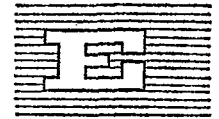


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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 59th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 11 March 1982, at 10 a.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

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The meeting was called to order at 10.30 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, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1982/L.45, L.49-L.51, L.55-L.58, L.60 and L.65-L.68)

1. The CHAIRMAN said that after consultations with the parties concerned he wished to suggest the following decision: "the Commission decided that the debate under agenda item 12 (a) entitled 'Question of human rights in Cyprus' should be postponed to its next session, with due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation". If there was no objection, he would take it that the members of the Commission approved that decision.
2. It was so decided.
3. Mr. POUYOUROS (Cyprus) said that his delegation was concerned about the fact that, as stated in the Secretary-General's report (E/CN.4/1982/8), the investigatory committee set up to trace and account for missing persons had been unable to embark upon its substantive work. His delegation therefore hoped that the Commission, through the Working Group on Enforced or Involuntary Disappearances, would continue to examine the question of missing persons in Cyprus, giving it due priority and brooking no further delay. The question was urgent owing to the need to protect human lives and because the relatives of missing persons had the inalienable right to know what had become of them. His delegation wished to renew the appeal it had made to the Working Group on Enforced or Involuntary Disappearances to take as soon as possible all necessary measures to dispel the grave concern not only of the Government and people of Cyprus but also, and above all, of the thousands of relatives of missing persons.
4. Mr. ANT (Observer for Turkey) said that at the previous meeting two delegations had seen fit to bring up in tendentious fashion the question of missing persons in Cyprus and now the Commission had again heard similar remarks. The reasons that had prompted the Commission not to consider the question on the agenda since 1978 remained entirely valid. His delegation did not think that airing the question in public helped to bring the two sides in Cyprus closer together, although without such a rapprochement it was impossible to find lasting solutions to the island's problems. Much as his delegation deplored the cases of missing Cypriots, both Turkish and Greek, it doubted very much whether an attitude which combined making fine speeches in international meetings with no real effort to find solutions at the local level could alleviate the sufferings of the persons concerned.
5. In the opinion of his delegation, if the various attempts which had been made to establish a mechanism for shedding light on the fate of missing persons had not so far yielded the anticipated results, it was precisely because the problems had always been discussed at the international level without the Turkish Cypriots having had a hearing, to the detriment of local co-operation.

6. It was apparent from the Secretary-General's report (E/CN.4/1982/8) that the Committee on Missing Persons which had been set up after lengthy efforts in which the Turkish Cypriot community had actively participated, and which was composed of a representative of the Turkish Cypriot community, a representative of the Greek Cypriot community and a prominent independent figure, had not been able to begin its substantive work owing to procedural difficulties. It should be pointed out that in order to resolve those difficulties, the independent member of the Committee had made a series of proposals which the Turkish Cypriot member had accepted, whereas the Greek Cypriot member had responded by walking out of the meeting.
7. Mr. POUYOUIROS (Cyprus), speaking in exercise of the right of reply, said that in December 1981, the General Assembly of the United Nations had endorsed a resolution of the Third Committee on the question of missing persons in Cyprus, in which it had inter alia, requested the parties concerned to facilitate the task of the Committee on Missing Persons; the General Assembly had had to make that request owing to the delaying tactics employed by the Turkish Cypriot member to prevent the Committee from embarking upon substantive work. In that connection it should be mentioned that he had refused not only to agree to investigations being conducted by the Committee, thus contravening the provisions of the agreement concluded in April 1981, but also to co-operate in the consultations which had taken place in New York and Nicosia in the autumn of 1981 with a view to resolving the procedural questions. In February, the Committee had resumed its work, in which the Greek Cypriot member had participated in a constructive spirit: he had spared no effort to ensure that the procedural questions were settled, basically by taking account of the proposals submitted by the representative of the Secretary-General to the Committee. The Turkish Cypriot member had hardened his position with regard to the participation of observers at meetings of the Committee, although such participation had been agreed upon. Making a final concession, the Greek Cypriot member had, on 12 February, agreed to all the proposals which the representative of the Secretary-General had submitted on 26 November 1981 and had urged the Turkish Cypriot member to do likewise so that the Committee could begin its work: the Turkish Cypriot member had persisted in his rejection of the proposals.
8. Given those circumstances, the Government of Cyprus could not but denounce the negative attitude of the Turkish Cypriot community, which was endeavouring, through endless discussion of procedural questions, to prevent an inquiry into disappearances in Cyprus.
9. Mr. ROUCOUNAS (Greece) said that his delegation endorsed what had been said by the Cypriot delegation. It rejected the Turkish representative's allegation that the explanation of vote which it had given on the previous day had been tendentious. Furthermore, to be concerned about the work of the Commission, which had a duty to consider the problem of missing persons in Cyprus, was not publicity-mongering.
10. Mr. INAN (Observer for Turkey), speaking in exercise of the right of reply, said proof had been provided that the aim of the Greek and Cypriot Governments was not to find an equitable, lasting and political solution to the problem of Cyprus but to exploit it at the international level. For its part, the Turkish Government, primarily concerned with the protection of human rights in Cyprus, would continue to seek a political solution which respected the rights of both communities.

Draft resolution E/CN.4/1982/L.45

11. Mr. LIGAIRI (Fiji) said that his country was proud to have acceded to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; all the major religions coexisted peacefully in Fiji. Religious freedom, which was enshrined in the Constitution, was guaranteed in practice and not only in theory. His delegation was convinced that recognition of the right of every citizen to profess the religion of his choice, far from dividing the nation, strengthened its unity. It was regrettable that that conviction was not shared by all states, as was proved by situations in which, in the name of national unity or simply because of prejudice on the part of the authorities in power, religious minorities were denied their fundamental rights, when they were not threatened with complete destruction. The cases where politics and religion were indissolubly linked were just as unacceptable because they led to dangerous extremes. For all those reasons, his delegation whole-heartedly supported draft resolution E/CN.4/1982/L.45.
12. Mr. AKRAM (Pakistan) said that the draft resolution under consideration revealed a tendency, evident in certain circles, to misunderstand the domestic situation in developing countries, and more particularly the evolution of a number of Islamic countries. The draft resolution contained a number of assumptions and assertions which, in his delegation's view, lacked objectivity. It must not be forgotten that the events in Iran had occurred as a reaction to decades of oppression; they must be considered in the context of a revolution, with due regard for the country's social, cultural and religious traditions. His delegation could not support conclusions stemming from a one-sided assessment of a situation and would therefore vote against the draft resolution.
13. Mr. SOLA VILA (Cuba) said that the situation referred to in draft resolution E/CN.4/1982/L.45 required much deeper analysis before conclusions could be drawn. Furthermore, his delegation would never associate itself with the efforts of imperialism to attack peoples which did not obey it. His delegation would therefore vote against the draft resolution, the purpose of which was to serve the interests of imperialism and reaction.
14. Mr. SABZALIAN (Observer for Iran) said that under article 23 of the Iranian Constitution, persecution for reasons of belief was prohibited and no one could be penalized solely on grounds of belief. Furthermore, the Koranic laws and domestic legislation forbade persecution on religious grounds. His delegation shared the opinion of many delegations which had expressed doubts about the membership and independence of the group of experts of the Sub-Commission, which had adopted its resolution 8 (XXXIV) on the basis of a selective and one-sided assessment of the situation in Iran. Defamation and false accusations could not serve as a basis for the adoption of a positive resolution.
15. In order to incur such special one-sided treatment the only fault that Iran had committed was to have decided to remain independent and not to subject itself to United States imperialism, in particular by concluding no economic deal with the United States or its Zionist and South African partners. It should be asked why the peace-loving countries which, motivated by humanitarian considerations, had submitted the draft resolution had never proposed a text on the same lines during the criminal régime of the Shah. Those who thought that Iran might be brought to submit or compromise by political pressure did not know the Iranian people and had not grasped the extent of the Islamic revolution.

16. Mr. HEWITT (United States of America), speaking in explanation of vote before the vote, said that he whole-heartedly supported draft resolution E/CN.4/1982/L.45 on the tragic situation of the Baha'i community; the persecution to which it was being subjected was dictated by hatred, just as the illegal detention of the United States diplomats in Teheran two years previously had been an act of hatred. Such a violation of the traditional principle of diplomatic immunity was inconceivable and it was monstrous that the current President of Iran should continue to state that that violation had been necessary for the success of the revolution.

17. At the request of the representative of Pakistan, a vote was taken by roll-call on draft resolution E/CN.4/1982/L.45.

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

In favour: Australia, Canada, Costa Rica, Denmark, Fiji, France, Germany, Federal Republic of, Ghana, Greece, Italy, Jordan, Netherlands, Panama, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Pakistan, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Argentina, Brazil, China, Cyprus, Gambia, India, Japan, Mexico, Peru, Philippines, Senegal, Uganda, Yugoslavia, Zaire, Zimbabwe.

19. Draft resolution E/CN.4/1982/L.45 was adopted by 19 votes to 9, with 15 abstentions.

Draft resolution E/CN.4/1982/L.49: situation of human rights in El Salvador

20. Mr. LOVO CASTELAR (Observer for El Salvador) said that his delegation opposed draft resolution E/CN.4/1982/L.49, which was a perfect example of how the question of human rights could be exploited for political and partisan ends. The text comprised political considerations which fell within the exclusive competence of El Salvador and had nothing to do with the protection of human rights; it tended to encourage certain political tendencies and greater extremism on the part of organizations whose only means of action were violence, terrorism and sabotage. It took no account of the actual situation in El Salvador in that it sought to postpone or hamper the electoral process or, in other words, the expression of the will of a people which demanded to exercise its right of self-determination. It also remained silent about the co-operation extended by the Government of El Salvador and the considerable efforts which that Government was making in the field of human rights.

21. In that connection it should be borne in mind that the Organization of American States (OAS) had adopted, by an overwhelming majority, a resolution on El Salvador in which it had expressed support for the current democratic electoral process and decided, at the request of the Government of El Salvador, to send observers to El Salvador during the elections. Such a resolution had the merit of ensuring a harmonious balance between international action on human rights and respect of the sovereignty of States.

22. On the other hand, the Government of El Salvador did not recognize the legal validity of the draft resolution submitted to the Commission, which had as its antecedent a Franco-Mexican declaration which had been rejected by the Latin American countries because it violated the principle of non-intervention in the domestic affairs of States.

23. The Commission should take care not to act in a selective, or even arbitrary, fashion, turning the question of human rights into a political weapon against certain countries and applying in respect of those countries not the procedure laid down in Economic and Social Council resolution 1503 (XLVIII), but different legal criteria. It should rather endeavour to apply the standards governing the protection of human rights on a uniform and universal basis. It must keep to purely humanitarian principles and find means of making an objective and impartial contribution to the resolution of crises, and not of enflaming them.

24. Mr. INCISA DI CAMERANA (Italy), speaking in explanation of vote before the vote, said that his delegation would support draft resolution E/CN.4/1982/L.49 for the reasons it had already outlined in the general debate on agenda item 12. His delegation nevertheless had some reservations about operative paragraph 4, which did not reflect the position of the Italian Government and which represented a misinterpretation of the provision enunciated in paragraph 2 of General Assembly resolution 36/155. His delegation renewed the Italian Government's appeal to all the parties concerned, and not only to the Government of El Salvador, to apply themselves actively to finding a peacefully-negotiated political solution as soon as possible.

25. Mr. GIAMBRUNO (Uruguay) said that his delegation would vote against draft resolution E/CN.4/1982/L.49 for various reasons. First, OAS comprised a body which dealt with the protection of human rights - the Inter-American Commission on Human Rights; there was no mention in the draft resolution under consideration of the action of that body in El Salvador.

26. Secondly, it should be recalled that the people of El Salvador were devoted to peace and social justice and that they were attached to democratic principles within the framework of a pluralist system. It was precisely the elections which were soon to take place in El Salvador - even if a particular group did not wish to participate in them - that would enable the Salvadorians to realize their aspirations.

27. Mr. NOVAK (United States of America), having referred to his delegation's written statement on the question of human rights in El Salvador (E/CN.4/1982/26), said that he was profoundly concerned about the abuses of human rights in that country, which were perpetrated by both the left and the right. Irrespective of motives, number and perpetrators of the murders committed in El Salvador, one thing was certain - there were too many of them: even one such death a week would be an outrage.

28. The Commission was therefore called upon to find ways of halting those murders and ensuring respect for human rights in El Salvador. The draft resolution submitted proposed a single strategy: that of immediate negotiation. However, it might be asked who was empowered to negotiate: in any event, not the coalition junta, which had assumed power after a coup d'état and which was to retain power only up to the elections, nor the guerrillas, who represented only a minority of extremists and had lost the support of the Salvadorian people as a whole. In fact, negotiation in those conditions rested on a false analysis of the situation because it took account of the existence of only two factions, the extreme right and the extreme left; however, there was a centre in El Salvador, relatively ill-armed and ill-organized, but which had the allegiance of 80 to 90 per cent of the population and which defended democracy and respect for human rights.

29. The United States Government favoured the implementation in El Salvador of a process similar to that which had enabled Venezuela in the 1960s to embark upon the path to democracy. He welcomed the support that OAS had given, by an overwhelming majority, to the pursuit of the democratic process and to respect for human rights in El Salvador. He congratulated the Government of El Salvador on its co-operation with the Commission and with the Working Group on Enforced or Involuntary Disappearances, and on the measures which it had taken to punish those guilty of human rights violations.
30. His delegation would vote against the draft resolution under consideration.
31. Mr. GOMENSORO (Argentina) said that his delegation would vote against draft resolution E/CN.4/1982/L.49, which, apart from some humanitarian considerations, went beyond the Commission's mandate. His delegation agreed with the observer for El Salvador that it was impossible to force a sovereign Government to respect an arbitrary procedure to which it was unwilling to subject itself, and it wished to reaffirm the views which it had expressed during the discussions on agenda items 11 and 12.
32. Mr. ZORIN (Union of Soviet Socialist Republics) said that the flagrant violations of human rights which the Government of El Salvador had committed with the support of weapons, capital and advisers from the United States of America called for urgent measures on the part of the Commission. His delegation would therefore vote in favour of draft resolution E/CN.4/1982/L.49, which was based on the report of the Commission's Special Representative (E/CN.4/1502); it would, however, have preferred operative paragraphs 3 and 4 to be worded much more clearly.
33. Mr. HUTTON (Australia) said that the Government, Parliament and people of Australia were deeply concerned about the serious violations of human rights in El Salvador. His delegation therefore welcomed the active interest which the Commission was taking in that matter, and whole-heartedly supported certain elements of the draft resolution under consideration, in particular the measures designed to put an end to human rights violations in El Salvador and the extension of the Special Representative's mandate for a further year. However, it regretted that the text did not take account of the processes in El Salvador aimed at bringing about conditions likely to encourage the restoration of democratic standards and principles, and hence the effective protection of human rights. In other words, his delegation deplored the omission of any mention of the elections which were to take place in El Salvador on 28 March and which, it was to be hoped, would contribute to the establishment of peace and stability in that country. His delegation would therefore abstain in the vote on the draft resolution.
34. Viscount COLVILLE OF CULROSS (United Kingdom) recalled that during the debate on agenda item 12, his delegation had expressed deep concern about the continuing and widespread violations of human rights, including the right to life, in El Salvador.
35. His delegation endorsed the main thrust of draft resolution E/CN.4/1982/L.49, including its appeal for a peaceful settlement and an end to violence, and the extension of the mandate of the Special Representative of the Commission for one year. It nevertheless would abstain in the vote on the draft resolution as a whole

because of its reservations concerning the ninth and tenth preambular paragraphs and operative paragraph 4. In its opinion, it was for international observers to judge the validity of the forthcoming elections in El Salvador and the conditions in which they were to be held. The United Kingdom had therefore accepted the Salvadorian Government's invitation to send two observers who would prepare a public and independent report on the election. His delegation was not prepared to endorse the pre-judgement of their conclusions which was implicit in the draft resolution.

36. At the request of the representative of Uruguay, a vote was taken by roll-call on draft resolution E/CN.4/1982/L.49.

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

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Denmark, Ethiopia, France, Gambia, Ghana, Greece, India, Italy, Mexico, Netherlands, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Brazil, Philippines, United States of America, Uruguay.

Abstaining: Australia, Canada, China, Costa Rica, Fiji, Germany, Federal Republic of, Japan, Jordan, Pakistan, Panama, Peru, United Kingdom of Great Britain and Northern Ireland, Zaire.

38. Draft resolution E/CN.4/1982/L.49 was adopted by 25 votes to 5, with 13 abstentions.

Draft resolution E/CN.4/1982/L.50

39. Mr. DYRLUND (Denmark), introducing draft resolution E/CN.4/1982/L.50 concerning summary and arbitrary executions, stated that the sponsors had made efforts to incorporate in the text the various points of view expressed by delegations on that question.

40. As a sponsor of the draft resolution, his delegation wished to amend the wording of paragraph 2, which would read: "Decides therefore to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions".

41. The sponsors hoped that that important resolution could be adopted by the Commission without a vote.

42. Mr. BYKOV (Union of Soviet Socialist Republics) stated that the sponsors of the draft resolution were tackling a basic problem, for it was inadmissible that arbitrary executions, without trial, were continuing to take place. His delegation had voted in favour of General Assembly resolution 36/22 which had condemned that practice, and therefore had no difficulty in endorsing the substance of the present text.

43. Nevertheless, the sponsors had deplored the inadmissible nature of such practices only in operative paragraph 1 and had devoted all the remainder of the text to the appointment of a special rapporteur to examine the question. There were other ways of examining the question; for example, the Commission could entrust that study to the Sub-Commission, whose experts, appointed by the Commission, could perfectly well carry out that task. It was not known how many special rapporteurs had so far been appointed, but the need to appoint another was open to question, especially as in that case it was a question not of studying a specific situation, but a general subject, the study of which was difficult to entrust to a single person.

44. His delegation therefore wished to express its disagreement with paragraphs 2 to 7 and requested that a separate vote should be taken on them.

45. Mr. DIEYE (Senegal) said he, too, was convinced that the question was an extremely important one and considered that the Commission must take appropriate measures to put an end to the practices in question. The General Assembly had, in fact, adopted a decision clearly reflecting that view.

46. Nevertheless, without questioning the usefulness of special rapporteurs in certain cases, he felt that the mandate might be too broad to entrust to one rapporteur. To give so much responsibility to a single person and to ask that person to report to the Commission within such a limited period of time was quite a challenge. It might be preferable to ask the Sub-Commission to examine that problem and to make specific proposals to the Commission in order to enable the latter body to take effective measures.

47. His delegation therefore supported the substance of the resolution but would like the sponsors to consider the possibility of entrusting the proposed task to the Sub-Commission. However, if they insisted on maintaining the current wording, his delegation would not oppose it.

48. Mr. DYRLUND (Denmark) noted with satisfaction that all delegations were concerned about the problem and that the main question was to ascertain how to approach it. He had already expressed the view that a matter of such importance should be dealt with directly by the Commission, and it was for that reason that the sponsors had retained the solution of appointing a special rapporteur. The Commission had dealt with the question of torture in the past, and it had appointed a working group to study the question of enforced and involuntary disappearances; logically, therefore, a question as important as the right to life should be studied at the same level.

49. The question of summary executions had already been studied at length by the General Assembly and by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Caracas. The Special Rapporteur should therefore be able to gather sufficient information in order to submit a useful report to the Commission.

50. The CHAIRMAN invited the Commission to vote on operative paragraphs 2 to 7 of draft resolution E/CN.4/1982/L.50.

51. Paragraphs 2 to 7 were adopted by 31 votes to 6, with 6 abstentions.

52. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1982/L.50, as amended.

53. Draft resolution E/CN.4/1982/L.50, as amended, was adopted by 33 votes to 1, with 8 abstentions.

Draft resolution E/CN.4/1982/L.55

54. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) proposed the following minor amendments to the draft resolution so as to facilitate its adoption by consensus. In paragraph 4, he suggested that the words "a draft declaration" should be replaced by the word "principles". In the same paragraph, he proposed that the words "the particular responsibility of States with regard to the defence of human rights and" should be inserted between the words "taking into account" and "the interdependent nature".

56. Mr. McKINNON (Canada) said that the amendments proposed by the Byelorussian delegation had been discussed with the sponsors, who were willing to accept them in order that the draft resolution might be adopted without a vote.

57. The CHAIRMAN invited the Commission to take a decision on draft resolution E/CN.4/1982/L.55.

58. Draft resolution E/CN.4/1982/L.55, as amended, was adopted without a vote.

Draft resolution E/CN.4/1982/L.56

59. Mr. KOOLJMANs (Netherlands) pointed out that the sponsors had decided to amend the wording of the fifth preambular paragraph of the text by inserting the words "during the thirty-eighth session of the Commission" between the words "with the Government of Guatemala" and "so that the Commission ...".

60. His delegation requested that, if the draft resolution was put to the vote, the vote should be taken by roll-call.

61. Mrs. de CONTRERAS (Observer for Guatemala) deplored the arbitrary, partial and discriminatory way in which the Commission had dealt with the case of Guatemala. She also regretted that all proposals for co-operation by the Guatemalan Government had been ignored and was surprised that the draft resolution now envisaged the appointment of a special rapporteur to make a study of the human rights situation in Guatemala, using, in particular, information to be furnished by the Guatemalan Government and with the full assistance of that Government. It would be difficult for the Government to provide help in those conditions, since it had received no response to its spontaneous offers of co-operation.

62. Her delegation opposed the draft resolution because it was totally lacking in objectivity: all the allegations of non-governmental organizations would appear to be accepted without any reliable evidence. Her delegation did not believe that it was the Commission's role to make unilateral accusations against a Government.

63. Furthermore, she did not see any need to appoint a special rapporteur. That decision would only involve extra expense, as indicated in the statement of financial implications contained in document E/CN.4/1982/L.57, and the Secretariat had in fact already submitted a report on the human rights situation in Guatemala (E/CN.4/1501 and Add.1 and 2). In that connection, it must be pointed out that her delegation had not had any knowledge of document E/CN.4/1501/Add.2 until after agenda item 12 had been discussed.

64. Unfortunately, her delegation had observed that any efforts to co-operate with the Commission that might be made by Governments which had adopted certain political positions were ineffectual and that any information those Governments might supply was distorted and used for other purposes. For that reason, her delegation had made no observations on the report prepared by the Division of Human Rights and had not asked to exercise the right of reply during the general debate on the question.

65. Mr. NOVAK (United States of America), speaking in explanation of vote before the vote, said that his delegation would abstain, like other Western delegations, because it did not wish to encourage the special focus on the Latin American countries in international forums to the exclusion of other countries. Nevertheless, there were serious human rights problems in Guatemala. His Government believed that the Guatemalan Government must address those problems and co-operate with the Secretary-General in order to collect reliable information. He hoped that the Guatemalan Government, in accordance with the assurances it had given, would respond to the Commission's concerns.

66. Mr. GOMENSORO (Argentina) said that his delegation would vote against draft resolution E/CN.4/1982/L.56 on the grounds that the Commission was not competent to adopt a special procedure such as the one envisaged. Furthermore, it found the tone of the draft resolution inappropriate, in particular in the fifth preambular paragraph and in operative paragraph 1, especially since the Guatemalan Government had expressed a willingness to collaborate with the United Nations. Lastly, the text confirmed the selective attitude which had been adopted at the expense of the Latin American countries, an attitude about which his delegation had complained in its general statement on item 12.

67. Mr. GIAMBRUNO (Uruguay), speaking in explanation of vote before the vote, deeply regretted the fact that the text submitted took no account of the efforts made by the Guatemalan Government to gain the Commission's understanding or of the co-operation it had offered at the preceding and current sessions. Account should also be taken of the fact that that Government was in a difficult situation, which it was attempting to bring back to normal. The Commission must not only denounce evils but also seek remedies. In that light, a more balanced text would have facilitated a dialogue and co-operation; his delegation would vote against the draft resolution submitted.

68. A vote was taken by roll-call on draft resolution E/CN.4/1982/L.56.

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

In favour: Algeria, Australia, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Cyprus, Denmark, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Greece, India, Italy, Mexico, Netherlands, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Uruguay.

Abstaining: Brazil, China, Costa Rica, Fiji, Japan, Jordan, Pakistan, Panama, Peru, Philippines, United States of America, Zaire.

70. Draft resolution E/CN.4/1982/L.56 was adopted by 29 votes to 2, with 12 abstentions.

Draft resolution E/CN.4/1982/L.57

71. Mr. McKINNON (Canada) reminded the Commission that draft resolution E/CN.4/1982/L.57 concerning mass exoduses had been the subject of extensive consultations, as a result of which it would seem that it could be adopted without a vote.

72. Draft resolution E/CN.4/1982/L.57 was adopted without a vote.

Draft resolution E/CN.4/1982/L.58

73. Mr. CALERO RODRIGUES (Brazil) said that the draft resolution corresponded closely to the decision which the Commission should take on Bolivia, in the light of the Special Envoy's report. It could probably be adopted without a vote if the Canadian delegation, which had sponsored it, agreed to delete the words "relative and partial" in the sixth preambular paragraph and in operative paragraph 2 and speak simply of an "improvement in the human rights situation in Bolivia".

74. Mr. McKINNON (Canada) replied that his delegation accepted that amendment.

75. Mr. SOLA VILA (Cuba) proposed that, together with the amendment requested by the representative of Brazil, the beginning of paragraph 2 should be amended to read: "Notes that an improvement" rather than "Expresses further its satisfaction that an improvement".

76. Mr. McKINNON (Canada) considered that, with the amendment requested by the representative of Brazil, the text of the draft resolution was balanced. The Commission must show that it was sensitive to the Bolivian Government's desire to co-operate; in order to encourage that Government and at the same time to facilitate a consensus in the Commission, it would be preferable for the Cuban delegation to withdraw its amendment.

77. Mr. SOLA VILA (Cuba) replied that, in a spirit of co-operation, his delegation withdrew its amendment.

78. Mr. HEWITT (United States of America) said that his delegation joined the consensus on the draft resolution in order to express its satisfaction at the improvement in the human rights situation in Bolivia, which the Special Envoy had noted, and to encourage the Bolivian Government to continue its co-operation with the Commission.

79. Draft resolution E/CN.4/1982/L.58, as amended by the Brazilian delegation, was adopted without a vote.

80. Mr. SAAVEDRA WEISE (Observer for Bolivia) said that, in his opinion, the resolution adopted concerning his country was realistic and balanced. In it, the Commission expressed concern, shared by his delegation, about past situations, but at the same time the Commission recognized that improvements had taken place since 4 September 1981. It renewed the mandate of the Special Envoy, whom the Bolivian Government was inviting for further visits. It imposed responsibilities on both the Bolivian Government and the Commission. For its part, the Bolivian Government, within the framework of a progressive policy consistent with the objectives of its three-year plan, would endeavour to present further tangible improvements at the following session, and it would accord to Mr. Gros Espiell, the Special Envoy, the same facilities as it had provided so far. If his Government was fulfilling its commitments, the Commission, for its part, should end the public examination of the human rights situation in Bolivia at its following session and adhere to the procedure laid down in Council resolution 1503 (XLVIII). That would be all the more justified than it had been initially.

81. Bolivia itself had taken the initiative of requesting a visit from the Commission.

82. In an imperfect world where all countries experienced problems, Bolivia should not be singled out indefinitely through a public examination of its situation; it was desirable that that situation should be terminated at the thirty-ninth session. That would also be justified by Bolivia's past since it had taken an active and effective stand for liberty against Fascist totalitarianism during the Second World War, had participated in the drafting of the San Francisco Charter and was a founder Member of the United Nations. Bolivia had also fostered the independence of many African and Asian countries which were now active members of the Organization and the Commission. It had always participated in the struggle against racism and international injustice. In the difficult circumstances it was experiencing, it would continue to co-operate with the Commission and to do its share, trusting that the Commission, for its part, would do it justice.

Draft resolution E/CN.4/1982/L.60

83. Mr. PACE (Secretary of the Commission) read out the amendments which the sponsors wished to make to the draft resolution relating to the situation in Equatorial Guinea. In the third preambular paragraph of the draft resolution, which would be recommended to the Economic and Social Council for adoption, the words "promotion and protection" should be added between the words "restoration" and "of human rights"; the words "and fundamental freedoms throughout the world" should be added at the end of the paragraph. In the fourth preambular paragraph, the text should be amended to read: "Conscious of the request of the Government of Equatorial Guinea for assistance in, etc.". In operative paragraph 3, the words "if necessary" should be added after the word "assistance" and the words following "plan of action" should be deleted.

84. Draft resolution E/CN.4/1982/L.60, as amended, was adopted without a vote.

Statement by the delegations of India and the United Kingdom of Great Britain and Northern Ireland

85. The CHAIRMAN read out a statement by the delegations of India and the United Kingdom recalling Commission resolution 7 (XXXV) (concerning the treatment of non-white immigrants), which had been adopted without a vote. Continuing discussions on that question between the Governments of India and the United Kingdom had been reported by the Chairman of the thirty-sixth session on 26 February 1980 and by the Chairman of the thirty-seventh session on 27 February 1981. The United Kingdom Government had explained that it had taken measures to ensure that there should be no repetition of the incident which the Government of India had initially referred to the Commission. It had also reiterated its commitment to a multiracial society in the United Kingdom providing equal treatment and equal opportunity to all people resident there, irrespective of their race, colour or religion. In fact, the regulations on immigration into the United Kingdom expressly required that those regulations should be applied without distinction as to race, colour or religion. The two Governments had agreed that they would continue to hold such bilateral consultations as might be necessary, and they were therefore of the view that no further action by the Commission was necessary in regard to resolution 7 (XXXV).

The meeting rose at 1.10 p.m.