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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Fortieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) */ OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 September 1988, at 4 p.m.

Chairman: Mr. BHANDARE

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*/ The summary record of the first part (closed) of the meeting appears
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Sub-Commission at this session will be consolidated in a single corrigendum,
to be issued shortly after the end of the session.

The public meeting was called to order at 4.15 p.m.

CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-FIRST SESSION OF THE SUB-COMMISSION (agenda item 16) (E/CN.4/Sub.2/1988/L.1)

Document E/CN.4/Sub.2/1988/L.1

1. Mr. TÜRK, Rapporteur, said that in the above document the Sub-Commission had before it a note containing a draft provisional agenda for its forty-first session, which had been prepared in accordance with Economic and Social Council resolution 1894 (LVII) and on the basis of decisions taken by the Sub-Commission at its current and previous sessions. Under agenda item 16, the members of the Sub-Commission now had the opportunity to introduce any proposals or amendments they wished to make regarding the draft provisional agenda.
2. Mr. TREAT, referring to paragraph 9 (a) of document E/CN.4/Sub.2/1988/L.1, proposed that the sub-item entitled "Report on staff members of United Nations system" should be amended to read "Report by Mrs. Bautista" to reflect the agreement reached earlier in the session concerning that topic.
3. The CHAIRMAN said that the draft provisional agenda would be duly amended. In reply to questions by Mr. YIMER and Mr. ALFONSO MARTINEZ, he confirmed that item 17 ("The protection of minorities") would, as agreed, be included under agenda item 15.
4. Document E/CN.4/Sub.2/1988/L.1, as orally amended, was adopted.

REPORT OF THE FORTIETH SESSION (agenda item 17) (E/CN.4/Sub.2/1988/L.20 and addenda, E/CN.4/Sub.2/1988/L.21 and addenda)

5. Mr. TÜRK, Rapporteur, introducing the draft report of the Sub-Commission on its fortieth session, said that the procedural part of the draft report was set out in a number of self-contained draft chapters in document E/CN.4/Sub.2/1988/L.20 and Add.1-13. Those sections of the report not yet issued would be available shortly. In the meantime, he suggested that the Sub-Commission should proceed to take a decision on the draft chapters which were already before it.

Document E/CN.4/Sub.2/1988/L.20 (Parts I and I-1)

6. Document E/CN.4/Sub.2/1988/L.20 (Parts I and I-1) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.1 (Parts I and II)

7. Document E/CN.4/Sub.2/1988/L.20/Add.1 (Parts I and II) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.2 (Part I)

8. Mr. ALFONSO MARTÍNEZ wished his name to be included among the speakers listed in paragraph 4 of the document under consideration.

9. The CHAIRMAN said that the draft chapter would be duly amended.

10. Document E/CN.4/Sub.2/1988/L.20/Add.2 (Part I), as orally amended, was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.3 (Parts I and II)

11. Document E/CN.4/Sub.2/1988/L.20/Add.3 (Parts I and II) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.4 (Part I)

12. Document E/CN.4/Sub.2/1988/L.20/Add.4 (Part I) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.5 (Parts I and II)

13. Document E/CN.4/Sub.2/1988/L.20/Add.5 (Parts I and II) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.6 (Parts I and II)

14. Document E/CN.4/Sub.2/1988/L.20/Add.6 (Parts I and II) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.7 (Part I)

15. Mr. TÜRK, Rapporteur, said that the above document would be amended to reflect the fact that Mr. Alfonso Martínez had presented the report of the sessional Working Group on Detention (E/CN.4/Sub.2/1988/28) under agenda item 9 (a).

16. Document E/CN.4/Sub.2/1988/L.20/Add.7 (Part I), as orally amended, was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.8 (Parts I and II)

17. Document E/CN.4/Sub.2/1988/L.20/Add.8 (Parts I and II) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.9 (Part I)

18. Document E/CN.4/Sub.2/1988/L.20/Add.9 (Part I) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.10 (Part I)

19. Document E/CN.4/Sub.2/1988/L.20/Add.10 (Part I) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.11 (Part I)

20. Document E/CN.4/Sub.2/1988/L.20/Add.11 (Part I) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.12 (Part I)

21. Document E/CN.4/Sub.2/1988/L.20/Add.12 (Part I) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.13 (Part I)

22. Document E/CN.4/Sub.2/1988/L.20/Add.13 (Part I) was adopted.

Document E/CN.4/Sub.2/1988/L.20/Add.13 (Part II)

23. Mr. ALFONSO MARTÍNEZ, Mr. ILKAHANAF and Mr. VARELA requested that their names should be included in paragraph 13 of the document.
24. Document E/CN.4/Sub.2/1988/L.20/Add.13 (Part II), as amended, was adopted.
25. Mr. TÜRK, Rapporteur, said that Part II of the report, relating to action taken by the Sub-Commission, had been issued on 29 August 1988. In view of the fact that not all the relevant documents were ready, the Sub-Commission might wish to take a decision as to its course of action.
26. Mr. YIMER recalled that the same problem had arisen at the previous session, and the Sub-Commission had decided to entrust the Rapporteur and the Secretariat with completing the report on the basis of the discussions held. He proposed that the Commission should take the same decision.
27. Mr. JOINET endorsed Mr. Yimer's proposal. Having been the Rapporteur at the previous session, he was in a position to know that that procedure had raised no problems.
28. The CHAIRMAN said that if he heard no objection, he would take it that the Sub-Commission decided by consensus to adopt Mr. Yimer's proposal.
29. It was so decided.
30. The CHAIRMAN noted that a record number of studies and reports had been completed at the current session and would be transmitted to the Commission on Human Rights. The Sub-Commission had adopted 40 resolutions and 13 decisions, as compared to 37 resolutions at its previous session. It had opened up new vistas in areas such as the elimination of chemical weapons, AIDS, the draft declaration against disappearances, freedom of expression, and, above all, economic, social and cultural rights. Being from a third world country, he was well aware of the fact that lack of economic, social and cultural rights resulted in violations of political and civil rights.
31. The current session had seen significant contributions from all members, particularly new members, and more responsible statements from non-governmental organizations. In that connection, he noted that while most of the NGOs had made an excellent contribution, four or five of them had made statements of a subjective and personal nature, and he urged the NGOs to exercise restraint. There had been a more relaxed and positive response from Governments and more efficient co-ordination and co-operation from the Secretariat. The Sub-Commission had also benefited from the improved climate in international relations in most human rights areas.
32. On the subject of the Special Rapporteur of the Commission, Mr. Mazilu, he said that he hoped a solution would be found to enable a United Nations Special Rapporteur to complete the work entrusted to him. He had not yet received the original copy of the letter addressed to the Sub-Commission by Mr. Mazilu, but he had instructed the Secretariat to forward copies to all members when it arrived. He had not lost hope that Mr. Mazilu would submit his study at the following session of the Commission.

33. Forty years had elapsed since the adoption of the Universal Declaration of Human Rights. The world was changing and there was a growing desire for protection and promotion of the inherent dignity of man in society. The success of the Sub-Commission was due to its four components, namely, members, NGOs, observers and the Secretariat. It would continue to be a source of hope for vulnerable groups throughout the world.

34. Mr. TREAT, speaking on behalf of the Western region, thanked the Chairman for his valuable leadership in a very difficult task. He also wished to thank the NGOs and governmental observers for their contribution to the Sub-Commission's work. From a personal point of view, however, he believed that NGOs and State observers must not intrude on the members of the Sub-Commission. If members were to preserve their independence, they should not be subjected to attempts to influence them.

CLOSURE OF THE SESSION

35. After an exchange of courtesies in which Mr. AL-KHASAWNEH, speaking on behalf of the Asian region, Mr. RIVAS POSADA, speaking on behalf of the Latin American region, Mr. ASSOUMA, speaking on behalf of the African region, Mr. RAMISHVILI and Mr. CHERNICHENKO took part, the CHAIRMAN declared the session closed.

The meeting rose at 5.55 p.m.