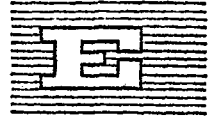


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1631st MEETING

held at the Palais des Nations, Geneva,
on Monday, 9 March 1981, at 10 a.m.

Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 13) (continued) (E/CN.4/1295; E/CN.4/1437; E/CN.4/1438; E/CN.4/1439 and Add.1; E/CN.4/1440; E/CN.4/1441; E/CN.4/1451; E/CN.4/1452; E/CN.4/1453; E/CN.4/1454; E/CN.4/1455; E/CN.4/1457; E/CN.4/1460; E/CN.4/1461; E/CN.4/1463; E/CN.4/1466; E/CN.4/1467; E/CN.4/1469; E/CN.4/1470; E/CN.4/1471; E/CN.4/L.1534; E/CN.4/L.1574/Rev.1; E/CN.4/L.1582; E/CN.4/L.1584; E/CN.4/L.1585; E/CN.4/L.1587; E/CN.4/L.1588; E/CN.4/L.1589; E/CN.4/L.1592; E/CN.4/L.1593; E/CN.4/L.1594; E/CN.4/NGO/294 and Add.1; E/CN.4/NGO/299; E/CN.4/NGO/305; E/CN.4/NGO/306; E/CN.4/NGO/314; E/CN.4/NGO/317; E/CN.4/NGO/319; E/CN.4/NGO/320; E/CN.4/NGO/322; E/CN.4/NGO/323; A/34/491; A/C.3/34/1; A/C.3/35/9)

1. The CHAIRMAN said that, in view of the large number of delegations wishing to speak on agenda item 13, he proposed to apply a time-limit of 12 minutes for statements by members of the Commission, and of 10 minutes for statements by Observers for Member States, specialized agencies and the non-governmental organizations. The right of reply would be limited, in the case of members, to one reply of 10 minutes and one of five minutes, and in other cases to one reply of 10 minutes. The restriction was regrettable but essential if the Commission was to complete consideration of the agenda item and leave time for other essential matters such as the adoption of draft resolutions, working group reports and the Commission's own report. As it was, consideration of agenda items 15, 16, 18 and 26 and possibly item 12 would have to be postponed until the Commission's thirty-eighth session.
2. Mr. BOEL (Denmark), supported by Mr. van der STOEL (Netherlands), said it was regrettable that a limit should be imposed with regard to such an important agenda item. Much time had been taken up on earlier items and certain explanations of vote had far exceeded the limit now being proposed for statements of Governments' positions. It was to be hoped that the proposed ruling would be applied with due flexibility.
3. Viscount COLVILLE of CULROSS (United Kingdom) endorsed the remarks made by the representative of Denmark. He suggested a limit of 10 minutes for rights of reply, as well as limits on explanations of vote.
4. Following a procedural discussion in which the CHAIRMAN, Mr. GONZALEZ de LEON (Mexico), Mr. SALAH-BEY (Algeria), Mr. ZORIN (Union of Soviet Socialist Republics), Mrs. FLORES (Cuba) and Mr. van der STOEL (Netherlands) took part, the CHAIRMAN called for a vote on a proposal to allow 15 minutes for statements by members of the Commission, 10 minutes for statements by observers for Member States, specialized agencies and non-governmental organizations, two replies of 10 and 5 minutes respectively for members of the Commission, and one reply of 8 minutes for all other speakers, on the understanding that speakers would take up less than those times wherever possible.
5. The proposal was adopted by 34 votes to 2, with 7 abstentions.

6. The CHAIRMAN announced that, as a result of informal consultations consideration, under subitem 13 (a), of the question of human rights in Cyprus would be deferred until the Commission's thirty-eighth session, on the understanding that priority would then be given to that subitem and that action called for under previous relevant resolutions, including a request for the Secretary-General to submit a report on their implementation, would be pursued in the meantime. The observer for Turkey had requested that his country's reservations on the matter should be placed on record.
7. Mr. van der STOEL (Netherlands) said that the right to hold opinions without government interference and the right to freedom of speech were upheld in article 19 of the Universal Declaration of Human Rights and in article 19 of the International Covenant on Civil and Political Rights. But although those fundamental freedoms were widely acknowledged on paper, many Governments restricted the actual exercise of those rights unduly, or even nullified them completely, citing the interests of state security, a communist society or the workers at large. The Commission, in resolution 23 (XXXVI), had appealed to all Governments to encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights. The aims of that resolution, however, were far from being realized in certain countries, whose Governments, on the contrary, discouraged and suppressed the effective observance of human rights. The very least the Commission could do was to support people who continued to strive for their human rights in such circumstances.
8. Reliable reports about situations in the various Eastern European countries, especially the Soviet Union, gave grounds for concern - the more so since those countries were signatories of the Final Act of the Conference on Security and Co-operation in Europe. Concerning the Soviet Union itself, it was disturbing to note that, since the Commission's previous session, the situation of the human rights activist Dr. Sakharov, who had been exiled to Gorkij in 1979 had not improved. His case was typical of many others involving undue restriction of the right to freedom of expression. In Czechoslovakia, the members of the "Charter 77" movement faced harassment, arrest and loss of employment simply because they had challenged the Government's interpretation of its international obligations.
9. Similar violations occurred on the Latin American continent. Recently a peaceful meeting of the Haitian League for Human Rights had been broken up by Government forces and several persons had been injured. A human rights activist in Nicaragua, Mr. González, had been detained, and in Argentina the judge who in 1979 had ordered raids on the offices of organizations concerned with human rights had ordered the arrest without charges of a number of lawyers involved in the provision of legal aid to political prisoners.
10. With regard to Cuba, Amnesty International had recently reported that a journalist who had criticized the Government's doctrines and its communist allies' policies had been confined to a psychiatric institution - an action strikingly similar to Soviet practice - prosecuted and convicted of a crime against the security and stability of the State. That case showed where a broad interpretation and application of a limitation clause might lead.
11. In Viet Nam, the objectionable practice of so-called "re-education", by which the Government sought to make people conform to the ruling party's ideology, and the detention of many people in camps as political prisoners even after the "re-education" programme had been completed, were grave violations of human rights.

12. Governments which could not tolerate political dissent tended also to be intolerant of religious beliefs. One example was the position of the Baha'i minority in Iran; the Commission had recently heard the appeal made by that community's representative to the Iranian delegation. The Netherlands delegation had heard with interest the reply of the observer for Iran to the effect that the Baha'i community enjoyed the same rights as all other Iranians, but it appealed to the Iranian Government to investigate all allegations in order to dispel doubts. In that connection, the European Parliament, in a resolution dated 19 September 1980, had condemned the violation of the human rights of all religious minorities in Iran, particularly the members of the Baha'i faith, whose rights as a religious minority seemed not to be recognized in the Iranian Constitution; and the Sub-commission on Prevention of Discrimination and Protection of Minorities, in resolution 10 (XXXIII), had expressed profound concern for the safety of members of the Baha'i community.

13. The situation in El Salvador, where there was virtually a state of civil war, gave grounds for particular concern. The conflict could have been avoided had there not been such a discrepancy between the extreme wealth of a small group and the abject poverty of the masses. Although the armed insurrection might be overcome by more weapons, only drastic social and economic reforms could lead to democracy and stability.

14. The human rights situation in that country was appalling. The assassination of Archbishop Romero had been referred to in General Assembly resolution 35/192. Thousands of other people had died during the past year in El Salvador at the hands of armed gangs and security services. The Government could not exonerate itself from the actions of paramilitary forces. He himself had seen on television one instance in which two young people, who had subsequently been murdered, had been handed over by the army to a paramilitary force, and there were many cases of collaboration between Government forces and extremist gangs. A report by the Inter-American Commission on Human Rights, contained in document E/CN.4/1453, expressed particular concern over the Government's passive attitude to the ties between certain armed groups and former members of security agencies, and over the lack of adequate investigation by the authorities of the crimes committed. The evidence given by the representative of the El Salvador Human Rights Commission to the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1435, annex XIII) had pointed to the increase in the number of murders and abductions, often based merely on suspicion and accompanied by torture and mutilation. Faced with the overwhelming evidence of massive violations of human rights, the Commission would lose its credibility if it failed to appoint a special representative to investigate the situation and recommend ways to end the murders, abductions and acts of terrorism. Given the urgency of the situation, it would be appropriate to ask such a special representative to submit an interim report to the General Assembly at its next session.

15. Unfortunately, many parallels could be drawn between the situation in El Salvador and that in Guatemala, a country in which abductions and politically motivated assassinations carried out by official security forces had rendered habeas corpus and fair trial meaningless and had created a human rights situation which was clearly deteriorating. He noted, too, that the Guatemalan Government had withdrawn its invitation to the Inter-American Commission on Human Rights to visit the country and report on the situation there. In view of the seriousness of that situation,

his delegation thought that there was an urgent need for a closer scrutiny of developments in Guatemala and hoped that the Commission would take a decision to that effect.

16. With respect to the human rights situation in Bolivia, he noted that the Organization of American States had deplored the suspension of democratic processes in that country and had expressed concern over the loss of life and serious human rights violations which had taken place there as a direct consequence of the military coup. A study by the United States State Department reported that the new régime in Bolivia had begun a systematic campaign of oppression designed to gain control of the country and eliminate opposition and had violated a number of human rights in the process. He therefore hoped that the Commission would appoint a special envoy with a mandate, to be discharged with due regard for discretion and equity, to study the human rights situation in the country; the special envoy's report should include any observations which the Bolivian Government wished to make.

17. Mr. BOEL (Denmark) said that the Commission's primary task must be to combat violations of the integrity of the individual wherever they occurred. His delegation had therefore been disappointed by the argument which had been presented during the Commission's debates to the effect that the principle of non-interference in the internal affairs of States meant that the Commission could not take action on specific human rights violations. Such reasoning would render meaningless the provisions of the international human rights instruments and the Charter of the United Nations. His delegation was convinced that if those instruments, which embodied universally accepted principles, were applied in good faith, it would be possible to determine in an impartial manner whether human rights had been systematically and flagrantly violated, and if so to apply the same standards to all cases, regardless of the political system or country involved. In the long run, the Commission's efforts should be directed towards strengthening the procedures which had gradually been built up over the years in the field of human rights.

18. As for areas requiring specific action, his delegation attached particular importance to the human rights situation in El Salvador, the problem of disappearances and the role of the individual in the promotion of human rights.

19. In view of the shocking reports of grave human rights violations in El Salvador, the Commission must urge the Government of El Salvador to do its utmost to ensure full respect for human rights and fundamental freedoms in that country. It should also appoint a Special Representative to investigate the reports of violations of human rights and fundamental freedoms there and to make recommendations as to how those rights and freedoms could be restored and a democratically elected government established. His delegation had accordingly sponsored draft resolution E/CN.4/L.1574. It hoped that any resolution adopted on the subject would improve the prospects for a political solution in El Salvador, but wished to stress that the Commission's proper task was to concentrate on the protection of human rights rather than on the broader political situation.

20. In the matter of disappearances, he regretted to note that that disturbing phenomenon had continued to spread and recalled that his delegation had strongly supported the establishment of a working group to deal with it. His delegation welcomed the Commission's decision to extend the mandate of that working group, which had done excellent work, and hoped that it would receive the full co-operation of all Governments concerned so that it could accomplish its important humanitarian task.

21. Responsibility for the promotion and observance of human rights lay not only with Governments but also with individuals and he drew attention in that connection to Commission resolution 23 (XXXVI). His Government deplored the fact that in many countries courageous individual champions of human rights were being silenced and held the view that the Commission should seek ways of protecting them. His delegation accordingly supported the initiative taken to that effect by the Canadian delegation.

22. Finally, his delegation very much regretted that some of the Commission's debates had been unduly politicized, and that it had consequently been diverted from its central task of dealing effectively with gross and flagrant violations of human rights.

23. Mr. BEAULNE (Canada) said that the Commission's primary concern was not to condemn those responsible for violations of human rights but, rather, to inquire into such violations with a view to eliminating them. It was unfortunate that certain Governments had been either unable or unwilling to comply with the relevant resolutions adopted by the Commission at its previous session. In Kampuchea and Afghanistan, for example, the basic human right of self-determination continued to be denied because of foreign occupation.

24. His delegation was also concerned over the deteriorating human rights situation in Guatemala. It regretted the refusal of the Government of Guatemala to permit the Inter-American Commission on Human Rights to visit the country and called upon all parties concerned to ensure full respect for the rights of the Guatemalan people. The situation in El Salvador was no better, and the Commission should do its utmost to end the fratricidal struggle in that country, with its attendant brutal human rights violations. In Bolivia, too, grave developments had occurred since the Commission's previous session, and his delegation hoped that the Bolivian authorities would follow up their invitation to the Commission to study the human rights situation there on the spot.

25. The allegations of discrimination against the Baha'i community in Iran were too well documented to be dismissed lightly by the observer for Iran, and his delegation hoped that the Commission would not await the completion of a convention on the rights of persons belonging to national, ethnic, religious and linguistic minorities before acting to protect minority rights wherever they were violated.

26. The Commission should also pay tribute to such individual martyrs in the cause of human rights as Andrei Sakharov for their valiant struggle to induce their Governments to honour their freely undertaken international obligations. His delegation deplored the growing number of cases of abduction and hostage-taking attributable to Governments.

27. Responsibility for the promotion and protection of human rights lay with individuals and organs of society as well as with Governments, and his delegation therefore proposed that an international declaration to that effect should be drawn up, in accordance with Commission resolution 23 (XXXVI). It also would like the Commission to give urgent attention to the question of human rights and massive exoduses as a follow-up to its own resolution 30 (XXXVI) and to General Assembly resolution 35/196.

28. It was generally recognized that Governments bound by the same international obligations had a right to inquire into the manner in which other Governments discharged those obligations. Yet certain Governments had distorted the meaning of Article 2, paragraph 7, of the Charter of the United Nations, endeavouring to evade responsibility for human rights violations by arguing that only domestic matters were involved. Another contention, unjustified by the principles or practice of the United Nations, was that only situations which threatened peace and security could be discussed within the United Nations. Common sense dictated that situations should be dealt with before they became dangerous. The Commission had always rejected any claim that sovereignty meant that a Government had an absolute right to do whatever it wished within its jurisdiction. National sovereignty and the principle of non-interference in internal affairs could not be invoked to justify human rights violations, and South Africa was a case in point.

29. Mr. SOYER (France) said that all situations, whatever their cause, in which individuals, groups or nations were forcibly deprived of their basic rights, as recognized in the Universal Declaration of Human Rights, the International Covenants on Human Rights and the decisions of the United Nations, required the Commission's close attention.

30. He noted the gesture of goodwill made by the Government of Bolivia in inviting the Commission to send a delegation to that country and that Government's release of a number of political prisoners in the last months of 1980. Nevertheless, serious violations of human rights continued to occur in Bolivia. The situation called for continued vigilance on the part of the Commission, and the mission to be sent to Bolivia should be afforded every facility in investigating any allegations of violations and in carrying out its mandate.

31. In Guatemala, violence had become a feature of everyday life, and there were reportedly more than 30 political assassinations each day. Violence was employed by all factions. In that case, too, the Commission should endeavour to reach a balanced decision.

32. In El Salvador, no solution could be found without economic and social reforms, national reconciliation and the cessation of outside interference. National reconciliation required the termination of the excesses of both guerrillas and clandestine military groups. As the legitimate authority, the Government should be the first to renounce the use of methods contrary to the fundamental principles for the protection of the human person.

33. Referring to the case of Andrei Sakharov, he recalled Commission resolution 23 (XXXVI), which had been adopted by consensus, and which called on all Governments to encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights. His delegation was convinced that the measures taken against Mr. Sakharov had been a response to his involvement in the promotion of human rights. Neither the defence of human rights nor the denunciation of violations of those rights could be considered as anti-national activities. Recalling Commission resolution 26 (XXXVI), which had been adopted without opposition, he deplored the measures taken against the relatives of Mr. Sakharov.

34. Mr. MARTINEZ CRUZ (Panama) reaffirmed his Government's adherence to the purposes and principles of the Charter of the United Nations and of the Organization of American States, and to the international principles governing the enjoyment and respect of human rights throughout the world. As was well-known, his country was a staunch supporter of the principle of non-alignment as a means of promoting peaceful co-existence. Panama's foreign policy was also based on the defence of its legitimate interests through the full affirmation and strengthening of national independence, integrity and sovereignty and on the promotion of international solidarity and collaboration to further the independence and development of all peoples and the genuine exercise of human rights. As the President of Panama had recently pointed out, respect for the principle of non-interference in the internal affairs of States should not stifle expressions of concern at the atrocious and systematic violations of human rights taking place in certain countries. Those violations were the concern of all States, particularly those which were signatories of international human rights instruments.

35. The Commission had a cardinal role to play in that regard. In its deliberations, it should not allow political considerations to take precedence over humanitarian considerations. While the strength of the Commission depended, first and foremost, on the political will of Governments to accord proper respect to human rights and fundamental freedoms, in accordance with the principles of international law and the Charter of the United Nations, it should be remembered that the exercise of such rights and freedoms by individuals entailed respect for the rights of others.

36. In order to achieve genuine peace leading to a period of improved production and economic and spiritual development and the effective enjoyment of human rights, the traditional structure of international relations must be changed. Some countries still nurtured ambitions to maintain zones of influence in the world through a new form of neo-colonialism whereby the characteristics of social democracy were distorted, the weaker countries were forced to continue producing raw materials and selling them on unfavourable terms, social development was calculated to benefit minority groups and cultural development was modelled on that of more highly industrialized societies.

37. The Commission should be guided by the need to promote the exercise of fundamental rights and freedoms by every individual and should not engage in negative criticism of Governments and States. The members of the Commission should work together to remedy persistent violations of human rights wherever they occurred. As the President of Panama had pointed out in his annual message to the

National Assembly in October 1980, it was ridiculous and even immoral to claim that conventional human rights existed in countries where most of the population was barely managing to survive. In some States, political oppression had reached such extremes that individuals were fighting, not for the exercise of the freedoms of movement, expression and association, but simply for the fundamental right to remain alive. The real cause of the political situations existing in a number of Latin American countries lay in extreme economic and social inequity and ruthless exploitation on the part of reactionary establishments which ruled by minorities opposed to any change which might reduce their excessive privileges.

38. It was the task of the Commission to assist the efforts of those countries endeavouring to improve conditions and establish greater political, social and economic guarantees for their peoples and to enable them to enjoy the human rights and fundamental freedoms recognized by Western Christian civilization. Such changes would enable the peoples concerned to achieve the exercise of their basic rights without having to resort to physical violence or political unrest and without having to submit to anachronistic pressures.

39. Mr. DAVIS (Australia) said that one of the Commission's principal tasks at its current session was to strengthen its procedures for considering systematic patterns of gross violations of human rights, by making them more resilient and flexible, while at the same time continuing to work for the improvement of the living conditions of people all over the world.

40. If the Commission was to achieve those objectives, one of its first tasks must be to protect those individuals seeking to avail themselves of the constitutionally approved processes of their own countries for the defence of human rights. Such individuals represented broader masses of people and therefore became the legitimate subject of the international community's concern. Evidence from any country regarding the systematic suppression of the right of individuals to defend human rights was of concern to his Government. In certain countries, the suppression of the freedoms of speech and of assembly had given rise to what were known as dissident movements, and any act of dissent from the prevailing State ideology was treated as a crime.

41. The Commission would also be obliged to consider situations where the breakdown of law, order and public morality was of such magnitude that the Commission was compelled to respond. Some situations of that nature were brought to the attention of the Commission under the procedures provided for in Economic and Social Council resolutions 728 F (XXVIII), 1235 (XLII) and 1503 (XLVIII). The essential purpose of those procedures was to enable individuals to contribute to the Commission's understanding of situations in countries which merited its consideration, and arguments such as that of alleged selectivity must not be allowed to interfere with that purpose.

42. Among the urgent cases to be dealt with by the Commission were situations which suggested that a Government had permitted or tolerated the use of violence and terror, with the resulting collapse of the rule of law. Such tragic situations often passed beyond the control of the Governments themselves, and the Commission

could and must use its expertise and experience to help the Governments concerned to rectify them and to understand that no circumstances could justify gross and flagrant violations of the rights of their peoples. In such cases, the Commission must decide whether policies of reason could best be promoted by adopting the confidential procedure provided for in Economic and Social Council resolution 1503 (XLVIII) or whether some more public form of action should be taken. An example of the latter procedure had been the Council's decision to authorize a public investigation of the situation in Equatorial Guinea under that country's former régime. The resulting studies demonstrated clearly the value of the Commission's work in such circumstances. He expressed the hope that the study would assist the people of Equatorial Guinea in their efforts to re-establish freedom and dignity in their country. The Commission should consider making wider use of those procedures, which were not condemnatory, but, if used properly, could be of real benefit to Governments and peoples.

43. Referring to the situation in Guatemala, he said it was regrettable that the Government had been unable to receive a representative of the Secretary-General to investigate the issues raised in Commission resolution 32 (XXXVI). The report of the Secretary-General in document E/CN.4/1438 contained clear evidence of the Guatemalan Government's responsibility, and the time had come for it to respond to the legitimate requests of the international community.

44. The situation in El Salvador was exacerbated by substantial external support] for guerrilla and terrorist elements. While recognizing the severe pressure which terrorist activities had imposed on the authorities, his delegation looked to the Government of El Salvador to exercise its authority over all forces in the country in order to restore the effective protection of fundamental human rights and to endeavour to find a peaceful solution to the situation. Any such solution, in order to be lasting, must ensure the protection of the rights of all the people of El Salvador. The situation would benefit from the direct attention of the Commission, and it was to be hoped that a report would be submitted to the Commission setting out clearly the nature of the extensive breaches of human rights and the steps that should be taken to terminate them.

45. The situation in Bolivia was also a source of great concern to his delegation.

46. One of the most distressing violations of the right to hold a religious belief was the persecution, in Iran, of members of the Baha'i faith, who were not only denied the rights of a recognized religious minority, but were systematically harassed.

47. Referring to draft resolution E/CN.4/L.1601, he said that there was a widespread belief that large-scale exoduses of persons and groups were frequently the result of violations of human rights. Such massive exoduses had inevitably involved great human suffering and deprivation. The draft resolution did not address itself to any particular case, but was intended to contribute to the prevention of situations which might later give rise to massive outflows of people.

48. In the course of its deliberations, the Commission had considered the situations prevailing in many countries in all parts of the world. While it was true that the action taken had been different in each case, his delegation believed that different cases would always merit different responses and that it was the task of the Commission to ensure that each case was treated on its merits and that the action taken was appropriate. Every situation should be judged in its over-all context, as was stated clearly in General Assembly resolution 32/150.

49. Mr. SAHJI (Federal Republic of Germany), introducing draft resolution E/CH.4/L.1537, said that the sponsors had decided to insert a subtitle reading "Assistance to the Central African Republic". The new Government in that country had restored the enjoyment of human rights, and the Commission should provide all necessary assistance to enable those efforts to continue.

50. The decisions of the Commission were of no avail if Governments failed to implement them, or persecuted their citizens for exercising their rights. In all parts of the world, both Governments and terrorist movements were guilty of serious violations of human rights. The Commission should speak out clearly in that regard. Humanitarian considerations should take precedence over considerations of power politics. In Western Europe and the United States, established systems and procedures existed for the protection of human rights. Progress in that direction was also being made in Africa. However, although the Final Act of the Conference on Security and Co-operation in Europe had been signed by all Eastern and Western European countries, its principles were not fully applied by all Governments. In certain socialist countries, groups attempting to exercise their rights by criticizing their Governments for failure to apply the provisions of the Act had been subjected to repressive measures. One example was the case of Andrei Sakharov. There had been no improvement in his situation; on the contrary, Government repression had extended to members of his family.

51. The Commission should not restrict itself to condemning abuses of human rights by the Governments of developing countries, but must also speak out frankly with regard to the situations prevailing in more powerful countries.

52. Mr. PASSET (Observer for the Central African Republic) said that he wished to inform the Commission of the steps taken in his country with regard to human rights since the restoration of the Republic.

53. One of the main concerns of his Government had been to redress the social injustices committed under the régime of the former Emperor Bokassa, and a national commission of inquiry had been set up in September 1979 to investigate the misdeeds and abuses perpetrated by that régime. Those implicated in crimes had been tried in accordance with the principles set forth in the Universal Declaration of Human Rights, in particular articles 10 and 11, and measures had been taken to compensate the victims.

54. His Government's main efforts had been aimed at restoring a true democracy that would guarantee the basic rights of the individual, which had been reflected by the adoption on 1 February 1981, through a referendum, of a Constitution establishing the separation of powers, and a multi-party system, and proclaiming human rights

and fundamental freedoms. On 15 March 1981, the people of the Central African Republic would elect its President from among several candidates and in June 1981 its deputies and municipal counsellors. For the first time in 15 years, there were no longer any political prisoners in his country. However, those restored rights and freedoms would be incomplete unless the people had an adequate standard of living and the right to security, as provided for in article 25 of the Universal Declaration of Human Rights.

55. However, the Central African Republic, one of the least advanced countries, had been seriously affected by the international economic crisis, the unjust international economic order and the mismanagement of the former régime, factors which had caused it to have an ailing economy, a heavy foreign debt, a serious budgetary crisis and a poor standard of public health.

56. In view of that situation, the Government and people of the Central African Republic had undertaken efforts within the framework of the 1980-1981 economic and social rehabilitation plan to restore the country's creditworthiness, reorganize its administrative machinery and revitalize its economy.

57. The immensity of the task facing his Government made it more necessary than ever for its efforts to be complemented by those of the international community and, in that regard, he drew attention to the provisions of General Assembly resolution 35/87 on assistance for the reconstruction, rehabilitation and development of the Central African Republic.

58. He expressed his delegation's satisfaction at draft resolution E/CH.4/L.1587, which it regarded as an encouragement to his Government in its difficult task of providing its people with work, healthy living conditions, education, food and housing, without which the civil and political rights regained would be incomplete. In conclusion, he expressed his Government's gratitude to the international community and the Commission for the positive measures they had taken in respect of his country.

59. Mr. van BOVEN (Director, Division of Human Rights) said, with regard to the financial implications of operative paragraph 1 of draft resolution E/CH.4/L.1587, that the programme of advisory services provided for the holding of seminars and the granting of expert services at the request of Governments. Since such a request would probably be made in the case under consideration, the Division would bring the matter to the attention of the budgetary services of the United Nations so that it could be taken into account in budgeting the advisory services programme. The Division had been unable to comply with all requests for advisory services submitted to date, and the new request would therefore have to compete with others. However, it was envisaged that the programme would be called upon to deal not only with violations of human rights but also with the restoration of human rights in various countries. It was in that light that the request would have to be viewed. In the circumstances, it was impossible for him to present precise financial implications at the current stage, but the question would be the subject of further discussion within the Secretariat and with the Government concerned.

60. The CHAIRMAN announced that the delegations of Ghana, Morocco, Zaire and Zambia had been added to the list of sponsors of draft resolution E/CH.4/L.1587.

61. If he heard no objection, he would take it that the Commission decided to adopt the draft resolution by consensus.

62. It was so decided.

63. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation had not objected to the adoption of the draft resolution but wished to draw attention to the third preambular paragraph. There had been no detailed report on the situation in the Central African Republic and it was therefore difficult to judge whether human rights and fundamental freedoms had in fact been restored in that country. He would like the record to reflect the fact that no serious discussion had been held in the Commission concerning that situation.

64. Mr. KNIGHT (Baha'i International Community) said that the 300,000 member Baha'i community was the largest religious minority in Iran and yet was not recognized under the Iranian Constitution, a fact which had led to a serious violation of its human rights and fundamental freedoms, in disregard of the International Covenant on Civil and Political Rights, which had been signed and ratified by that country. The Baha'is of Iran were all indigenous Iranians who, following the principles of their faith, were loyal to their country and Government and were not involved in party politics or any subversive activity, yet they had been the most frequently persecuted group in Iran. Although, at times, certain Baha'is had enjoyed some relief, that had simply been a reflection of the degree to which current laws were enforced by less prejudiced government officials and not the result of any deliberate protection extended by the law to members of the Baha'i community.

65. The refusal of successive Governments in Iran to accord the Baha'i faith official recognition as an independent religion had deprived the Baha'is of human rights and privileges under the law and rendered them second-class citizens. Despite its rapid rise to become the largest minority religion in Iran, the Baha'i faith, contrary to other minority faiths, had been denied recognition under the 1906 Constitution, and acts of persecution against the community had continued.

66. Following the accession to power of Reza Shah in 1921, the Baha'is and their institutions had become the victims of repression by the Government, a policy continued throughout the period of the Pahlavi régime up to the Islamic Revolution in 1979.

67. During and since that revolution, the Baha'is had been the repeated victims of violent attacks. Properties, including their internationally holy places, had been confiscated, desecrated and, in some cases, destroyed. The arrest and subsequent disappearance of all nine members of the National Bahai Administrative Council of Iran in August 1980 was one of the most striking examples of the attempts made to stifle the Baha'i community.

68. Noting that the human rights of the Christian, Jewish and Zoroastrian minorities were protected under the laws of the Islamic Republic of Iran, he said that the deliberate omission of the Baha'is had left the way open to intensified denunciations, summary arrests and trials, murder, and destruction of property and holy places with almost complete assurance of immunity for the perpetrators.

69. The Iranian Baha'is, in common with their fellow believers the world over, were obliged as an article of their faith to show loyalty to the Government of the country in which they lived and to abstain from participation in politics and were committed to the highest standards of morality in their public and private lives. Those facts had been repeatedly brought to the notice of the Iranian authorities, together with evidence that the Iranian Baha'is had steadfastly upheld those fundamental principles of their faith, but all such representations and appeals for justice and fair treatment had gone unheeded.

70. Mr. ABOUREZK (International Indian Treaty Council) said that Governments in the Americas had in recent years committed large-scale violations of the human rights of the 30 million Indians of the Western Hemisphere, who were politically and economically defenceless. The intensification of oppression had been reflected, inter alia, in poor health and social conditions for the indigenous communities and the continued sterilization of Indian women.

71. The Governments of the Americas shared responsibility with certain religious missionaries for the destruction of Indian languages, cultures and societies through the control exercised over the type of education received by Indian children and the adoption programmes under which such children were transferred from their homes to non-Indian environments.

72. Recognizing that the Indian cultural identity was deeply rooted in the land, the Governments of the Americas had participated in a number of programmes designed to detach the Indian people from their lands. In that connection, he referred to document E/CN.4/NGO/319, which contained summaries of some serious violations of the human rights of Indian peoples in the Americas. He also wished to draw attention to the case of the 6,000 Navajos in Arizona who were being relocated against their will in order to clear the area for the strip mining of the rich coal vein which lay beneath their homes.

73. Other violations of the human rights of the Indian peoples of the Americas were the repression of Indian organizations and the imprisonment, assassination, torture and kidnapping of Indian leaders. Many Indian activists and leaders were imprisoned in the Americas and were often put in isolation wards for long periods of time.

74. A major improvement in the area of human rights for Indians in the Americas had taken place in Nicaragua under the new Government, which provided for bilingual teaching in the respected Indian languages and in Spanish and for Indian participation in the governmental council.

75. He noted the deteriorating situation of the Indians in El Salvador, who were struggling against unjust economic and social conditions while the major Western Powers were engaging in an intensive propaganda campaign designed to win them political advantage.

76. In conclusion, he said that, while the Commission was rightly focussing on the effects of colonialism, apartheid, zionism and other forms of racism on the enjoyment of human rights, it must not forget the unique situation and the human rights of the 80 million Indian people of the Americas.

The meeting rose at 1 p.m.