



SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. HAMER (Netherlands)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/41/3, 180, 183, 189, 213, 274 and Add.1, 315, 317 and Add.1, 326, 337, 343, 354, 393, 461 and Corr.1, 462, 494, 507, 523, 607, 667, 710, 719, 729, 771, 778, 787; A/C.3/41/1, 3, 6; A/C.3/41/L.1, L.6, L.18, L.33, L.49, L.57)

1. Mr. HERNDL (Assistant Secretary-General, Centre for Human Rights) reviewed the reports submitted and the activities being carried out within the United Nations on various aspects of human rights. In particular, he drew attention to the report of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/41/3); the report of the Commission on Human Rights Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1986/9); the reports of the special rapporteurs on the situation of human rights and fundamental freedoms in specific areas (A/41/710, 719, 778 and 787); the report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/41/507), and the report on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/41/317 and Add.1).

2. Since the submission of the report on regional arrangements for the promotion and protection of human rights (A/41/274 and Add.1), the African Charter on Human and Peoples' Rights had come into force, on 21 October 1986. As stated by the Secretary-General of the Organization of African Unity (OAU), that date marked an important day in history, since for the first time, the African continent had established a legal instrument for the promotion and protection of human rights. The General Assembly had also considered the Secretary-General's report on the replies from Governments on the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region (A/41/180).

3. Consultations were continuing on the composition of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations. The General Assembly had established that Fund, by its resolution 40/131 of 13 December 1985, for the purpose of assisting representatives of indigenous communities and organizations to participate in the Working Group on Indigenous Populations, which was a subsidiary body of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Fund would be operational prior to the Group's session in 1987.

4. At its forty-second session, the Commission on Human Rights had considered the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes, and had adopted resolution 1986/45, by which it encouraged the efforts being undertaken by the Secretary-General to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance.

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5. Standard-setting activities had continued in the Commission on Human Rights and its subsidiary bodies, particularly in respect of a draft convention on the rights of the child and a draft declaration on the rights of minorities. A Working Group of the Commission had also begun to examine the need for standards in respect of the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Other research and studies in progress, particularly in the Sub-Commission, dealt with the following topics: gross violations of human rights and international peace; adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance to the racist, colonialist régime of South Africa; human rights and scientific and technological developments; human rights and disability; slavery and slavery-like practices; human rights and youth; guidelines on the use of computerized personal files; prevention of discrimination and protection of children; study of the problem of discrimination against indigenous populations; analysis of issues in connection with the review of the work of the Sub-Commission; the right to leave any country, including one's own, and the right to return to one's own country; status of the individual and contemporary international law; situations as to states of siege or emergency; religious intolerance; racial discrimination; right to food; independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers; and administrative detention without charge or trial.

6. The Council and the Commission had discussed several situations of alleged violations of human rights, many of which had been the subject of resolutions adopted in those bodies. The Commission on Human Rights had renewed the mandate of the Working Group on Enforced or Involuntary Disappearances, that of the Special Rapporteur to examine the questions related to summary or arbitrary executions, and that of the Special Rapporteur to examine questions relevant to torture. The Commission had also appointed a special rapporteur on the subject of religious freedom.

7. Regarding the provision of advisory services to Governments in the field of human rights, the experts appointed by the Secretary-General had held discussions with the Government of Equatorial Guinea on issues connected with the provision of assistance to that country. Pursuant to decisions of the Commission, a national training course on human rights had been organized for Government officials in Bolivia. The first training course for officials responsible for implementing international conventions on human rights had been organized in Barbados in June 1985 by the Centre for Human Rights and the United Nations Institute for Training and Research and had been highly successful. The second such course had been held at Dakar in October 1986, and the third would be held at Manila in December 1986.

8. Mr. ERMACORA (Special Rapporteur of the Commission on Human Rights for Afghanistan) said that he had met two problems in preparing his report on the situation of human rights in Afghanistan. First, in attempting to limit the length of the document to 25 pages, he had not been able to include all the information which he had received and had been obliged to refer to previous reports, in

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particular that submitted to the Commission on Human Rights earlier in 1986. He expressed surprise that only part of the report had been circulated as an official United Nations document, while the rest, which was equally important, had been distributed without a symbol or an official translation, while the author had not been consulted on the material to be included or omitted. He emphasized that both parts of the report were closely linked and that the so-called "supplementary material" contained a great deal of substantive information which influenced the conclusions and recommendations contained in the report.

9. The second problem arose from the failure of the Government of the Democratic Republic of Afghanistan to co-operate, with the result that it had been impossible to obtain information from official sources. Even before the first report had been prepared, the Government had announced its intention not to co-operate. It must not therefore be assumed that the Special Rapporteur had provided a biased version of the facts. Pursuant to his mandate, he had based himself on the relevant information collected by the specialized agencies as well as by intergovernmental and non-governmental organizations and on what he had been able to obtain personally through observation, interviews and a study of written material. Any information which the Government of Afghanistan was prepared to provide would naturally be studied attentively and would be faithfully reflected in the report.

10. The Special Rapporteur expressed thanks for the co-operation of the Government of Pakistan and of non-governmental organizations, particularly the Swiss foundation Bibliotheca Afghanica, which had continued to collect information regarding human rights in Afghanistan appearing in 80 periodicals, reviews and publications throughout the world.

11. Despite the new political developments both inside and outside Afghanistan, particularly the formation of a new Government and the withdrawal of several thousand foreign troops, the situation of human rights in the country had not improved. The number of refugees continued to increase: the official figure was 5 million, but it could be higher. The inhabitants of the refugee camps in Pakistan were really refugees and not nomads, as certain delegations and journalists had tried to infer. He had also taken the opportunity to observe the procedures followed for the reception of new refugees at almost 300 stations created for the purpose. It was however clear that many refugees had crossed the frontier without passing through those stations. He had also witnessed the atrocities which had been perpetrated against those who had attempted to leave the country in search of refuge; he had been present at the frontier, near Miramchar, when tractors had arrived containing the bodies of women and children who had been murdered when they had tried to escape from the country. That was an eloquent example of the gravity of the human rights situation.

12. Since the formation of the new Government, several welcome changes had taken place in official policies. The Government seemed to have adopted a more conventional attitude in the implementation of its policies, but at the same time it was showing greater firmness in fighting opposition movements. One human rights problem deserving mention was the forced recruitment of 18-year-old youths and the

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liberation of political prisoners provided they entered the army. The intensive bombardments were also continuing, although they were not so indiscriminate as before. Statistics on civilian victims of the bombardments and killings indicated a decreasing trend: 37,000 persons had died from those causes in 1985 while in the period between January and September 1986 the number of dead was between 12,000 and 15,000. That was no reason for viewing the situation as less discouraging as the right to life continued not to be respected. The searches of houses and villages conducted by the armed forces continued to be marked by cruel and heartless behaviour. Contact mines and bombs disguised as toys continued to be used. As had been pointed out in the report, there had been no improvement in the situation of prisoners. Both parties in the conflict treated them as hostages; in some cases they were exchanged immediately and in others they were executed on the spot or after a summary trial.

13. Neither had there been any change in the situation concerning economic, social and cultural rights. There were relatively small areas under the authority of the Government where those rights were more or less respected, while in other areas not controlled by the Government the administration was of a more traditional type. In addition, there were wide areas which could be regarded as "no man's land" where the situation was deplorable since the only help available was that provided by foreign private organizations. Such assistance was inadequate and much of the population was living below the subsistence level. The new Government of Afghanistan had endeavoured to establish its authority, principally through the organization of local *dirgahs* and seemed to be following a more open policy towards such international agencies as the International Committee of the Red Cross and UNICEF.

14. He regretted that none of the recommendations which he had made in his previous reports and which had been reflected in resolutions of the Commission on Human Rights, the Economic and Social Council and the General Assembly, had yet been implemented. He hoped that world public opinion would continue to follow such a serious situation, particularly as regards the future of the 5 million refugees who had been deprived of the right to self-determination as they were not represented in the political process which was developing in their country.

15. Finally, he recommended that special attention should be devoted to the question of the withdrawal of foreign troops and to the impact which such a withdrawal could have on the situation of human rights in Afghanistan.

16. Mr. PASTOR RIDRUEJO (Special Representative of the Commission on Human Rights for El Salvador) said that his provisional report on the situation of human rights in El Salvador had been circulated to delegations in two different documents of equal force which together formed a whole. In his statement, he would refer both to the report itself and to the document entitled "supplementary material".

17. The situation in El Salvador was taking a turn for the better. As he had indicated in previous reports, since Mr. José Napoleón Duarte had taken office as constitutional President of the Republic in July 1984, the human rights situation

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in the country had begun to change significantly. The new constitutional Government had adopted a policy of democratic normalization and consequently of respect for human rights and fundamental freedoms. Constant progress had been observed in the elimination of human rights violations, particularly in 1986, with regard to respect for the life of persons both in non-combat situations and in or as a result of combat. However, violations of that kind had not been completely eliminated, in addition to which other human rights violations continued to occur, especially in connection with political prisoners and the criminal justice system.

18. With regard to non-combat-related political assassinations committed by members of the Armed Forces, Security Forces and Civil Defence, he had received information of various kinds; the figures relating to such cases varied according to the sources, but they all indicated that the number of summary executions was well below that of previous years, and even lower than in 1985.

19. He understood that there had also been a significant drop in the number of civilian casualties caused by the Salvadorian army in the armed conflict. There had been victims, especially among the rural populations living in close contact with the guerrilla forces and helping to provide for them, but such cases occurred only occasionally and were fewer in number than in the previous year. The Salvadorian army was now in the process of evacuating the civilian population from combat areas and the guerrilla forces were fighting with units composed of a small number of men who no longer mixed with the civilian population. Those two factors, combined with compliance with the President's instructions of August 1984, had resulted in a drastic reduction of the number of civilian casualties. There was no doubt that the Salvadorian army was conducting the war in a more humane way than in the past; in the past two years he had received no reliable information concerning mass killings. However, the forced evacuation of civilians, although compatible in principle with international humanitarian law, gave rise to serious human and social problems.

20. In 1986 the number of political arrests had practically doubled as compared with 1985, when the figure had already been higher than that for 1984. In particular, he was concerned at the application to political prisoners of legislation so open to criticism as that contained in Decree No. 50 on penal procedures applicable when constitutional guarantees were suspended, and at the fact that in extrajudicial investigations of such prisoners the standards set forth in international human rights instruments, which were binding on the Republic of El Salvador, were not always respected. He was convinced that in some of those investigations prisoners had been subjected to severe psychological pressure to induce them to confess, although that practice did not represent systematic and deliberate policy on the part of the Salvadorian authorities, since many of the prisoners he had questioned personally had neither complained of such treatment nor filed any claim in that respect.

21. The situation regarding the punishment of the serious human rights violations committed in recent years in El Salvador continued to be highly unsatisfactory. In fact, there had been a conviction in only one of the cases of international

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relevance, the murder of three persons at the Sheraton Hotel in January 1981, and the sentence had been harshly criticized for not having proclaimed the guilt of the persons presumed to be behind the killings. Furthermore, hundreds of serious violations of human rights perpetrated against ordinary Salvadorian citizens had not been duly investigated and punished. However, he took note of the important plan for legal reform which, as reported the previous year, was now at the initial stages, although no significant results could be expected in the short term. Although judicial procedures against those suspected of collaboration with the armed opposition had been slightly reactivated in 1986, they continued to be governed by the widely criticized Decree No. 59.

22. With regard to human rights violations attributable to the forces of the armed opposition, politically-motivated assassinations and abductions of civilians continued to be committed, many of them connected with the prohibitions of vehicular traffic by the Frente Farabundo Martí para la Liberación Nacional (FMLN), although there had been no reported cases of massive urban terrorism, as there had the previous year. The FMLN had continued its attacks against the country's economic infrastructure, which represented a threat to the enjoyment of Salvadorian citizens of important economic, social and cultural rights. He expressed deep concern at the guerilla forces' practice of placing contact mines, which had been responsible for numerous civilian casualties. He also mentioned that the FMLN had continued the humanitarian practice of releasing prisoners of war. Although it was mentioned in the report that the FMLN had not authorized a visit to Colonel Avalos, who had been abducted, last-minute reports indicated that very recently representatives of the International Committee of the Red Cross had been authorized to visit him. The urgent need to resume the recently suspended talks between the Government and the FMLN-FDR must be reiterated, since their resumption was the desire of much of the international community and, especially, of the vast majority of Salvadorian citizens.

23. He reiterated his gratitude to the Government of El Salvador, to all the political forces, individuals and institutions which had co-operated with him in the fulfilment of his mandate and, especially, to the United Nations Centre for Human Rights.

24. Mr. GALINDO POHL (Special Representative of the Commission on Human Rights for the Islamic Republic of Iran) said that he had begun his work on 21 July 1986 and that, owing to the short time available, his interim report covered only some aspects of his mandate, more specifically those concerning the contacts made with the Government of the Islamic Republic of Iran with the aim of seeking its collaboration. He pointed out in that regard that he had recently had a lengthy meeting with the Ambassador of the Islamic Republic of Iran to the United Nations, Mr. Said Rajaie-Khorassani, which in his view represented the beginning of a frank dialogue and opened up new possibilities for the discharge of his mandate.

25. Examination of the human rights situation in the Islamic Republic of Iran was a particularly complex task, because the subject had received constant publicity in recent years and the issue had gone beyond the normal limits of protection based on

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international instruments to become part of a political conflict whose objectives were much wider than the mere protection of human rights. He considered it his duty to do everything possible and to take the necessary precautions to ensure that the examination remained within the framework of the international human rights instruments and outside the conflict of parties and factions. The study should help to promote a climate of security that would permit the enjoyment of fundamental rights and encourage co-operation with Governments so that they would receive reports from independent sources on events which deserved their attention and, where appropriate, corrective measures.

26. The reports received on the human rights situation in the Islamic Republic of Iran constituted allegations concerning supposed violations and emanated from organizations of exiled Iranians, particularly the organization which operated under the name of the People's Mojahedin, the organization of the Baha'is, as well as non-governmental organizations in consultative status with the United Nations. Those allegations together with certain information which might facilitate the necessary investigations, had been transmitted to the Iranian Government in four lists, the first two of which had been annexed to reports of the previous Special Rapporteur; the remaining two had not been included in the current report in order to give time to the Iranian Government to study and express an opinion on them.

27. Guided by the principle of objectivity, he had acted without preconceptions. It could not yet be determined whether it would be possible to obtain the evidence necessary to undertake the task under the best possible conditions, or only incomplete material which would make it necessary to have recourse to the substitution techniques used by international organizations. In any case, it would be useful to distinguish between evaluation of the facts and determination of their juridical significance, prior to examining the overall situation.

28. The CHAIRMAN announced that Mr. Fernando Volio Jiménez, Special Rapporteur on the situation of human rights and fundamental freedoms in Chile, could not be present during the examination of his report in the Third Committee owing to his parliamentary duties in San José. The Special Rapporteur had prepared introductory comments to his report, which would be put before the Third Committee in a note of the Secretary-General (A/C.3/41/10).

29. Mr. DAMM (Chile) regretted the fact that Mr. Volio Jiménez could not be present, since his presence would have made it possible to continue the fruitful dialogue which had characterized relations between Chile and the Special Rapporteur. His delegation would submit a document with preliminary comments on the report, and he requested that that document should be included in the records of the Third Committee and distributed to delegations.

30. Mr. BIRCH (United Kingdom), speaking on behalf of the twelve member States of the European Economic Community, said that in recent years a number of States had returned to the values of democracy and pluralism and their representatives had stressed the importance of United Nations involvement in the protection of human rights in those countries. That was further evidence that examination by the

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United Nations of the human rights situation could not be regarded as interference in the internal affairs of States. The Twelve welcomed the expression at the previous session of the Commission on Human Rights by the representatives of Guatemala, the Philippines, the Sudan, and Uganda of their Governments' commitment to protect human rights.

31. It should not be forgotten that a number of States failed to live up to their obligations under the Charter or the International Covenants on Human Rights. Despite the democratic form of their constitutions, in practice they paid no heed to fundamental rights and freedoms and thus opened the way to totalitarian régimes under which the individual was entirely subservient to the arbitrary power of the State. The best defence against totalitarian and repressive practices was scrupulous adherence by States to the provisions of the Universal Declaration of Human Rights, the Charter, and the Covenants.

32. It was essential that the necessary resources should continue to be made available to maintain and strengthen the United Nations machinery for the protection of human rights. Human rights programmes constituted less than 1 per cent of the overall expenditure by the United Nations, and any cut in those programmes could cause serious harm to the achievement of their objectives.

33. With regard to the circulation of the reports of the Special Rapporteurs and Special Representatives of the Commission on Human Rights, the Twelve welcomed the statement made by the Under-Secretary-General, Mr. Buffum, on 1/ November. That statement, however, did not answer all their questions, particularly since it implied that similar selective measures could be taken again if the financial crisis continued. It was not acceptable to the Twelve that restrictions on the circulation of documents should be applied selectively in the human rights field, particularly when there continued to be gross wastage in the production of documents in other areas. The Secretariat must apply the rules governing the length and circulation of United Nations documents uniformly and must make them known to those who prepared reports and submitted other documents.

34. The system of Special Rapporteurs and Special Representatives of the Commission on Human Rights played an essential part in making the international community better informed of specific situations and particularly gross violations of human rights. It was incumbent upon all Governments to extend their full co-operation to the Special Rapporteurs.

35. The appointment of the Special Rapporteur to examine violations of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief added an important mechanism to the Commission's thematic approach to its examination of human rights violations.

36. The appointment in 1985 of a Special Rapporteur relevant to torture and the extension of his mandate by consensus in 1986 testified to the will of the Commission to take an active part in efforts to eradicate the practice of torture. The Twelve appealed to all Governments, non-governmental organizations, and individuals to contribute to the Voluntary Fund for Victims of Torture.

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37. The Twelve commended the Special Rapporteur's efforts with respect to summary or arbitrary executions and noted with concern that there had been no respite in the number of such executions. That question remained one of the most urgent problems on the human rights agenda, and the international community should continue to monitor the situation.

38. The Twelve attached great importance to the elaboration of universally accepted human rights standards. The adoption in 1984 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was a major advance in that sphere. The Twelve welcomed the fact that 12 States had already become parties to the Convention, and they expressed the hope that further accessions and ratifications would be forthcoming.

39. The Twelve also attached great importance to the proceedings of the Working Group on Enforced or Involuntary Disappearances. They commended the Working Group's responsible approach to its mandate and welcomed the progress it had made. They also urged all Governments concerned to respond favourably to the Group's request for visits, so that the effectiveness of its work might increase further. The Twelve, which had welcomed the recommendation of the Commission on Human Rights, endorsed by ECOSOC decision 1986/139, to extend the Working Group's mandate for two years, had noted with concern that the facilities available in 1986 for the Working Group's meetings had been substantially reduced, and asked the Secretary-General to make the necessary arrangements for it to fulfil its important mandate.

40. All the Governments of the Twelve were parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the earliest regional arrangement of that kind. The experience of the Twelve with the European Convention strengthened their firm conviction that ratification of human rights instruments was not enough, and it was essential to see that they were implemented.

41. In the Soviet Union and the other States of Eastern Europe, although human rights were guaranteed in their constitutions in theory, in practice fundamental rights and freedoms were not duly respected. 1986 marked the twenty-fifth anniversary of the erection of the Berlin Wall, which was a total negation of the principles enshrined in the Charter and the Universal Declaration of Human Rights, and was irreconcilable with the provisions of the International Covenant on Civil and Political Rights. The Twelve urged all Eastern European Governments to respect the rights which they claimed to guarantee.

42. At the follow-up meeting of the Conference on Security and Co-operation in Europe, which had convened in Vienna earlier in the current month, the Twelve would press for the exercise of the right to be reunited with one's family, for freedom of movement within each country, for freedom to leave and return to one's own country, for the right freely to profess and practise a religion or belief, for the right freely to receive and disseminate information and for the right to exercise and defend human rights without harassment or persecution.

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43. The Twelve also wished to underline the importance that they attached to the right to set up free and democratic trade unions. It was the duty of the international community to see to it that trade-union activities in all countries, whatever their political, economic and social system, were protected.

44. With regard to violations of human rights in South Africa, the Twelve had on several occasions expressed their conviction that apartheid must be abolished, and, in the absence of progress to that end, had taken further steps to reinforce the measures they had adopted in 1983. They would continue to work for rapid and peaceful change so that South Africa could become a fully democratic country in which all citizens were able to exercise their human rights.

45. Fundamental change was also inevitable in Namibia, and the Twelve reiterated their view that the people of Namibia must be enabled to enjoy the human rights and fundamental freedoms which were the birthright of mankind, and in particular the right to self-determination. Until apartheid had been eradicated, and until Namibia had achieved independence in accordance with Security Council resolution 435 (1978), it would not be possible to secure stability and peace in southern Africa.

46. With respect to the situation in the Middle East, the Twelve voiced their concern at Israel's policy and practices affecting the Arab population of the occupied Territories and expressed the hope that the Israeli authorities would produce evidence of their intention of improving conditions for the Palestinian people. At present, Israeli policy in the occupied territories remained a major obstacle in the quest for a peaceful solution in the Middle East.

47. Regarding the human rights situation in Afghanistan, the Twelve deeply regretted that the Afghan authorities had so far refused to extend any co-operation to the Special Rapporteur, whose report, like its predecessors, showed that the situation there was still extremely serious. All opposition or suspected opposition to the régime and the Soviet occupation was punished with great severity. The war had caused untold suffering to the civil population and the cultural traditions of the country had not been spared. There was an urgent need for the occupying forces to withdraw and for the authorities to stop the abuses. The Twelve welcomed the fact that the régime had shown some willingness to renew contact with the International Committee of the Red Cross (ICRC). They must now allow ICRC representatives to visit Kabul freely, to have access to political prisoners and to be able to carry out protection work. The régime must also allow the Special Rapporteur to visit Kabul. There was no doubt that the General Assembly should continue to consider the question and keep the item on its agenda.

48. In October 1986 an overwhelming majority of the States Members of the United Nations had voted for the withdrawal of the foreign forces from Cambodia and for the restoration to the people of that country of the fundamental right to self-determination. The Twelve shared the abhorrence felt by the world community at the terrible abuses inflicted in the past by the Pol Pot régime and his Khmer Rouge. The fact that the United Nations had taken no action against the Pol Pot

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régime continued to be a blot on its record. But that was no justification for Viet Nam's illegal occupation of Cambodia or its imposition of an illegitimate régime. Hundreds of thousands of Cambodians had been forced to flee, and now led a precarious existence in camps in border areas, totally dependent on whatever humanitarian relief and protection could be extended to them.

49. The Twelve were also concerned about human rights violations in Viet Nam. Since 1975 thousands had been detained without trial on an indefinite basis, in flagrant violation of the International Covenant on Civil and Political Rights, to which Viet Nam had been a party since 1982. There were continuing reports of the harsh treatment to which such detainees were subjected. The thousands of Vietnamese who, every year, fled oppression in their own country were a living reproach to the Vietnamese Government.

50. The Committee again had before it a report on Iran. The Twelve remained gravely concerned at the human rights situation in that country. Iran was legally bound to respect the Universal Declaration of Human Rights and the other human rights instruments to which it was a party. There could be no justification for failing to live up to those obligations. Unfortunately, there continued to be reports of summary and arbitrary executions, of the use of torture and of arbitrary detention. Opponents of the régime were persecuted, in particular minority groups, such as the Baha'is, who were subjected to systematic discrimination solely because of their faith. The situation was further aggravated by the lack of an independent judiciary and the consequent absence of any guarantee of a fair trial. The Twelve were also concerned that children were conscripted and sent into battle.

51. The new Special Representative had been appointed to prepare a detailed report on the situation in Iran. It was not possible to dismiss the allegations of human rights violations related, in particular, to the right to life, the right to freedom from torture, the right to liberty and security of person and the right to freedom of thought, conscience and religion and freedom of expression. The Twelve urged the Iranian Government to co-operate fully with the Special Representative and to allow him to visit Iran. The international community must continue its consideration of the human rights situation in Iran on the basis of the existing international standards in the field of human rights.

52. The Twelve had expressed their wish to contribute to the establishment of peace and to the economic development of Central America. At San José in 1984 and at Luxembourg in November 1985, the European Community and its member States had established a political dialogue with the countries of Central America to underline their support for the Contadora process in the interests of stability and pluralist democracy. The European Community had also signed a co-operation agreement with those countries.

53. The Committee had on its agenda, the question of human rights in two countries of Central America. The Twelve expressed their appreciation for the co-operation which the Government of El Salvador had offered to the Special Representative. In

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his report, the Special Representative had concluded that respect for human rights continued to be an important element of the current policy of the constitutional Government of President Duarte, a policy which was achieving results in the crucial area of respect for life. While the Special Representative had also noted that the number of political assassinations had been significantly lower than in 1985, he had stated that deaths continued to be caused among the civilian population, including political assassinations committed by the Salvadorian armed and security forces. The number of political prisoners had increased and some of those prisoners had been subjected to severe psychological pressure. The Twelve remained particularly concerned that there were no effective mechanisms to investigate and punish serious, politically motivated human rights violations. The Twelve encouraged the Government to ensure the effectiveness of the judiciary as quickly as possible.

54. It was clear from the report that the guerrilla forces often conducted themselves with scant regard for basic humanitarian norms. The report noted that the guerrillas had continued their systematic attacks against the country's economic infrastructure and engaged in summary executions and abductions of civilians. There had been many casualties as a result of the explosion of mines, which, in the view of the Special Representative, had been placed by FMLN forces. The Twelve called upon both sides to observe scrupulously the relevant norms of humanitarian treatment as set out in the Geneva Conventions and their Additional Protocols.

55. The Twelve strongly urged the interested parties to implement the measures which had been recommended by the Special Representative with regard to peace and national reconciliation. They considered the resumption of the dialogue between the Government and the opposition forces to be of utmost importance for ending the human rights violations which resulted from the conflict.

56. With regard to the situation in Guatemala, President Cerezo and his Government had undoubtedly set themselves the objective of improving the human rights situation. The Special Rapporteur's report to the Commission early in 1986 had showed how generalized the climate of violence and abuse had been, as was indicated by the large numbers of missing persons and of people being tortured or suffering other violations of their right to life, liberty and security. At the current session, there was no report of the Special Representative before the Third Committee. Unfortunately, reports from other sources indicated that human rights violations, although reduced in number, continued to occur, and that death squads continued to operate. The Twelve expressed their concern at those violations, although they welcomed the abolition of the police investigations unit and the improvements in the police force. The efforts made by the Government so far were commendable, but it seemed that little progress had been made to ensure that participation in civil defence patrols was strictly voluntary and to allow the International Committee of the Red Cross to maintain its presence in the country.

57. The Twelve urged the Guatemalan Government to spare no effort to fulfil its commitments in the field of human rights. They also hoped that all sections of

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Guatemalan society would co-operate in that regard. In the view of the Twelve, the best way would be for the Government to implement the recommendations contained in the interim report which the Special Rapporteur had submitted to the General Assembly at its fortieth session.

58. The Twelve had been encouraged by the continuing consolidation of democracy in most countries of South America, and hoped that that process would be maintained throughout the region. The Twelve had made plain their particular concern about human rights abuses in Chile. A positive aspect of the situation was that the Chilean Government was co-operating with the Special Rapporteur and had allowed him to visit the country. Nevertheless, the situation in Chile remained a matter of great concern. The reimposition of a state of seige following the attempted assassination of President Pinochet on 7 September 1986 was particularly troubling. Many democratic opposition leaders, trade-unionists and journalists were being detained under those provisions without being officially charged. There were reports of torture and ill-treatment of those detained on suspicion of breaking the security laws, and of abductions. The re-emergence of right-wing death squads was an alarming feature of the current situation, since their activities went unpunished.

59. The Twelve found it difficult to accept the Government's claim that the reimposed state of seige was a necessary response to violence. Indeed, they believed that those measures were being used also to harass and intimidate democratic opponents of the Government. Moreover, they considered that those measures would intensify political polarization.

60. The Twelve reiterated their hope that the Government would charge or release all those arbitrarily detained. They also called on the Chilean authorities to establish and publish without further delay the full facts about the cases of Mr. Rojas and Miss Quintana, who were brutally burned, allegedly at the hands of an army patrol, in early July.

61. The Twelve also hoped that the Government would continue to co-operate with the Special Rapporteur and implement his recommendations. An improvement in the human rights situation would be the first concrete step towards fulfilling the Chilean Government's declared intention to restore Chile to democracy. For 13 years now, the exercise of democratic rights had been denied. The Twelve considered that an unconditional political dialogue between Government and democratic opposition was an essential element in the process of a peaceful and orderly transition to full democracy under which human rights were guaranteed.

62. Terrorism had now become a world-wide scourge, bringing a new precariousness to public life. Terrorist actions were a great evil, often depriving innocent people of their right to life in horrific circumstances. The Twelve utterly condemned all forms of terrorism, including the taking of hostages.

63. The Assembly could not remain indifferent in the face of the systematic violations of individual liberties, of the tyranny, oppression and indiscriminate

(Mr. Birch, United Kingdom)

violence which persisted in many countries. The people of the Twelve nations expected more than fine words. They expected the universal observance of universally accepted standards. The Twelve would continue to do their utmost to ensure that the Organization was capable of responding rapidly and effectively to violations of human rights, wherever they occurred.

64. Mr. GUTIERREZ (Costa Rica) said that his country was proud to be among the first six signatories of the Human Rights Covenants and of being the first to ratify them. It was encouraging that by 1 August 1986, 87 States had ratified or signed the International Covenant on Economic and Social Rights and 83 States had ratified or signed the International Covenant on Civil and Political Rights. Those figures showed that respect for human rights had become predominant throughout the world. His delegation invited those States which had not yet done so to sign and ratify the Covenants and the Optional Protocol.

65. Apart from the question of universality, the most important aspect of the Covenants was the vigilance with which the United Nations must watch over their effective implementation. The Commission on Human Rights and the Committee established under the International Covenant on Civil and Political Rights were doing excellent work. However, he must draw attention to the limitations within which they were operating and the impossibility of their being able to consider thousands of individual complaints accumulating in the archives of the United Nations. For that reason, Costa Rica had submitted some time ago a proposal for the establishment of the office of a High Commissioner for Human Rights, which would complement the functions of existing bodies. Only thus would it be possible to eliminate the selectivity in the monitoring activities carried out by the United Nations.

66. For many years Costa Rica had refrained from participating in the appointment of special rapporteurs or representatives because it felt that the sole aim was to criticize or judge the countries of Latin America which did not espouse a certain socio-political doctrine. However, Costa Rica had changed its attitude because it realized that, since the implementation and protection of human rights was an international obligation, it was absolutely essential to co-operate to ensure that that task was effectively performed in Latin America. In that respect, he noted a regional difference, namely, that the Latin American countries which had been subjected to the action of a special rapporteur had co-operated in the implementation of his task, while other countries, not in Latin America, which were also the subject of study, had repeatedly refused to lend their co-operation.

67. In 1985 the Commission on Human Rights had assumed that the tasks of the Special Rapporteur on the situation in Guatemala had ended because that country had begun its return to democracy. Guatemala now enjoyed a Government which fully recognized the need to improve the human rights situation. In view of the clear determination of that Government to tackle resolutely the problems of human rights, the only thing that the international community must do was to encourage it. Hence, his delegation would not support any draft resolution which tended to reflect the attacks made against the Government of Guatemala. Underlying those

(Mr. Gutierrez, Costa Rica)

attacks was a design to falsify the nascent democracy in Guatemala. Costa Rica's view was reflected in draft resolution A/C.3/41/L.5, which it had sponsored together with Colombia, Peru, Uruguay and Venezuela.

68. Costa Rica also intended to submit a draft resolution on the report of the Special Rapporteur on El Salvador. The Government of that country had fully co-operated with the Special Rapporteur. The report pointed out that, during the presidency of Mr. Duarte, El Salvador had made great progress in the field of human rights, although violations had not completely ceased because of the civil war still raging in the country. In considering the basic problem of El Salvador, the Committee must recognize what the Government had achieved. Since it was a product of popular will, expressed in free and democratic elections, the El Salvador Government had given the Committee every reason to believe that it was tackling the problems of human rights correctly.

69. There was a different situation in Chile. It was encouraging to note that the Government of that country had extended the necessary co-operation to the Special Rapporteur. However, the report indicated serious and persistent violations of human rights committed by the forces which were supposed to maintain order and security, and by terrorist groups. Some of the facts noted in the report, such as the throat-cutting of Mr. Posada, Mr. Nattino and Mr. Guerrero, and the atrocious burnings inflicted on Mr. Rojas de Negri and Mien Quintana Arancibia went beyond all limits and it was impossible not to feel indignant about them. Costa Rica would support a draft resolution similar to decision 1986/63 of the Commission on Human Rights.

70. In so far as the situation of human rights in the Islamic Republic of Iran and in Afghanistan was concerned, both Governments had refused to allow Special Rapporteurs to visit their respective countries. Nevertheless, some information on Afghanistan had been obtained. Despite the refusal of the Governments concerned, there was no doubt that such monitoring by the United Nations should be continued.

71. The problem of selectivity was obvious when one considered that the question of human rights in Nicaragua had failed to gain the attention of the United Nations, despite the seriousness of the situation in that country. The report submitted to the Organization of American States (OAS) by the Inter-American Commission on Human Rights had pointed out that Nicaragua had repeatedly been requested to allow a member of the Commission and a lawyer to visit the country in order to settle many pending individual cases. The acting representative of Nicaragua to OAS had reported that his Government would be amenable to such a visit, but that, in view of the aggression being waged against his country by the current United States Government, the time was not propitious for such a visit; the Nicaraguan Government would therefore set a mutually convenient date at a later time. The Commission had considered the Government's reasons for refusing to agree to the requested visit invalid, since there was no connection between the alleged aggression and the consideration of individual cases. Thus there were exceptions to the claim that Latin American countries were open to international monitoring in the area of human rights.

(Mr. Gutierrez, Costa Rica)

72. Costa Rica was concerned at the fact that the financial crisis of the United Nations had imposed restrictions on the work of the Human Rights Committee. The cancelling of one of the Committee's three annual sessions limited its opportunities for considering the large volume of periodic reports submitted by the 83 States parties to the Covenant and for adopting timely measures in respect of complaints submitted by individuals, which were often of an urgent nature. Mention should also be made in that connection of the postponement of the session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. When the General Assembly took definitive measures to enable the United Nations to continue its functioning, special care must be taken to ensure that human-rights activities were not unduly affected.

73. The CHAIRMAN announced that Austria had become a sponsor of draft resolution A/C.3/41/L.50 and that Italy, Jamaica and Poland had become sponsors of draft resolution A/C.3/41/L.55, as orally revised.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/41/3 (chap. V, sect. A), A/41/70-S/17708, A/41/93, A/41/113-S/17760, A/41/117-S/17765, A/41/138-S/17797, A/41/167, A/41/177, A/41/178 and Corr.1, A/41/183, A/41/341-S/18065 and Corr.1, A/41/607)

AGENDA ITEM 95: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/41/3 (chap. V, sect. A), A/41/70-S/17708, A/41/183, A/41/316, A/41/463 and Add.1, A/41/607)

AGENDA ITEM 96: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued) (A/41/3 (chap. V, sect. A), A/41/70-S/17708, A/41/607)

AGENDA ITEM 97: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/41/3 (chap. III, sect. C and chap. VII), A/41/40, A/41/70-S/17708, A/41/113-S/17760, A/41/316, A/41/326, A/41/509, A/41/607, A/41/695, A/41/701-S/18394)

AGENDA ITEM 98: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/510)

AGENDA ITEM 103: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/3 (chap. V, sect. A), A/41/511, A/41/607, A/41/701-S/18394, A/41/706)

Draft resolution A/C.3/41/L.66

74. Mr. YAKOVLEV (Union of Soviet Socialist Republics) introduced draft resolution A/C.3/41/L.66. During the current International Year of Peace, the Commission on Human Rights and the Economic and Social Council had adopted important decisions linking human rights with peace. At its most recent session, the Commission on Human Rights had adopted a resolution in which it had expressed its conviction that the basis of fundamental rights and freedoms was the right to life. The sponsors

(Mr. Yakovlev, USSR)

of draft resolution A/C.3/41/L.66 sought to stress the need to strengthen the work of the United Nations so that during the International Year of Peace and afterwards concrete steps might be taken with a view to affirming that fundamental right of peoples and individuals. The sponsors had endeavoured to include in the draft resolution as many of the views expressed on that subject in the Third Committee as possible, and hoped that it could be adopted without a vote.

Draft resolution A/C.3/41/L.73

75. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the sponsors of the draft resolution, who had been joined by Bolivia, sought to stress the importance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. They expressed their serious concern at the possibility that the results of scientific and technological progress could be used to the detriment of peace and security, social progress, human rights and the dignity of the human person, and their belief that scientific resources should be used for peaceful social, cultural and scientific development and to improve the living standards of all people. As the draft resolution was balanced and accommodated the interests of countries belonging to different regions and political systems, the sponsors hoped that it would receive the support of all Committee members.

Draft resolution A/C.3/41/L.72

76. Mr. QUINN (Australia) introduced draft resolution A/C.3/41/L.72. He emphasized the gravity of the problem of delays in the submission of reports in accordance with United Nations human rights instruments. The sponsors of the draft resolution, who had been joined by Colombia, were proposing a series of practical measures aimed at rationalizing the reporting process and maintaining the credibility of that procedure, which was central to the United Nations human-rights programme.

Draft resolution A/C.3/41/L.74

77. Mr. VAN BUUL (Netherlands) introduced draft resolution A/C.3/41/L.74, on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The draft resolution was similar to General Assembly resolution 40/128, adopted by consensus the previous year. New Zealand had become a sponsor of the draft resolution.

ORGANIZATION OF WORK

78. The CHAIRMAN suggested that, without prejudice to the future work of the Committee, statements in exercise of the right of reply should be limited to five minutes for initial statements and three minutes for second statements.

79. It was so decided.

The meeting rose at 1.10 p.m.