation.

40. With regard to United Nations activities in the field of social development, his delegation wished to request the Secretariat to indicate how the different sectors of activity in that field were co-ordinated and what the role of the liaison officer referred to in paragraph 3 of draft resolution A/C.3/34/L.54 would be in that connexion.

41. His delegation noted that the Economic and Social Council expressed its satisfaction to the International Narcotics Control Board and the Division of Narcotic Drugs, and it wished to associate itself with the recommendations to the General Assembly that resources commensurate with the importance of the programme they were implementing should be made available to them.

42. Mr. GARVALOV (Bulgaria) said that the primary task of the United Nations was to continue to seek remedies for violations of the human rights and fundamental freedoms of the peoples of Zimbabwe, Namibia, South Africa and the Arab people of Palestine, as well as of the citizens of a number of Western States. His delegation also condemned the genocide perpetrated by the Pol Pot régime in Kampuchea and questioned the objectivity of the approach adopted by certain States towards the situation in that country. It further condemned the aggression against the Socialist Republic of Viet Nam in February of the current year.

43. As the Special Rapporteur pointed out in his report on protection of human rights in Chile (A/34/583), the human rights situation in that country had deteriorated. The relevant resolutions adopted by the Commission on Human Rights, which were efficient instruments for the mobilization of States and world public opinion, were no less important than the General Assembly resolutions that condemned the situation in Chile and called for restoration and protection of the rights and freedoms of the Chilean people.

44. However, the military-Fascist régime in Chile had ignored the relevant United Nations resolutions. As the Special Rapporteur concluded in his report, the changes that had taken place in Chile since 1973 had not brought any improvement in the human rights situation there. In fact, his delegation noted that the Special

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(Mr. Garvalov, Bulgaria)

Rapporteur concluded in paragraph 367 of his report that the new intimidatory legislation enacted in Chile, which seriously limited the exercise of human rights, was directed against the entire population of the country.

45. The junta refused to provide information concerning the fate of over 2,000 missing Chilean citizens, although detailed evidence of their arrest or abduction by the Chilean military authorities existed in most cases. An enormous amount of information on such criminal activities was analysed in the reports on the protection of human rights in Chile in documents A/34/583 and A/34/583/Add.1, as well as in the documents prepared in connexion with the sixth session of the International Commission to Investigate the Crimes of the Militarist-Fascist Junta in Chile.

46. All the relevant resolutions adopted by the General Assembly in recent years appealed to Member States and to international organizations to take measures with a view to restoring and safeguarding human rights and fundamental freedoms in Chile. As could be seen from the research carried out by Mr. Cassese, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, any assistance to the junta increased the suffering of the Chilean people and was in violation of the decisions of the United Nations. His country did not maintain any relations with the junta. Moreover, it considered that world public opinion and Member States could help the Organization adopt efficient measures to restore human rights and fundamental freedoms in Chile, in particular by insisting that the Chilean authorities should provide information concerning the whereabouts or the fate of missing political prisoners, by calling for an end to repression and persecution, and by demanding the restoration of and respect for norms protecting human rights and fundamental freedoms in that country.

47. Mrs. ITGEL (Mongolia) said that the reports of the Special Rapporteur on the situation of human rights in Chile and the expert on the fate of missing persons in Chile (A/34/583 and Add.1) convincingly showed that the situation with regard to human rights in Chile had not improved and had even worsened in some respects since the previous report. The military junta continued its policy of terror, oppression and gross violations of basic human rights. Arbitrary arrests and detention had become an organic element of the régime. It was first and foremost the workers who had been deprived of their fundamental political rights, and recently some of the remaining trade unions had been abolished. The junta continued to ignore numerous decisions and resolutions on the subject adopted by the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The international community and the organs of the United Nations continued to be shocked by the mass disappearance of persons arrested by the Chilean authorities, and there was reason to believe that the majority of those who had disappeared without a trace had been killed. The efforts of the junta and its henchmen to create the impression that the human rights situation in Chile was becoming more normal simply reflected their desire to deceive world opinion and camouflage their crimes. In fact, the number of arrests, cases of torture and other measures aimed at terrorizing the population was increasing. The Chilean authorities had promulgated an amnesty, which had turned out to be merely an attempt to justify

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(Mrs. Itgal, Mongolia)

their own crimes at the time of the coup in 1973. The so-called trade union elections had ended in failure, and efforts by the authorities to disband the organization representing more than half a million Chilean workers had met with strong protests from all progressive forces in the world. Similarly, the junta's economic policy was a disaster and had led to a continuous decline in living conditions and to inflation.

48. The international community must take effective measures to restore democracy and freedom and the protection of human rights in Chile. The people of her country supported the Chilean people in their efforts to combat reaction in that country. Her delegation called for the extension of the terms of reference of the Special Rapporteur on the situation of human rights in Chile, in accordance with paragraph 6 of resolution 11 (XXXV) of the Commission on Human Rights.

49. Mr. SHERIFIS (Cyprus) said that for the sixth consecutive year a substantial proportion of the population of his country was living in despair owing to a lack of knowledge concerning the fate of their relatives. In view of the fact that all measures taken so far and all efforts undertaken by the international community had failed to produce any tangible results, the Pancyprian Committee of Relatives of the Missing Persons had addressed a letter to the Secretary-General expressing concern at that situation.

50. The members of the Committee were fully aware of the magnitude of the problem, as indicated by the fact that the Committee had adopted three resolutions in that regard. Following adoption of General Assembly resolution 33/172, his Government had proceeded with the appointment of its representative on the investigatory body to be established under that resolution by naming the Attorney-General of the Republic, a constitutionally independent officer of the State. Although the Turkish side had not fulfilled its obligations under that resolution, his Government was not alone in its quest for a solution to the problem, for many States, together with the Secretary-General, were continuing to try to find a solution to the impasse. Thus the Secretary-General had brought about a resumption of the stalled intercommunal intercommunal talks, and as a result of that initiative both sides had accepted an agreement on the question of establishing a committee on missing persons in Cyprus. Unfortunately, that agreement remained unimplemented because the authorities of the other side appeared to continue to have difficulties with it. It was to be hoped that pressures from the General Assembly might remove any such difficulties.

51. Since General Assembly resolution 33/172 remained perfectly valid and provided suitable machinery for solving the humanitarian problem in question, his delegation was concerned that it should be implemented. If that resolution remained unimplemented much longer, his Government would seek more pragmatic ways of dealing with the problem. His delegation appealed to the United Nations and to each of its Members to bring pressure to bear on the defaulting side.

52. Mrs. KOMAROVA (Union of Soviet Socialist Republics) said that her delegation shared the concern expressed by the Commission on Human Rights with regard to the deteriorating human rights situation in southern Africa and the Arab territories occupied by Israel. There were also reports of mass and flagrant violations of human rights from other parts of the world, in particular from South Korea and from Kampuchea before the overthrow of the Pol Pot régime and the establishment of the

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(Mrs. Komarova, USSR)

present People's Revolutionary Council. In the six years since the coup instigated and supported by imperialist circles to overthrow the constitutional Government of Popular Unity in Chile, the Fascist junta had instituted a régime of terror and mass oppression involving mass and flagrant violations of human rights. The junta continued to ignore resolutions and demands by the General Assembly and the Commission on Human Rights that fundamental rights and freedoms must be restored in Chile and that an account must be given of the fate of the many missing and disappeared persons in that country. The junta had refused to co-operate with the Special Rapporteur and the expert appointed by the Commission to continue the investigation of the human rights situation in Chile. Instead, the junta was attempting to deceive world opinion by denying the well-established facts of mass violations of human rights in the country and by maintaining that the human rights situation there had improved. However, the report of the Special Rapporteur on the situation of human rights in Chile (A/34/583) showed that mass and flagrant violations of human rights were continuing and that the situation in that respect had worsened since the previous report. The report also drew attention to new restrictions of trade union rights, to the absence of political rights, to the repressive and intimidating nature of laws, and to the worsening situation of the indigenous population. There had been a new wave of torture and cruel treatment of detainees, leading in some cases to mutilation and death. Agents of the junta continued lawlessly killing persons to whom they objected and had stepped up the persecution of citizens for political or trade union activities. The overwhelming majority of the population was unable to enjoy economic, social or cultural rights. The continuing State of Emergency provided a pretext for massive repression and permanent terror. The whereabouts of the majority of those detained was still unknown and legal measures protecting citizens from arrests and detainment were without effect. Despite the large-scale fasts on the part of relatives of missing persons in September 1979 and the inquiries of church organizations, the Chilean authorities had failed to give any account of the missing persons or to explain the several hundred nameless graves found in the main cemetery of Santiago. Not even the urgent requests for information on the subject addressed to the Chilean authorities by the Secretary-General had had any effect. The United Nations and other international organizations must continue to demand that the Chilean authorities terminate the mass and flagrant violations of human rights in Chile.

53. In conclusion, she wished to reject the slanderous fabrications concerning the so-called persecution of Jews in the Soviet Union referred to at the previous meeting by the representative of Israel, who continued to use the forum of the United Nations to repeat the usual lies disseminated by the Zionist propaganda machine. It was well known that the rights and equality of all citizens were guaranteed in the Soviet Union and that Soviet citizens of Jewish nationality, like those of all other nationalities, enjoyed the full range of democratic rights and freedoms guaranteed under Soviet law. In their malicious slander against the Soviet Union the representatives of Israel again sought to defend criminals who had committed crimes punishable by law in any country. It was the height of blasphemy for the representative of Israel to accuse the Soviet Union of anti-Semitism when the Soviet Union had suffered such great losses in the defence of the freedom and independence of peoples during the Second World War. In the Soviet Union any direct or indirect restrictions of rights, any establishment of direct or indirect privileges based on racial or national characteristics and any incitement to racial or national exclusivity, enmity or disparagement were punishable under law. Slandering other countries would not enable the representatives of Israel to hide the responsibility of their country for the mass and flagrant violations of human rights committed by their authorities.

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54. Mr. NDONGO (Equatorial Guinea) said that the social and economic situation in the world currently bordered on chaos. More than 400 million people were suffering from hunger and malnutrition, and the hopes which had been entertained at the beginning of the Second United Nations Development Decade had not been fulfilled. The output of agricultural products and food-stuffs in the developing countries fell far short of meeting the most elementary needs of the population. Imports of food products represented a heavy burden on the balance of payments of such countries, whose agricultural exports were not sufficient to cover requirements for imported food products and agricultural machinery. Greater stress must be placed on agricultural development as a means of buttressing the economic independence and self-sufficiency of the developing countries. The same situation prevailed in the fields of industry and trade. The developed countries absorbed more than 90 per cent of world production of manufactures. The relative share of the developing countries in world production had dropped substantially, with disastrous consequences in matters such as malnutrition, illiteracy, hunger and poor health conditions.

55. Development concerned not merely industry but, more important, human beings. In that connexion, he said that the population of his country had lived through a tragic experience which had brought the country to the brink of total ruin. The régime of former President Macias Nguema had been characterized by the systematic, deliberate and flagrant violation of human rights and had involved not only mass murder but oppression of every kind, in the moral, social, cultural, economic, administrative and religious fields. The consequence had been indescribable economic, social and cultural chaos. The economy and production had been completely paralysed, capital investment, whether national or foreign, was nonexistent. The vital agricultural sector had been devastated; the cacao crop had dropped from 40,000 tons in 1968, the year of independence, to 5,000 tons in 1978. Production of coffee and palm oil had virtually ceased. The health situation had become catastrophic. Hospitals had closed for lack of doctors and medical supplies so that there had been recurrences of diseases which had earlier been eradicated, such as typhus, cholera, tuberculosis and poliomyelitis, thus raising the rate of child mortality. There had also been a sharp decline in educational standards. Institutes and schools had been closed and teachers persecuted. Education had become limited to the mere repetition of slogans and the cult of personality. Such had been the situation in Equatorial Guinea when the new Military Government had taken over on 3 August 1979.

56. The Government of Lt. Col. Teodoro Obiang Nguema Mbasogo had reaffirmed its respect for the United Nations Charter, for the Organization of African Unity and for the Universal Declaration of Human Rights. It was making every effort to introduce direct and participatory democracy into the country and its primary objective would be to stress the importance of the human person and respect for fundamental rights, social justice and economic progress. To that end, the Government, early in August 1979, had decreed a general pardon for political prisoners, had re-opened the churches and decreed freedom of religion throughout the country, and had set up a tribunal for the restitution of property confiscated by the deposed régime from both citizens and foreigners. The President of the Supreme Military Council had appealed to all refugees from Equatorial Guinea to return to the country and had guaranteed their personal safety. He had also supported the five-point plan of the Director-General of FAO.

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(Mr. Ndongo, Equatorial Guinea)

57. The international community must take measures to attack the massive poverty and suffering of the peoples of the developing countries with a view to the establishment of a new international economic order. To that end a climate of confidence and frankness must be created.

58. Mr. MANI (Department of International Economic and Social Affairs) replying to a question which had been raised in connexion with paragraph 11 of draft resolution A/C.3/34/L.54, concerning the arrangements made within the Department for the co-ordination of United Nations activities relating to the Declaration on Social Progress and Development, said that he wished to assure members of the Committee that all questions relating to the Declaration would be co-ordinated in the office of the Under-Secretary-General. That would apply in particular to matters which were of an administrative character. Under such co-ordination, inquiries and correspondence would be channelled by the office of the Under-Secretary-General to appropriate offices both at Headquarters and elsewhere. Substantive work would be guided by the medium-term plan and by the programme budget for the appropriate year.

59. The CHAIRMAN invited the representative of Sweden, as Chairman of the open-ended Working Group on a Draft Code of Conduct for Law Enforcement Officials, to introduce the report of the Working Group.

60. Mr. NORDENFELT (Sweden) said that the drafting of a code of conduct for law enforcement officials had received its first impetus from the General Assembly, which, in its resolution 3128 (XXIX), had requested the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give urgent attention to the question of the development of an international code of ethics for police and related law enforcement agencies. In response to that request, a working group of police experts had met in January 1975 to prepare a draft code for presentation to the Fifth Congress. The matter had been discussed at the Fifth Congress, which had decided to request the General Assembly to establish a committee of experts to study the question further. The Fifth Congress had also noted that it considered the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been drafted at the Congress, to be an integral part of the future code of conduct for law enforcement officials.

61. The General Assembly had entrusted the Committee on Crime Prevention and Control with the elaboration of a code of conduct for law enforcement officials and its submission in the form of a draft code to the General Assembly at its thirty-second session. The Committee had submitted a draft code to the General Assembly in 1977 when, following statements by a number of representatives that the drafting process might benefit from suggestions from Governments, the General Assembly, in its decision 32/419, had invited Governments to make comments and suggestions.

62. At the thirty-third session of the General Assembly an informal open-ended working group had been able to complete work on the preamble and on the first five articles. It had, however, been unable to reach agreement on a provision in the commentary to article 3 concerning the circumstances in which law enforcement

(Mr. Nordenfelt, Sweden)

officials might use fire-arms. The General Assembly had taken note of the results of the efforts of the working group in its resolution 33/139 and had requested an open-ended working group to continue the elaboration of the draft code during the thirty-fourth session. It had also expressed the hope that the work could be completed and the code of conduct for law enforcement officials adopted during that session.

63. During the current session, the Working Group had held 12 meetings with the participation of representatives from all regions. It had decided, at its first meeting, to consider those articles and commentaries of the draft code which had not been debated or agreed upon by the informal working group during the thirty-third session. It had further agreed that the Chairman would also serve as Rapporteur. Discussions in the Working Group had been based on the comments received by Governments, as contained in documents A/33/215 and A/33/215/Add.1/Corr.1, and in document A/34/431.

64. During the deliberations of the Working Group, minor changes had been introduced in the text of articles 6 and 7 contained in document A/33/215. The Working Group had felt that article 9 was no longer needed in view of the text agreed on for commentaries (a) and (b) in article 8 of the original text. It had also felt that the contents of article 10 in that text could well be incorporated into the commentary on article 8, as new subparagraph (e). The Working Group had also discussed editorial changes designed to ensure consistency in the various language versions of the whole text. Participating delegations had worked in a harmonious and productive atmosphere and in a constructive spirit of understanding and compromise. It was a matter for congratulations to all participating delegations that it had been possible to reach agreement on articles which had not been discussed during the previous year and on the various problems which had remained unsolved at the end of the thirty-third session.

65. It was with great satisfaction that he was able to report to the Committee that the Working Group had completed its work and had agreed to present the text of the entire Code and its accompanying draft resolution (A/C.3/34/L.65) to the Third Committee with a recommendation for its adoption. Chile, Kenya and the United States had joined as sponsors of the draft resolution.

66. The text of foot-note 4 to article 5, commentary (b), should be incorporated, in parentheses, in the text of that paragraph.

67. Since it had been agreed that the Working Group would not submit a written report, he requested that his oral report should be given full coverage in the summary record.

68. The CHAIRMAN, on behalf of the members of the Third Committee, congratulated the Working Group and its Chairman on the work they had accomplished. In view of the amount of work which had already been done on the draft Code, he saw no need for further discussion in the Committee on the work of the Working Group.

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(The Chairman)

69. If there were no objections, he would take it that the Committee wished to adopt the draft Code of Conduct for Law Enforcement Officials as contained in draft resolution A/C.3/34/L.65, without a vote.

70. It was so decided.

71. Mrs. TOUCH (Democratic Kampuchea), speaking in exercise of the right of reply, said that, on 30 November last, the representative of the expansionist and hegemonistic régime of Hanoi had launched grotesque attacks on the people and Government of Kampuchea for the purpose of hoodwinking world opinion. The world was fully aware of the lies of the Hanoi authorities and of their insults against the United Nations and contempt for the Charter.

72. She wished to remind the Committee of a number of facts which called for vigorous condemnation by the world community. With the criminal purpose of replacing the Government of Democratic Kampuchea by a puppet régime, the Vietnamese expansionists had infiltrated a great many agents into Kampuchea and, between 1975 and 1978, those agents had murdered tens of thousands of Kampuchean patriots and had undertaken sabotage and other subversive activities. Her Government had nevertheless been able, with the support of the people, to restore the fundamental rights of the people and to provide them with more than sufficient food, housing and clothing. The Vietnamese people themselves were currently living in worse conditions than before liberation and were under the constant threat of being sent to be killed in the war of aggression against Kampuchea and Laos. More than 1 million people had already fled from Viet Nam and the fate of the "boat people" had shocked the international community. Violations of human rights in Viet Nam were such that millions of Vietnamese preferred to risk death rather than continue to live under the oppressive Hanoi régime. In emulation of the Nazis, 220,000 Vietnamese troops had already destroyed entire villages and massacred more than 500,000 Kampucheans, while deliberately provoking famine with a view to exterminating the entire people of Kampuchea. After vainly trying to stop humanitarian organizations from sending urgent help to the people of Kampuchea, the expansionists of Hanoi had misappropriated such assistance for the benefit of their own troops.

73. It was an irrefutable fact that the Hanoi authorities had trampled underfoot the independence, sovereignty and territorial integrity of Kampuchea, and they had been condemned for so doing by the General Assembly in its resolution 34/22 of 14 November 1979. Notwithstanding the call of the General Assembly for an immediate end to the war and for the withdrawal of all Vietnamese troops from Kampuchea, the Hanoi authorities had rejected that decision, which they had termed a farce and illegal. It was clearly evident that it was the intention of the Hanoi authorities to make jungle law prevail in international relations and that they only understood the language of force.

74. The expansionists of Hanoi were hardly in a position to be the apostles of human rights. They would do well to recognize the rights of their own people as well as those of the people of Kampuchea and human rights in general.

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75. Mr. GÜRAKAN (Turkey), speaking in exercise of the right of reply, read out a letter dated 3 December 1979 addressed to the Secretary-General from Mr. Nail Atalay, representative of the Turkish Federated State of Cyprus. In his letter the representative of the Turkish Federated State of Cyprus drew attention to the fact that the Greek Cypriot side had chosen to politicize and exploit an essentially humanitarian issue, i.e. the question of missing persons in Cyprus, for propaganda purposes. The formation of the joint committee to trace missing persons, called for in General Assembly resolution 32/128, had been blocked by the Greek side. The representative of the Greek Cypriot administration had also failed to mention, with regard to General Assembly resolution 33/172, that the third member of the proposed committee, namely, the International Committee of the Red Cross (ICRC), had refused, when consulted, to take part in any voting, thus confirming the Turkish Cypriot position that all decisions should be taken by consensus. Nor had the Greek Cypriot representative made any mention of the fact that the legal opinion sought from the United Nations had stated that, in the absence of the explicit consent of both sides, the General Assembly could not confer upon the Secretary-General or upon his representative the role of a compulsory arbitrator, that there was no precedent for conferring such a role upon the Secretary-General in the absence of the consent of both parties, and finally that established international practice in the matter of settlement of disputes attached primacy to the consent of the parties concerned. Furthermore, as had been agreed at the meeting of 19 May 1979, Mr. Rauf Denktas, the President of the Turkish Federated State of Cyprus, had transmitted the Secretary-General's new proposals to the Prime Minister of the Turkish Federated State of Cyprus, and the Council of Ministers, after carefully studying the new proposals, had decided to insist on the formation of the proposed joint committee in accordance with General Assembly resolution 32/128.

76. In that connexion, Mr. Oguz Beidoglu, the head of the Turkish Cypriot Committee of the Relatives of Missing Persons, had made a statement on 19 July 1979 stating that his committee was awaiting the formation of the proposed joint committee to trace missing persons with the participation of ICRC. In his statement, Mr. Beidoglu had also reminded all concerned that those who had murdered hundreds of Turkish Cypriots in 1974 and had buried them in mass graves had not yet disclosed the names of the Greek and Turkish Cypriots whom they had killed in the coup of 1974. It was shameful, in the view of his committee, that the tragic fate of the missing persons had been made the subject of propaganda efforts by the Greek Cypriot leaders. The Turkish Cypriot Committee of the Relatives of Missing Persons was not against the solution of the humanitarian problem by a committee formed with the participation of an ICRC representative, which would first of all deal with the missing Turkish Cypriots of the 1963-1968 period. The Turkish Cypriot Committee was, however, against the demands of the Greek Cypriot side that a representative of the United Nations Secretary-General should participate in the proposed committee instead of an ICRC representative, since that would inevitably politicize the committee and would be exploited by the Greek Cypriot side for propaganda purposes. Mr. Beidoglu had pointed out that ICRC, after investigating the missing persons issue in 1974-1975 in a committee composed of Turkish and Greek Cypriots, had confirmed that all Greek prisoners of war who had been taken to Turkey had been returned to the Greek Cypriot side, had determined that many of the Greek Cypriots listed as missing were in fact

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(Mr. Gürakan, Turkey)

in the Greek Cypriot zones, had closed the files of many missing persons and had informed the parties concerned of the results of the investigation, and had returned the files on some 30 outstanding cases to the interlocutors in the communal talks and closed its office in Nicosia. The Greek Cypriot side rejected ICRC participation in the proposed committee because it realized that it could not use that organization as a means of furthering its inhuman policies. Mr. Beidoglu had concluded his statement saying that the Turkish Cypriot Committee of the Relatives of Missing Persons urged the Government of the Turkish Federated State not to accept any formula other than the resolution of the Third Committee adopted unanimously in 1977, i.e. General Assembly resolution 32/128, and to insist that the investigation of the matter should, as had been previously agreed by both sides, proceed in a chronological way.

77. In concluding his letter the representative of the Turkish Federated State of Cyprus had assured the Secretary-General of his readiness for the formation of a joint committee to trace missing persons with the participation of ICRC and within the framework of resolution 32/128.

78. Mr. SHERIFIS (Cyprus), speaking in exercise of the right of reply, said that his delegation had never attempted to use the issue of missing persons in Cyprus as a political issue and had always insisted on the humanitarian aspects of the problem. His delegation sought only to alleviate the suffering of the relatives of missing persons, irrespective of their nationality.

79. It was interesting to hear that the Turkish representative now favoured resolution 32/128, whose implementation the Turkish side had blocked for more than a year. It should also be remembered that General Assembly resolution 33/172 was likewise still awaiting implementation. Finally, the procedures agreed to at the meeting held under the auspices of the Secretary-General between the President of Cyprus and Mr. Rauf Denktash on 19 May 1979 also remained to be implemented, owing to the failure of the Turkish side to carry out its obligations and co-operate. His delegation's only concern was to have the resolutions adopted by the General Assembly on the subject and the agreements made between the parties concerned implemented, in connexion with which he called upon the Turkish side to show good faith and co-operate.

ORGANIZATION OF WORK

80. The CHAIRMAN said that the report of the Working Group on the Draft Convention on the Elimination of Discrimination Against Women would shortly be introduced. Action would be required on that report but he did not propose to open a discussion on it, as the Working Group had been working on the issue for three full sessions and the matter had earlier been under discussion in the Commission on the Status of Women.

81. Mr. OULD SID'AIMED VALL (Mauritania) said that, if the Committee was to take a decision on the report of the Working Group, it would be appropriate to have a debate so that delegations could state their positions. The issue was a very important one.

82. The CHAIRMAN said that delegations could state the positions of their Governments in explanations of vote. He would therefore adhere to his decision that there would be no debate on the report of the Working Group.

83. Mrs. WARZAZI (Morocco) said that she could not agree with the Chairman. The mandate of the Working Group was limited and it had no authority to commit Governments.

The meeting rose at 6.05 p.m.