

history could be cited in that regard. In the circumstances, he urged all foreign Powers to refrain from interfering in the affairs of Chile and from fomenting civil war from one side or the other, and to leave the Chilean people in peace. Likewise, he asked the Committee not to waste its time in discussions but to get down to work. He therefore moved the adjournment of the meeting.

47. The CHAIRMAN drew attention to the relevant provisions of the rules of procedure and put the motion for the adjournment of the meeting to the vote.

The motion was carried by 52 votes to 5, with 24 abstentions.

The meeting rose at 1.30 p.m.

2070th meeting

Tuesday, 22 October 1974, at 3.10 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2070

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections D to F), IV (section J), V (sections A to C, D, paragraphs 436 to 478, 487 to 492 and 494 to 506, and E), VI (sections A.1 to 5 and 7, E and G) and VII (sections 1 to 3)] (continued) (A/9603, A/9637, A/9707, A/9733, A/9764, A/9767, A/9785, A/C.3/L.2106/Rev.1, A/C.3/L.2210-2114, A/C.3/XXIX/CRP/1)

1. The CHAIRMAN announced that the representatives of Cyprus and Portugal had become sponsors of draft resolution A/C.3/L.2106/Rev.1; that the representatives of Belgium and Cyprus had become sponsors of draft resolution A/C.3/L.2110; that the representatives of Czechoslovakia, Morocco and the United Republic of Cameroon had become sponsors of draft resolution A/C.3/L.2112; and that the representatives of Czechoslovakia, Turkey, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics had become sponsors of draft resolution A/C.3/L.2114.

2. Mr. JACHEK (Czechoslovakia) said that his delegation noted with satisfaction that the United Nations bodies concerned with the defence of human rights had completed a considerable amount of work over the previous year. The efforts of the Commission on Human Rights and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities aimed at protecting fundamental human rights were particularly laudable. His delegation welcomed the decision taken by the Commission on Human Rights at its thirtieth session in its resolution 10 (XXX)¹ concerning a long-term programme of work in the field of human rights, as that would make it possible to establish priorities in the work of the United Nations and he was also convinced that it would contribute to the greater effectiveness of the activities of the United Nations in that sphere. Czechoslovakia showed not only in words but also in deeds its solidarity with the struggle of the peoples for social and national liberation and with the struggle against aggression, colonialism, racial oppression and exploitation.

3. The provisions of the international conventions adopted by the United Nations and the specialized agencies for the

defence of fundamental human rights were fully respected in Czechoslovakia, and that also applied both to all the multilateral agreements approved by the United Nations to which Czechoslovakia was a party and to the agreements which Czechoslovakia was preparing to sign or ratify. A comparison of Czechoslovak law and the practice of the Czechoslovak legal and administrative bodies with the International Covenants on Human Rights (General Assembly resolution 2200 A (XXI), annex), which had been signed by Czechoslovakia, and with the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (General Assembly resolution 3068 (XXVIII), annex) showed clearly that the requirements of those international instruments were met in Czechoslovakia both in law and in practice.

4. The Committee was rightly concentrating on the measures which the United Nations should adopt for the protection of the fundamental rights and freedoms which continued to be flagrantly violated by the Chilean military junta on a major scale despite the fact that the junta's criminal policy was resolutely condemned throughout the world and despite the many appeals made to it by the United Nations, international governmental and non-governmental organizations, the Governments of many States, well-known political, cultural and scientific personalities and also the national organizations of various countries representing broad strata of the population. The representatives of the Chilean junta at the United Nations had been unable to cast doubt on the many irrefutable charges of serious violations of human rights in Chile. The situation in Chile aroused serious concern in the international community and it had been brought about entirely by the junta. The representative of the junta in the Committee had tried to distract attention from the violations of human rights in Chile by resorting to slander against some of the socialist countries; his delegation resolutely refuted that slander as being completely unfounded.

5. The Government and all the people of Czechoslovakia resolutely condemned the fascist coup in Chile and the bloody terror unleashed by the junta which had led to the deaths of thousands of Chilean patriots. The Czechoslovak Government and the Czechoslovak committee for the defence of the rights of the Chilean people had repeatedly expressed their solidarity with the courageous struggle of

¹ See *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5*, chap. XIX, sect. A.

the people of Chile against the fascist régime in that country and their full determination to provide the Chilean people with comprehensive aid and support, including the offer of political asylum to the Chilean patriots in accordance with Czechoslovak law. They had also expressed their support for international efforts aimed at achieving the restoration of democratic rights in Chile as soon as possible. The Czechoslovak people resolutely demanded that the terror should be immediately ended and that all political prisoners and eminent representatives of the democratic life of Chile and members of the Unidad Popular Government, including Luís Corvalán and Clodomiro Almeida, should be freed.

6. His delegation fully supported draft resolution A/C.3/L.2114, which was an expression of the combined efforts aimed at the restoration of fundamental human rights and freedoms in Chile and at the liberation of thousands of innocent people. The fact that the draft resolution was sponsored by countries having different social systems showed that the development of events in Chile had deeply shocked democratic forces throughout the world and that the need for the adoption of effective measures by the United Nations to put an end to the dangerous situation there was generally recognized.

7. Draft resolution A/C.3/L.2112 reflected the viewpoint of the Czechoslovak Government on the question of the national liberation and anti-colonialist struggle to which the Czechoslovak people, in accordance with the relevant resolutions of the General Assembly and the Security Council, were providing and would continue to provide comprehensive support and assistance. Czechoslovakia maintained no diplomatic or other links with the racist régimes of southern Africa and considered it imperative to take new and more effective measures through the United Nations to put an end to the policy of racism, *apartheid* and oppression pursued by those régimes against the broad masses of the population. The Czechoslovak Government considered it essential that the United Nations should take measures first of all against those countries which from the very beginning had borne direct responsibility for the development of the dangerous situation in southern Africa because they had been trying to preserve their economic, political and military interests in the area and were continuing, despite repeated appeals by the General Assembly and the Security Council, to give moral and material assistance to the illegal racist régime of southern Africa.

8. Mr. SÖYLEMEZ (Turkey) said that, having listened to the statements made by previous speakers concerning the tragic events that had taken place in Chile, he congratulated the sponsors of draft resolution A/C.3/L.2114 on having negotiated a compromise text without undermining the basic issues and principles involved, namely, the protection of human rights and fundamental freedoms in Chile.

9. The United Nations and the international community had an obvious responsibility to promote human rights in Chile in view of the widely shared alarm and concern at the reported violations of human rights in that country. The draft resolution was a timely and appropriate means of restoring and safeguarding basic human rights, particularly those involving a threat to human life and liberty. It was the duty of the United Nations to appeal for reason and

clemency in such situations. His delegation was particularly pleased that the draft resolution contained no outright and counterproductive expressions of condemnation. It symbolized an act of goodwill and extended the moderating influence of the United Nations, which should obtain the co-operation of the Government of Chile in the restoration of basic human rights and fundamental freedoms. His delegation was confident that the release of political prisoners would contribute greatly to that objective.

10. His delegation hoped that the draft resolution, which was balanced and had the support of many delegations, would be approved unanimously and would contribute to a better understanding of the enormous problems that still existed in Chile.

11. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation was prepared to support draft resolution A/C.3/L.2106/Rev.1, on the understanding that it represented a further act by the General Assembly to protect human rights. His delegation would also support draft resolution A/C.3/L.2112, which would make a definite contribution to the cause of human rights.

12. The position of his delegation with regard to draft resolution A/C.3/L.2114 had already been clearly stated. The document represented a minimum contribution to the urgent measures that were needed to end gross and massive violations of basic human rights and fundamental freedoms in Chile. In considering it, all members of the Committee should bear in mind that, under the Charter of the United Nations, responsibility for the protection of human rights and fundamental freedoms for all, without distinction, was vested in the General Assembly. The adoption of the draft resolution would be further evidence of the will of the international community to restore the human rights and fundamental freedoms that had been trampled underfoot by the military junta and would be a genuine contribution to the cause of human rights.

13. Mr. JAYAWICKREMA (Sri Lanka) said, with regard to draft resolution A/C.3/L.2106/Rev.1, that criminal law in Sri Lanka empowered the courts to impose certain known and accepted forms of punishment which were in conformity with current liberal thought. Prison rules were, so far as resources permitted, consistent with the Standard Minimum Rules for the Treatment of Prisoners,² and in recent years the emphasis had shifted sharply from deterrent punishment to reformation and social rehabilitation. However, police excesses occurred from time to time in all parts of the world, and Sri Lanka did not claim to be completely free of them. He therefore welcomed the draft resolution, particularly the proposal to formulate an international code of ethics for police and law enforcement agencies.

14. His delegation was thankful that it had been possible to formulate a draft resolution on the protection of human rights in Chile (A/C.3/L.2114) which was likely to receive almost unanimous acceptance in the Committee and the General Assembly. It viewed with very deep concern the

² *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

reported violations of human rights in that country since the overthrow of the Allende Government. It was almost axiomatic, on the basis of the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenants on Human Rights, that any reported violation of human rights was properly and legitimately the concern of the international community. The paths followed by Sri Lanka and by Chile—before the coup d'état—had been very similar, but, even though the architect of the social revolution in Sri Lanka had been assassinated, the common people had ensured through the free exercise of their right to vote that the social revolution would be carried through. It was sad that Mr. Allende should have died before his efforts had reached any degree of fruition and tragic that the common people were, if normally unimpeachable sources were to be believed, under the iron heel of repressive reaction. His delegation hoped the Chilean authorities would respond to the almost universal appeal made to them in the draft resolution by guaranteeing to the Chilean people the protection of the two International Covenants on Human Rights, which it had recently pledged to defend and uphold.

15. His delegation supported the draft resolution A/C.3/L.2111, but shared the view expressed by the representative of China at the 2068th meeting concerning one most important aspect of the problem of ensuring the effective enjoyment of human rights and fundamental freedoms. Sri Lanka had done its best to guarantee to its population, through legislative and judicial measures, the enjoyment of all the rights referred to in the International Covenant on Civil and Political Rights. It had not, however, been able to implement all the provisions of the International Covenant on Economic, Social and Cultural Rights. Indeed, no State could hope to provide its people with a decent standard of living, the basis for the development of all the other rights mentioned in the Covenant, if it did not know from one week to the next whether it would have sufficient resources or credits to meet its needs, what price its products would fetch in the world market, or whether further increases in the prices of essential commodities would once again compromise its budget. If the international community was serious in its support for the effective enjoyment of human rights and fundamental freedoms not only in the developed world, but also in the developing countries where two thirds of the world's population lived, it should ensure that the proposed new international economic order became a reality. What was needed was a series of mechanisms to ensure a proper balance between the prices developing countries received for their exports and those they paid for their imports, so that their balances of payments and terms of trade would not be subject to fluctuation and they could implement their social and economic development programmes on a steady foundation.

16. Mr. RAZA (Pakistan) observed that the priorities allocated to various agenda items by the Third Committee amply reflected its unanimous concern for human rights, its active and energetic condemnation of oppressive and inhuman situations, wherever they might exist, and its genuine and urgent desire to improve the human condition. Pakistan had consistently and unreservedly supported all initiatives aimed at alleviating human suffering.

17. All would agree that the worst situation that could face mankind was war. The United Nations symbolized

mankind's dissatisfaction with war as a means of settling disputes and its search for peaceful dialogue and détente, rather than conflict and confrontation.

18. During the previous 25 years, Pakistan had experienced three armed conflicts, and that experience lent urgency to its support for draft resolution A/C.3/L.2110. The pitiable plight of those whose relatives and friends were listed as missing in action could be alleviated by the expeditious exchange of accurate information about the fate of the missing. The draft resolution was an attempt to curtail the ordeal of the surviving families of persons who made the supreme sacrifice in time of war. His delegation was pleased to be a sponsor of draft resolution A/C.3/L.2110 and was confident that it would be unanimously approved by the Committee, since it addressed itself directly to a humanitarian issue.

19. Miss VOLLMAR (Federal Republic of Germany) said that her delegation attached special importance to draft resolution A/C.3/L.2110, which was of a highly humanitarian character. In the course of the armed conflicts that had taken place during the twentieth century, the fate of countless persons reported as missing had never been clarified. Every missing person had a family which suffered the torment of uncertainty about his fate and uncertainty was sometimes more painful than certainty, however dreadful it might be. Her delegation therefore considered it an elementary humanitarian task to account as quickly as possible for the fate of persons who were missing or who had died in armed conflicts. It was usually relatively easy to provide such information, given the goodwill of all concerned. In view of the exclusively humanitarian and apolitical character of such information, action on that question should not be delayed pending the resolution of other issues.

20. Many countries had shown the greatest understanding for the desire to give the dead a dignified last resting place. The cemeteries for the war dead which had been established were well cared for, and, if families so requested, the exhumation and return of remains was facilitated. The draft resolution called on parties to armed conflicts to ensure that the desire of surviving families to locate the graves of the dead and to bury them in their homeland was met everywhere, and with equal understanding. She appealed to all delegations to support draft resolution A/C.3/L.2110.

21. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that, in the opinion of his delegation, the most important of the draft resolutions currently before the Committee was document A/C.3/L.2114. The flagrant and massive violations of human rights by the Chilean junta had been the subject of much discussion in the Committee. Representatives had cited irrefutable facts concerning the fascist nature of the coup carried out by the military junta and the intolerable situation it imposed on the Chilean people. Since the coup, the world-wide movement of solidarity with the Chilean people had grown unceasingly, despite the efforts of the junta to discredit it by every means possible. The representatives of the junta had even spread lies in the Committee about alleged communist intrigues against Chile and they continued to assert that visitors to that country would find no evidence of violations of human rights.

22. However, a mission from the Sub-Committee on Refugee Affairs of the United States Senate, which had visited Chile earlier in the year, had concluded after direct contact with nearly 400 political prisoners and conversations with dozens of detainees that a substantial number of them had been subjected to intolerable torture during interrogation. An atmosphere of fear and terror had been created among the population, and people were detained for many months without any charges being brought against them and without being permitted to meet their lawyers. Senator Edward Kennedy, commenting on the report of that mission, said that it showed that, despite assurances from officials in the Chilean Government, there was continuous and systematic disregard of human rights in Chile. He had expressed his deep anguish at the fact that the junta was making no response to the legitimate concern expressed by the international community. For those reasons, his delegation supported the draft resolution.

23. His delegation had no objection to draft resolution A/C.3/L.2106/Rev.1, and fully supported draft resolutions A/C.3/L.2110 and A/C.3/L.2112.

24. Lady GAITSKELL (United Kingdom), introducing draft resolution A/C.3/L.2111 concerning the improvement of the effective enjoyment of human rights and fundamental freedoms, said that the draft was procedural, straightforward and largely self-explanatory. The United Nations was enjoined by the Charter to promote the effective enjoyment of human rights and fundamental freedoms, and all members of the Committee undoubtedly shared the desire to help in that task.

25. Members of the Committee would recall that the General Assembly, by its resolution 3136 (XXVIII), had decided to include in the agenda of its thirtieth session an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". The discussion at the twenty-eighth session on the item concerning the creation of the post of United Nations High Commissioner for Human Rights had given rise to political wranglings, and the General Assembly, when it adopted the resolution, had therefore decided that there should be no further discussion of that item at the twenty-ninth session, but that the new item should be placed on the agenda for its thirtieth session. However, if the opportunity for a wide-ranging discussion on the improvement of human rights at the following session was to be fully grasped, it seemed essential that adequate documentation should be made available as a basis for the discussion and that delegations should be prepared for a broad review, rather than the contentious and political discussion of previous years. Draft resolution A/C.3/L.2111 was designed to achieve those two objectives.

26. Her delegation had encountered some reluctance on the part of some delegations to be associated with the draft resolution and, rather than submit it with a co-sponsorship that might seem unbalanced or controversial, it had decided to be the sole sponsor, although it had, of course, sought the advice of a number of delegations and made changes to meet the constructive criticism offered.

27. The preamble to the draft resolution was entirely factual. The third preambular paragraph noted that

the Secretary-General planned to issue shortly updated versions of the comprehensive studies prepared for the International Conference on Human Rights held in Teheran in 1968. Those studies should provide useful background for the discussions at the thirtieth session, since they dealt with methods and measures taken within the United Nations system in the field of human rights; they should also provide input for the Secretary-General's study proposed in operative paragraph 1. The title of his study would be that of the agenda item itself, and it would be the principal document for consideration of the item at the thirtieth session.

28. In operative paragraph 2, the Secretary-General was requested to solicit relevant information from Member States, the specialized agencies and appropriate non-governmental organizations in consultative status with the Economic and Social Council. That information should help the Secretary-General in compiling his study. Her delegation wished to revise paragraph 2 by adding the words "intergovernmental organizations" immediately after the words "specialized agencies".

29. She expressed the hope that the Committee would adopt draft resolution A/C.3/L.2111 unanimously.

30. Mr. AL-ZAMEL (Saudi Arabia) said he had some doubts as to the intentions of the United Kingdom delegation in introducing draft resolution A/C.3/L.2111. As was well known, the General Assembly had adopted resolution 3136 (XXVIII) only after lengthy and difficult debates involving most of its members. In adopting that resolution, the Assembly had abandoned the item entitled "Creation of the post of United Nations High Commissioner for Human Rights", since it had decided to include in the provisional agenda of its thirtieth session an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". The United Kingdom delegation had used the last part of the latter title as the title of draft resolution A/C.3/L.2111. The inescapable inference was that the United Kingdom representative—who had herself admitted that the desire of some delegations to establish the post of United Nations High Commissioner for Human Rights had encountered stubborn resistance—was making a desperate attempt to revive a proposal that had already been rejected. His delegation would oppose any attempt to reopen that issue.

31. Operative paragraph 1 of the draft resolution requested the Secretary-General to prepare an analytical and comparative study, which his delegation saw as a waste of time. Moreover, he wondered what the financial implications of the preparation of such a study would be and where the Secretary-General would find the necessary funds. It would be better for the Secretary-General to use any funds available to publicize the Universal Declaration of Human Rights, the Charter of the United Nations and the International Covenant on Economic, Social and Cultural Rights. If the Universal Declaration of Human Rights were to be implemented by all States Members of the United Nations, there would be no need to examine ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

32. Turning to operative paragraph 2 of the draft resolution, he said that the Secretary-General had already obtained the views of Member States and specialized agencies when the Assembly had been considering the creation of the post of United Nations High Commissioner for Human Rights. It appeared to be the hope of the United Kingdom delegation that the replies from specialized agencies and certain non-governmental organizations on the second occasion would contradict those received earlier by the Secretary-General by advocating the creation of the post of High Commissioner as the best means of improving the effective enjoyment of human rights and fundamental freedoms. His delegation had serious reservations about soliciting the views of non-governmental organizations, most of which had a biased position on the issue. Accordingly, when the draft resolution was put to the vote, his delegation would request that a separate vote should be taken on the phrase “and appropriate non-governmental organizations in consultative status with the Economic and Social Council” in paragraph 2, and would vote against the draft resolution.

33. Mr. GONZALEZ ARIAS (Paraguay), speaking in explanation of vote before the vote, said that his delegation would vote against draft resolution A/C.3/L.2114 because of its firm conviction that the right of peoples to self-determination and the principle of non-interference in the domestic affairs of other States should be respected. Paraguay would continue to support all resolutions aimed at promoting respect for human rights in general without reference to individual countries. If resolutions on all individual countries where human rights were violated were submitted, some of the sponsors of the draft resolution would be involved. It was inadmissible that certain States in whose territory all human rights were trampled on should condemn other countries for alleged violations of human rights. Such States played with words and distorted facts when they were themselves at fault. Draft resolution A/C.3/L.2114 violated the principle of non-interference in the domestic affairs of States; the United Nations could not become a forum for reviewing or interfering in questions of domestic jurisdiction. Many countries would fare badly in such a review.

34. Mr. GIAMBRUNO (Uruguay), referring to draft resolution A/C.3/L.2114, said that whenever events in a particular country were considered his delegation felt that the discussion encroached on the sovereignty of the country in question. The principle of non-interference in the domestic affairs of other States was one of the foundations of the Charter, but at the same time it was the legitimate right of the international community to be informed about and to express concern on such an important matter as fundamental human rights and freedoms. In order to harmonize those two criteria it was necessary to act with equity. The Committee must ensure that both principles were observed.

35. His delegation, like the delegations of other Latin American countries, including Chile, had worked hard for the adoption of the resolutions setting forth the Universal Declaration of Human Rights and the International Covenants on Human Rights, and had also worked on the submission of such proposals as those calling for the creation of the post of United Nations High Commissioner

for Human Rights and the granting to the International Court of Justice of special jurisdiction in respect of human rights claims. Providing for the protection of human rights was a slow process, and it was unwise to act rashly, which was what the Committee would be doing if it adopted the draft resolution under consideration. Those who had made statements in the Committee had spoken of human rights and had at the same time made entirely unjustified references to the situation in Chile, a situation which could be understood only by the people who were experiencing it. Countries like Uruguay, because of their geographical proximity and historical ties to Chile, were deeply grieved at all the implications of those statements for the Chilean people and were disturbed by the attempts being made to use a professed concern for human rights for purely political ends.

36. The adoption of draft resolution A/C.3/L.2114 would do violence to the Charter of the United Nations and to the general principles of international law. It was impossible to apportion blame without hearing the charges and the defence; resolution 8 (XXVII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/9767, annex II) had recommended that the Commission on Human Rights should study the charges, but the Commission had not yet had a chance to do so. The ILO Fact-Finding and Conciliation Commission on Freedom of Association had not yet visited Chile. Economic and Social Council resolution 1503 (XLVIII) provided the machinery for investigation and the time-limit for Governments to send in observations to the Commission on Human Rights³ had not yet been reached. At the same time, there were favourable indications of the attitudes of the Government of Chile: the report of the United Nations High Commissioner for Refugees had commented on the co-operation he had received from the Chilean authorities.⁴ The Latin American countries were proud of the institution of diplomatic asylum, and despite the disruption of normal life, the Chilean authorities had respected that institution. The Government and State of Chile had sustained a tradition of humanitarianism over the years and he had no doubt that the Chilean Government would show understanding so that it would be possible to resolve all the individual cases of hardship resulting from the events which had taken place in Chile. The Committee would be prejudging the issue if it did not wait to hear the reports of the various commissions and bodies concerned with the question.

37. Another principle of law—that it was not possible to be judge and party at the same time—was not being respected by a number of delegations. Chile was trying to defend itself against interference by the pervasive forces of international communism. The draft resolution also contained implied prejudgements by delegations whose countries did not belong to any particular ideological group. For several years he had noticed a general attitude of cowardice among States; delegations claimed that they had to support particular draft resolutions because the stability of their

³ See *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5*, chap. XIX, sect. B, decision 3.

⁴ See *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 12*, para. 21.

Governments was involved, so that human rights matters were becoming cheap currency for the attainment of purely political aspirations. His delegation totally rejected draft resolution A/C.3/L.2114.

38. Mr. BENNETT (United States of America) said that the United States had followed developments in Chile over the past year with sympathy and concern, which was only natural considering the long association it had enjoyed with the Government and people of Chile. Reports of violations of human rights in Chile during that period had caused concern in government circles and among the people of the United States as a whole.

39. The attention directed to the subject of human rights in Chile had had a beneficial effect. The Government of Chile—unlike other Governments faced with similar allegations of violations—had taken note of the concern expressed by friendly Governments and in recent months had taken action responsive to that concern. Hundreds of detainees had been released. Most of the persons who had sought asylum in foreign embassies had been permitted to leave the country. There was no longer a significant backlog in the issue of safe-conduct passes. The Office of the United Nations High Commissioner for Refugees had publicly expressed his satisfaction at the Chilean Government's co-operation in refugee matters. His delegation understood that preparations were being made for the resettlement of some detainees abroad, with the assistance of the International Committee of the Red Cross. Detention facilities were also being phased out.

40. His Government looked forward to the further improvement of conditions in Chile as political life there returned to a more normal situation consistent with the long-standing Chilean traditions of democracy and freedom. The willingness of the Government of Chile to permit broad access to the country by outside observers, both public and private, friendly and hostile, was noteworthy. Permission had been granted for freedom of movement in Chile to observers who had sometimes later described conditions in the country in somewhat less than disinterested terms.

41. The Committee was now being asked to vote on a draft resolution (A/C.3/L.2114) which gave not even a hint that there had been some improvement in the situation in Chile since the Commission on Human Rights had sent a telegram to the Chilean Government in February 1974.⁵ The draft resolution should surely have taken some note of the indisputable progress that had been made, since the Chilean Government appeared to have taken the direction in which genuine defenders of human rights had urged it to move. His delegation could have supported a resolution embodying operative paragraph 4 of that draft resolution, which endorsed the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the Commission on Human Rights should study the reported violations of human rights in Chile. The draft resolution before the Committee, however, made an objective study impossible by prejudging the issue and concluding that there had been no improvement in

conditions in Chile. It completely ignored the lengthy explanation of the present situation in Chile given to the Committee by the Chilean representative. The draft resolution seemed designed more to condemn the Government of Chile than to influence that Government to co-operate in bringing about improvements. Also, it should not be forgotten that there was an element of hypocrisy involved in the Committee's discussions on human rights in Chile. Statements that had been made during the past few days showed the existence of a double standard in the consideration of human rights and democracy.

42. His delegation appreciated the genuine concern of most of the sponsors of the draft resolution. However, some of the sponsors who had denounced the reported violations of human rights in Chile in the strongest terms represented countries in which many of those same rights did not exist. He wondered, for example, whether all the sponsors of the draft resolution allowed representatives of the free press to circulate throughout their countries and to report without censorship. How many political dissidents, writers, or others who dared to oppose the official line of their Governments were imprisoned or suffered an even worse fate? How many sponsors of the draft resolution allowed free movement of their citizens into and out of their national territories?

43. The United States Government, along with all free peoples, would support genuine and objective efforts to secure full enjoyment of basic human rights in Chile or any other country. However, it could not support a text so lacking in essential balance and fairness.

44. Mr. Fazlu! KARIM (Bangladesh) said that his delegation would vote for draft resolution A/C.3/L.2114 because it expressed concern for human rights.

45. Mr. VARGA (Hungary) said that the unceasing concern felt by States Members of the United Nations about the events in Chile was shown by the fact that, on the initiative of the Commission on Human Rights as a result of which the Chairman of the Commission had sent the Government of Chile a cable with a view to ensuring the protection of imprisoned patriots, the Economic and Social Council had adopted by a large majority resolution 1873 (LVI) calling on the Chilean Government to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms. Other bodies and agencies of the United Nations as well as various international organizations had also protested against the grave violations of human rights in Chile.

46. The Hungarian people was among those who strongly condemned the bloody terror of the Chilean military junta; it pledged its full solidarity with the Chilean people suffering from fascist oppression and resolutely demanded that the brutalities of the junta should be ended and the imprisoned patriots released. His delegation regretted that, despite the world-wide protest, the resolutions passed by the United Nations and related agencies, and the declarations of various international conferences, the situation in Chile had not improved: the reactionary military junta continued to apply its punitive measures and thousands of people were still languishing in gaols and concentration camps.

⁵ See *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5, chap. XIX, sect. B, decision 1.*

47. His delegation welcomed the initiative taken by a number of delegations in urging that action should be taken with a view to restoring basic human rights and fundamental freedoms in Chile, to obtaining the release of those who were detained or imprisoned without charges or solely for political reasons, and to putting an end to torture and cruel, inhuman or degrading treatment of persons. It wholeheartedly supported draft resolution A/C.3/L.2114, which expressed the deep concern of the majority of States Members of the United Nations about the gross violations of human rights in Chile. It fully endorsed the actions envisaged in operative paragraphs 5 and 6 and it felt strongly that the United Nations could not remain idle in the face of the tragic events in Chile but must do everything in its power to put an end to the terror against the Chilean people and the continuing violations of human rights by the military junta.

48. Mrs. DE BARISH (Costa Rica), referring to the question of torture and other cruel, inhuman or degrading treatment or punishment, noted that her delegation had co-sponsored the text of General Assembly resolution 3059 (XXVIII) because it had wished to emphasize the importance and humanitarian content of article 5 of the Universal Declaration of Human Rights on the occasion of the twenty-fifth anniversary of its adoption, and also to show that the practices in question were far from being eradicated. For the same reasons it welcomed draft resolution A/C.3/L.2106/Rev.1, which marked another important step towards the strengthening of existing measures to eradicate such practices, which unfortunately continued to exist in many parts of the world. She noted with satisfaction that the draft resolution enjoyed wide support, as evidenced by the fact it had so many sponsors, and expressed the hope that it would be adopted unanimously. Her delegation also supported draft resolution A/C.3/L.2112.

49. With reference to draft resolution A/C.3/L.2114, she said that her delegation had always supported, and would continue to support, the principles proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights and other international legal instruments adopted by the United Nations, such as the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. Moreover, it had worked for the creation of the post of United Nations High Commissioner for Human Rights, the purpose of which would be to ensure and promote respect for human rights and to assist in situations involving violations of those rights, wherever they occurred. Nevertheless, despite the safeguards it contained, that proposal had been criticized as a violation of Article 2, paragraph 7, of the Charter, concerning non-interference in the internal affairs of States, by the very States which had supported draft resolution A/C.3/L.2108 entitled "Respect for human rights in Chile". The final text submitted to the Committee on that subject—draft resolution A/C.3/L.2114—took the same position as the earlier drafts, singling out one country and speaking of massive violations of human rights in Chile. Her delegation was not opposed to the denunciation of violations of human rights wherever they occurred, but it did not consider it appropriate to point to one country as if it were the only one where such violations occurred. It therefore did not share the view that the draft resolution in

question had purely humanitarian ends and arose from a genuine concern for the suffering which had resulted from a specific temporary situation with a political origin, including the intervention of certain countries in the internal affairs of Chile. The text took into account all the accusations that had been made concerning violations of human rights by the Government of Chile but failed to take note of the fact that that Government had invited the Secretary-General, or a representative appointed by him, and various international governmental and non-governmental organizations to visit Chile and observe the situation, or of the fact that it had co-operated with the United Nations High Commissioner for Refugees and respected the right of asylum. The Secretary-General had requested information from the Government of Chile concerning the situation in that country; her delegation rejected the idea that a country could be condemned without giving its Government the opportunity to submit the requested evidence. It was therefore unable to support draft resolution A/C.3/L.2114.

50. Miss OSUNA (Argentina) said that her delegation would vote against draft resolution A/C.3/L.2114. It appreciated any steps taken within the United Nations framework to secure the full exercise of human rights, and commended the efforts of some of the sponsors to produce a text which could be unanimously adopted. However, two fundamental difficulties prevented her delegation from accepting the draft resolution in question: first, its obvious political bias; secondly, the attempt to interfere in the internal affairs of a Member State under the pretext of defending human rights. Every day there were press reports of all kinds of violations of human rights and fundamental freedoms, yet they had not always found an echo in the Third Committee. It would therefore be inappropriate to single out for condemnation a particular Member State, as in the case of the draft resolution under consideration. Her delegation considered it deplorable that the sensitive issue of the violation of human rights and fundamental freedoms was being used for non-humanitarian purposes. Accordingly, its negative vote did not imply a value judgement on the conduct of any country, but reflected its traditional commitment to the principle of non-interference in the internal affairs of other States, which was not only a consistent feature of Argentine foreign policy but also one of the basic norms of international conduct proclaimed in the Charter.

51. Mrs. WARZAZI (Morocco) said that her delegation would vote for draft resolutions A/C.3/L.2110 and A/C.3/L.2112, of which latter it had become a sponsor. Also, guided solely by humanitarian concerns, it would vote for draft resolution A/C.3/L.2114, although it would have preferred the inclusion in that text of some mention of the positive developments in Chile, which had been noted in resolution X,⁶ adopted on 24 June 1974 by the International Labour Conference at its fifty-ninth session, and referred to in the draft under consideration. Operative paragraphs 5 and 6 of the draft were particularly important, since they called for a form of action which represented a notable innovation and an encouragement to further efforts to ensure the protection of human rights.

⁶ International Labour Office, *Official Bulletin*, vol. LVII, No. 1, 1974, p. 40.

52. In voting for that draft resolution, her delegation hoped that the Committee's action with regard to Chile, a small country which had been virtually put on trial and required to answer all the legitimate criticisms expressed in the course of the Committee's deliberations, would not constitute an isolated case. It would be unfortunate if small countries alone were subjected to criticism and accusations when situations such as that which currently existed in Chile arose elsewhere. The draft resolution reflected the Committee's strong condemnation of the frequent violations of human rights which still seemed to be taking place in Chile, and her delegation hoped that similar condemnation would be expressed in the case of any country, large or small, where such violations occurred.

53. Mr. FØNS BUHL (Denmark) said that his delegation would vote in favour of draft resolution A/C.3/L.2112 in order to express its concern for the protection of human rights and fundamental freedoms elsewhere, in particular in countries such as South Africa, where racism and *apartheid* were the declared policy of the Government. However, with reference to operative paragraph 5 of that draft resolution, his delegation would abstain if a separate vote was taken. It considered it arbitrary and irrelevant to mention membership of the North Atlantic Treaty Organization in that paragraph, since that organization as such did not in any way co-operate with South Africa. What was important was that all States, irrespective of their affiliations with international or regional organizations, should refrain from assisting the racist régimes in southern Africa and elsewhere.

54. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/L.2106/Rev.1.

Draft resolution A/C.3/L.2106/Rev.1 was adopted by 111 votes to 1, with 2 abstentions.

55. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/L.2112.

At the request of the representative of the Federal Republic of Germany, a separate vote was taken on operative paragraph 5 of draft resolution A/C.3/L.2112.

The paragraph was retained by 83 votes to 9, with 23 abstentions.

56. Mr. TELLMANN (Norway), Mrs. BERTRAND DE BROMLEY (Honduras) and Mr. CRESPO (Portugal) said that their delegations wished to be recorded as having abstained in that vote because they had mistakenly thought that it was being taken on the question whether operative paragraph 5 of draft resolution A/C.3/L.2112 should be put to the vote separately.

57. Mr. MADI (Jordan) said that his delegation had been under the same misunderstanding, and wished to be recorded as having voted in favour of the retention of the paragraph in question.

58. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/L.2112 as a whole.

Draft resolution A/C.3/L.2112 as a whole was adopted by 108 votes to none, with 9 abstentions.

59. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/L.2114.

60. Mr. AZIZ (International Labour Organisation) pointed out that the word "Committee" in the seventh preambular paragraph should be replaced by "Commission".

At the request of the representative of Chile, the vote was taken by roll call.

Denmark, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Denmark, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia, Algeria, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen.

Against: Guatemala, Nicaragua, Paraguay, Uruguay, Argentina, Bolivia, Brazil, Chile, Colombia.

Abstaining: Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Grenada, Honduras, India, Indonesia, Jordan, Malawi, Malaysia, Philippines, Singapore, Spain, Thailand, Togo, United States of America, Venezuela, Barbados, Costa Rica.

Draft resolution A/C.3/L.2114 was adopted by 83 votes to 9, with 21 abstentions.

61. Mr. KABORÉ (Upper Volta), supported by Mr. BAL (Mauritania), proposed that the Committee, in order to emphasize its concern at violations of human rights wherever they occurred, should submit for consideration by the plenary General Assembly a report on the relevant aspect of its deliberations on the human rights questions dealt with in chapter V, section C, of the report of the Economic and Social Council (A/9603).

62. The CHAIRMAN said that if she heard no objections, she would take it that the Committee agreed to that proposal.

It was so decided.

63. Ms. MEAGHER (World Health Organization), referring to draft resolution A/C.3/L.2106/Rev.1 concerning torture and other cruel, inhuman or degrading treatment or punishment, which had just been adopted by the Committee, indicated that WHO had followed with great

interest the discussion of that important subject, and particularly the comments made on operative paragraph 5, which was specifically addressed to WHO. The steps contemplated by WHO for the implementation of that paragraph were the following: The Director-General of WHO intended to place the text in question before the WHO Executive Board meeting in January 1975. In issuing the relevant directives on the matter, the Board would certainly bear in mind the historic role of the World Medical Association in the development of medical ethics and the latter's current studies directly related to torture and other inhuman or degrading treatment. With the approval of the Board, WHO intended to consult with the Association on those studies and with other competent organizations, such as the International Committee of the Red Cross, which might be interested in the different aspects of the principles of medical ethics relevant to the protection against torture of persons subjected to any form of detention or imprisonment. In conclusion, she said that WHO would endeavour, in accordance with paragraph 5 of the text in question, to communicate the results of those studies and consultations to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in order to assist in its task.

64. Miss CAO-PINNA (Italy) said that Italy's deep concern for the protection of human rights and its support for the strengthening of the United Nations role in that field were well known. Her delegation therefore fully agreed with the sponsors of draft resolution A/C.3/L.2112 that the international community should reaffirm both its attachment to the principles of the Charter of the United Nations and the Universal Declaration of Human Rights and its determination to ensure their effective implementation free from any distinction, particularly with regard to the inalienable right to self-determination. The only reason why it had abstained on the draft resolution was that it failed to see any justification for the condemnation of specific countries contained in operative paragraph 5, which it had repeatedly rejected as contrary to the spirit of mutual respect that should prevail among Members of the United Nations.

65. Italy was participating in the resettlement of Chileans who wished to leave Chile, some of whom were even now awaiting exit permits in the Italian Embassy at Santiago. Her delegation was confident that the adoption of draft resolution A/C.3/L.2114 would serve the cause of human rights in Chile and that all human rights and fundamental freedoms would soon be fully restored in that country in compliance with the Universal Declaration of Human Rights. It was also confident that the Chilean authorities would respond positively to any initiatives taken by the President of the General Assembly and the Secretary-General on the basis of that text.

66. Mr. GHAUSSY (Afghanistan) said that his delegation had unfortunately been absent when the vote was taken on draft resolution A/C.3/L.2114, and it wished to place on record that it would have voted for that resolution had it been present.

67. Mrs. SHAHANI (Philippines) said that her delegation had consistently condemned flagrant violations of human rights wherever they occurred. It had therefore been a sponsor of draft resolution A/C.3/L.2106/Rev.1, and had voted for draft resolution A/C.3/L.2112. On the other hand it had abstained on draft resolution A/C.3/L.2114 because it considered that the Committee should carefully follow established procedures concerning the condemnation of individual Member States for violations of human rights, regardless of ideological considerations. Such a condemnation was a very serious matter, since it involved the sovereignty and domestic jurisdiction of a Member State. The procedure for dealing with communications relating to violations of human rights and fundamental freedoms had been fully outlined in Economic and Social Council resolution 1503 (XLVIII), which was a document of major importance. It had been debated in the Commission on Human Rights and prepared with great care. In accordance with that resolution, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had recommended that the Commission on Human Rights should undertake a study on violations of human rights in Chile, with particular reference to torture and cruel, inhuman or degrading treatment or punishment. Moreover, all action envisaged in the implementation of that resolution by the Sub-Commission and the Commission would remain confidential until such time as the Commission decided to make recommendations to the Council. Her delegation considered that the Third Committee would have a firmer basis on which to act on the matter under consideration once the Commission had completed its study and the Council had acted on the Commission's recommendations. In conclusion, she said that the credibility of the Committee in discharging its task of protecting human rights and fundamental freedoms would be seriously eroded, and the capacity of the United Nations and all its agencies to act effectively in the field of human rights greatly weakened, if its condemnation of a country for gross violations of human rights was not based on facts and decided upon in a fair and objective manner.

68. Mr. ARMAN (Democratic Yemen) suggested that draft resolution A/C.3/L.2110, concerning assistance and co-operation in accounting for persons who were missing in action, should be referred to the Sixth Committee, since it related to questions of aggression, prisoners of war and other legal matters. He also requested a postponement of the time-limit for amendments to that draft resolution.

69. The CHAIRMAN pointed out to the representative of Democratic Yemen that the Third Committee was already entrusted with the draft resolution, which had been introduced at the previous meeting by the representative of the United States, and suggested that he should consult with the sponsors of the draft resolution concerning any question he might wish to raise in that connexion.

The meeting rose at 6.05 p.m.