



SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. RITTER (Panama)

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The meeting was called to order at 10.35 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL. (A/42/3, A/42/67, A/42/121; A/42/296-S/18873; A/42/391; A/42/402-S/18979; A/42/488, A/42/496, A/42/497, A/42/498 and Add.1, A/42/499, A/42/504, A/42/506, A/42/566 and Corr.1, A/42/568, A/42/612 and Add.1, A/42/641 and Corr.1, A/42/645, A/42/646, A/42/648, A/42/653, A/42/661, A/42/667 and Corr.1, A/42/677, A/42/685, A/42/690, A/42/725; A/C.3/42/1, A/C.3/42/6; A/C.3/42/L.2, L.5, L.8, L.40 (reissued), L.48 (reissued), L.50, L.61, L.62)

1. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that item 12 of the Committee's agenda covered, inter alia, specific issues affecting the realization and promotion of human rights. Those issues had been considered by the Commission on Human Rights at its forty-third session. The international community must take concrete action to counter the non-respect for human rights in many parts of the world.
2. With regard to the question of human rights in Afghanistan, it should be noted that the mandate of the Special Rapporteur on human rights in that country, whose report (A/42/667) was before the Committee, had been renewed by the Commission in its resolution 1987/58. The Economic and Social Council had approved the Commission's decision in its decision 1987/151.
3. Concerning the situation of human rights in the Islamic Republic of Iran, the Committee might note that the Commission had decided in its resolution 1987/55 to extend the mandate of the Special Representative and had requested him to submit a report (A/42/648), which was now before the Committee.
4. The Committee also had before it a report on the situation of human rights and fundamental freedoms in El Salvador (A/42/641), submitted in response to the General Assembly's request in resolution 41/157.
5. A report on the situation of human rights and fundamental freedoms in Chile (A/42/556 and Corr.1) had been prepared by the Special Rapporteur, whose mandate had been extended by the Commission in its resolution 1987/60.
6. With regard to the situation of human rights and fundamental freedoms in Guatemala, the Commission had decided, in view of the developments in that country, to terminate the mandate of the Special Rapporteur and to appoint an expert to assist the Government of Guatemala in the adoption of the necessary measures for the restoration of human rights (resolution 1987/53). The expert would submit a report to the Commission at its forty-fourth session.
7. The situation of human rights in southern Africa was covered in the reports of the Ad Hoc Working Group of Experts on Southern Africa, which also included an analysis of the situation in Namibia. The international community must increase its efforts to achieve the objectives of the struggle against apartheid.

(Mr. Martenson)

8. The Committee also had before it the Secretary-General's report on human rights in southern Lebanon (A/42/504) and on the implementation by Israel of the Commission's resolution 1987/54.
9. With regard to the question of human rights and mass exoduses, the Commission had not yet concluded its consideration of the recommendations which it had been requested to make to the General Assembly at its forty-second session in resolution 41/148, but it would be in a position to submit its recommendations to the forty-third session.
10. As one of the measures to improve the situation and ensure the human rights and dignity of all migrant workers, the General Assembly had decided in resolution 34/172 to create a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. The Working Group had met several times to pursue its important task. The Committee had before it the Working Group's two most recent reports (A/C.3/42/1 and A/C.3/42/6).
11. On the question of human rights in the administration of justice, the General Assembly in resolution 41/149 had, inter alia, encouraged the Commission's Sub-Commission on Prevention of Discrimination and Protection of Minorities to give urgent consideration to the issue of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, taking into account the report of its Special Rapporteur on that subject. The Special Rapporteur had submitted his final report (E/CN.4/Sub.2/1985/18 and Add.1-6), including a revised draft universal declaration on the independence of justice (E/CN.4/Sub.2/1985/18/Add.5/Rev.1), which the Sub-Commission had decided to consider at its next session. It had also requested that the draft declaration should be distributed to Member States and to the Centre for Social Development and Humanitarian Affairs and had requested the Special Rapporteur to report to it in writing on the comments and suggestions which he received.
12. The Working Group on Indigenous Populations had continued its normative work at its fifth session; it had prepared several sets of draft principles for incorporation in the draft declaration on the rights of indigenous peoples and it had submitted proposals to the Sub-Commission concerning the preparation of a full set of draft principles prior to the Working Group's sixth session, the appointment of a Special Rapporteur to prepare a study of the treaties concluded between indigenous peoples and States, and the proclamation of 1992 as the international year of indigenous peoples. The Sub-Commission had approved three resolutions based on the Working Group's recommendations in which it made recommendations to the Commission. The Committee also had before it the Secretary-General's report on the Voluntary Fund for Indigenous Populations (A/42/568).
13. The Committee also had before it a report on the strengthening of international co-operation in the field of human rights (A/42/612 and Add.1) prepared by the Secretary-General in response to General Assembly resolution 41/155.

(Mr. Martenson)

14. Lastly, with respect to the status of the Convention on the Prevention and Punishment of the Crime of Genocide, the Commission had endorsed the appeal made by the General Assembly in resolution 41/147 for ratification of or accession to the Convention without further delay (resolution 1987/25). The Committee had before it the Secretary-General's report (A/42/391) on the status of the Convention.
15. Mr. ESSAAFI (Under-Secretary-General, United Nations Disaster Relief Co-ordinator), referring to the constantly increasing mass displacement of persons, said that owing to the persistent drought in the northern regions of Mali and Niger various nomadic groups had moved to southern Algeria where they had received assistance from the Algerian Red Cross. In view of the need to find a lasting solution to the problem, it was decided in late 1986 to send an inter-agency mission of the Office of the United Nations Disaster Relief Co-ordinator (UNDRO), the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD), to determine what action could be taken to solve the region's ecological and economic problems.
16. The mission, which was co-ordinated by UNDRO, had recommended a programme of immediate assistance to strengthen the aid provided by the Algerian Red Cross. Ninety per cent of UNDRO's international appeal for assistance in the implementation of the programme had been subscribed to within three months. IFAD, FAO and WFP had agreed to take charge of the implementation of the mission's recommendations for the reconstitution of livestock, one of the main sources of subsistence of the nomadic population, and for the integrated rural development of some of their areas of origin.
17. Another example of inter-agency co-ordination was the emergency assistance given to voluntary returnees and displaced persons in Chad, reported in detail in the relevant report of the Secretary-General (A/42/506). Several entities of the United Nations system had taken part in that effort, as well as some non-governmental organizations. For the future, further contributions by the international community would be needed to step up the recovery of the most affected regions in the country.
18. The 12 years of war and civil strife in Lebanon resulting in destruction and displacement of the population had destabilized its economy and had severely affected its prospects for growth and development. In that case as well, an inter-agency mission had been organized, composed of UNICEF, the World Food Programme (WFP) and the World Health Organization (WHO). The mission had recommended a concerted relief programme to cover the most urgent food, health, shelter and educational needs.
19. The relief programme set up to alleviate the suffering of the 2 million displaced persons in Mozambique was another example of concerted action. On 31 March 1987, a major international conference had been organized in Geneva to mobilize both emergency and longer-term humanitarian assistance. The conference participants had exchanged data on their respective assistance programmes, sought a concerted approach and indicated their readiness to adjust their inputs in the

(Mr. Essaafi)

interests of rationalization and optimum use of available resources. In view of the large number of partners generously willing to assist Mozambique, UNDRO had endeavoured primarily to strengthen local emergency management and reinforce working relationships.

20. He was convinced that there was a widely-shared awareness that responses to emergencies could no longer be made in isolation and that teamwork could and must be expanded.

21. Mr. PASTOR RIDRUEJO (Special Representative, Commission on Human Rights), introducing his report on the situation of human rights in El Salvador (A/42/641), said that the signing by the Central American Presidents of the "Procedure for the establishment of a firm and lasting peace in Central America" was a political event of the first order for the region and allowed El Salvador to harbour well-founded hopes for peaceful coexistence.

22. The fact that the Government of President Duarte had signed the Esquipulas document and had, despite the existing difficulties, begun to implement it, was evidence that it was honouring its commitment to achieve a democratic return to normalcy and respect for human rights. In the months that had elapsed in 1987, that policy had been reflected above all in a new decline in the number of murderous assaults and a noticeable reduction in the number of political prisoners.

23. Despite that, he was compelled to say that human rights violations had continued to occur in El Salvador in 1987. The violations had included summary executions, the number of which was difficult to determine exactly although the figures were without a doubt lower than in 1986, and also disappearances. Some of those cases had been attributed to the "death squads" allegedly tolerated by government officials or persons connected with them, a hypothesis which he himself did not exclude, but he was sure that the Government was combating death squad activities to the extent that it could.

24. With reference specifically to summary executions, there was the disturbing murder on 26 October 1987 of Anaya Sanabria, President of the Salvadorian Human Rights Commission, a non-governmental body. Some sources maintained that the perpetrators of the murder might be the death squads. He himself believed that the crime did nothing to further the pacification of the country through dialogue. It would seem that its perpetrators wished to put obstacles in the way of the process, already inherently difficult, of establishing normal coexistence among the Salvadorian people.

25. It should be noted that there had been a drastic reduction in the number of political prisoners as a result of the streamlining of judicial proceedings and of the humanitarian exchanges mentioned in the report. His own investigation in El Salvador had uncovered cases in which severe and inhuman psychological pressure had been brought to bear on detainees during police interrogations in order to extract confessions. Although it was difficult to specify the number of cases of that type, one could not in his view speak of a systematic and general practice.

(Mr. Pastor Ridruejo)

26. Action taken by the Salvadorian criminal courts to investigate and punish the grave human rights violations which had occurred in the country in the past few years remained inadequate, although it should be noted that the prospects were brighter owing to the proposals and first actions of the new Attorney-General of the Republic, Girón Flores.

27. With regard to the Salvadorian Army's respect for human rights in its combat actions, his investigation indicated that in 1987 no massive killings had been committed and that in general, upon instructions from the Government, the regular forces were fighting in accordance with humanitarian rules. That had not made it possible to avoid occasional civilian deaths, which, of course, were alarming and unjustifiable.

28. As to the human rights violations attributable to the guerrilla organizations, some of them had continued the practice of summary execution (ajusticiamiento) and had also abducted a number of Christian Democratic Party mayors, among others. The FMLN, for its part, had continued to be responsible for civilian deaths and injuries caused by the detonation of contact mines laid by its fighters. For all that, the average number of casualties was lower than the preceding year. In addition, the guerrilla forces had continued their systematic attacks against the economic infrastructure of the country, which were seriously jeopardizing the current and future enjoyment of important economic, social and cultural rights of Salvadorian citizens.

29. Among the steps concerning human rights taken by the constitutional authorities in El Salvador, mention should be made of the promulgation by the Salvadorian Legislative Assembly of the Amnesty Act covering all categories of political offences regardless of the ideology of the offender. The law had aroused serious concern in some sectors. Specifically, Americas Watch had said that an amnesty act that pardoned the murderers of non-combatants associated with FMLN, the armed forces or the death squads did not further the objectives of the Esquipulas II agreement. He himself thought that the Act could intensify the climate of impunity already reigning in El Salvador and make it more difficult to overcome it.

30. It was not easy to control the State apparatus, given the recent history of El Salvador, but it was absolutely necessary to do so if a situation of complete democratic normalcy was to be achieved and human rights violations were to be eradicated, as called for in the Esquipulas II Final Act, a document that had received the "endorsement and support of FMLN-FDR". The Esquipulas commitments should be applied with tenacity and generosity and by aiming high, regardless of the obstacles put in their way by certain minority sectors of the country. It should be remembered that the vast majority of the people of El Salvador wanted peace and that was what counted, not the irrational and destructive attitude of those who desired bloody confrontation and power at any price.

31. Mr. GALINDO POHL (Special Representative, Commission on Human Rights), introducing his interim report on the situation of human rights in the Islamic Republic of Iran (A/42/648, annex), said that in view of the short period of time

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between the submission of the interim report to the General Assembly and the submission of the final report to the Commission on Human Rights, he had thought it appropriate, in order to avoid repetition, to include in the interim report all the facts that had come to his attention and to leave for the final report certain theoretical matters, such as the question of the compatibility between international law and Islamic law, the use of certain terms and, in particular, a more detailed review of the official responses to specific cases of alleged human rights violations.

32. The oral and written information upon which the interim report was based had come from various sources. The latter included groups which were in open opposition to, or engaged in armed rebellion against, the Iranian Government, individuals with unspecified political affiliations or none at all and who were apparently independent, and non-governmental organizations in consultative status with the United Nations. Oral information had been provided by people who claimed to have had direct experience of judicial and police procedures in Iran. If independent observers were to listen to tapes or the hearings, he believed that, like him, they would conclude that the people concerned really had had direct experience of those procedures.

33. Written information included lists, some more detailed than others, of people executed in 1986 and 1987. In October 1987, when the interim report had already been complete, he had received from the Mujahedin-e Khalq a detailed list of some 2,000 cases of execution about which nothing had been known previously. Some had occurred in 1986 and 1987, others in earlier years. After he had completed the interim report, he had also been informed that five Baha'is had been executed and that 12 others were in prison and risked execution.

34. Repeated complaints of inhuman treatment and even torture in a number of Iranian prisons had also been received. He had transmitted those complaints to the Iranian Government so that it could investigate the conduct of its officials and agents in specific instances. In that connection, the existence of laws guaranteeing humanitarian treatment and due process was not enough. They must also be implemented. Given the gap that could exist between legislation and its application, Governments bound by international instruments should pay attention to both.

35. While it had still not been possible to obtain the full text of Iranian laws affecting the enjoyment of human rights, for the first time an English translation had been obtained of Iranian court decisions, which provided important insights into the situation. Such documents showed that compensation had been denied to the families of two Baha'is on the grounds that they were infidels with no privileges (A/42/648, paras. 40 and 41). In that context, it should be pointed out that, in the opinion of the Iranian Government, the provisions of article 6 of the International Covenant on Civil and Political Rights were consistent with Islamic law.

36. The interim report contained information and observations supplied by the Iranian Government. As paragraph 66 indicated, that Government's co-operation with

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the Special Representative had increased. Furthermore, in response to a circular from the Centre for Human Rights, the Government had, for the first time, provided information on the rights of persons arrested or in prison.

37. Nevertheless, it was important to note in particular the absence of an official response to complaints of human rights violations, which made it extremely difficult to assess the human rights situation in Iran. That could be remedied if the Iranian Government were to decide to investigate the cases brought to its knowledge and to transmit the results of its investigations. All the parties concerned, especially international monitoring bodies, would benefit from such information.

38. It was clear, therefore, that although the Iranian Government had co-operated more fully than in 1986, the full co-operation requested by the General Assembly and the Commission on Human Rights had yet to be achieved. He personally believed that the Iranian Government would gradually increase its co-operation with the United Nations bodies monitoring respect for human rights. Under the present circumstances, those bodies should clearly continue to study the human rights situation in Iran with a view to ensuring the full enjoyment of those rights by all Iranians.

39. Mr. ERMACORA (Special Rapporteur, Commission on Human Rights), introducing his sixth report on the situation of human rights in Afghanistan (A/42/667), said that the report was based, for the first time, on a visit to parts of Afghanistan itself, in addition to the usual visit to Pakistan. He had been able to visit 20 hospitals, over 30 refugee camps and a number of prisons, and had thus been able to form a more complete picture of the human rights situation in Afghanistan.

40. He wished to disassociate himself from certain comments made in the press some months previously, which did not accurately reflect his impression of the human rights situation in Afghanistan. His real views were reflected in the report. Rumours in the European press that certain parts of the report had been written in order to obtain official permission to visit Afghanistan were also unfounded.

41. The main purpose of the report was to show how far the human rights situation had improved since the Government had declared its "national reconciliation" policy at the beginning of 1987. It should be noted that the situation varied according to whether the area concerned was Government-controlled, a combat zone or an area controlled by opposition movements. In the case of the first, he had been able to obtain direct knowledge. With regard to combat areas, his knowledge was based on testimony from refugees and from many direct witnesses interviewed in hospitals in Kabul and Pakistan. As far as areas controlled by opposition movements were concerned, he had been unable to obtain direct evidence and must therefore rely on the reports of non-governmental organizations.

42. In government-controlled areas, the human rights situation had improved and there had been fewer and less serious violations. That did not mean, however, that the human rights instruments to which Afghanistan was a party were being complied with fully; indeed, he had received reports of particularly cruel executions, which

(Mr. Ermacora)

he had been unable to verify. Furthermore, repressive provisions had not been repealed, although they were now being invoked more reluctantly.

43. With regard to combat areas, all sources of information indicated that military engagements continued despite the unilateral cease-fire declared by the Government, which had not been accepted by the opposition forces. Bombardments were less indiscriminate than before, except in three areas, but even so, 14,000 civilians had been killed in the past year. According to reports about the treatment of prisoners of war, little respect was being shown for international humanitarian law instruments.

44. Acts of terrorism inside and outside Afghanistan were a new feature of the conflict. According to an investigation by a Swiss foundation, 4,000 people had been killed between September 1986 and September 1987 as a result of such acts.

45. As part of its efforts to legitimize its policy, the Government of Afghanistan was trying by various means to convince Afghan refugees to return; it claimed that 80,000 refugees had returned to the country in 1987. In his opinion, there were still more than 5 million refugees outside Afghanistan. The refugees to whom he had spoken in camps in Pakistan had confirmed their willingness to return, but only when Soviet troops had withdrawn. The presence of those troops was hampering the process of reconciliation, including attempts to draft a new constitution. Refugee representatives rejected the new constitution and claimed that its only purpose was to legitimize the current Government. In his view, there could be no self-determination as long as Soviet troops remained in Afghanistan, and their withdrawal was a precondition for Afghanistan's permanent neutrality.

46. While the United Nations could not become involved in a country's socio-political structure, it could appeal for a peaceful dialogue. He was prepared to continue to report on the human rights situation in Afghanistan provided that his dialogue with the parties concerned could go on. He was convinced that he would be able to present a more complete picture of the human rights situation if he were mandated to visit those regions which he had not yet had the opportunity to see.

47. Mr. PACE (Secretary of the Commission on Human Rights), speaking on behalf of the Special Rapporteur, Mr. Volio Jiménez, and introducing the fifth report of the Special Rapporteur on the protection of human rights in Chile (A/42/556), said that the report dealt mainly with the first half of 1987, even though incidents were reported which, because of their special importance, went beyond the first half of the year. The information provided had come from various sources: primarily, the 12-day visit to Chile made in March, but also testimony gathered in Geneva from Chilean groups and individuals.

48. As far as possible, the Special Rapporteur had tried to satisfy himself of the reliability of the information given and to exercise objectivity. That undertaking had been not only arduous but also discouraging, on account of the wall of incomprehension which he had repeatedly come up against in his endeavours. The sole concern of the Special Rapporteur in carrying out his mandate was the welfare of the Chilean people, which alone must freely determine its political future.

(Mr. Pace)

49. During his stay in Chile, he had enjoyed total freedom of action for the first time, and had been able to work thoroughly, without interference, through the programme which he himself had mapped out. The Chilean Government had provided him with ample facilities, and all the authorities with whom he had met had been co-operative, despite a certain hostility shown in the press by some persons linked with the Government, including two of particular importance. The Special Rapporteur had held 32 meetings with representatives of official bodies and interviewed a total of 69 officials, as well as 261 persons representing 77 Chilean organizations and 82 persons whom he had received on an individual basis. He had also visited six prisons and detention centres, where he had been able to converse in private with a great many inmates. All his activities had been widely covered by the mass media.

50. In the report there were three sections of particular importance: sections IV, V and VI. The information contained in section IV, on complaints of violations of human rights, had been extracted from judicial or other trustworthy documents which the Rapporteur had received from the persons concerned, their relatives, lawyers or Chilean human rights organizations. As with the previous reports, he had referred the complaints to the Chilean Government, which had not so far presented its defence. It should be pointed out that, in that regard, the Government did not seem to have grasped what it was that the Special Rapporteur wanted. Its replies had been purely formal. They were confined to relating the steps in the legal processing of the complaints and did not state what the Government was doing to investigate the facts. Regarding several particularly serious complaints, the Government had furnished replies which constituted a defence, enabling the Rapporteur to continue his inquiry, through the adversary system, until a reasonably well-founded opinion could be formed.

51. With regard to section V, the following negative points stood out. There had still been no satisfactory solution of the most notorious cases of the individuals found with their throats slit, the individuals who had been burned, the violent deaths of 15 September, the Corpus Christi or Operation Albania deaths, or the disappearances. Mention must also be made of the serious attack against the physical integrity of the shanty-town leader Mario Mejías Huircán, who had testified to the Special Rapporteur. Furthermore, the special jurisdiction of the executive branch severely limited and conditioned Chilean justice, and military justice had an excessive influence which prejudiced the proper examination of complaints of violations of human rights.

52. Terrorism and violent action by private groups were also very serious obstacles to the exercise of human rights, and the absence of the basic institutions of representative democracy prevented Chileans from tackling problems relating to the practice of human rights. In addition, there was the precarious situation of the press, owing to the permanent threat of the abusive application of article 40 of the Constitution and the existence of two states of emergency, which gave rise to frequent violations of human rights.

53. On the positive side, the following should be mentioned: a process, however difficult and imperfect, of transition to representative democracy, which would

(Mr. Pace)

begin with a plebiscite and would eventually lead to the formation of a government following a general election. Also, the activities of political parties had been legitimized and the Government had forbidden the National Information Agency (CNI) from continuing to hold detainees on its premises.

54. In that connection, of particular importance were the agreements between the International Committee of the Red Cross and the Policía de Investigaciones, the CNI and the Carabineros, with the aim of preventing the application of illicit pressure, which even went as far as torture. The Advisory Commission of the Minister of the Interior had been strengthened in the field of human rights and the number of Chileans forbidden to re-enter their country was going down. It should also be added that at the end has been put to the system of "government-appointed rectors".

55. As was recognized in section VI of the report, several of the Special Rapporteur's recommendations were being put into practice. Much, however, remained to be done. In particular, the constitutional laws on suffrage must be enforced without delay and the system of electoral registration improved. It was therefore vital to improve the situation of human rights in Chile. The greatest responsibility in that sphere fell to the Government which, above all, must fully investigate the serious violations of the right to life mentioned by the Special Rapporteur in his reports and must combat violence, especially terrorism, from whichever quarter it came.

56. The Chilean Government had granted the Special Rapporteur permission to make his third visit to the country at the beginning of December 1987 and had assured him that he could carry out his programme without any restrictions and with its full assistance.

57. Making several important corrections and clarifications with regard to the report (A/42/556), he said, referring to paragraph 86, that the deadline for the holding of the plebiscite was 11 December 1988 and that the sole candidate to be presented to the electorate would be proposed not by the Government Junta, but by the Commanders-in-Chief of the Armed Forces and the forces of law and order (Navy, Air Force, Director-General of the Carabineros and Commander-in-Chief of the Army. The Government Junta was composed of the Commanders-in-Chief of the Armed Forces, the Director-General of the Carabineros and a representative of the Commander-in-Chief of the Army. Assuming that the plebiscite confirmed the candidate, he would take office on 11 March 1989. The Government Junta would extend its term for one year and, within that time, would have to call parliamentary elections to take place in December 1989. The new Congress would be constituted as of 11 March 1990.

58. Consequently, the transitional period stipulated in the 1980 Constitution would end in March 1990, when the Government Junta resigned and the Congress took up its duties. In the event that the candidate was rejected in the plebiscite, the mandate of the President and the Government Junta would be extended automatically for one year, as would the transitional provisions of the Constitution. Presidential and congressional elections would have to be held during that period, and they would take place on 11 December 1989. The persons elected would take office on 11 March 1990.

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59. It should also be pointed out that, in order to have greater effect, the circular referred to in paragraph 104 of document A/42/556 would have to be made public. Moreover, in paragraph 115, the term "Government's security forces" should be replaced by "auxiliary law-enforcement bodies", which included such bodies as the Institute of Forensic Medicine. The Special Rapporteur expressed his concern that the 400 cases being tried by the military courts, mentioned in paragraph 116, had not yet been transferred to the civil courts.

60. Finally, the Special Rapporteur said that, in section VI of the report, entitled "Recommendations", it should be added that, during the first half of 1987, the scope of activity of the Military Prosecutor's Office had been very broad. In section V, entitled "Conclusions", it should be added that the excessive range of the military courts' jurisdiction was contrary to the observance of human rights.

61. Mr. CALDERON (Chile), raising a point of order, said that when the secretariat of the Centre for Human Rights had been consulted about the procedure to be followed at the current session with regard to the submission of the report on the protection of human rights in Chile, it had said that, as in the previous year, the report would be distributed without being read in the Committee. Nevertheless, the report had been read, but without prior notification having been given to his delegation, which thus had been deprived of the opportunity to prepare a reply.

62. His delegation regretted that lack of courtesy, and wondered whether that was a demonstration of the way in which the case of Chile was treated in the Organization. When the report had been presented, observations had been made which were not contained in it. Moreover, Chile had already submitted a reply regarding the report; that reply was contained in a document which was already available to delegations.

63. The CHAIRMAN replied that it had been considered appropriate to present the report on Chile in the same manner as the other reports on human rights would be presented, i.e., orally. To adopt a different procedure in one instance would have been discriminatory.

AGENDA ITEM 98: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
(A/C.3/42/L.52)

Draft resolution A/C.3/42/L.52

64. Mrs. COLL (Ireland), introducing, on behalf of the sponsors, draft resolution A/C.3/42/L.52 on the elimination of all forms of religious intolerance, said that the draft was an updated version of General Assembly resolution 41/112. In preparing it, the sponsors had taken account of Commission on Human Rights resolution 1987/15 and, to the extent necessary, resolution 1987/33 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

65. Commenting on the individual paragraphs of the operative part of the draft resolution, she explained their relation to the resolutions on which they had been based. General Assembly resolution 41/120, entitled "Setting international

(Mrs. Coll, Ireland)

standards in the field of human rights", was particularly pertinent to the question of a mandatory international instrument in the field of the elimination of all forms of religious intolerance.

66. Draft resolution A/C.3/42/L.52 had been the subject of extensive consultations, and its sponsors hoped that, as in all the antecedents deriving from the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, would be adopted without a vote.

AGENDA ITEM 99: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS:
REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.53)

Draft resolution A/C.3/42/L.53

67. Miss MANN (United Kingdom), introducing, on behalf of the sponsors, draft resolution A/C.3/42/L.53 on the implications of scientific and technological developments for human rights, said that the United Nations had been concerned for a number of years about the question of the protection of persons detained on the grounds of mental ill-health. The detailed evidence of the misuse of psychiatry to detain persons on non-medical grounds was a matter of concern, since that form of detention constituted a violation of human rights.

68. She regretted that the Commission on Human Rights had not yet been able to examine the draft body of guidelines, principles and guarantees, because the Sub-Commission on Prevention of Discrimination and Protection of Minorities had still to complete its work. Therefore, the draft resolution contained an operative paragraph in which the Commission on Human Rights and, through it, the Sub-Commission on Prevention of Discrimination and Protection of Minorities were urged to expedite their work, so that the Commission could submit its views and recommendations to the Assembly at its forty-fourth session. By that time, 12 long years would have passed since the Sub-Commission had begun its study.

69. Finally, she pointed out that previous resolutions on the question had been adopted by consensus, and hoped that that would again be the case at the current session.

The meeting rose at 1.05 p.m.