

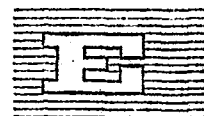
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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 60th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 11 March 1982, at 3 p.m.

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 3.20 p.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.27 and L.49)

1. Mr. HUTTON (Australia), speaking in explanation of vote, said that his delegation had already expressed the concern felt by the Government and people of Australia about the situation in Poland since the declaration of martial law in December 1981, with the consequent violations of human rights and fundamental freedoms. His Government continued to appeal to the authorities in Poland to take steps to restore full enjoyment of the rights and freedoms of Polish citizens. Believing that the Commission must concern itself with violations of human rights wherever they occurred, his delegation had voted in favour of draft resolution E/CN.4/1982/L.27.
2. Mr. ALVAREZ VITA (Peru) explained that his delegation's vote on draft resolution E/CN.4/1982/L.27 had been linked to its view that the United Nations had been founded on the basis of the principle of non-intervention. The sovereignty and security of States must, like human rights, be guaranteed by international law and his delegation had always supported the idea that human rights should receive international protection. His delegation regretted the increasing politicization of the Commission, which was not a court and should seek to protect the enjoyment of human rights out of humanitarian considerations.
3. Mr. BELL (Canada) said it had been with deep regret that his delegation had found it necessary to abstain in the vote on draft resolution E/CN.4/1982/L.49. The Government and people of Canada had been deeply shocked by the continuation of human rights abuses in El Salvador, abuses that had been perpetrated by both sides in the conflict and had the common result of untold human suffering through death, disappearance and torture. His delegation therefore called on all political forces in El Salvador to exercise restraint and humanity in order to bring to an end the appalling record of human suffering in that country. His delegation would have liked to support the resolution but felt that some elements of the text were inappropriate and raised political considerations that were not within the mandate of the Commission, whose objectives should be confined to the question of human suffering and the abuse of human rights. In particular, paragraph 4 exceeded the mandate of the Commission by passing judgement on the current political situation in El Salvador.
4. Mr. CALERO RODRIGUES (Brazil) said his delegation had consistently been of the opinion that the review of the human rights situation in any country should be consistent with the procedures established in Economic and Social Council resolution 1503 (XLVIII), except in very particular cases such as that of Afghanistan, where the presence of foreign armed forces could prejudice the rights of a whole nation. That exception did not exactly apply in Poland, although current events in that country had adversely affected human rights. His delegation had therefore abstained in the vote on draft resolution E/CN.4/1982/L.27. Furthermore, the resolution was faulty in its structure, inasmuch as paragraphs 6 and 8 envisaged the continued consideration of a situation which, according to paragraph 4, the Commission hoped to see resolved in the very near future.

5. His delegation had voted against draft resolution E/CN.4/1982/L.49 as the resolution would not make a positive contribution to the improvement of the human rights situation in El Salvador. Furthermore, paragraph 4 of the resolution included recommendations that his delegation considered to constitute interference in the internal affairs of El Salvador, which should be dealt with by the Salvadorians alone without external interference.

6. Miss BAKIR ADEL (Observer for Iraq), speaking in exercise of the right of reply, said that her delegation had noted with astonishment that the statement by the observer for Iran had been derived from that made by the Iranian delegation in the Executive Committee of UNHCR in October 1981 - a point which the observer for Iran seemed to have been unaware of. The simple answer was that the Iranian diplomats who had been at their mission in Geneva at that time had since fled. There was no need to speak of the hundreds of refugees who had fled Iran as a result of the oppressive measures being applied in that country and the consequent continuous violations of human rights and fundamental freedoms. Those Iranians who had been repatriated had in fact been subversive elements who had abused Iraq's hospitality; they had been repatriated for reasons of internal security in humane conditions. There could be no question of depriving such persons of Iraqi identity documents since they had never been citizens of Iraq; and the allegations relating to the splitting of families and the crossing of minefields were entirely false.

7. With regard to the Iraqi armed forces, the President of Iraq, speaking on 28 September 1980, had said that Iraq did not believe in the use of power to impose illegal conditions on others. Iraq had no territorial ambitions; it demanded that the Iranian Government should recognize its rights over its territorial lands and waters, adhere to the policy of good neighbourliness and renounce racist, aggressive and expansionist attitudes and attempts to interfere in the internal affairs of other countries in the region. The Iranian Government should respect international law and custom and the International Covenants on Human Rights.

8. The Iranian régime had violated the Algiers Agreement of 1975 in word and deed and had disregarded its obligations under the treaty on international boundaries and good neighbourliness. The Government of Iraq, on the other hand, had always abided by its obligations, but it would at all costs resist any threats to, or violations of, its sovereignty, dignity and legitimate rights. The Government of Iraq had frequently affirmed its wish to maintain good relations with all its neighbours, including Iran; it had no desire to extend the scope of the dispute and had always hoped that the Iranian Government would respond reasonably to Iraq's exercise of its legitimate territorial rights.

9. The UNHCR mission which had visited Iraq had laid down the principles of a plan to provide assistance to needy Afghan refugees, and not to Iraqi Kurds as the Iranian representative had alleged.

10. The Iranian régime had perpetrated a gross violation of the Geneva Convention in massacring 1,500 Iraqi prisoners immediately after capture. It was hardly necessary to refer to the massive and flagrant violations of human rights in Iran itself; draft resolution E/CN.4/1982/L.45, which had been adopted by the Commission at its previous meeting, reflected the consensus on that subject. However, the Iranian régime denied its own people not only the right to live but

also the right to be buried. The Iraqi high command had persistently urged the ICRC to endeavour to arrange with the Iranian authorities a limited cease-fire so as to enable them to bury the hundreds of Iranian soldiers killed in battle at Besetin. But the Iranian régime had refused and the Iraqi army had itself buried the Iranian dead. The international community could judge for itself which of the two countries was violating all the human rights of its citizens.

11. Nor was the Iranian régime in any position to talk about aggression. It should abide by Security Council resolution 479 (1980). It had imposed war on Iraq and was responsible for its prolongation; it failed to respect human life or economic welfare, and was simply serving its own interest. It remained unresponsive to all initiatives for a peaceful settlement.

12. Mr. SABZALIAN (Observer for Iran), speaking in exercise of the right of reply, said that Iraq's claim that Iran was the aggressor was at variance with the presence of large numbers of Iraqi tanks and troops in Iran and the depredations being committed by Iraqi forces against Iranians in their own land.

13. Mr. AL-KAISY (Observer for Iraq) said the allegation that Iraq had been the aggressor in the conflict with Iran was a further instance of the Iranians' falsification of events. The Iraqi Minister for Foreign Affairs, in addressing the General Assembly on 3 October 1980, had given an account of the violations of Iraq's territorial integrity which Iran had begun on 4 September 1980. Iraq, of course, had had to defend itself; but it had constantly called for negotiations and had accepted all the initiatives proposed by various international bodies - initiatives which Iran had rejected because of its expansionist and racist policies, fostered by zionism and imperialism. One example of Iran's expansionist aims was the conspiracy recently revealed in Bahrain.

14. Islamic communities in the United States and Canada had strongly condemned the killing by Iranian forces of Iraqi prisoners of war as a violation of the precepts of Islam, and had called on all Muslims and other peace-loving peoples to denounce the régime responsible for that crime. Iraq had no quarrel with the Iranian revolution; but it would resist to the utmost any attempt to interfere in its own affairs.

15. Mr. SABZALIAN (Observer for Iran) said that it ill became the representative of Iraq to speak of respect for international law when its forces were occupying another country's territory, or to invoke the precepts of Islam when Iraq claimed, according to the President of Iraq himself, that the Islamic religion belonged to Arabs alone.

QUESTION OF MEASURES TO BE TAKEN AGAINST IDEOLOGIES AND PRACTICES BASED ON TERROR OR INCITEMENT TO RACIAL DISCRIMINATION OR ANY OTHER FORM OF GROUP HATRED (agenda item 22)
(continued) (E/CN.4/1982/L.53 and L.69)

16. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/1982/L.53 on behalf of the delegations of Bulgaria, the German Democratic Republic and Poland as well as his own delegation, said that the people of his country, one quarter of whom had died in the Second World War in the struggle against nazism, fascism, aggression and occupation, were especially concerned at signs of the re-emergence of neo-nazi and neo-fascist groups and organizations in certain parts of the world. The draft resolution called for consideration of the problem of defence against neo-nazism and neo-fascism. Noting that some countries had expressed reluctance to take the measures necessary to suppress the activities

of such groups and organizations on the grounds that such measures might interfere with the freedom of opinion and association, he said that the exercise of those freedoms could not be allowed to jeopardize the freedom of other peoples. The draft resolution essentially followed the line taken in General Assembly resolution 36/162, with the one new element that the entire matter should be studied at the thirty-ninth session of the Commission with a view to the preparation of an international legal instrument providing for the right of defence against neo-nazism and neo-fascism. He was confident that the draft resolution would cause no difficulties and could be adopted by consensus.

17. Mr. WALKATE (Netherlands), introducing on behalf of the delegations of Australia and Canada as well as his own delegation document E/CN.4/1982/L.69 which contained amendments to draft resolution E/CN.4/1982/L.53, said that he begged to differ with the representative of the Byelorussian Soviet Socialist Republic about the acceptability of the draft resolution. Without intending to belittle the dangers of the evils referred to in the draft resolution, he felt that it should be put in its proper perspective. The evils of totalitarian régimes were well known and came in various forms, including nazism, fascism, neo-nazism, and neo-fascism. Draft resolution E/CN.4/1982/L.53 departed in not insignificant ways from Commission resolution 3 (XXXVII) and General Assembly resolution 36/162, both of which had been the result of lengthy and careful negotiations. It would be counterproductive and regrettable, therefore, to have to go over the same ground again. The Commission should follow the guidance laid down by the General Assembly, first of all by using the title of the General Assembly resolution. Since the amendments contained in document E/CN.4/1982/L.69 were all aimed at bringing the text of the draft resolution into line with Commission resolution 3 (XXXVII) and General Assembly resolution 36/162, which had been adopted without a vote, he hoped that all delegations would also agree to the amendments without a vote.

18. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), referring to the Netherlands amendments, said that if the same criteria were applied to those amendments as had been applied to the amendments to a previous resolution, it was at least arguable that the amendments constituted not amendments as such but an entirely new draft resolution. However, his delegation did not seek a discussion on the status of the amendments. He felt that the merit of the draft resolution lay in the fact that it represented progress beyond the decision taken by the Commission, and that was of value since the Commission could not remain static in its thinking. However, in a spirit of compromise, the sponsors of the draft resolution could accept amendments 1, 2, 3, and 5, as well as amendment 7 with a slight revision, namely, that amendment 7 should be extended by the following text: "with a view to the preparation of an international legal instrument providing for the right of defence against neo-nazism and neo-fascism".

19. Mr. WALKATE (Netherlands) said that, while he welcomed the Byelorussian representative's flexibility, he could not easily endorse departures from the agreed language of Commission resolution 3 (XXXVII) and General Assembly resolution 36/162. He suggested, therefore, that the Commission should vote on the fourth, sixth, and seventh amendments if the sponsors of the draft resolution were unable to accept them.

20. Mr. MORENO-SALCEDO (Philippines) said that there were many types of extreme ideologies, including nazism and fascism, but the international instrument called for in the Byelorussian resolution would be limited to neo-nazism and neo-fascism. Most States of Asia and other parts of the world, in particular his own country, had never experienced nazism or fascism, not even during the Second World War, although they had experienced other forms of extreme ideologies. Consequently, a resolution referring only to those two extreme ideologies would not have the same effect for many countries as a document dealing with all forms of extreme ideologies.

21. Mr. BYKOV (Union of Soviet Socialist Republics) said that the subject dealt with in draft resolution E/CN.4/1982/L.53 was of extreme importance, as could be seen from the attention devoted to it by the General Assembly and the Commission itself. The struggle against Nazi and Fascist ideologies was a vital practical necessity. The sponsors of the amendments in document E/CN.4/1982/L.69 should realize that the sponsors of the draft resolution had accepted nearly six of the seven amendments proposed and that the draft resolution, as thus amended, would take due account of General Assembly resolutions 35/200 and 36/162. The sponsors of the amendments should not press the remaining amendments. If they did, his delegation would have to vote against them.

22. Mr. WALKATE (Netherlands) said that the Commission's mandate to discuss the item had been granted by the Economic and Social Council and the General Assembly. Therefore, to single out one or two forms of totalitarian ideologies represented a kind of insubordination. He suggested that the modification proposed by the Byelorussian representative to amendment 7 should read: "With a view to the preparation of an international instrument providing for the right of defence against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which had such consequences", again using the language of General Assembly resolution 36/162, which had, he repeated, been adopted without a vote and had been based on Commission resolution 3 (XXXVII). The latter resolution had in turn been the result of lengthy negotiations between interested delegations.

23. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the Philippines was indeed fortunate in not having had to experience all the horrors of the extreme anti-human ideology of Nazism. His own delegation, representing a country that had fully experienced those horrors, felt it important to single out the worst, most extreme of the totalitarian ideologies, namely nazism and fascism, which had been the source of the bloodiest war in the twentieth century. The people of his country were dedicated to the struggle to prevent the re-emergence of, or any support for, such ideologies.

24. With regard to the points made by the representative of the Netherlands concerning the mandate granted by the General Assembly, he asked why the sponsors of the amendments insisted on amending paragraph 3 of the draft resolution, which was, after all, also part of the mandate of the General Assembly as laid down in resolution 36/162. The title of the item specified in the General Assembly resolution referred to "measures" and the draft resolution that he had introduced sought to give practical implementation to that request. It was, of course, difficult to prepare an international instrument but work should begin as soon as possible, out of respect for the millions of past victims of Nazi and Fascist ideologies. The United Nations had arisen from the struggle against nazism and

fascism and the Commission could not refuse to prepare a document against those specific and well-known ideologies. The notion of "totalitarian" ideologies was, on the other hand, amorphous; the few definitions available could be found only in Western writings.

25. Mr. MORENO-SALCEDO (Philippines) thanked the representative of the Byelorussian SSR for his explanations and said that he was fully aware of the sufferings of the Soviet people in the Second World War. However, the present issue was to consider the possibility of drawing up an international legal document condemning certain totalitarian ideologies. His own country had fortunately not undergone the persecution of fascism and nazism, but it did have experience with certain extremist groups. A document which did not refer to such groups, therefore, would be difficult for his delegation to understand. He would be prepared to vote for the draft resolution if another legal document could be prepared to cover different ideologies in other countries.

26. Mr. BELL (Canada) said that his delegation had engaged in lengthy consultations with other delegations about the present draft resolution and similar texts, but the results had not been wholly satisfactory. He hoped that the Commission would not be forced to vote on a question which tended to arouse intense feeling. He had been impressed by the moving statements made by the representative of the Byelorussian SSR both in the Commission and in the General Assembly. He was only too well aware that 20 million of that representative's compatriots had been killed as a result of an extreme ideology and he could fully understand the importance which that representative attached to the draft resolution. It was, therefore, very much to be hoped that agreement could be reached without a vote. The language of document E/CN.4/1982/L.69 had been worked out a year before, and he appealed to the sponsors of draft resolution E/CN.4/1982/L.53 to adhere to that language as closely as possible.

27. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) thanked the representatives of the Philippines and Canada for their understanding of his delegation's attitude, and suggested that the point raised by the Philippine representative might be met by adding some such phrase as "and other forms of totalitarian ideologies and practices". He proposed that the Commission should accept the amendments he had agreed to in document E/CN.4/1982/L.69. It should then adopt the draft resolution without a vote.

28. Mr. WALKATE (Netherlands) said he found it difficult to forgo a decision which had been taken without a vote by the General Assembly and endorsed by the Economic and Social Council. He was willing to accept the addition of a reference to the legal instrument suggested by the representative of the Byelorussian SSR, provided that it was followed by the relevant text adopted by the General Assembly and the Council.

29. Mr. CALERO RODRIGUES (Brazil) said that in the present circumstances a decision taken without a vote would not be meaningful and might even be harmful to the Commission's future work. He therefore proposed that the Commission should inform the General Assembly that, owing to lack of time, it had not completed its consideration of agenda item 22 and would do so at its next session.

30. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that it had been impossible to reach a consensus regarding the text of draft resolution E/CN.4/1982/L.53 chiefly on account of the regrettably unco-operative attitude of the Netherlands delegation. The sponsors, therefore, were forced to request a vote on that draft resolution.

31. Mr. MARTINEZ (Argentina), supported by Mr. BELL (Canada), proposed that the matter should be deferred until the Commission's thirty-ninth session, since it was highly desirable to achieve adoption by consensus of a document relating to such an important topic.

32. Mr. WAIKATE (Netherlands) said that at no time had his delegation been unwilling to co-operate. However, it had been approached in regard to the text only half an hour before. It supported the proposal to defer consideration of the matter until the thirty-ninth session.

33. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the sponsors could agree to that course, on the understanding that the subject would appear as a matter of high priority on the agenda for the Commission's thirty-ninth session.

34. It was so decided.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 14) (continued) (E/CN.4/1982/L.38)

35. Mr. TAFFAR (Algeria), introducing draft resolution E/CN.4/1982/L.38, said that his delegation was fully satisfied with the progress made by the Working Group established by the General Assembly to prepare an international convention on the protection of the rights of all migrant workers and their families. It was convinced of the urgent need to adopt a comprehensive convention on that matter and hoped that the General Assembly would take the necessary measures. The draft resolution was purely procedural in nature and he hoped that the Commission could adopt it by consensus.

36. The CHAIRMAN announced that the delegation of the Federal Republic of Germany had requested a vote on that draft resolution.

37. Mr. JOHNSON (United States of America) said that his delegation would abstain in the vote on the draft resolution since, in spite of the progress made by the Working Group, it was convinced that ILO was the appropriate forum for drafting a new international instrument on the matter. If that instrument was prepared outside ILO, it would not have the benefit of the great experience of ILO experts and ILO's detailed reporting system.

38. Mr. WAIKATE (Netherlands) said that if the draft resolution was put to the vote, his delegation would have to abstain since it was not convinced that there was an urgent need to adopt a convention on that subject within the framework of the General Assembly. In view of the great variety of migrant problems all over the world, there were other forums which were much better equipped to draft a useful convention.

39. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1982/L.38.
40. At the request of the representative of Cuba, the vote was taken by roll-call.
41. Japan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, Fiji, France, Ghana, Greece, India, Italy, Japan, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Germany, Federal Republic of, Netherlands, United States of America.

42. Draft resolution E/CN.4/1982/L.38 was adopted by 39 votes to none, with 5 abstentions.

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 17) (continued)
(E/CN.4/1982/L.54)

43. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/1982/L.54, said that the language of the draft resolution was clear and easily understandable and should cause no difficulties. He hoped, therefore, that it could be adopted by consensus.

44. Viscount COLVILLE OF CUIROSS (United Kingdom) said that his delegation could agree to the draft resolution subject to the following amendments, which he read out.

45. In the second preambular paragraph, the following words should be inserted after the words "called upon to promote": "universal respect for, and observance of, human rights and fundamental freedoms for all".

46. The fifth preambular paragraph should be replaced by the following: "Considering that States should take action for the realization by youth of all their human rights and fundamental freedoms, including the right to education and the right to work, so that young people may really play an active role in the political, economic and social development of their country".

47. In the seventh preambular paragraph, the final clause should be amended to read: "for securing for youth all of their human rights and fundamental freedoms, including the right to education and the right to work".

48. In operative paragraph 1, the word "political" should be inserted before the words "economic and social development" in the second line and before the words "social and economic development" in the third line. In the penultimate line of the same paragraph, the words "exercise of human rights and fundamental freedoms and of" should be inserted before the words "the right of peoples".
49. In operative paragraph 2, the words "the exercise of the rights of youth to education and work" should be replaced by the words "the exercise by youth of all their human rights and fundamental freedoms, including the right to education and work".
50. In operative paragraph 4, the words "the exercise of the rights of youth to education and to work" should be replaced by the words "the exercise by youth of all of of their human rights and fundamental freedoms, including the right to education and to work".
51. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that he had no objection to those amendments.
52. Mr. ALVAREZ VITA (Peru) pointed out that the word "education" in the fifth preambular paragraph and in operative paragraphs 2 and 4 had been translated in the Spanish text as "enseñanza", which meant "teaching" rather than "education".
53. The CHAIRMAN said that the word "education" was the correct term in the English text.
54. Mr. BOND (United States of America) said he was prepared to agree to the draft resolution without a vote. However, his acceptance of a consensus in no way modified his delegation's position that the exercise of full sovereignty over natural wealth and resources, referred to in operative paragraph 1, should be consistent with the recognized standards of international law.
55. Mr. LANG (Federal Republic of Germany) and Viscount COLVILLE OF CULROSS (United Kingdom) supported the view expressed by the United States representative.
56. Draft resolution E/CN.4/1982/L.54 was adopted without a vote.
- ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 23) (continued)
(E/CN.4/1982/L.48)
57. Mr. PACE (Secretary of the Commission) announced that Bulgaria, Ghana and Poland had joined the sponsors of draft resolution E/CN.4/1982/L.48 on assistance to Uganda.
58. Mr. OTUNNU (Uganda), introducing draft resolution E/CN.4/1982/L.48, said that it was a follow-up to Commission resolution 30 (XXXVII). His country was still suffering from the enormous economic, social and political problems inherited from a decade of Fascist dictatorship. The recently elected Government had drawn up a comprehensive reconstruction programme and there were a few areas in the field of human rights, listed in operative paragraph 1, where the Commission could make a contribution as a gesture of its concern.
59. Draft resolution E/CN.4/1982/L.48 was adopted without a vote.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 11) (continued) (E/CN.4/1982/L.36, L.39, L.44 and L.59)

60. Mr. RANGACHARI (India), speaking as Chairman-Rapporteur of the Working Group established under Commission resolution 23 (XXXVII), introduced its report (E/CN.4/1982/L.39). In the limited time at its disposal, the Working Group had concentrated its discussion on the Commission's methods of work. The areas of agreement were embodied in the draft resolution proposed in paragraph 18 of the report. As a result of further consultations, he wished to make some amendments to the text. In operative paragraph 5, second line, the words "and methods" should be added after the words "its programme". The end of that paragraph should be replaced by the text suggested by the Danish delegation, which was set out in paragraph 18 (d) of the report. In operative paragraph 6, first line, the phrase "when considering its organization of work" should be added after the words "thirty-ninth session". At the end of operative paragraph 8, the phrase "taking into account the work being undertaken in implementation of its resolution 22/1982" should be added.

61. The Commission took note of the report of the Working Group (E/CN.4/1982/L.39).

62. The Commission adopted the draft resolution proposed in paragraph 18 of that report, as amended, without a vote.

63. Mr. FLOOD (United States of America), speaking in explanation of vote, said that his delegation had agreed to the adoption of the draft resolution without a vote in a spirit of consensus and because it agreed with much of the draft resolution's content. With regard to paragraph 5 of the text, however, his delegation stressed that there was no change in its long-standing position with regard to certain aspects of General Assembly resolution 32/130. If there had been a vote on the draft resolution, his delegation would have abstained.

64. The CHAIRMAN drew attention to document E/CN.4/1982/L.44 setting forth the financial implications of draft resolution E/CN.4/1982/L.36.

65. Mr. WALKATE (Netherlands), introducing draft resolution E/CN.4/1982/L.36, said that it would provide the legal authorization for the Secretariat to distribute, in as many languages and forms as possible, the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

66. Draft resolution E/CN.4/1982/L.36 was adopted without a vote.

67. The CHAIRMAN pointed out that in draft resolution E/CN.4/1982/L.59, operative paragraphs 2 and 7, the word "thirty-eighth" should be replaced by "thirty-ninth".

68. Draft resolution E/CN.4/1982/L.59 was adopted without a vote.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES
(agenda item 21) (continued)(E/CN.4/1982/L.42 and L.62)

v
69. Mr. TOSEVSKI (Yugoslavia), speaking as Chairman-Rapporteur of the informal Working Group set up to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, introduced its report (E/CN.4/1982/L.42). The Working Group had continued its first reading of the draft declaration and had approved the preambular part. It had also continued its consideration of article 1. He proposed that the Commission should adopt draft resolution E/CN.4/1982/L.62 authorizing the Working Group to continue its work at the Commission's next session.

70. The Commission took note of the report of the Working Group (E/CN.4/1982/L.42).

71. The Commission adopted draft resolution E/CN.4/1982/L.62 without a vote.

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 13) (continued)
(E/CN.4/1982/L.35, L.41 and L.47)

72. Mr. LOPATKA (Poland), speaking as Chairman-Rapporteur of the Working Group on a draft convention on the rights of the child, introduced its report (E/CN.4/1982/L.41). He thanked the participants and the Secretariat for their co-operation. Turning to draft resolution E/CN.4/1982/L.35, he announced that Australia and Cuba had joined the sponsors. The draft resolution was a procedural resolution which would enable the Economic and Social Council to authorize the Commission to continue to give priority to the work on the draft convention, in accordance with General Assembly resolution 36/57.

73. The CHAIRMAN announced that Greece had joined the sponsors of the draft resolution and drew attention to the statement of its financial implications contained in document E/CN.4/1982/L.47.

74. Mr. JOHNSON (United States of America) commended the Secretariat for the drafting of the report, which reflected lengthy and complicated discussions. It would represent a contribution to the legislative history of the convention.

75. Mrs. HERRAN (Observer for Colombia) associated herself with the comments of the United States representative and announced that her delegation wished to become a sponsor of the draft resolution.

76. The Commission took note of the report of the Working Group (E/CN.4/1982/L.41).

77. The Commission adopted draft resolution E/CN.4/1982/L.35 without a vote.

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

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(agenda item 10) (continued) (E/CN.4/1982/L.29, L.40, L.52 and L.63)

78. The CHAIRMAN, in the absence of the Chairman-Rapporteur of the Working Group on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, invited the Commission to take note of its report (E/CN.4/1982/L.40).

79. The Commission took note of the report of the Working Group (E/CN.4/1982/L.40).

80. The CHAIRMAN drew attention to document E/CN.4/1982/L.63 setting forth the financial implications of draft resolution E/CN.4/1982/L.52.

81. Mr. DYRLUND (Denmark), introducing draft resolutions E/CN.4/1982/L.29 and L.52, said that the former called on Governments to contribute to the United Nations Voluntary Fund for Victims of Torture. Draft resolution E/CN.4/1982/L.52 was a resolution which would enable the Economic and Social Council to authorize the Working Group to complete its work on the draft convention.

82. Mr. WALKATE (Netherlands) suggested that, as a practical gesture, all members of the Commission should make a contribution to the Fund. His own Government had contributed 125,000 guilders.

83. Draft resolutions E/CN.4/1982/L.29 and L.52 were adopted without a vote.

84. The CHAIRMAN thanked the Working Groups and their respective Chairmen-Rapporteurs for the satisfactory results of their work.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)
(E/CN.4/1982/L.21, L.30, L.32 and L.34)

85. Ms. WELLS (Australia) said that there had been extensive consultations on the text of draft resolution E/CN.4/1982/L.21 and a great deal of interest expressed in it, as reflected in the amendments contained in documents E/CN.4/1982/L.30, L.32 and L.34. Unfortunately, there had been insufficient time to take account of all the views expressed and to reach a consensus concerning the text. The main point was that some delegations wished to widen the scope of the topic, believing that consideration should not be restricted to the aspects discussed in the General Assembly but should be extended to cover all peoples and all situations. The sponsors of draft resolution E/CN.4/1982/L.21 hoped that a large measure of agreement on the matter could be reached in the future. For the time being, they wished to withdraw the text of the draft resolution; the amendments would likewise be withdrawn.

ORGANIZATION OF THE FUTURE WORK OF THE COMMISSION

86. The CHAIRMAN reminded the Commission that in closed meeting it had already decided to set up, subject to the approval of the Economic and Social Council, a working group consisting of five members to meet one week prior to the Commission's thirty-ninth session in order to consider any situations referred to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session and to consider any outstanding matters which the Commission had decided to keep under review. He invited the Commission to decide whether to request the Council to authorize three additional hours a day of meeting services for the Commission at its thirty-ninth session.

87. Mr. NYAMEKYE (Deputy Director, Division of Human Rights), announcing the programme budget implications under rule 28 of the rules of procedure, said that the cost of the proposed meeting services would amount to approximately \$US 300,000 for 1983.

88. Mr. RANGACHARI (India) said his delegation feared that the considerable additional expenditure would lead only to further very late meetings and to a lack of time for delegations to study the documentation properly and prepare their statements. The additional hours involved would amount to the equivalent of two further weeks of work for the Commission. It would surely be better, therefore, to extend future sessions by two weeks rather than meet for so many hours each day as at present. A wiser course altogether might be simply to impose a time-limit on statements. He proposed that no decision on the matter should be taken at the current session.

89. It was so agreed.

The meeting rose at 6.25 p.m.