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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 February 1995, at 7 p.m.

Chairman:

Mr. MEJIA

(Nicaragua)

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FUNDAMENTAL FREEDOMS;

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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 7.20 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

- (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;
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- (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 11) (continued) (E/CN.4/1995/5 and Add.1, 42-45, 46 and Add.1, 48, 49, 50 and Add.1-3, 51, 107, 113, 147; E/CN.4/1995/NGO/5, 8, 22, 28)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/1995/85, 87 and Add.1, 88, 89 and Add.1, 90; E/CN.4/1995/NGO/10, A/49/635 and Add.1)

1. Mr. PORTALES (Chile) expressed regret at the death of Mr. Felix Ermacora, who had worked so hard to promote human rights.

2. All international human rights treaties made provision for monitoring States parties' compliance with their terms. However, since the machinery was based mainly on States' reports, in which the positive elements were highlighted and human rights violations omitted, the system was inadequate. The international community had tried to overcome the shortcomings by introducing special procedures. Unfortunately, the human and financial resources available had not been commensurate with the proliferation of those procedures. The creation of the post of High Commissioner for Human Rights was a positive development. But it went without saying that if the High Commissioner was to be able fully to implement his mandate, once again additional resources would be required.

3. Special procedures were of the utmost importance for the universal promotion of human rights and had been invaluable in providing specific information on delicate situations affecting the enjoyment of rights and freedoms throughout the world. However, new measures were needed in order to improve those procedures. The first requirement was a computerized database in the Centre for Human Rights which would be available to experts. Secondly, the oral presentation of reports of meetings of chairpersons of working groups, rapporteurs and experts to the Commission on Human Rights should be supplemented by special meetings or conferences with Governments, and intergovernmental and non-governmental organizations. Thirdly, reports should be made widely available for public information and education, possibly in the form of summaries drawn up by experts or the Centre for Human Rights. With regard to countries whose population did not speak one of the official

languages of the United Nations, the reports, or at least the parts relating to those countries, should be translated into the language concerned. Fourthly, Chile endorsed the idea of appointing liaison officers in countries which were under consideration. That had proved successful in the case of the former Yugoslavia and Rwanda, and would provide a viable channel through which experts could obtain the information they needed.

4. Mr. STADTMAGEN (Nicaragua) said that violence against women was the final link in the chain of inequality and discrimination. Most cases of violence against women occurred in the home and went unreported for fear of reprisals by the attacker. Pressure was often brought to bear on abused women, usually by other women family members, to prevent them from reporting attacks. The women then felt guilty, which in many cases led to their becoming aggressors in turn and ill-treating their children. Violence, particularly psychological violence against women, tended to be regarded as a private matter, an attitude reflected in legislation and penal sanctions, and a further reason for women not to report attacks.

5. Studies in Nicaragua showed that 50 per cent of cases of violence against women took place in the victim's home and that factors contributing to violence included alcoholism, sexism, the economic crisis and media bias when reporting violence. Nicaragua had taken legislative, administrative and practical measures to eliminate all forms of violence against women. Articles 27 and 48 of the Constitution recognized the unconditional equality of all Nicaraguan citizens and absolute equality between men and women. Pursuant to Decree No. 189 of 25 August 1981, Nicaragua had ratified the Convention on the Elimination of All Forms of Discrimination against Women. Legislative reforms also included a revision of the Penal Code's section on sexual offences and the amendment of provisions which discriminated against women.

6. Under the Government of Mrs. Violeta Barrios de Chamorro, the Nicaraguan Institute for Women had been reinstated; it was composed of representatives of the Legislature, the Judiciary, social and economic sectors, and relevant NGOs. The Institute was a standard-setting body and helped to draw up sectoral policies, provide support for women's development programmes, draft legislation and carry out investigations. It also provided a follow-up and assessment of government programmes for women, tried to eliminate discriminatory stereotypes, promoted equality for women in society, and represented Nicaragua in international forums.

7. The Institute had acted as coordinator in the formulation of a national plan of action for women, which had in turn led to a national agenda for women. The plan focused on education, employment and violence against women. On the legislative side, the Institute aimed to eliminate gender discrimination and to work with the Judiciary to ensure that there was no discrimination in the administration of justice. The Institute's success included the establishment of alternative centres dealing with, inter alia, consciousness-raising, education, training, socio-economic studies on women, legal assistance, medical care and psychology. The Institute's efforts had also led to the establishment of the Commission on Women against Violence, the

appointment by the Supreme Court of Justice of women forensic experts to deal with incidents of violence against women, and the inclusion of gender-related topics in school curricula.

8. His Government had done its utmost to ensure that institutions such as the police force, the office of the government procurator and the Judiciary effectively supported women whose rights had been violated. A pilot project in which a unit dealing with abused women and children had been set up in a police station, had been a great success. There were plans to open such units throughout the country.

9. Ms. WALKER (Australia) said that the advisory services and technical assistance activities of the Centre for Human Rights could play an important part in strengthening the observance and promotion of human rights, the implementation of democratic principles and ultimately human security. In addition to the work done by the Centre, a further practical way of promoting observance of international human rights standards was the preparation of national action plans on human rights. The concept had initially been proposed by Australia and would provide a constructive tool through which States could monitor and improve their domestic human rights performance. The plans could also form the basis for proposals for assistance from the Voluntary Fund for Technical Cooperation in the field of Human Rights.

10. With regard to the promotion of human rights infrastructures, in 1993 the Cambodia office of the Centre for Human Rights had been established following the withdrawal of the United Nations Transitional Authority in Cambodia (UNTAC) and had been successful in improving prison conditions and creating an efficient system of justice. The Human Rights Commission of the National Assembly had performed well despite the obstacles it faced. However, there were still grounds for concern about Cambodia. The Special Representative had documented the human rights situation in his reports. The outlawed Khmer Rouge continued to occupy parts of the country and conduct an insurgency campaign aimed at undermining the efforts of the Government to rebuild the social and economic infrastructure in the countryside. Her Government condemned the acts of terrorism and banditry perpetrated by the Khmer Rouge, including the killing of ethnic Vietnamese and the taking and killing of hostages. There was evidence of widespread and continuing abuse of the civilian population by members of the Royal Cambodian Armed Forces, and many instances of political intimidation. The active support of the international community would clearly be needed for some time.

11. If human rights activities in Cambodia were to succeed, adequate resources should be made available so that the Centre and the Special Representative could fulfil their respective mandates. However, a great deal also depended on the Cambodian people themselves and their political leaders. The Government of Cambodia should implement the recommendations of the Special Representative as quickly as possible. Human rights education activities were also vital in terms of strengthening awareness of human rights. The United Nations Decade of Human Rights Education, beginning in 1995, would help to promote a wider grass-roots understanding of fundamental human rights principles.

12. Advisory services and the technical assistance activities of the human rights system would assume increasing importance as States sought to improve their human rights performance. New developments in that area should be encouraged. The Commission should endeavour to provide the necessary support so that such services and activities, particularly in Cambodia, could demonstrate the capacity of the human rights system to be creative and productive.

13. Mr. BAUM (Germany) said that the report of the Special Rapporteur on violence against women (E/CN.4/1995/42) had shed light on various aspects of violence against women and highlighted the complex causes behind such violence. It had pointed out that human rights violations against women were not limited to those directly committed by the State and that Governments had a duty to intervene to provide effective protection when violence was perpetrated by private individuals. The report also confirmed that, despite United Nations initiatives, much remained to be done. It was to be hoped that the Fourth World Conference on Women, which would deal with the question of violence, would lead to substantial progress. His Government believed that violence against women could only be reduced through a comprehensive policy to improve equal opportunities for women and girls. However, legislative measures alone could not improve the situation; profound changes in cultural traditions and patterns of behaviour were also needed.

14. Legislation should be enacted to: to extend the legal definition of rape to include rape within marriage; broaden the concept of violence to ensure that a conviction for rape could be obtained even where no severe physical violence was used; provide better protection for women in situations in which they were particularly dependent; penalize traffic in human beings and the sexual exploitation of women and girls; protect victims in criminal court actions; and provide protection from sexual harassment in the workplace. Of equal importance were efforts to raise awareness among the police, lawyers, judges and other law officers through training at the national and international levels.

15. The Special Rapporteur's recommendations on the situation of women and girls seeking refuge and in refugee camps were particularly welcome. They were being implemented in Germany; a number of states in the Federal Republic were providing special accommodation for women who were travelling alone or with their children.

16. The World Conference on Human Rights in Vienna in 1993 had sent out encouraging signals through its recognition that the human rights of women and girls were an inalienable and inseparable component of universal human rights. Germany would continue to show its commitment to the observance and guarantees of women's human rights, inter alia, by condemning genital mutilation as a violation of human rights and a health risk for women and girls.

17. His delegation welcomed the draft resolutions on the elimination of violence against women and on the question of integrating the rights of women into the human rights mechanisms of the United Nations.

18. Mr. UGROSENO (Indonesia) said his Government was convinced that the promotion and protection of human rights could be successfully accomplished

only through international cooperation. In keeping with Indonesia's commitment to the implementation of the Vienna Declaration and Programme of Action, his Government had convened two national workshops in close collaboration with the Centre for Human Rights.

19. The first workshop in January 1991 had issued three main recommendations, namely, that an interdepartmental committee on human rights should be set up, that a National Commission on Human Rights should be established, and that Indonesia should play an active role in regional and international forums promoting human rights. The recommendations had been duly implemented.

20. The second workshop in October 1994 had focused on several areas, namely, the ratification of international human rights instruments, the dissemination of information and education on human rights in the formal and informal sectors, the role of the mass media; and the determination of priority issues in the implementation of human rights. The workshop had recommended the establishment of a national programme of action for the promotion and protection of human rights which would include measures to be taken at the national level over a five-year period. A Memorandum of Intent had been signed by his Government and the representative of the United Nations High Commissioner for Human Rights in October 1994; in that document agreement had been reached on cooperation to develop and implement comprehensive national programmes for the promotion and protection of human rights in Indonesia. With the establishment of the national programme of action, Indonesia would be among the few countries systematically to have fulfilled the commitments they had made at the World Conference on Human Rights.

21. With regard to advisory services and technical cooperation, the main functions of the Centre for Human Rights, such machinery had been extremely important in providing expertise and technical support to countries requesting assistance. However, the Centre needed to be strengthened further. The General Assembly, in resolution 49/195, had requested the Secretary-General to submit an interim report on the strengthening of the Centre to the fifty-first session of the Commission on Human Rights, and a final report to the fiftieth session of the Assembly. Unfortunately, the Assembly's request had not been met in full, as the fifty-first session of the Commission had not been provided with a comprehensive interim report on the Centre. It was regrettable that the document that had been submitted to the Commission (E/CN.4/1995/113) contained only six paragraphs, with very limited information, which made it impossible to ascertain the exact situation of the Centre.

22. His delegation attached great importance to the principle of transparency in United Nations human rights mechanisms. Until transparency existed within the Centre for Human Rights, the effective promotion and protection of all human rights would remain academic.

23. Mr. SQUADRON (United States of America), referring to agenda item 21, said that his Government had long been committed to using advisory services and technical assistance to promote and protect human rights wherever possible and to help Governments which were seeking assistance in improving their own human rights performance. The present United States Administration was particularly interested in assisting the Voluntary Fund for Technical

Cooperation in the field of Human Rights, to which it had made a contribution of more than \$1 million. The United States supported the Fund because it performed a tangible and concrete function in the service of human rights. However, the Centre for Human Rights needed to streamline its operations, become more transparent, and adopt more efficient project preparation, implementation and evaluation procedures. The United States contribution to the Fund had been made with the expectation that the Centre would begin that process.

24. There was a strong link between a nation's respect for human rights and its commitment to democratic institutions. It was no coincidence that totalitarian Governments were often in control in countries where major human rights violations took place. Nor was it coincidental that as the number of nations turning to democracy grew, so did the demand for pragmatic assistance programmes.

25. With the help of the advisory services programme, considerable progress had been made in several countries. The Government of Malawi had been able to meet representatives of its own internal opposition, the international donor community and the United Nations to forge an agreement on the transition to democracy and how to ensure respect for human rights during that process.

26. In Romania, the Centre for Human Rights had been one of the only outside sources to have responded to the country's request for assistance in addressing its human rights needs. Through the advisory services programme, the Centre had worked with judges and parliament, trained teachers, and helped revise the country's Constitution and electoral legislation. Sufficient progress had been made to bring Romania to the point where it was eligible for admission to the Council of Europe.

27. The new Government in Paraguay had also called for the Centre's assistance. A Director-General for Human Rights had been appointed in the Ministry of Justice, personnel had been trained and a two-year programme of human rights assistance had been established.

28. Elsewhere, the advisory services programme had initiated electoral assistance programmes in South Africa, administration of justice programmes in Albania, Burundi and Mongolia, and provided regional assistance to the African Commission on Human and Peoples' Rights. Partly on the initiative of the United States, several Special Rapporteurs of the Commission on Human Rights had been authorized to recommend additional projects for funding consideration. However, as demand grew, so did the financial challenges facing the Centre. Despite the support advisory services programmes had received at the World Conference on Human Rights, several programmes were still without funding. For example, adequate funding was still not available for an immediate democracy-building programme in Russia, despite its appeals.

29. Similarly, with regard to South Africa, which had made tremendous strides in improving its political and human rights situation, the country would require a large advisory services programme. The people of South Africa, and the world community, had worked hard to overcome apartheid. The people of South Africa therefore deserved assistance so that they could build on the promise of their new multiracial State. The Voluntary Fund had also been

asked to provide technical assistance to Rwanda and Burundi. However, without adequate financing the Fund would not be in a position to respond to those and other pressing needs. It was to be hoped that other nations would follow the example of the United States, Sweden, Norway, Denmark and other major contributors to the Voluntary Fund.

30. Mr. LILLO (Chile), referring to agenda item 21, said it was important that recipients of advisory services should be willing to make the best possible use of assistance given. Cooperation in the field of human rights should not be seen as an imposition by the donor on the recipient, but rather as a mutual commitment, generating mutual obligations.

31. His delegation appreciated the Secretary-General's report on advisory services in the field of human rights (E/CN.4/1995/89), which once again demonstrated the wide range of problems that would have to be tackled if effective progress was to be made in establishing more democratic, open societies, in which human rights and fundamental freedoms would be respected.

32. His delegation had no doubt that enhanced cooperation in the areas covered by the report would help to create better conditions for progress. Human rights were respected most in societies in which differences could be discussed in an atmosphere of tolerance, and where conflicts could be resolved under the rule of law, rule safeguarded by a proper separation of powers and a genuinely independent Judiciary. For that reason, he believed that the United Nations should spare no effort to strengthen its programmes of advisory services and technical cooperation in the human rights field, and should make such programmes available to States which had shown a real political will to overcome difficulties in that area and were achieving genuine progress.

33. Any action the Centre for Human Rights could take in strengthening the rule of law and democratic institutions, in training lawyers, judges, prison officers, and members of the armed forces and police, and in educating the general public would be particularly helpful to countries which were hoping to develop systems for the protection of human rights. Education was a particularly effective way of generating a climate of respect for human rights, since violations in many countries were encouraged by elements in society which subscribed to totalitarian beliefs; one of the aims of advisory services should be to make a sustained effort to foster pluralism.

34. The Centre should devote special attention to the subject of redress, restitution and rehabilitation for victims of serious human rights violations. That was a task which could not be shirked in any country in which the democratization progress had been preceded by grave and systematic human rights violations, since it was the key to genuine reconciliation. Chile, for its part, had lived through extremely painful experiences in the area of human rights, following which it had initiated compensation policies which, although they could not offset all the wrong that had been caused, nevertheless helped to ensure that more justice was done and demonstrated solidarity with the victims. His country was willing to share its experiences in developing such policies either with the Centre itself or with other countries.

35. Chile believed that any cooperation activities, and particularly those in the field of human rights, should be based on ethical and moral principles.

It therefore felt bound to express its concern at the lack of transparency of certain Governments which were using advisory services as a way of avoiding the issues dealt with under item 12 or, worse, as a pretext for demonstrating a desire for cooperation which was not borne out by the facts. In that way, advisory services were being increasingly distorted.

36. His delegation fully supported the statement in paragraph 12 of the report (E/CN.4/1995/89) that advisory services and technical cooperation activities should be seen as a complement to, but not a substitute for, monitoring and investigation, and the provision of such services did not lessen a government's responsibility for the human rights situation, nor exempt it from scrutiny through the various procedures established by the United Nations.

37. His delegation considered it essential to ensure that services provided were timely and transparent. Only in that way could the system assess whether the services had in fact been properly used or whether the services had merely served to distract attention from situations that gave rise to concern so that the State could avoid the intervention of other mechanisms.

38. Chile fully supported the activities carried out by the High Commissioner for Human Rights, particularly those designed to alleviate situations of grave concern in Africa, to establish regional arrangements in Asia, and to initiate a policy of dialogue with certain Governments. Those activities should go forward as an integral part of the Centre's advisory services, without prejudice to existing mechanisms for the protection, promotion and monitoring of human rights on a global basis.

39. Mr. MORA (Cuba) said that human rights now had a special place in international relations in general, and within the United Nations system in particular. While it was the clear duty of the international community to promote and protect human rights, his delegation was concerned at the trend within the United Nations whereby human rights activities were linked to promotion of the economic, political and ideological interests of a group of powerful countries.

40. That trend showed itself: in the manipulation of the subject of human rights for political purposes; in attempts to impose Western patterns of conduct, without taking into account the economic circumstances, history or traditions of developing countries; in attempts by certain countries to set themselves up as judges in human rights matters, thus avoiding scrutiny by the international community of their own serious human rights problems; in questioning of the right to self-determination and of the principle of non-interference in the internal affairs of States, and in efforts to impose mechanisms for that purpose; in highlighting certain human rights while ignoring or minimizing others; and lastly in a failure seriously to confront urgent problems affecting the human rights of the majority of the world's population.

41. Now that efforts were being made to establish a more just and equitable system of international relations, his delegation considered it essential that those negative trends should be halted and real and effective cooperation in

promoting all human rights without discrimination guaranteed. The World Conference on Human Rights had provided a suitable framework for such cooperation.

42. Cuba had always been strongly opposed to threats of force, to military intervention, and to economic coercion through individual or collective sanctions for the alleged purpose of promoting or protecting human rights. Any attempts to intervene, in the name of human rights, in the internal affairs of States, in flagrant contradiction of the letter and spirit of the Charter, should be strongly resisted. Increasing recourse to such action was seriously jeopardizing the sovereignty, freedom of choice and independence of States, particularly in the third world.

43. That situation was in part the result of internal conflict within the United Nations, which led to interventionist action being disguised as "protection and humanitarian assistance". That led to situations in which a prerequisite for the solution of civil conflicts was acceptance by the State in question of a development model and political system which did not necessarily suit its national interests.

44. War, xenophobia, neo-fascism and racism were rife, degradation of women and children was on the increase, the environment was deteriorating, indigenous cultures were being destroyed, and millions were enduring poverty, hunger, lack of education and medical care but the United Nations had been able to do little to eradicate those evils. Most United Nations bodies dealing with such matters were concerned chiefly with monitoring civil and political rights, while insufficient resources were allocated to the protection of other rights. Because of the political and economic influence of the Western Powers, those bodies only considered specific situations in developing countries on a highly selective basis, while in highly serious situations elsewhere they failed to act. In addition, members of such bodies acting as rapporteurs or experts tended to pronounce judgement rather than make objective recommendations.

45. In order to ensure that human rights bodies were really effective and free from political manipulation, a code of conduct to govern their working and reporting methods should be established. On all such bodies, including the Commission itself, the appointment of rapporteurs, experts and working groups should be reorganized on the basis of equitable geographical distribution, in accordance with the Charter, and appointments should be for a limited period only.

46. His delegation had been greatly disappointed by the failure to bring the United Nations human rights programme into line with the Vienna Declaration and Programme of Action. The imbalance whereby certain human rights were highlighted and others disregarded was being perpetuated, and no mention was made of the right of countries to self-determination or of grave human rights violations such as foreign occupation and domination. The UNDP's Human Development Report for 1993 stated that attempts by developing countries to overcome obstacles in order to gain access to international markets had cost them \$500,000, the equivalent of what they received in development assistance. That scandalous situation showed that the right to development should be among the fundamental priorities of the United Nations human rights programme.

47. In the programme as now presented, unlike that of Vienna, the inquisitorial and judgemental approach was retained and there was no acknowledgement of the need for objectivity and impartiality. It was unacceptable that concepts such as preventive diplomacy, peace-making and early-warning systems, which directly involved the Security Council and had been decisively rejected at Vienna, should now be incorporated in the programme.

48. There was thus a need for a thorough study of the way human rights were dealt with by the United Nations. The developing countries must continue to resist the attacks of those who sought to inculcate in others their own materialist values, and who showed a sanctimonious contempt for countries which had not achieved the standards which they preached.

49. Ms. BUCK (Canada) welcomed the preliminary report of the Special Rapporteur on violence against women (E/CN.4/1995/42) and expressed the hope that it would serve as a basis for progress in dealing with that problem. She was glad that the Special Rapporteur was to devote special attention to three aspects of the question - violence in the family, violence in the community and violence by the State.

50. Her delegation was pleased to note that the Special Rapporteur had attended the fourteenth session of the Committee on the Elimination of Discrimination against Women, and it strongly supported her participation in the Fourth World Conference on Women in Beijing. In that way, efforts to protect and promote the human rights of women being made throughout the United Nations system could be better integrated. Her delegation would also strongly support joint missions by the Special Rapporteur and other special rapporteurs of the Commission.

51. She commended initiatives taken by the High Commissioner for Human Rights to integrate the human rights of women into the mainstream activities of the Centre for Human Rights. The contributions of the Commission to the Beijing Conference could be particularly useful in that regard.

52. At the current session, Canada would be introducing two resolutions, one on the elimination of violence against women and the other on ways and means of furthering integration of the rights of women throughout the human rights mechanisms of the United Nations. Support for those resolutions would be proof of the Commission's continuing strong commitment to the goal of full enjoyment by both men and women of human rights and fundamental freedoms.

53. Mr. KPOTSRA (Togo) said that the previous year the Commission, in resolution 1994/78, had requested the Togolese authorities to take steps to improve the human rights situation in the country. As recommended in that resolution, the Government had requested the help of the advisory and technical cooperation services of the Centre for Human Rights. A mission was to visit Togo from 6 to 10 March 1995 to assess the country's needs.

54. His Government, in keeping with the spirit of dialogue and cooperation which it had always maintained with the Commission, had on 16 February responded to the questions raised by the Chairman of the Working Group on Enforced or Involuntary Disappearances and by the Special Rapporteur on

extrajudicial, summary or arbitrary executions. Those replies emphasized the difficulties encountered in the search for information on alleged executions or disappearances, and sought to set such events in the context of the widespread upheavals taking place as a result of the Government's loss of control of the situation. At the same time, the replies described the efforts being made by the Government to end the atmosphere of insecurity and to put the country back on the right path.

55. His delegation had been struck by the long chapter in the Secretary-General's report on the human rights situation in Togo (E/CN.4/1995/16, paras. 34-50) containing information from NGOs. The picture those organizations painted was unduly sombre and greatly exaggerated. Thus, the Chairman of the African Commission on Human and People's Rights, who had recently visited the country, had stated that he had seen clear signs of great improvement in the situation since the coming to power of the present Government. Togo, like other African countries, had embarked on a process of democratization, but the process was a long one and would take some time to show results.

56. Togo's national human rights commission would be organizing an international meeting in Lomé in April designed to sensitize local authorities, the police, the military, traditional chieftains and prison officers to respect for human rights, and to enlist their aid in educating the population on the subject.

57. In response to the Commission's requests, his Government was making every effort to promote the democratic process, the rule of law, respect for human rights, and national reconciliation, as well as trying to bring about economic recovery. He hoped that at its current session the Commission would take note of the progress achieved, and that it would encourage the Secretary-General to continue his dialogue with the Togolese Government with a view to preparing a suitable technical assistance programme.

58. Mr. SEMASHKO (Observer for Ukraine) said that better coordination of the activities of human rights treaty bodies was one of the best ways of enhancing the effectiveness of such bodies. In that effort, a major role must be played by the High Commissioner for Human Rights, whose very first efforts attested to the rigour with which he viewed his mandate. The Centre for Human Rights also had an important role to play, and in order to ensure the success of its work, it should be given sufficient human and financial resources to meet the increasing volume of tasks before it. At the same time, efforts to improve the Centre's operations must be pursued with due regard for rational management, given the multifaceted nature of contemporary human rights issues.

59. It might be worthwhile to consider the establishment within the Centre of a special branch to formulate recommendations on substantial and administrative aspects of coordination and assessment activities. The Centre should intensify its dialogue with other agencies and organizations with a view to carrying out joint research, providing technical and advisory services, and establishing groups of experts. The Centre's activities should be envisaged from a medium and long-term perspective to ensure that it was active in adopting initiatives and alternative approaches to human rights protection.

60. His delegation had co-sponsored a draft resolution intended to promote better coordination of human rights activities within the United Nations which had been submitted for consideration by the General Assembly at its forty-ninth session. Although the Assembly had referred the draft to a working group, the constructive discussion to which it had given rise augured well for its adoption at the next session.

61. Yet no matter how extensive the system for protecting human rights became internationally, it was national policy that would primarily determine the achievement of that goal. What legislation on human rights existed? To what extent was it in accord with international norms? What mechanisms were envisaged for implementing it? What provision had been made for monitoring implementation and compliance with international instruments? Such questions were especially pertinent to the Ukraine and other countries in transition.

62. Ukraine had recently adopted new legislation relating, inter alia, to rehabilitation of victims of political repression, freedom of conscience, religious organizations, language groups, citizenship, national minorities, refugees and the legal status of foreigners. It had ratified nearly all the basic human rights instruments, which accordingly constituted an integral part of domestic legislation; in the event of any divergence, the international treaty took precedence over domestic legislation. Appropriate governmental bodies were responsible for monitoring implementation of international instruments. An ombudsman was to be established to coordinate the whole range of institutions engaged in human rights protection in the Ukraine.

63. Ukraine had many members of ethnic groups living in its territory and was committed to ensuring a free and equitable existence for all its citizens. Protection of minority rights was closely linked to creation of the necessary conditions for the return to Ukraine of groups deported during Stalinist times. The Government was doing everything possible to restore historical justice, though it was hampered in that effort by its limited material and financial resources. It therefore placed great hopes in international support, particularly from countries from which the deported groups would return to Ukraine. It welcomed the formulation by UNDP of a programme for reintegrating Crimean Tatars and other ethnic minorities in Crimea and was grateful to countries that had expressed their readiness to assist in carrying the programme out.

64. Ukraine supported the efforts to devise an operating strategy for UNHCR in the territory of the former USSR and endorsed the specific action already undertaken. Although in formal terms the groups deported under the Stalinist repression were not covered by the Convention and Protocol relating to the Status of Refugees, the scale of the population movement and the problems it entailed required the attention of both UNHCR and the International Organization for Migration. Using their moral authority, those bodies could influence countries from whose territory the deported groups were returning to Ukraine with a view to provision of assistance in their resettlement. The idea of creating an international fund for support to deportees was also worthy of attention.

65. Ms. SHARFMAN (Observer for Israel) said her Government was pleased to see that a growing number of States were recognizing the interrelationship between

democracy, development and respect for human rights. It hoped that that recognition would be a positive step towards realizing in practice the rights which everyone agreed were universal. Israel's experience demonstrated that democracy and development were not incompatible, even under adverse conditions. Rather, they were intimately linked. The Supreme Court of Israel was a prime guarantor of human and civil rights. All citizens had the right of appeal to the Supreme Court on matters pertaining to alleged governmental infringement of individual rights. Even though they were not citizens of Israel, Palestinians in the territories also enjoyed full exercise of that right.

66. The Israeli democratic tradition had deep roots. Even before independence, great emphasis had been placed on developing democratic institutions, and efforts had been made to create a model of pluralism and democracy. One of the most famous examples was the kibbutz - communal farms founded on the principles of equal rights and equal responsibilities. Her Government's multi-party structure was also rooted in pre-independence institutions.

67. Israelis were a diverse people, representing many cultures, languages and religions. The country was now absorbing two massive waves of immigration - from the villages of Ethiopia and the cities of the former Soviet Union. The contrast in lifestyles between those two groups could not be greater. Yet that was Israel - a mix of cultures. Without a commitment to democracy and pluralism, bridging the vast differences would be an impossible task.

68. When Israel had become an independent State in 1948, it had faced enormous development challenges. The population had been small and the industrial base underdeveloped. Thousands of refugees had flooded its shores. From the outset, Israel had based its national development policies on a commitment to democracy, and that commitment had not wavered, even in the face of wars and bloodshed. The country took great pride in having maintained its democratic system, culture and values in the face of unrelenting external threats to its security, and even its existence. The continual violence had made Israel especially determined not to abandon its human and Jewish values. One outcome was the fact that capital punishment was forbidden, except in the case of Nazi war criminals convicted of crimes against humanity.

69. In Israel's view, the United Nations had a special role to play in the furthering of democratization. In the Middle East, the Centre for Human Rights in particular could be of great assistance in helping the Palestinian Authority to build up its Judiciary and legal system.

70. Her country welcomed the steps towards greater democratization taken by some of its neighbours and hoped that all States in the region would soon join in that process of positive change. Greater democracy, pluralism and respect for human rights and women's rights could lead to greater stability in the Middle East. Her delegation therefore welcomed the report of the Special Rapporteur on violence against women (E/CN.4/1995/42) and endorsed her recommendation for a resolution calling on Member States to implement national plans of action. Since children constituted some 60 per cent of the population in the Middle East, she also wished to highlight the importance of the rights of the child.

71. The challenge before the world community was to translate declarations and resolutions into genuine action and an improved situation. Despite the difficulties that the United Nations system continued to place in Israel's path by excluding it from the regional groupings within which vital work was carried out, her country was keen to cooperate in the work of the Commission.

72. Mrs. MARKIDES (Observer for Cyprus) said that great progress had been made on women's rights, but there was still a long way to go. While laws that in principle offered the same rights to men and to women remained in place, women's de facto enjoyment of their rights often lagged far behind owing to the discriminatory interpretation and application of such laws. Her Government gave high priority to the equal status and rights of women and was endeavouring to bring domestic legislation into line with the Convention on the Elimination of All Forms of Discrimination Against Women and the conventions and recommendations of regional organizations. It was drafting a new law on prevention of violence within the family and protection of victims of violence.

73. Women were vulnerable to violence in the family and in the community and to acts of violence by States. Her delegation welcomed the preliminary report of the Special Rapporteur on violence against women and reiterated its support for her difficult task. Her delegation was gratified that the problem of violence against women in times of armed conflict would be an important aspect of the work of the Special Rapporteur and urged her to place it high on her agenda.

74. During and after the Turkish invasion and occupation of 37 per cent of Cyprus' territory, a large number of women had been the victims of systematic torture and savage and humiliating treatment during their detention by the Turkish army. Many cases of rape had been reported and had been attributed to the occupying Power by the European Commission on Human Rights. Turkey had chosen to ignore international humanitarian law, however, and had done so with impunity.

75. The situation of the few remaining Greek Cypriot women in the occupied area was distressing. Harassment, persecution, intimidation and ill-treatment continued unabated. A Greek Cypriot primary schoolteacher had recently been kicked and beaten by agents of the Turkish occupying Power when she had refused to submit to a body search. How long would the Commission tolerate the perpetuation of such a tragic situation?

76. Mr. VENERA (Observer for the Czech Republic) said his country had gradually begun to integrate itself into the economic and social structures of Western Europe. In that process, the need to reassess former approaches to equality of men and women had become more pressing. Since 1989, representation of women in the highest State organs and economic structures had declined. In the most recent parliamentary elections, only 19 women, or 9.5 per cent of the total number of deputies, had won seats. The real problem, however, was not how many women were elected, but how well the interests of women were represented. Often it was better when those interests were advanced by a single, strong personality, rather than by a large number of women.

77. There were no obstacles to the political and social activities of women in his country. The percentage of working women was high, as the average family needed two sources of income. Women had the right freely to engage in business activities. Employment of women had been facilitated by political measures such as paid maternity leave and access to pre-school institutions for children. Until recently, the State had allowed only mothers to stay at home with their children, but now such permission could be granted to fathers as well. Parental benefits were paid for children up to the age of three, and up to seven in the case of seriously disabled children. Although both men and women worked, couples rarely shared the burden of household chores. The women's movement lacked unity, no doubt owing to the legacy of the past regime, when women's interests had been represented only by approved women's organizations.

78. Since the 1980s, the Czech Republic had had to face up to the ageing of the population. To alleviate that problem - at least partially, the benefits paid on the birth of a child and financial assistance during maternity had been increased, and the period of basic maternity leave had been extended to 28 weeks and 37 weeks in the case of single mothers. Mothers were entitled to benefits when nursing a sick child or other family members. Women were now permitted to work at night, subject to their consent and approval by their doctors. The Czech Republic had prepared new legislation in the sphere of family and civil law. Though formal equality of men and women had already been achieved in the past, genuine equality would be much more difficult to accomplish.

79. A number of tasks concerning assistance to women should not be overlooked in the preparation of documents for the Fourth World Conference on Women. Those tasks included: encouraging the promotion of women to senior economic and policy-making posts; involving women more closely in the development of legal standards and government programmes relevant to them; encouraging women to fulfil their maternal role and providing assistance to women in need; expanding women's health care and safeguarding the right of children and young people to decent living conditions; assisting women in withstanding adverse developments in the labour market; narrowing the gap in remuneration for men and women; improving women's education; expanding advisory and information centres for women, particularly for those in difficult situations; improving the legal protection of children; and enhancing women's legal education and knowledge of their rights and of international and domestic legal standards.

80. Mr. ELIASSON (Sweden), speaking on behalf of the five Nordic countries, commended the work of the Representative of the Secretary-General on internally displaced persons, who had done much to raise general awareness of their plight. That awareness was more important than ever, given that the number of such persons now exceeded that of traditional refugees and was expected to rise still further as a result of proliferating conflicts.

81. Internally displaced persons were particularly vulnerable in being exposed to situations where law and order had broken down and where humanitarian and human rights law was not respected. They were often the prime victims of all the human rights violations associated with conflicts, and among them, women and children were the most vulnerable of all, although generally excluded from decisions on issues which affected them. His

delegation therefore called for more cooperation between the Special Representative and other special rapporteurs dealing with women's and children's rights.

82. Internal conflicts and violence often created divisions between the authorities and the population, and led to a vacuum in which there was no effective State authority to provide protection for displaced people. In those circumstances, the international community needed to take on a broader humanitarian responsibility while supporting the States concerned in their efforts to provide assistance.

83. His delegation believed strongly that the mandate of the Special Representative should be renewed in view of the catalytic role played by Mr. Deng in the development of a more coherent and direct approach to internally displaced persons within the humanitarian system. The Commission also needed to consider how to strengthen that mandate, given the scale of the problem and the limited resources available to tackle it.

84. One of the most valuable aspects of the work done by the Special Representative had been the practice of field visits to affected countries. Such on-site visits, which had been undertaken with the cooperation of the Governments concerned, had enabled him to gain deeper insights into the problem, and had made it possible to compile country profiles on relevant aspects of internal displacement. Such activities were conducive to dialogue and confidence-building, promoted the development of early-warning mechanisms and helped to increase knowledge of the root causes of internal displacement. In that respect, there was a great need for further contributions from other parts of the United Nations system. The work done by organizations such as ICRC and IOM, as well as academic institutions and NGOs, should also be taken into account. His delegation also wished to encourage greater use of the Inter-Agency Standing Committee headed by DHA and the Office of the Emergency Relief Coordinator. Strengthened coordination between the humanitarian agencies and the Special Representative would improve the efficiency of the protection given.

85. The Nordic countries would welcome further intensification of the activities of the Special Representative, with particular emphasis on country visits, dialogue with Governments, data collection, collating and assessing applicable standards, and proposing special measures to protect women and children.

86. Mr. BARANYI (Commission for the Defense of Human Rights in Central America) considered that in order to preserve the true intent of advisory services and in the general interest of promoting human rights in the two countries, the Commission should continue to discuss the situation in El Salvador under item 21 for another year and place the situation in Guatemala under item 12.

87. The situation in El Salvador had greatly improved since the end of the war in 1992, and major reforms had been implemented, including the separation of defence and public security agencies, the creation of the National Civil Police (NCP) and the Office of the Human Rights Procurator. Relatively free and fair elections had taken place in 1994 and first steps had been taken

towards reforming the judicial system. The United Nations, through the Office of the Secretary-General, the on-site Observer Mission (ONUSAL), the Commission on Human Rights and the specialized agencies, had played a crucial role in helping Salvadorians forge peace and create the conditions needed for long-term observance of human rights. It was important for the United Nations to see its work through; despite the progress made, the human rights situation remained precarious. Indeed, the report of the Independent Expert (E/CN.4/1995/88) had drawn attention to serious and persistent institutional problems. The armed forces continued to encroach on public-security matters, irregularities in the transfer of former military personnel to the NCP had not been fully rectified and that force stood accused of serious human rights violations, including extrajudicial executions.

88. The Joint Group for the Investigation of Politically-motivated Illegal Armed Groups, in its July 1994 report, concluded that illegal armed groups still existed and might again resort to serious human rights violations against the political opposition. Those problems persisted in a context of de facto impunity where judicial reforms were only just beginning. Figures cited in the 1994 report of the ONUSAL Human Rights Division indicated an alarming trend in persistent human rights violations, including many cases of arbitrary execution and death threats. The Independent Expert had confirmed that the majority of such cases remained unsolved and the culprits went unpunished.

89. In the light of the precarious situation in El Salvador, his organization urged the Commission to: (a) adopt a resolution expressing its concern over continuing human rights violations, continuing impunity, and the persistence of structures which threatened a return to past levels of grave and systematic violations; (b) call on the Government to implement the recommendations of the Independent Expert, urge the Government and the FMLN to comply with the Peace Accords, the recommendations of the Commission on the Truth, the recommendations of the Joint Group for the Investigation of Illegal Armed Groups, and the recommendations of the Independent Expert himself; (c) urge the Administrative Council of the Voluntary Contributions Fund to allocate the resources required to implement the technical assistance programme, as recommended by the Independent Expert; (d) extend the mandate of the Independent Expert so that he could facilitate the execution of those programmes and present a progress report to the Commission; and (e) encourage the Security Council to agree to the Secretary-General's request for the maintenance of a small on-site mission once the mandate of ONUSAL expired on 30 April 1995.

90. With regard to Guatemala, the situation was far more worrying and the need for monitoring by the Commission correspondingly greater. While moves had been made towards improving respect for human rights since the induction of President de León Carpio, the Independent Expert's report of 20 December 1994 (E/CN.4/1995/15) noted that such steps had not been followed by any substantive improvement in the situation. In that report, and citing respected sources such as the Office of the Human Rights Procurator, the Independent Expert had documented many cases of serious human rights violations, including extrajudicial executions, alleged enforced disappearances, death threats, torture, police repression, forcible military recruitment and obstruction of due legal process. There had also been

extensive violations of the economic, social and cultural rights of most Guatemalans, particularly of vulnerable groups such as returning refugees, the internally displaced and indigenous peoples.

91. The Independent Expert had concluded that the Government must translate its obligations into practice by, for example, strengthening the status of the Presidential Commission for Coordinating Executive Policy in the field of Human Rights (COPREDEH) as a civilian institution, bringing the military into line with the rule of law, disbanding the civil self-defence patrols (PACs), and enacting and implementing appropriate legislation to protect indigenous peoples. In the light of those conclusions, the Independent Expert had recommended continued close monitoring of the situation in Guatemala by the Commission on Human Rights, to complement the on-site verification by the United Nations Human Rights Verification Mission in Guatemala (MINUGUA).

92. Given the Expert's implicit conclusion that the Government had not adopted or applied the significant measures required of it under Commission resolution 1994/58 and her explicit recommendation for continued monitoring by the Commission, the Commission should: (a) adopt a resolution expressing its grave concern at the persistent violations of the right to life in Guatemala and noting the increase in extrajudicial executions and death threats; (b) take note of Mrs. Pinto's observations and recommendations on broader human rights violations and on the institutional roots of those abuses; (c) call on the Government to implement the recommendations of the Independent Expert, urge the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) to comply immediately and fully with the Comprehensive Agreement on Human Rights signed in March 1994; (d) consider Guatemala under agenda item 12, upgrade the status of Mrs. Pinto to that of Special Rapporteur and extend her mandate for another year. Lastly, he urged the Commission to encourage Mrs. Pinto to pay more systematic attention to the human rights situation of women, including violence against women, as she was required to do under resolution 1993/46.

93. Mr. EL DAHAB (Egypt), speaking in exercise of the right of reply, referred to allegations made by the Women's International League for Peace and Freedom concerning the response by the Egyptian authorities to a peaceful demonstration which had taken place in front of the UNHCR building in Cairo on 20 October 1994.

94. On 19 October, a group of 40 Sudanese had gathered in the waiting area of the UNHCR office. The offer by UNHCR of food, clothing, medical assistance had been rejected by the group, which had insisted on written guarantees relating to their status, assistance and resettlement as a condition for their leaving the premises. Since the group had not been known to the UNHCR, a formal request had been made to the Ministry of Foreign Affairs for assistance in resolving the situation. Negotiations had taken place on 20 October between representatives of the demonstrators, the Director of the Refugees Department of the Ministry of Foreign Affairs and UNHCR staff. When the talks had failed, the police had been asked to remove the demonstrators peacefully, which they had done quickly and efficiently. Once outside the premises, some of the demonstrators had unexpectedly turned on the police and three people had suffered minor injuries in the ensuing scuffles.

95. The special historical and geographical ties between Egypt and the Sudan allowed nationals of the two countries to move freely from one country to the other, take up residence and seek employment, own property, and enjoy access to public services such as health care and education. The Sudanese population in Egypt was estimated at between 3 and 4 million, the result of constant migrations dating from the early years of the century of Sudanese seeking a better life. Egypt had always been generous towards the Sudanese migrants and treated them as Egyptian nationals, with certain limited restrictions on their rights in areas such as military service and employment in the public sector.

96. In the light of its close historical links with the Sudan and in accordance with article 1, paragraph E, of the Convention relating to the Status of Refugees, Egypt did not treat the Sudanese living on its territory as refugees or asylum-seekers but rather as fellow-citizens. The Sudanese living in Egypt encountered no protection problems, unless indicted for offences punishable under national legislation. There had been no expulsions of Sudanese or any abusive or arbitrary police action against them.

97. Mr. AL-KHERO (Iraq), speaking in exercise of the right of reply, referred to a statement by the representative of the International Committee for European Security and Cooperation regarding ways of improving the work of the Commission in Iraq and elsewhere, and ways of making more effective use of international instruments in the human rights area. The connection which that statement had appeared to imply between improvements in the human rights situation of minority groups in Iraq and the idea of dividing the country was invalid. Both that statement and the report of the Special Rapporteur on the human rights situation in Iraq (E/CN.4/1995/56) appeared to be motivated politically, rather than by any real desire to improve the human rights situation. His delegation refuted the idea that the division of Iraq would be a positive step or that human rights instruments should be used for that purpose. Such proposals had been motivated largely by the desire of certain groups to obtain financial compensation, effectively turning Iraq into a commodity which could be bought and sold.

98. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, said that in his statement on agenda item 11, the Indian representative had accused Pakistan of irrelevance, territorial ambitions, terrorism and contradictory reasoning. His Government valued the advice on technical exactitude, but only wished that it had been motivated by sincerity rather than by a desire to silence the debate on Jammu and Kashmir. Since 1947, thousands of refugees from Indian-held Kashmir had been fleeing to Azad Kashmir, Pakistan and other regions. Was it possible that the Indian delegation was not aware of those refugee movements?

99. The Indian delegation was desperate to silence the debate on the situation in Jammu and Kashmir and to dissuade delegations from listening to the legitimate demands of the Kashmiri people for realization of their right to self-determination. Kashmir constituted a major human rights crisis. The Indian forces had left no segment of the Kashmiri population unpunished. The Commission could not ignore the crisis, for it affected the lives of millions of people and impinged upon peace and security in southern Asia.

100. India's allegations of territorial ambitions on the part of Pakistan were ludicrous and untenable. It was India that was responsible for illegally occupying and annexing Kashmir and had been brutalizing the people of Kashmir for the last 47 years: that was territorial ambition.

101. India accused Pakistan of abetting terrorism in Kashmir. Yet the just struggle of the Kashmiri people for freedom was not terrorism. India had sent 600,000 troops to quell the peaceful uprising in Kashmir. It killed unarmed civilians every day and had set entire towns and villages ablaze: that was terrorism. India offered to provide facts on the situation but was unwilling to receive a fact-finding mission to Jammu and Kashmir. The doors of Pakistan were always open for such missions. His country would welcome any delegation to Azad Kashmir and would take them to the Kashmiri refugee camps and to the line of control. Indian-held Kashmir was a prison; the tormentors and jailers should vacate it.

102. Mr. DOS REIS (Indonesia), speaking in exercise of the right of reply, referred to a statement made by the representative of Ireland, which appeared to draw a comparison between the situation in East Timor and Auschwitz, Omarska and Rwanda. Such a comparison was entirely misleading, and the issue of East Timor had been placed in the wrong context. In view of the long history of good relations between Indonesia and Ireland, it was to be hoped that such an unfortunate reference stemmed from a lack of knowledge of the substance rather than representing the considered view and policy of the Government of Ireland.

103. Mrs. SABHARWAL (India), speaking in exercise of the right of reply, said that the statement made by the delegation of Pakistan concerning the situation in Jammu and Kashmir was irrelevant to the real issues under discussion. It was illogical, factually incorrect and motivated by Pakistan's territorial ambitions rather than any desire for the truth.

104. The right to self-determination was not to be equated with religion, nor could Islam be equated with Pakistan's territorial ambitions. Jammu and Kashmir was an integral part of India; its people were free citizens of a free and democratic country, who through their own Legislature and participation in elections had long ago resolved the issue of their self-determination. The only issue which remained unsolved in the area was the illegal occupation by Pakistan of one third of the State.

105. She categorically rejected all the allegations which Pakistan had made against India, which were motivated by a desire to deflect the debate from the real issues. The root cause of the problems in that area was Pakistan's sponsoring and training of terrorist groups which had perpetrated massive violations of the human rights of ordinary citizens and forced 300,000 people to seek refuge not in Pakistan but, significantly, in other parts of India. Pakistan's long-standing involvement in terrorism had been confirmed by authorities such as a United States Congressional Task Force on Terrorism, while a report by Human Rights Watch in September 1994 had stated that, in Kashmir in particular, militants continued to receive large quantities of weapons from Pakistan, whose Government thus bore significant responsibility

for the resulting violence. All the available evidence pointed incontrovertibly to the fact that Pakistan was now the most prominent State-sponsor of terrorism.

106. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, suggested that the term "free citizens" as applied to the people of Kashmir was singularly inappropriate in view of the violence perpetrated against them by Indian security forces. With regard to the question of self-determination, it was an inalienable right which had been endorsed by the Charter, by international conventions and by numerous United Nations declarations and resolutions; it had been specifically recognized for the people of Jammu and Kashmir by the Security Council, and India had indeed undertaken to implement the relevant resolutions. Jammu and Kashmir was therefore not an integral part of India but disputed territory.

107. As to the allegations that Pakistan had been sponsoring terrorism, India should invite a fact-finding mission to investigate the allegations in order to obtain objective information. Reports of massive human rights violations by Indian forces had been confirmed by refugees from Jammu and Kashmir whom he had met personally and who had suffered torture or rape at the hands of Indian soldiers.

108. In exercising its right of reply, India always failed to address the main issues, which were the large-scale human rights violations committed by Indian forces and the denial of the right to self-determination of the people of Jammu and Kashmir. It had never responded to reports documenting such abuses, preferring instead to make counter-allegations against Pakistan based on highly selective and distorted information.

109. Mrs. SABHARWAL (India) asked if Pakistan was really attempting to justify acts of terror committed in the name of self-determination. The Commission could clearly not allow human rights to be hijacked by practitioners of terrorism while ignoring the human rights of the numerous victims of terrorism whose rights democratic Governments were struggling to defend.

110. It was ironic that Pakistan should keep harping on self-determination while denying that very right, guaranteed under its own Constitution, to the part of Kashmir occupied by Pakistan. The Prime Minister of Pakistan herself had ruled out independence for Kashmir and had been quoted as saying that it would soon be part of Pakistan. It was also ironic that Pakistan should selectively cite Security Council resolutions in support of its own case, while ignoring the very first of those resolutions by using force to alter the status quo.

111. Pakistan's insistence on the need for a fact-finding mission was no more than an attempt to raise a bilateral issue before the Commission and to use the Commission to further its own aims of territorial expansion at India's expense. It was also inappropriate for Pakistan, whose own human rights record left much to be desired, to pose as a champion of human rights.

The meeting rose at 10.10 p.m.