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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 34TH MEETING */

(First part)

Held at the Palais des Nations, Geneva,
on Tuesday, 24 February 1987, at 3.30 p.m.

Chairman: Mr. AL-HADDAWI (Iraq)
later: Mr. EVMENOV (Byelorussian Soviet
Socialist Republic)

CONTENTS

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

- (a) Torture and other cruel, inhuman or degrading treatment or punishment;
- (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (c) Question of enforced or involuntary disappearances (continued)

*/ The summary record of the second part of the meeting appears as document E/CN.4/1987/SR.34/Add.1.

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The meeting was called to order at 3.50 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;
- (b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;
- (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10) (continued) (E/CN.4/1987/13, 14, 15 and Corr.1 and Add.1, and 39; A/41/706; E/CN.4/1987/NGO/30, 31, 36, 37 and 42)

1. Mrs. de PERIO-SANTOS (Philippines) said that, upon assuming power a year previously, the new Aquino Government had immediately informed the then Chairman of the Commission on Human Rights of its desire to make public the materials dealt with by the Commission under the procedure of Economic and Social Council resolution 1503 (XLVIII). In March 1986, the new Government had requested the immediate retransmittal to it of all cases which had been before the Working Group on Enforced or Involuntary Disappearances and the special rapporteurs on torture and summary executions, as well as human-rights material before the Commission under the procedure of resolution 1503 (XLVIII). Those steps had been taken by her Government so that it could conduct the necessary investigations into, and inform the public about, violations committed under the old régime and take remedial measures.

2. The Working Group on Enforced or Involuntary Disappearances had thus retransmitted 371 outstanding cases, and one case under the urgent action procedure; the Special Rapporteur on summary executions had retransmitted 173 cases and the Special Rapporteur on torture had retransmitted 51 cases. Likewise, all the material considered by the Commission under resolution 1503 (XLVIII) had been retransmitted to the new Government. To date, her Government had informed the Working Group on Enforced or Involuntary Disappearances of 90 cases not included in its list; in the case of summary executions, 96 cases not found in the Special Rapporteur's list had been submitted to him. As the stocktaking was not yet completed, the Commission would be informed of the situation in due course. In that connection, it was noteworthy that most of the cases reported to the Working Group on Enforced or Involuntary Disappearances and to the Special Rapporteurs were also to be found in the material considered by the Commission under resolution 1503 (XLVIII).

3. The new Constitution of the Philippines provided for the establishment of an independent office to be called the Commission on Human Rights but, pending its establishment, the existing Presidential Committee on Human Rights (PCHR) would continue to function, investigating complaints of disappearances, torture, killings and other violations of human rights committed by government officers or agents or persons acting under their orders. Whereas the PCHR mandate covered only military abuses, the Commission on Human Rights would, under the newly-ratified Constitution, also investigate alleged abuses committed by non-military personnel, including rebels.

4. The new Constitution empowered the Commission on Human Rights to investigate all forms of human-rights violations, to provide appropriate legal measures for the protection of human rights and make preventive measures and

legal aid services available to those whose human rights had been violated, to visit prisons or detention facilities, to establish a programme to enhance respect for human rights, to recommend to Congress effective measures to promote human rights, to provide for compensation to victims and their families and to monitor the Philippine Government's compliance with international treaty obligations on human rights. The new Constitution also contained a Bill of Rights which embodied the basic civil and political rights set forth in the International Covenant on Civil and Political Rights, which the new Philippine Government had ratified as soon as it had assumed power. Furthermore, it specifically prohibited torture and other forms of violence against persons under investigation together with inhuman forms of detention, and it empowered the Congress to pass laws providing for penal and civil sanctions for violations of the Bill of Rights.

5. The Working Group on Enforced or Involuntary Disappearances had concluded that the practice of involuntary disappearances had persisted since 1980. A review of the country summaries showed that a total of 12,229 reported cases remained outstanding in 39 different countries. That meant that, of the 14,000 cases transmitted by the Working Group to Governments over the past seven years, only 1,771 or 12 per cent, had been clarified. Her delegation supported an extension of the mandate of the Special Rapporteur on questions relevant to torture, but suggested that future reports should include the number of cases transmitted to each country and the number of replies received from the Governments concerned, as was being done by the Working Group and the Commission's Special Rapporteur on summary or arbitrary executions.

6. Her delegation commended the Working Group for having clarified cases which would otherwise have remained unsolved. For the families of the 1,771 disappeared persons, ascertaining the fate of their loved ones, even if that fate were death, at least lessened the severe psychological strain they had had to undergo.

7. Since the creation of PCHR in March 1986, over 798 cases of disappearances, torture and summary execution accumulated over the 14 years prior to 1985 had been referred to it. The Committee had become fully operational in June 1986 and, as from October 1986, 118 cases had been assigned for investigation and were pending, and 220 had been referred to other government agencies. In that connection, mutual co-operation between PCHR on the one hand and the Working Group and the special rapporteurs on the other was of utmost importance. However, her delegation noted with concern that Secretariat support for the Working Group had diminished.

8. Her delegation endorsed the criteria used by the Working Group in determining whether or not a case had been clarified. It would be difficult to set a time-limit for admission of cases, as that would hamper efforts by the Working Group and the Governments concerned to look into all reported cases of disappearances. The reports of cases should include as many relevant details as possible, in order to enable Governments to expedite the investigation and clarification of cases.

9. The Working Group should also fully reflect in its report situations where legal actions, including petitions for habeas corpus proceedings, had duly taken place. In cases where such legal process had been availed of but had not unfortunately resulted in the establishment of the whereabouts of a disappeared person, it was fair to conclude that the disappeared person was not in the custody of law enforcement or other government officials.

10. As in the case of Chile, the mandate of the special rapporteurs on the situations in the various countries should include disappearances. Co-operation on reported disappearances between the Working Group and the various special rapporteurs would fill the gap in fact-finding or monitoring work with which the Working Group was confronted. The same suggestion applied to the work of the Commission in other thematic areas, such as torture, summary execution and religious intolerance.

11. Mrs. LUND (Norway) said it was necessary to understand and reveal the root causes of the violations and abuses which destroyed the integrity of the individual and the right to life. Above all, the Commission on Human Rights must strive to identify long-term strategies and measures that could contribute to eradicating torture and other degrading or inhuman treatment, arbitrary and unacknowledged detention, forced and involuntary disappearances, executions and murders.

12. In that context, the Commission's fact-finding and monitoring machinery had a significant part to play, and those Governments that had not so far responded to the allegations transmitted to them for clarification should extend their full co-operation. The Working Group and the special rapporteurs were trying to safeguard victims, not castigate Governments.

13. Studies of the systematic occurrences of torture, detention, disappearances and executions indicated that they often took place in similar circumstances. The reports contained information on violations that often related to the same countries and similar types of situations, including civil strife or armed conflict, states of emergency, the existence of special security legislation and strong authoritarian Governments.

14. Enforced or involuntary disappearances and torture seemed to be used by Governments as convenient ways of suppressing opponents and stifling dissent, often on grounds of national security or with reference to national integrity and sovereignty. In situations of civil strife, Governments and opposition forces might both fall into the practice of such physical abuses as torture, arbitrary detention for long periods and enforced disappearances. A vicious circle of violence was created which it was increasingly difficult to break.

15. There were also many examples of such practices in countries that had returned to constitutional democracy and where, although the democratically elected Governments had declared their intention of putting an end to the atrocities of previous régimes, they nevertheless faced problems in combating phenomena that had become part of every-day life. In such situations, the Governments would have to take firm action. As it was very likely that there would always be situations conducive to such practices, a multi-faceted approach to the problem was needed, with a system of built-in checks and balances to make it more difficult to infringe upon the basic rights of the individual.

16. Her Government was especially concerned about atrocities and abuses that took place during internal conflicts. The complexity of the problem required particular adaptability and sophistication in the monitoring of compliance with humanitarian law. It wished to underline the inherent duty of all parties to a conflict - both Government and opposition groups - to respect basic human rights at all times.

17. Her delegation agreed with the recommendation in the report by the Special Rapporteur on questions relevant to torture (E/CN.4/1987/13) regarding training programmes for law-enforcement personnel and for medical personnel, and also thought that the establishment of the institution of an ombudsman, with authority to receive complaints by individuals, could be effective in preventing such administrative abuses as torture. Such an office must, however, be empowered to take action against those responsible. Thought should also be given to the idea of introducing on-site visits to places of detention in countries where torture had allegedly taken place.

18. It was to be hoped that the Convention against torture would soon come into force. Norway was one of the 15 countries that had already ratified it, and her delegation strongly urged other Governments to follow suit.

19. Her Government welcomed the assistance provided by the United Nations Voluntary Fund for Victims of Torture to projects in various parts of the world. The Fund was in need of regular contributions to enable it to continue its work and to prevent the interruption of programmes that it had been instrumental in starting. Her Government intended to respond to that need, and would contribute \$US 50,000 in 1987.

20. The Working Group's mission to Peru should be followed by similar visits to other countries where the number of unclarified cases remained high. In that connection, her delegation urged Governments to extend their co-operation to the Working Group. The establishment of independent national investigatory bodies would also be helpful in preventing the practice of involuntary disappearance.

21. Her Government hoped that the work of the Commission on Human Rights in that area would be given priority within the Centre for Human Rights and that sufficient resources would be allocated to enable the Working Group and the special rapporteurs to fulfil their mandates.

22. Mr. MONTAÑO (Mexico) said that his delegation wished to reiterate its attachment to the rule of law, which was the basis for public life in Mexico. In that spirit, his Government was carefully observing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it had ratified, the practice of such treatment or punishment being punishable by law.

23. His delegation considered that the activities of the Working Group on Enforced or Involuntary Disappearances constituted one of the Commission's successes and regretted that they had been hampered by the inevitable economies. Nevertheless, it had noticed a certain regionalization of the sphere of interest of the Working Group. It seemed to be particularly and solely interested in Latin America and the Caribbean. In that connection, it might be wondered whether an extensive review of the Group's working methods might not be needed to determine if the adoption of certain cases revealed an excessive attention to merely circumstantial or political factors.

24. For example, there should be a limit as to how far back an investigation could go, because otherwise there would be an accumulation of accusations that unduly distorted, the image of the Government and people concerned. The simple presentation of a list without further comment could lead to just that.

25. His delegation assumed that those who supported the Working Group would agree that there should be no inconsistencies in the treatment of the allegations and of the replies received from Governments. Nevertheless, it was clear from the report itself that various Governments had pointed out the disparity and unbalanced nature of the information deemed acceptable in the allegations and in the governmental replies.

26. In that connection, his delegation wished to express its deep dismay at the blatantly unbalanced treatment of its country by the Working Group. His Government had always sought to maintain communications with the Working Group, since its establishment in 1980, based on a dedicated spirit of co-operation. During their visit to Mexico five years previously, the members of the Working Group had had the opportunity to verify the truth of the information provided to it. In September 1986, the Working Group had asked for information concerning six people who had allegedly disappeared. Those were additional to six other alleged cases which the authorities had been investigating for several years, with limited data from the Working Group. The work of clarifying those cases had begun promptly, appropriate resources being employed.

27. On 18 December 1986, a note had arrived out of the blue from the Deputy Director of the Centre for Human Rights containing a list of 171 supposedly new cases, 81 of which appeared on an earlier list of 314 persons that had been exhaustively investigated by the authorities with the help of the Commission, the results of which investigation had been transmitted to the Division of Human Rights on 19 August 1980. The Working Group had provided no new information on those 81 cases. With regard to the other cases, of which Mexico had been notified for the first time, it was clear that most of the alleged disappearances had taken place between 1972 and 1980. Some cases went back as far as 14 years. Considering the time that had elapsed and the scanty information provided by the Working Group, it was clear that the investigation was going to be an extremely difficult one.

28. It was regrettable that information provided by government authorities was not regarded as reliable, whereas accusations were. In that context, it was worth drawing the attention of members of the Working Group to the rules, whereby the exchange of information must take place with both parties on an equal footing in terms of credibility. His delegation would not like to think that the surprising reconsideration of already clarified cases was part of a well-orchestrated attempt to discredit Mexico abroad.

29. Mr. BOSSUYT (Belgium) said that the appointment of special rapporteurs on specific subjects was the most important and constructive development of the past five years and had considerably helped to increase the Commission's capacity to consider the most serious human-rights violations. It had also helped to remedy some of the shortcomings of the earlier system, such as its slowness, selectivity and often excessive confidentiality.

30. The fact that, since its establishment, the Working Group on Enforced or Involuntary Disappearances had reported more than 13,000 cases in some 40 countries gave an idea of the magnitude of the problem. The Working Group had succeeded in adopting uniform and consistent procedures and had applied them to all countries without distinction. It had also helped to restore the credibility of the Commission, whose action had sometimes been one-sided and looked upon as discriminatory.

31. Through its objective and impartial attitude, the Group had increasingly obtained the co-operation of Governments desirous of eliminating the terrible phenomenon of forced or involuntary disappearances. In that connection, he commended the Government of Peru on having invited a delegation of the Working Group to visit the country for a second time. It was gratifying to note from paragraph 45 of the addendum to the report (E/CN.4/1987/15/Add.1) that the current Government of that country had adopted a far more favourable attitude than formerly, reacting rapidly to cases reported to it and making immediate efforts to investigate them. By opening its doors to foreign observers, it had shown its genuine desire to improve the situation, and should be given every encouragement.

32. Another encouraging fact was that the Government of Guatemala was considering the possibility of inviting the Working Group to visit its country, since such a visit could not but strengthen the Government's efforts to control the disappearances that continued to take place there.

33. His delegation found it difficult to understand how Governments could fail to understand that their proclamations of good faith would be far more credible if they were accompanied by genuine evidence of intent to co-operate with United Nations human-rights bodies rather than by efforts to impede their activities. Some Governments raised legal objections with a view to limiting the field of application of the Group's mandate. The Group was not a judicial body and had no competence to take binding decisions. Consequently, there was no question of formulating rules to regulate its competence or to determine the precise conditions of admissibility of requests for explanations.

34. In many regions, there were still no regional judicial bodies to which the victims of human-rights violations could apply, and national remedies often failed to be effective because of serious domestic disturbances or administrative shortcomings. The Group therefore offered its good offices to all persons who had any knowledge of forced or involuntary disappearances and who had no other body that could intervene on their behalf. It was more fitting to show compassion to the families of missing persons, in their anxiety and suffering, than to raise legal objections.

35. It was vital that the Group should have the necessary resources. The assistance of competent and experienced officials was essential if it was to function satisfactorily. If priorities had to be established because of the financial crisis, special consideration should be given to the activities of the Group and of the special rapporteurs, which could benefit the victims of serious violations of human rights in many countries.

36. It was fortunate that the Commission had decided in 1986 to extend the Working Group's mandate for two years, since otherwise the Organization's current financial crisis would have severely limited its activities. In addition, a two-year mandate for the Working Group could help the Secretariat to organize the work more effectively and to make substantial savings. Most of those comments also applied to the work of the Special Rapporteur on questions relevant to torture, whose efforts to reflect in specific action the Commission's concern at the scourge of torture were most welcome. Governments which had responded to his requests for information and urgent action were to be commended. It was regrettable, however, that the Governments of the Congo, Iraq, Libya, Mozambique, Uganda, Syria, Suriname and Zimbabwe had yet to reply to the allegations of torture transmitted to them in 1985.

37. In view of the international community's general revulsion at the odious practice of torture, any Government confronted with allegations of torture might be expected to do everything to clear up with the utmost speed any cases communicated to it by the Special Rapporteur. His delegation fully shared the Special Rapporteur's view that all States had a legal interest in prohibiting torture. An individual who had violated such a prohibition was responsible to the entire international community, and States, as members of that community, were entitled to call for his punishment. Intervention in such cases did not constitute an act of interference in the internal affairs of the State concerned.

38. His delegation also endorsed the Special Rapporteur's statement that a society that tolerated torture could never claim to respect other human rights and that the duty to eradicate torture was a primordial obligation (E/CN.4/1987/13, para.82). Any State that tolerated torture placed itself ipso facto among those who were guilty of the most serious violations of human rights.

39. His delegation had taken due note of the Special Rapporteur's recommendations concerning the introduction of a system of periodic visits and the establishment at the national level of an independent authority that could receive complaints by individuals. It endorsed the recommendation that Governments and medical associations should take strict measures against persons belonging to the medical profession who had, in that capacity, had a function in the practice of torture. That recommendation was in the spirit of General Assembly resolution 37/194, by which the principles of medical ethics had been adopted.

40. His delegation emphasized the importance of limiting the periods during which detainees were held incommunicado. It also associated itself with the Special Rapporteur in stressing the importance of training programmes for members of the security forces and the forces of law and order.

41. It awaited with interest the issue of the list of countries that had proclaimed or lifted a state of emergency and the report on respect for national and international regulations guaranteeing the legality of the application of a state of emergency, to be presented to the Sub-Commission by its Special Rapporteur on the subject, as well as the explanatory booklet showing how the Sub-Commission could fulfil its responsibilities with respect to administrative detention without charge or trial, to be submitted to the Sub-Commission by Mr. Louis Joinet.

42. The largest number of human-rights violations unquestionably occurred in connection with detention. The Commission should thus consider the establishment of a special procedure concerning violations of human rights in connection with detention, which was not in itself a violation of human rights provided that the procedural and substantive guarantees were observed and that the conditions of treatment in prison did not fall below the minimum applicable standards. His delegation invited the Commission to consider the most effective procedure for dealing with any violations in that respect.

43. Mr. JOHNSON (United States of America) said that all members of the Commission would certainly agree as to the importance of agenda item 10. It required little imagination to identify with people who had been unjustly detained or imprisoned or had been the victims of torture and other cruel,

inhuman or degrading treatment or punishment inflicted by Government authorities. Quite apart from the physical and mental pain of torture, the anger, frustration, sense of injustice, despair, hopelessness and terror at being in the custody of ruthless and uncontrolled officials could readily be imagined, particularly in cases where there could be no redress against the Government or where no one outside was even aware of the nature or place of detention or imprisonment. Far too many cases of that kind had occurred in too many Member States.

44. His delegation noted that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment would enter into force when five further instruments of ratification or accession had been received. His Government currently had the question of its ratification under serious review. That was only the latest of a series of international instruments adopted by the United Nations to promote the protection of detainees and prisoners and prevent them from being ill-treated. His delegation hoped that the Sixth Committee would shortly complete its work on the draft body of principles on the rights of those subjected to detention or imprisonment, which had been under consideration for the past eight sessions. If all the Governments represented in the Commission met the standards set forth in the instruments in question then there would be far less to discuss under the current agenda item.

45. It should be a matter of shame and embarrassment that detailed descriptions of specific cases of human-rights violations covered by agenda item 10 would require the whole of the Commission's time for several future sessions. No State could plausibly claim that none of its law enforcement or other security officials had ever committed abuses in that area, since in all countries occasional official misconduct by individuals, groups or local authorities involving unjust detention or imprisonment, or mistreatment of detainees was likely to occur. When failure of officials to live up to the minimum standards of conduct resulted in cases coming under agenda item 10, the victims or their families should have prompt access to an independent judiciary and court system that would ensure compensation, rehabilitation and other appropriate forms of redress, as well as prompt disciplinary or punitive action against those responsible and remedial measures to prevent any recurrence.

46. The Commission should focus particularly, however, on situations in which torture or other abuses involving detainees or prisoners was either condoned by senior Government officials or had been approved by the highest authorities of a particular State as part of its common treatment of individuals under its jurisdiction. It should be of particular concern when Governments represented in the Commission systematically included torture and cruel, inhuman or degrading treatment, disappearances or other forms of abuse in their treatment of detainees and prisoners. Such outrageous situations unfortunately existed, and his delegation considered it necessary to bring to the Commission's attention as many of them as time would permit.

47. Afghanistan was mentioned by name in the report of the Special Rapporteur on questions relevant to torture as a country where there was a disheartening loss of respect for the physical and mental integrity of the human person and for his dignity. Information from a number of reliable sources revealed that the Kabul régime engaged in systematic torture and ill-treatment of people suspected of supporting groups of Afghans who were attempting to exercise their right to self-determination against the Soviet occupation forces.

48. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking on a point of order, said that at the 8th meeting of the current session, the United States delegation had requested that countries should be referred to by their official names. The United States representative was himself transgressing that rule.

49. He asked whether he had understood correctly that the representative in question had acknowledged that torture was practised in the United States.

50. The CHAIRMAN asked the representative of the United States to comply with the rules and allow the Commission to continue its work in an amicable manner.

51. Mr. JOHNSON (United States of America) said that, while he would heed the Chairman's comment, he did not think that anything he had said warranted the language used. His delegation intended to conduct itself, as always, with a sense of decorum and of respect for the Commission.

52. The representative of the Soviet Union had clearly misunderstood the comments to which he had referred.

53. Continuing his statement, he said that the Soviet-sponsored régime in Kabul was still detaining political prisoners without charge or trial.

54. The CHAIRMAN said he appealed to the representative of the United States not to politicize the issue but to keep to the substance of the agenda item under consideration.

55. Mr. JOHNSON (United States of America) asked whether the Chairman was inferring that the detention of political prisoners did not come within the scope of agenda item 10.

56. The CHAIRMAN said that the Commission should keep to the substance of the item under consideration and not go into details of a political nature. He hoped that the United States representative would heed his appeal.

57. Mr. JOHNSON (United States of America) said that, without commenting on the correctness or otherwise of the Chairman's remarks, he would proceed with his statement. He had been saying that the Soviet-sponsored régime in Kabul continued to detain political prisoners without charge or trial

58. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking on a point of order, said that the United States delegation was again referring to a country by its incorrect name, and thus breaking the rule to which it had itself drawn attention.

59. The CHAIRMAN said he once again appealed to the representative of the United States to use more appropriate terminology, without changing the substance of his statement.

60. Mr. JOHNSON (United States of America), having stated that his delegation always wished to co-operate with the Chair, said that both Soviet and Afghan military personnel were reported to have carried out extrajudicial executions of prisoners and reprisal killings of civilians.

61. While noting that the Government of El Salvador had publicly committed itself to respect and guarantee fundamental human rights, the Special Rapporteur had concluded that certain parts of the State apparatus had failed to live up to those commitments. Great efforts had been made by the Government of El Salvador to ensure respect for human rights, there were no longer any reports of massive human-rights violations, and great progress had been made in strengthening the Salvadorian judicial system in order to investigate and punish human-rights violations, but even a single case of torture or disappearance involving the Government authorities was unacceptable, and his delegation urged El Salvador to continue its efforts to eliminate all such abuses.
62. The Special Rapporteur referred to a spiral of violence and allegations of torture in Sri Lanka. It was to be hoped that the Government of that country had already taken any necessary preventive and remedial measures under its constitutional guarantees against torture.
63. Chile and South Africa were cited by the Special Rapporteur as countries in which torture was used not only to extract information but also to enforce conformity with the prevailing rules. In Chile, torture and police brutality continued to be serious problems, with reports of beatings, electric shocks or threats, particularly during the early days of detention. Most of the victims detained or ill-treated had been singled out because of their legitimate political, labour, or human-rights activities. The investigation, prosecution and punishment by the Chilean authorities of such cases of torture remained inadequate.
64. In South Africa, the Internal Security Act allowed the police to exercise generally unsupervised discretion in the arrest and detention of suspects and in the interrogation of detainees. Many former detainees had made allegations of beatings or torture by the police, mostly occurring immediately after arrest, and reflecting poor discipline on the part of police officials. For the most part, the South African Government had failed to make sufficient efforts to hold members of the police and other security forces accountable for such apparent abuse of detainees.
65. The Special Rapporteur had referred to alarming reports of the practice of torture in Iran, where behaviour or even opinions deviating from the norm were not tolerated. Such acts - which presumably took place with the sanction of top officials - were reported to cover a wide range of inhuman practices, including mock executions, other forms of psychological torture, and flogging.
66. Several of the countries identified by name in the Special Rapporteur's report were relatively accessible and open societies, in which human-rights activists, journalists and foreign diplomats could obtain a reasonable amount of information about cases of torture or other forms of abuse of detainees and prisoners. Other Governments, however, including two represented in the Commission, made every effort to ensure that such information was not available by keeping their societies as closed as possible.
67. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking on a point of order, asked the Chairman how long the United States representative had been speaking.

68. The CHAIRMAN said that that representative had twice been interrupted with points of order and should be allowed to make up that time. However, since he had already exceeded his allotted time even allowing for the interruptions, he should conclude his statement as quickly as possible.

69. Mr. JOHNSON (United States of America), said that many political prisoners had recently been released in the Soviet Union and there had been a general call by the leader of that country to challenge and criticize the old ways. However, the Soviet people were well aware of the fact that their country's prisons, labour camps and psychiatric hospitals were full of critics and dissidents, political prisoners who should never have been detained in the first place merely for attempting peacefully to exercise their rights as set forth in the Universal Declaration of Human Rights and other international human-rights instruments. Moreover, the persons released so far were merely a few well-known dissidents, who had been the subject of close public attention outside the Soviet bloc, and represented only the tip of a very large iceberg.

70. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking on a point of order, said that the United States delegation was violating all the rules for the conduct of the Commission's business. He appealed to the Chairman to request the speaker to end his statement at once.

71. The CHAIRMAN requested the representative of the United States to conclude his statement within one minute.

72. Mr. SENE (Senegal), speaking on a point of order, said that the Canadian delegation had rightly reminded the Commission, on an earlier occasion, that it should follow parliamentary tradition in the conduct of its business. It was possible to express ideas and arguments without offending the dignity of States. He urged the representative of the United States to help the Commission to regain its spirit of international co-operation for the promotion of human rights, in a climate of harmony. Any progress in any country should be welcomed and the State concerned helped and encouraged to take such progress further. Any other attitude might lead to a deadlock.

73. Mr. JOHNSON (United States of America) said that few of the prisoners of conscience held in psychiatric institutions in the Soviet Union had yet been freed. Recent Soviet admissions regarding the abuse of psychiatry for political purposes had confirmed that many people detained in psychiatric institutions were quite normal, that the diagnoses on which their detention was based were invalid and that the so-called treatment they were given was mentally and physically harmful.

74. One of history's most notorious and utterly indefensible disappearance cases had been perpetrated by the Soviet Union against the Second World War hero and Swedish diplomat, Raoul Wallenberg. The Congress of the United States had made him an honorary United States citizen, because he was a symbol of decency and humanity for people in every country who cared about their fellow human beings. If openness in the Soviet Union was genuine, it was to be hoped that at long last, a full and accurate report on the true fate of Raoul Wallenberg would be provided.

75. His delegation commended the Government of Argentina on the progress it had made in promoting respect for human rights, re-establishing democratic institutions and endeavouring to bring about national reconciliation.

76. It fully supported the work carried out under agenda item 10 to combat torture, disappearances and mistreatment of prisoners and detainees. The need for such work was regrettable, but it must be done until all the Governments concerned ended the cruel and inexcusable human-rights abuses in question.

77. Mr. TURK (Austria) said, with regard to item 10, that it was precisely when a person was totally in the power of others that the worst human rights abuses occurred: the most flagrant denial of human dignity, which ranged from disrespect for a person's honour over various stages of degrading, inhuman or cruel treatment to the most atrocious and sophisticated means of physical and mental torture and finally to the deliberate extinction of human life. While killing terminated the physical existence of a human being and slavery his legal existence, torture was designed to break the human personality by reducing the victim to a mere tool at the mercy of his torturer. Such inhuman practices were based on an idea of man that was totally unacceptable to his Government.

78. The African Charter on Human and People's Rights was the first international convention which directly linked torture with slavery as the two most flagrant assaults on human dignity. Slaves had often, in fact, been the most prominent victims of torture in both ancient and modern times. The gradual abolition of slavery and the elimination of torture as a legitimate instrument of penal procedure could truly be regarded as major achievements of the enlightenment. In the contemporary world, slavery and torture were absolutely prohibited under international law. As for torture, his delegation concurred with the conclusions of the Special Rapporteur on questions relevant to torture that its prohibition could be considered to belong to the rules of jus cogens and sincerely hoped that the international community would take the necessary steps to dispel any doubts in that regard.

79. While slavery and slavery-like practices existed only exceptionally in the contemporary world, torture had been revived and assumed such alarming proportions that it had been called the plague of the twentieth century. In its first world survey of torture published in 1973, Amnesty International had described practices of torture in 61 States; its second report of 1984 cited 66 States in that regard.

80. His Government had played an active role for many years in various United Nations efforts to combat torture and was particularly pleased at the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which had been ratified or acceded to by 15 States. He had pleasure in announcing that the ratification procedure had begun in Austria. One of the major achievements of the Convention was the principle of universal criminal jurisdiction with respect to all acts of torture and his delegation was confident that the criminal prosecution of torturers regardless of national frontiers, and the various means of international implementation envisaged in the Convention would contribute to the elimination of that plague.

81. Bearing in mind the fact that torture was practised in conditions of secrecy, his delegation reiterated its belief that mere repressive means of implementation, such as those included in the Torture Convention might not be sufficient to eradicate the evil. It was therefore convinced that preventive measures such as a system of periodic visits by a committee of experts to places of detention or imprisonment should also be adopted by the

international community. The draft optional protocol to the Torture Convention, submitted by Costa Rica in 1980, contained valuable additional control mechanisms, and his delegation hoped that the Commission would consider that proposal at its forty-fifth session as a matter of high priority.

82. A few weeks previously, the Committee of Ministers of the Council of Europe had submitted a draft European convention against torture to the Parliamentary Assembly for its comments. The draft was based on ideas similar to those contained in the Costa Rican proposal and was therefore in line with the recommendation in Commission resolution 1986/56. His delegation stressed, however, that the establishment of regional systems of periodic visits should not delay the conclusion of a world-wide convention or optional protocol based on the same ideas. In view of the universality of human rights, the ultimate goal in combating that serious and world-wide violation of human dignity must be a global system of preventive visits, to which all States should adhere.

83. His delegation was deeply concerned at the fact that, as the Special Rapporteur confirmed in his comprehensive reports, torture was still widespread and occurred rather systematically in many countries throughout the world. It was shocking to see how easily people resorted to the practice of torture and alarming to realize, as the Special Rapporteur said in paragraph 72 of his second report (E/CN.4/1987/13), that "no society, whatever its political system or ideological colour, is totally immune to torture". The report identified situations of civil war and the uncomprising readiness to stifle opposition as the two major preconditions for the use of torture.

84. His Government called on all the States concerned to put an end to all acts of torture and to co-operate without reservation with the Special Rapporteur. It fully supported the recommendations in both reports and the conclusions drawn with respect to the reasons for the use of torture. Incommunicado detention, which, owing to the secrecy in which it was shrouded, stimulated the readiness to resort to torture and ill-treatment, should not only be kept as short as possible but prohibited, even in cases of states of emergency or special security legislation. Every person deprived of his liberty should have the right immediately to contact and see a lawyer and/or doctor and to have his relatives promptly informed of his whereabouts. The recommendation in the first report that the interrogation of detainees should take place only at official interrogation centres and should, whenever possible, be recorded, deserved particular attention. If those preventive measures were observed in all countries, torture would soon cease to exist.

85. In his first report, the Special Rapporteur on torture had focused on the close link between torture and violations of other human rights, particularly the phenomena of disappearances and summary and arbitrary executions. In a number of countries, persons disappeared after having been arrested or abducted, were tortured while being held incommunicado and then killed in order to prevent those practices from becoming known to the public. He reiterated his delegation's conviction that the various mechanisms of the Commission concerned with those phenomena would benefit from co-operation in that connection.

86. His delegation welcomed the fifth report of the Special Rapporteur on summary and arbitrary executions (E/CN.4/1987/20) and the seventh report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1987/15 and Add.1). It congratulated the Working Group on having been able, during

the seven years of its existence, to establish a fruitful dialogue with most of the Governments concerned. Nevertheless, the latest report still mentioned 18 States in which more than 20 reports of enforced or involuntary disappearances transmitted to the Government remained outstanding, and another 21 States in which fewer than 20 remained outstanding.

87. Although many of those cases were several years old and, in some countries listed in the report of the Working Group, the practice of such disappearances had ceased or significantly diminished - Argentina, the Philippines and Uruguay were cases in point - that flagrant phenomenon continued to exist. It was alarming to note that the Working Group had, since 1980, transmitted almost 14,000 cases to various Governments. His delegation was seriously concerned about the fact, that in some cases, the number of disappearances was even increasing at an alarming rate. While some Governments, such as that of Peru, co-operated fully with the Working Group and had granted permission for a visit, others had not even responded to the Working Group's appeal. His delegation called on those Governments to establish a dialogue with the Working Group.

88. He stressed the valuable contribution made by those fact-finding methods to safeguarding some of the most basic of human rights and appealed to all Governments to co-operate fully with the special rapporteurs and the Working Group and to apply their recommendations faithfully. In view of the fact that much work had still to be done to eliminate those flagrant violations of human rights, his delegation recommended that the Commission should extend the mandates of both the special rapporteurs for a further two years.

89. In view of the fact that disappearances, torture and arbitrary executions were usually carried out in secrecy and thus made fact-finding particularly difficult, his delegation was convinced that effective implementation of that task required the establishment of an open dialogue with all the Governments concerned. It therefore encouraged the Special Rapporteur on questions relevant to torture to proceed in his work with ever greater frankness in the manner of the Special Rapporteur on summary and arbitrary executions and the Working Group on Enforced or Involuntary Disappearances.

90. Capital punishment - like corporal punishment - was a form of cruel, inhuman and degrading treatment. That was particularly true when such punishment was inflicted upon minors, contrary to article 6, paragraph 5, of the International Covenant on Civil and Political Rights. His delegation therefore urged the members of the Commission to proceed to the elaboration of an additional protocol to the International Covenant, aimed at the complete abolishment of the death penalty. The drafting of such an important instrument should begin as soon as possible, and could follow the lines of the Sixth Additional Protocol to the European Convention on Human Rights.

91. In conclusion, he said that the United Nations Voluntary Fund for Victims of Torture was another valuable instrument in the general fight against that evil. In the first five years of its existence, the Board of Trustees of the Fund had provided a number of grants to centres for the treatment and rehabilitation of victims of torture, such as those at Copenhagen and Toronto, to regional programmes in Central and South America, and to projects in specific countries such as Argentina, Uruguay, Equatorial Guinea and the Philippines. The achievements of the Fund depended, of course, primarily on the financial resources placed at its disposal, and his Government was pleased

to be able to make a contribution thereto. It hoped, however, that the concerted efforts to combat torture and related grave human-rights abuses would lead to a situation where there would no longer be any need for such a Fund.

92. Mrs. KIMATA (Japan) said that the report by the Special Rapporteur on questions relevant to torture (E/CN.4/1987/13) rightly analysed the source of torture as being invariably a contempt for the personality of the other individual which had to be destroyed and annihilated. Torture was one of the most heinous violations of human rights, as it was the very denial of the essence of human rights, namely the recognition that each individual had a personality of his own which had to be respected. Her delegation fully endorsed the report's conclusions that torture could not be justified under any circumstances and that its eradication was a primordial duty of the international community. It supported, in that context, the continuation of the Special Rapporteur's mandate to enable him to submit further recommendations on that important issue.

93. One of the recommendations made in the report concerning measures for the prevention and eradication of torture referred to the usefulness, at the international level, of the introduction of systems of periodic visits by a committee of experts to places of detention or imprisonment. Such visits should be followed by advice which the experts might give with regard to steps to be taken to correct and improve the existing régimes in such places in the country visited. The report recommended that, until such systems were established, the International Committee of the Red Cross should be granted admission to places of detention and imprisonment.

94. The report also indicated that the Special Rapporteur would himself be prepared to visit countries with the consent or at the invitation of Governments, not only on account of allegations of torture he had received but also if such a visit might, for any other reason, be deemed useful by the Government concerned. On the other hand, the report stressed the importance at the national level, of limiting the period of incommunicado detention under national law and the establishment of an independent authority, such as an ombudsman, to receive complaints by individuals about administrative abuses, including torture.

95. Her Government much appreciated the aims of the United Nations Voluntary Fund for Victims of Torture, to which it had contributed \$50,000 in 1986. It was planning to make further contributions in 1987, subject to the consent of the National Diet, and hoped that the Fund would be able to provide humanitarian assistance to more people in need and strengthen the struggle against torture.

96. The report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1987/15) contained useful information and suggestions and provided a clear picture of the situation with respect to each country. Notwithstanding article 9 of the International Covenant on Civil and Political Rights, enforced or involuntary disappearances were continuing to be reported from every part of the world, and her delegation regretted that, in spite of the various measures taken by the international community to promote and protect human rights, it had not yet found ways of preventing basic denials of human rights, such as enforced or involuntary disappearances. It was clear that the co-operation and support of the Governments concerned was indispensable for the solution of the problem. In that regard, her delegation expressed its

appreciation to the Governments which had extended their co-operation to the Working Group and hoped that other Governments would follow suit.

97. Mr. COLLIARD (France), referring to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1987/15 and Add.1), said that, of all the sufferings which man inflicted on other men, enforced or involuntary disappearances constituted a particularly subtle one because it added on indirect suffering. The victim who was physically detained and often tortured, frequently remained without news of his family and, despite himself, was the very instrument of his own family's suffering. Relatives looking for him were frequently told that his whereabouts were unknown. That refined technique had been invented by the Nazis, some of whom had escaped and had made their sinister methods known to certain dictatorial Governments, which used them under the pretext of national security.

98. His delegation wished to commend the Working Group on its activities and its report. It had increased its contacts with the relatives of missing persons, non-governmental organizations and Governments. Of particular importance was the visit to Peru, at the invitation of the Government, by two members of the Group, within the framework of paragraph 8 of Commission resolution 1986/55, an invitation for which the Government of Peru should be thanked. It was regrettable, however, that budgetary restrictions had caused the cancellation of several meetings of the Working Group.

99. His delegation congratulated the Government of Argentina on its exemplary attitude in providing humanitarian assistance in connection with the search for persons who had disappeared under the previous régime. President Alfonsín of Argentina had been awarded, in fact, the Human Rights Prize of the Council for Europe in that connection.

100. It was noteworthy that the working methods of the Working Group had been particularly effective in collecting information on the implementation of General Assembly resolution 33/173. He commended the Group on its presentation of the statistical data, which made it possible to see clearly the total number of cases, the number of cases clarified and those not resolved. It was impossible, however, not to feel sad in reading the report, since where human-rights violations were concerned, every individual case should be taken into account and one missing person was not less serious than a great number of missing persons. Moreover, his delegation could not but be alarmed at the large number of disappearances. In some countries, there were thousands of cases. Furthermore, the number of cases clarified was very low, a fact which was particularly disquieting.

101. He had been particularly impressed by the observation made in paragraph 120 of the report. He noted with interest the Group's positive comment on on-site meetings, which enabled it to make its work better understood, to have direct contacts with various governmental bodies and to give some moral encouragement to the families of the missing persons. He shared the view of the Working Group concerning the establishment, in countries in which there were many cases of disappearances, of a national body to investigate reports of missing persons.

102. His delegation stressed the importance, if it was to fulfil its mandate properly, of the Working Group receiving all necessary assistance from the Secretariat. It would be grateful if the Secretariat could find ways and means of preventing any discontinuity in the activities of the Working Group and was in favour of extending its mandate to two years.

103. At the Commission's fortieth session, his delegation had taken the initiative, together with several others, of submitting a draft resolution which had received the unanimous support of the Commission, a support confirmed by the General Assembly in its resolution 40/147. During the current year, his delegation proposed to submit for the consideration of the Commission a draft which would be based on its discussions and would also take account of the recommendations made by the Working Group, regarding which it seemed that members of the Commission had similar and converging views.

104. In making that contribution to the elaboration of the Working Group's mandate, he was endeavouring to strengthen the authority of its humanitarian action and to help to eliminate hateful and inhuman practices condemned by the Charter of the United Nations and the relevant international instruments.

105. Mr. Evmenov (Byelorussian Soviet Socialist Republic) took the Chair.

106. Mr. HAYES (Ireland) said that, in his second report (E/CN.4/1987/13) as in his first, the Special Rapporteur on questions relevant to torture had provided, in addition to the details of his communications with individual States, a valuable commentary dealing with his own working methods and with principles of general applicability in the fight against torture. In his delegation's opinion, widespread adherence to the prescriptions of the Special Rapporteur would make a major contribution to the eradication of that phenomenon.

107. His delegation strongly supported the stand taken by the Special Rapporteur in refusing to accede to requests to disclose the identity of his sources. As pointed out in the report, torture almost invariably occurred in a political context and very often, indeed, it was the perception of the absence of total submission on the part of the victim to those in authority which had resulted in the torture being inflicted. In those circumstances, and bearing in mind what they knew of the physical and mental state of torture victims, insistence on the identification of sources would constitute an effective abrogation of the rights of the victims and was absolutely untenable.

108. In his report and his statement to the Commission, the Special Rapporteur had emphasized the issues raised by the acquiescence - or even the participation - of medical personnel in the ill-treatment of persons held in custody. Such behaviour was an absolute defilement of the moral and ethical basis of those professions. It was also in clear violation of instruments adopted by the United Nations and by the relevant professional bodies, in particular the Guidelines for Medical Doctors concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the World Medical Association in the 1975 Declaration of Tokyo. Whether such abuses involved the infliction of physical torture or the misuse of psychiatric services to ensure the incarceration of persons of sound mind but of politically inconvenient opinions, they deserved the clearest condemnation and repudiation.

109. The report contained an interesting analysis of the evolution of international law with regard to torture. Two points appeared particularly important: firstly, the recognition that the international community had the right to concern itself with the situation regarding torture in individual States, and that such intervention did not constitute interference in the

internal affairs of the offending State, and, secondly, the insistence on the responsibility of the State in which those acts were committed. There could be no doubt therefore that, when a State itself engaged in, or failed to act against those of its agents who engaged in, such activities, it violated not only universal moral precepts but also international law.

110. The Special Rapporteur had rightly drawn attention to the heightened potential for the emergence of torture in cases of civil unrest or where repression was used to maintain a totalitarian system. Experience showed, in fact, that torture rarely, if ever, surfaced in a situation where other human rights were respected. Torture, disappearances, summary and arbitrary executions seldom existed as isolated malfunctions but often served as mutually reinforcing manifestations of the abandonment of the democratic spirit. In such circumstances, the mere existence of institutions concerned with human-rights violations was insufficient in itself to guarantee respect for those rights.

111. The credibility of redress mechanisms depended largely on the willingness of Governments to take the positive steps necessary to secure the removal from the power structure of those who participated in human-rights abuses. His Government commended the emphasis placed by the Special Rapporteur on visits by himself, and possibly also by groups of experts, to places of detention or imprisonment. It was itself currently involved in discussions on such a system within the framework of the Council of Europe. The case for such a system was strengthened by the fact that experience had clearly shown that positive developments under new leaders or régimes did not preclude, at least in the short term, the persistence of human rights violations.

112. The United Nations Voluntary Fund for the Victims of Torture had, during its five years of existence, acquired a well-merited reputation for its thoughtful and innovative approach. It continued to perform excellent work on behalf of the victims of torture and their families. His Government would continue to contribute to that Fund and it urged all States to consider doing likewise.

113. Since its establishment in 1980, the Working Group on Enforced or Involuntary Disappearances had transmitted almost 14,000 cases to Governments for their consideration. Some small encouragement could be drawn from the fact that, in 1986, the number of new cases dealt with in that way had been somewhat less than in 1985, although many unresolved cases still remained from previous years. It was to be hoped that the significant improvement noted in respect of several countries was an augury of the universal eradication of that abhorrent practice.

114. The Working Group continued to discharge its mandate quietly, but with a great deal of energy, persistence and above all a firm commitment to the non-partisan defence of human rights. It was encouraging to note that that essential dimension of the activities of the Working Group was becoming more widely understood, and that co-operation between the Working Group and Governments had substantially improved in the recent past. It was to be hoped that that welcome trend would continue.

115. His delegation was concerned to note that, because of shortage of funds, the Working Group had been obliged to curtail its activities significantly during 1986. Within the context of its insistence that all Member States

should discharge their obligations under the Charter, his Government recognized the need to use resources carefully during a time of financial stringency, but urged that the human-rights budget, which accounted for not more than 0.7 per cent of the total United Nations budget, should be regarded as deserving priority attention in the allocation of resources for the period immediately ahead. That should permit the Working Group to carry out its full programme of activities, as was clearly warranted by the large number of cases with which it must continue to concern itself.

116. Of particular concern was the continued practice of enforced disappearances of defence lawyers and human rights advocates, as well as attacks on families and relatives of victims. His Government attached the highest importance to maintaining intact the rights of those who sought to monitor or protest against the lack of governmental adherence to fundamental human-rights obligations. It therefore urged the Working Group to continue to follow closely developments in that vital area.

117. The Commission on Human Rights could aspire to no more worthy objective than to continue with its work towards the total elimination of torture and disappearances. In seeking to carry out that task, it was essential that it should have the benefit of the services of mechanisms, such as the Special Rapporteur and the Working Group, which carried out their mandates with admirable prudence and diligence, while displaying a proper willingness to adjust to changing circumstances. His delegation urged the Commission to lend them its full support.

118. Mr. MESSALAMA (Italy) said that the discussion of the agenda item on torture had a moral importance in itself as it gave all civilized States the opportunity to condemn that abhorrent and degrading practice. The position of his Government was firm and unconditional regarding torture and torture-like practices. Such abuses admitted no justification whatsoever and should be banned forever.

119. His Government thus strongly supported the efforts of the United Nations to eradicate torture. It had already signed the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the process of parliamentary ratification was under way. A draft bill implementing the Convention had been introduced and was expected to be approved by Parliament in the very near future.

120. His Government supported the efforts made by the Special Rapporteur on questions relevant to torture and fully shared the conclusions of his report (E/CN.4/1987/13). It agreed, in particular, that any society that tolerated torture could never claim to respect other human rights, and that the duty to eradicate torture was thus a primordial obligation.

121. Regular visits of experts to places of detention or imprisonment where incidents of torture had taken place was an important means both of deterring and of clearing of false accusations. The mere suspicion that such abominable practices might have been perpetrated cast a shadow on the reputation of the accused State which, if it were innocent, had every reason to allow inspection to dispel any doubts about its behaviour.

122. His Government approved the suggestion that, in each State, an independent authority be established to receive complaints by individuals, as indicated in paragraph 88 of the report. It urged, in the

light of the admirable work accomplished by the Special Rapporteur, that his mandate be continued and that he should be given all possible assistance. His activities should not be brought to an end until the Convention against Torture had entered into force among a considerable number of States.

123. Mr. CHEN Shiqiu (China) said that the practice of torture and other degrading punishment not only trampled upon human dignity but also violated fundamental freedoms and basic human rights. It was therefore intolerable in any modern civilization. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was a reflection of the common determination of the international community to eradicate such inhuman practices.

124. The recommendations contained in the report (E/CN.4/1987/13) of the Special Rapporteur, on questions relevant to torture, although still of a preliminary nature, would undoubtedly contribute to a further understanding of the gravity of the offence of torture and promote more effective means of preventing its practice. Those recommendations should therefore be given serious consideration.

125. His Government was in favour of the universal adoption of the United Nations Convention against Torture, which it had taken an active part in formulating and had itself signed in 1986. It had always been opposed to torture and corporal punishment, which were strictly prohibited by its Constitution and Criminal Code. The purpose of punishment should be to re-educate the offender, not subject him to physical pain and reprisal. It therefore condemned the inhuman act of torture, wherever it might be practised, and joined the international community in supporting its complete eradication.

126. Miss YOUNG (United Kingdom) said that torture and enforced disappearances remained widespread despite their condemnation by the international community, and should therefore continue to be closely monitored. Her delegation welcomed the report submitted by the Special Rapporteur on questions relevant to torture (E/CN.4/1987/13) which was a succinct and lucid analysis that greatly contributed to the Commission's efforts to eradicate an evil which he so rightly described as "the criminal obliteration of the human personality" and "the very denial of the essence of human rights".

127. Her delegation fully endorsed the use of the urgent appeal procedure to bring specific allegations of torture to the attention of the Governments concerned. It was, of course, regrettable that six of the Governments approached by the Special Rapporteur had failed to respond to his appeals. All Member States should automatically co-operate with the Special Rapporteur, as the duly-appointed representative of the Commission, and all further urgent appeals should receive a prompt response from the Member States concerned.

128. Her delegation supported in general all of the Special Rapporteur's conclusions. It agreed with his recommendations for changes in judicial or administrative arrangements, especially concerning limitation of the permitted length of incommunicado detention, and with the importance he attached to training programmes for law enforcement and security personnel, particularly in countries where torture had been regularly practised under a previous régime. It welcomed his proposal to make the advisory services programme available to meet requests made by Governments in that field.

129. Her Government was actively involved in the preparation of a draft European convention against torture, including proposals for a system of visits to places of detention or imprisonment. It hoped that other interested regions would take up the Special Rapporteur's recommendation that they, too, should consider establishing such a system. It agreed that the establishment of an independent body to receive and investigate complaints from individuals about administrative abuses also stood to contribute to the eradication of torture.

130. What was ultimately needed, however, was the total elimination of the practice of torture. That was why general acceptance and implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was essential. Her delegation was encouraged to learn that 15 countries had already ratified or acceded to that Convention, and that it might soon enter into force. Her Government had been one of the first to sign the Convention and would ratify it once it had ensured that all its legislative and other arrangements accorded fully with the provisions of the Convention. It hoped that many other countries would become parties to the Convention without delay. In view of the continued widespread use of torture, it was clearly imperative that the Special Rapporteur's mandate should be extended.

131. The report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1987/15) showed that the discretion which that Group consistently brought to its sensitive task, coupled with its continued emphasis on humanitarian objectives and on the establishment of dialogue with Governments, were producing results in certain cases. Co-operation with Governments had substantially improved as the purpose and working methods of the Working Group had come to be better understood. There were still too many Governments, however, which consistently failed to respond to the Group's communications and her delegation thus called for greater governmental co-operation.

132. Her delegation welcomed the fact that, in several countries, enforced disappearances had ceased or significantly diminished. Nevertheless, they persisted in many countries, and it seemed that, in a few, they were increasing at an alarming rate. It was, moreover, particularly distressing that those who sought to publicize and combat disappearances, namely defence lawyers, human-rights advocates and relatives of the missing persons, were increasingly becoming victims themselves. They desperately needed the protection of the international community.

133. The mandate of the Working Group should be extended as long as disappearances continued. Her delegation had been deeply disappointed that financial constraints had forced the Group to cancel its meeting in New York in June 1986, and that it had been provided with less than a quarter of its fully-serviced meeting time approved in its mandate for 1986. She welcomed the ingenuity displayed by the Working Group in finding ways to cope with those difficulties and, in particular, to find sufficient funding to enable two of its members to accept a Government invitation for a second visit to Peru.

134. However, stop-gap measures could not in the longer term replace the careful procedures built up by the Working Group over the years. Her delegation therefore urged that the Group be henceforth provided with all the resources it needed to carry out its mandate in full.

135. Her Government had strongly supported the adoption of resolution 1986/49 on hostage taking, which reflected the concern of the international community at the growing number of such cases throughout the world. It strongly condemned those acts, whatever the circumstances might be, and would support a further resolution of the Commission to that effect.

136. Mr. KOLAROV (Bulgaria) said that it was deplorable that torture, a practice which could under no circumstances be justified, continued to be practised and even legally endorsed in many countries. The United Nations had, since its inception, proclaimed its opposition to that practice, and both the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had constituted great strides forward in international humanitarian law.

137. The Convention constituted a standard-setting basis for the elimination of torture, and a dependable guideline for national legislation. It was also an important international instrument which should enter into force universally. His Government, which had been one of the first to sign and ratify the Convention, considered ratification of all the international instruments on human rights by all Governments as a prerequisite to their strict implementation.

138. Torture and other cruel, inhuman or degrading treatment were punishable by law in his country. Human dignity was respected even in cases where coercion was necessary. Particularly harsh provisions existed to deal with those who attempted to extract confessions by violent means, and confessions obtained in that manner were legally invalid. The legislation of his country was in complete conformity with the principles laid down in the Convention and, in some cases even surpassed its standards.

139. His delegation welcomed the Special Rapporteur's report (E/CN.4/1987/13) and, in particular, endorsed its conclusion, in paragraph 80, that torture was an extremely complex phenomenon which took many forms. However, as far as the need to establish an international mechanism for the prevention of torture was concerned, his delegation took the view that the incorporation in national legislations of the standards of the Convention and the promotion of universal adherence to those standards were by far the main priority. His Government pledged itself to continue to contribute to the best of its ability to the efforts of the international community to eradicate torture.

140. Mr. HEGINBOTHAM (World Federation for Mental Health) said that he was speaking as representative not only of his own Federation but also of a group of six other non-governmental organizations concerned with the needs of people detained on the grounds of mental illness, namely, the International Commission of Jurists, the International Commission of Health Professionals, the International Council of Psychologists, the Christian Medical Commission of the World Council of Churches, the Friends' World Committee for Consultation (Quakers) and the World Federation for Mental Health.

141. All those organizations were deeply concerned about the slowness of progress towards a clear articulation of universally acceptable criteria which were urgently needed as guiding principles with respect to the detention of people diagnosed as mentally ill and their protection from discrimination.

142. The document entitled "Draft Body of Principles, Guidelines and Guarantees for the Protection of Persons Detained on Grounds of Mental Ill-Health or Suffering from Mental Disorder" prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Daes, had been discussed by a United Nations sessional Working Group in 1985, but the amount of time devoted to it had been so limited that it would be several years before the Working Group was in a position to complete its review of the 47 articles of the text and submit its recommendations to the Sub-Commission.

143. The organizations for which he was the spokesman were acutely aware, of course, of the financial stringencies which imposed severe restrictions on the number and duration of United Nations meetings. It trusted, however, that the Commission would devise appropriate methods through which the work on the "Draft Body of Principles" could be accelerated and brought to a conclusive debate at the 1988 session of the Sub-Commission. Further work was urgently needed on that document which was of considerable merit and had stimulated world-wide interest. The NGOs he represented urged the Commission, therefore, to give high priority attention to its resolution on that issue, and offered to provide their assistance in that endeavour.

The summary record of the second part of the meeting appears as document E/CN.4/1987/SR.34/Add.1