

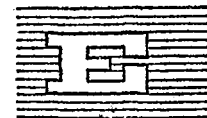
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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 48th MEETING */

(Second part)

Held at the Palais des Nations, Geneva,
on Friday, 4 March 1983, at 3 p.m.

<u>Chairman:</u>	Mr. BARAKAT	(Jordan)
later:	Mr. OTUNNU	(Uganda)

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*/ The first part of the summary record of the meeting was issued as document E/CN.4/1983/SR.48.

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QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued)

(E/CN.4/1983/9; E/CN.4/1983/L.49/Rev.1; E/CN.4/1983/L.54;
E/CN.4/1983/NGO/32; E/CN.4/1983/NGO/35; E/CN.4/1983/NGO/36; A/37/564)

1. Mr. O'DONOVAN (Ireland) noted that, in the view of the Chilean Commission on Human Rights, Chile continued to live in a state of emergency: political parties continued to be prohibited, there was no effective freedom of the press, publication or distribution, no freedom of association or peaceful assembly and no right to strike. Chileans were still expelled from their country by simple administrative decision, the courts rejected writs of habeas corpus, arbitrary detention and torture continued, the fate of many disappeared persons remained unknown and no steps had been taken to punish those responsible for their disappearance.
2. The Special Rapporteur on Chile confirmed that assessment of the human rights situation in that country by his statement that "no change occurred during the second half of 1982 to indicate any improvement in the situation" (E/CN.4/1983/9, para. 161). The Special Rapporteur had noted an increase in the number of reports of torture and observed that torture and ill-treatment had an institutional character in Chile and benefited from the tolerance of the administrative and judicial authorities. There did not appear to be any new cases of disappearances, but the 662 existing cases remained unresolved. His delegation once again appealed to the Chilean authorities to investigate and clarify the fate of the persons concerned and to take action against the individuals responsible for their disappearance.
3. His delegation welcomed the fact that during the past year some hundreds of the thousands of persons who had been exiled from Chile had been allowed to return. It urged the Chilean authorities to permit all exiles wishing to do so to return to Chile and at the same time to end the practice of internal exile which had developed more recently.
4. The refusal of the Chilean authorities to co-operate with the Special Rapporteur was a refusal to co-operate with the United Nations. That attitude, which was damaging to the Organization and especially to its humanitarian work, was highly regrettable. Given the continuing serious situation regarding violations of human rights in Chile, his delegation believed it was necessary once again to extend the mandate of the Special Rapporteur and once again it urged the Chilean authorities to co-operate with him.
5. Mr. MALKO (Ukrainian Soviet Socialist Republic) said that it was the tenth year running that the attention of the international community had been drawn to the tragic situation in Chile resulting from the seizure of power by the military Junta with support from outside imperialist forces.
6. The Junta continued blatantly to ignore all demands by United Nations bodies and the numerous resolutions of the General Assembly, the Economic and Social Council, the Commission on Human Rights and other bodies condemning its criminal activities. The many data concerning the gross and massive violations of human rights in Chile constituted a tragic chronicle of the suffering of the Chilean people under conditions created by its fascist dictatorship, which had deprived the population, especially the workers, of their most elementary rights and freedoms. Torture, terror and repression had become institutionalized under the Junta, and arbitrary arrests, disappearances and exile had become common in Chile, which had previously been distinguished by its democratic traditions.

7. The formal basis for the strengthening of repression in Chile was the new 1980 constitution and decrees and laws which concentrated power in the hands of the Armed Forces. Attempts to convince the international community that the situation was changing for the better were contradicted by the facts. The leaders of the regime had threatened to take severe measures against anyone involved in subversive activities; they had outlawed political parties at least until the end of 1983; the situation of emergency had again been prolonged for an undefined period; thousands of political prisoners housed in 180 concentration camps were subjected to terrible torture; 2,500 people had disappeared without trace; severe press censorship was exercised; and 95 per cent of literary publications did not reach Chilean readers.
8. Recent statements in the United States Congress to the effect that progress had been achieved in the field of human rights in Chile were hypocritical. According to the Special Rapporteur's report (E/CN.4/1983/9) there had been a significant increase in the number of people undergoing physical and psychological torture (paras. 39 and 40). To date, none of those responsible for those crimes had been punished.
9. The Special Rapporteur had further noted (*ibid.*, para. 170) that the situation regarding the exercise of economic, social and cultural rights was becoming increasingly further removed from the international norm. Moreover, new legislation made the situation of the workers even more difficult. The "miracle" of a flourishing Chile promised by the Junta following its bloody coup d'état had not materialized. The economic model used had led to economic disaster in the form of a sharp fall in the volume of industrial production, mass bankruptcy, and a catastrophic rise in prices and in the external debt, which had reached \$16 billion. At the same time, the standard of living of the workers continued to decline and unemployment was rife.
10. The war against inflation had led to the curtailment of all social programmes. United States monopolies had taken over the Chilean economy and had bought out the mining industry which had been its main support. Conditions had been favourable for such deals since the beginning of the year when the Junta had adopted a law concerning the activities of foreign corporations. According to official data, foreign investment in Chile amounted to more than \$5 billion, 80 per cent of which was attributable to the United States. Some 300 United States corporations shared in stripping the country of its resources. The economic sanctions introduced by the United States against Chile in 1976 had been pure fiction; United States banks continued to finance the Junta, United States monopolies continued to invest in Chile, and United States arms continued to reach the country.
11. International solidarity with the Chilean people and action by international organizations with the participation of the United Nations were vital to the struggle against fascism. The Commission on Human Rights, other United Nations bodies and the world community must continue to give attention to the question of Chile until the violations of human rights there ceased, an outcome which the Commission should do everything in its power to achieve. His delegation supported the proposal to extend the mandate of the Special Rapporteur. The situation in Chile was such that the Commission had an obligation to adopt a resolution providing for more decisive measures regarding the violations of human rights in Chile.
12. Mr. JERKIĆ (Yugoslavia) said that the information available showed that even such fundamental rights as the right to life, the right to freedom, the right to security, and the right to freedom of movement were substantially jeopardized in Chile. His delegation reiterated its consternation at the cases of torture and arbitrary arrests made by unauthorized persons. His delegation's opinion, as expressed the previous year, that the new Chilean Constitution, which contained numerous discriminatory provisions, represented the institutionalization of the violation of human rights in Chile had proved to be correct. That Constitution

envisaged the parallel implementation of two forms of martial law, and gave exceptional powers to the President of the Republic as well as extending his mandate until 1989.

13. Advantage must be taken of all opportunities to contribute to the restoration of the traditional democratic legal order in Chile by voicing the concern of the international community at the violation of basic human rights and freedoms in that country. His delegation fully supported the conclusions contained in the report of the Special Rapporteur (E/CN.4/1983/9) and considered that his mandate should be extended, thus showing that the international community had not abandoned its demands that violations of human rights in Chile should cease and that the Chilean authorities should discharge their obligations under the international instruments to which they had subscribed.

14. Mr. KONSTANTINOV (Bulgaria) said that the ruling Junta in Chile was continuing its policy of mass and flagrant violations of human rights. The main purpose of the fascist coup against the legitimate Allende Government had been to stifle every opportunity for social progress, to halt the natural process of social development and to create and maintain the most favourable conditions for the plunder of the Chilean people to the benefit of national and foreign big business. Ten years of terror and repression had not conferred any legitimacy upon the Junta. Claims that the situation in Chile had started to improve were designed to reconcile the international community with an intolerable faith accompli; the facts and information available proved that the situation in Chile had become even worse.

15. As the Special Rapporteur had emphasized, violations of the right to life were an integral part of the Junta's policy towards the Chilean people. Torture and ill treatment had an institutional nature in the Chilean State and were tolerated by the administrative and judicial authorities, while the security organs enjoyed impunity.

16. The Special Rapporteur had noted with regret the total lack of improvement in the human rights situation in Chile during the past year. None of the recommendations made by the international community had been heeded, nor had there been any indication of measures to restore enjoyment of human rights either at the legislative or judicial level or in executive practice.

17. Other sources of information showed that an authoritarian State, established by force, had unilaterally placed economic, political and social institutions in the hands of those who had let foreign business plunder Chile's national wealth as a reward for their active help in overthrowing the legitimate Government of the Chilean people at the cost of thousands of human lives and years of brutal fascist terror. The Chilean Junta was now trying to legitimize that terror by enforcing laws and conducting farcical elections so that it could complain that the United Nations had been selective and discriminatory in its treatment.

18. There had recently been signs in the Commission on Human Rights that the defenders of the Chilean regime were trying to side-step discussion of the situation of human rights in Chile under the proper agenda item so as to divert the attention of the international community from the issue. His delegation would oppose any such move as wholly unacceptable, since it aimed at the tacit recognition of a state of affairs which was incompatible with the Commission's concern for the alarming situation of human rights in Chile.

19. The evidence available showed that the fascist military Junta in Chile was guilty of the most brutal, gross and flagrant violations of human rights. For that reason, his delegation would support the extension of the Special Rapporteur's mandate.

20. Mr. SELVA GUTIERREZ (Nicaragua) said that his delegation shared the feelings of the international community with regard to the situation of human rights in Chile and wished to express its deep concern over the persistent deterioration in that situation, as reflected in the report of the Special Rapporteur (E/CN.4/1983/9).

21. In the report stress had been laid on the 1980 Constitution, which in no way reflected the freely expressed will of the people and whose provisions regulated, suspended or restricted the enjoyment and exercise of human rights. The right to life was a fundamental right for the entire international community, yet that most sacred of all rights was persistently violated by the Chilean Government. In that connection he mentioned in particular the murder of the trade union leader Tucape Jimenez, and the 662 cases of disappearances outstanding. He also referred to the increase in the number of reports of torture, a practice which was strictly prohibited by various international instruments.

22. He could not omit some mention of the situation of the Indians in Chile, which was becoming steadily worse. Recent information indicated that Decree-Laws Nos. 2568 and 2750 were being used to deprive the Mapuche community of their land.

23. His delegation called upon the Commission to extend the mandate of the Special Rapporteur and to continue considering the situation of human rights in Chile under a special item and as a matter of priority.

24. Mr. IBARRA (International Indian Treaty Council) said that his organization, which represented 98 Indian nations, had submitted a document (E/CN.4/1983/NGO/32) describing the serious situation of the indigenous peoples in Chile. Decree-Law No. 2568, concerning the division of Indian lands, continued to be applied in an improper and discriminatory manner, to a point where the holy places of the Mapuches were now being desecrated. His organization considered that the Chilean Government's actions violated the right of all peoples to create, maintain and conserve their religious sites and the right of the Indian peoples to their ancestral lands.

25. The concern expressed the previous year with regard to the Aymara populations of northern Chile had been confirmed by the presence of transnational copper corporations that used the little water available, which belonged to the Aymaras. The Aymaras lived in some of the most arid country on earth, and their life and culture were thus endangered.

26. The documents before the Commission showed that there had been no improvement in the general situation of human rights of Chile, while the political, social and cultural rights of the indigenous populations, established in numerous international instruments, were systematically violated. His delegation once again called for the rights of the Indians of Chile, particularly their right to possess their ancestral lands and their right to be recognized as specific peoples, to be respected. It also requested the Commission to extend the mandate of the Special Rapporteur.

27. Mr. ARTUCIO (International Commission of Jurists), after noting the Special Rapporteur's conclusion that there had been no improvement in the human rights situation in Chile in the second half of 1982, said that the negation of human rights in that country was facilitated by the new Constitution which had seriously impaired civil and political rights and had restricted economic, social and cultural rights.

Since September 1973, Chile had been living under a state of emergency which had gone under various names. It was the regime's need to offer an acceptable political image to the world community that had determined the preparation of a new Constitution and its adoption by a plebiscite which could not, however, be considered the free and genuine expression of the people's will. The Constitution was divided into two parts - permanent measures which would not come fully into force until 1999, and transitional provisions governing the period of "transition" which would last until 1989.

28. During the transitional period, all State power was concentrated in the hands of the Armed Forces: executive power was exercised by the military, without being subject to any effective control; legislative functions were performed by the military Junta and the Chief Executive, advised by a legislative body which had only advisory and not decision-making powers; and the judiciary had lost its independence and been deprived of part of its competence by the councils of war. Control over institutions extended to the regional level - for instance, mayors were appointed by the President of the Republic - and the universities were also headed by rectors appointed by the President, who were generally officers of the Armed Forces.

29. During the transitional period, Chileans could not exercise their political rights; they could not elect or be elected, since Parliament would only begin to function in 1990. The new Constitution appointed General Pinochet as President until 1989. During a state of emergency, the President was empowered to suspend the rights of assembly, association and expression by decree, to detain persons without a judicial warrant for up to 20 days, to expel foreigners and Chileans from the country, to prohibit Chileans from entering or leaving the country, or to send any person into internal exile for three months. As could be seen from the report of the Special Rapporteur, those exceptional powers were used to practise repression and intimidation against political and trade union opponents.

30. The past year had witnessed violations of the rights to life and freedom and restrictions on trade union rights, in the context of a profound economic and social crisis, with an unemployment level bordering on 25 per cent and a drop in real wages of 13 per cent.

31. He noted in particular Decree-Law No. 2568, which regulated land ownership by indigenous communities and adversely affected their basic cultural rights.

32. His delegation believed that the Commission should continue to consider the situation of human rights and fundamental freedoms in Chile while serious violations of those rights persisted. Chile must restore respect for human rights and fulfil its obligations under international instruments which sought to protect those rights.

33. Ms. GAER (International League for Human Rights) referred to violations of article 12 of the International Covenant on Civil and Political Rights, concerning the right to leave any country, including one's own, and to return to one's own country, and the right to freedom of movement therein, fundamental rights which all civilized nations should secure for their citizens. In Chile, the President possessed, and exercised, the authority to deny the right to leave the country. He also had the legal authority to deny Chileans re-entry into the country, as had been demonstrated in the case of Jaime Castillo, President of the Chilean Commission on Human Rights. Because of that official policy, the country's best talents were to be found abroad. Where freedom of movement within the country was concerned, the Chilean Government arbitrarily sent people into internal exile for up to three months.

34. The commission on the problem of exile established in Chile in November 1982 had been dissolved by the end of the year. It had been set up to review and propose to the President of the Republic solutions concerning the position of persons prohibited from entering the country. Expectations had risen and the members of the commission had taken their task seriously, recommending that some 600 persons, including most of the prominent exiles, should be allowed to return to Chile. The Chilean Government, however, had published a list of only 125 names, which contained none of the major figures in exile, but did include the names of some persons who were dead, others who had gone abroad as children or merely to work or study, and yet others who had never asked to return.

35. The International League for Human Rights had weighed the significance of that fact in conjunction with the other events of December 1982, including a mass rally at which trade unionists had been arrested and human rights lawyers beaten.

36. It was the League's view that the commission on the problem of exile had been established fraudulently to deceive the international community into believing that the human rights situation in Chile was changing, when in fact some 37,000 persons were kept abroad by decree. No nation, including Chile, should abuse the right to freedom of movement in that manner.

37. Mr. HANESSIAN (Procedural Aspects of International Law Institute/International Human Rights Law Group) said that during the debate under agenda item 12 his delegation had discussed the case of nations in which states of siege or emergency had become a permanent feature of the law of the land, with serious consequences for the protection of human rights. The Special Rapporteur on Chile had given clear details of the dual state of emergency in Chile, which facilitated the systematic and gross violation of human rights.

38. One of the highest priorities of his organization was the enforcement of United States law restricting United States military and economic assistance to Governments which violated human rights. With regard to Chile, the United States Congress had enacted the International Security and Development Co-operation Act of 1981, providing that no military assistance would be given to Chile unless the United States President submitted to Congress a detailed report certifying that the Government of Chile had made significant progress in complying with internationally recognized principles of human rights.

39. The report of the Special Rapporteur (E/CN.4/1983/9) was of crucial importance to organizations such as his own. It established with certainty that the Government of Chile was not only failing to improve the situation regarding enjoyment of human rights but had instituted mechanisms which ensured their continued violation. The human consequences of the Chilean tragedy extended far beyond the boundaries of Chile itself. More than 1 million Chileans were outside the country, tens of thousands in political exile. A national commission had been established to consider recommendations for the return of exiles, but the hopes placed in that body had been frustrated after only two months.

40. His delegation called for the adoption of draft resolution E/CN.4/1983/L.49, commending the Special Rapporteur for his report and extending his mandate. Continued vigilance by the Commission and the Special Rapporteur was essential so that the world might know the true state of human rights in Chile.

41. Mrs. KSENTINI (Observer for Algeria) said that the new Chilean Constitution had concentrated institutionalized power in the hands of the military, giving them special authority for executive, administrative, legislative, judicial and law-enforcement functions. The General Assembly and the Commission on Human Rights had already

stated their conviction that that Constitution, drawn up without the participation of the people, did not guarantee the protection of human rights and fundamental freedoms but on the contrary restricted them. The pseudo-reforms undertaken by the Chilean authorities had simply disrupted the traditional democratic legal order and replaced it by a state of emergency which flouted fundamental human rights.

42. The practice of torture by the security services, which enjoyed complete impunity, had become habitual; mass and arbitrary arrests affected thousands of people, the fate of persons who had disappeared since 1973 had still not been elucidated. Persecution and acts of intimidation were aimed in particular against persons defending human rights, trade unionists and members of associations of relatives of missing detainees. Another cause for concern was the restrictions on freedom of movement imposed on persons both within and outside the country.

43. The Chilean authorities chose to ignore the appeals of the international community and pursue the militarization of their regime in close collaboration with foreign powers who took advantage of the situation to infiltrate Latin America. Israeli ambitions in Latin America were becoming increasingly evident, while links had developed between the Chilean authorities and the racist regime of South Africa.

44. In his conclusions the Special Rapporteur had stated that the human rights situation in Chile had not changed for the better and that none of the recommendations made by the international community had been acted upon. The Commission should therefore continue to give that situation its particular attention under a separate, priority agenda item and extend the mandate of the Special Rapporteur.

45. Mr. NITSCHÉ (Observer for the German Democratic Republic) said that Chile had been governed for more than nine years by a group of military officers who had raised the denial of the most elementary human rights to the level of State policy despite numerous United Nations resolutions and continuing protests from all parts of the world. It was clear from the Special Rapporteur's latest reports that the ruling Junta had as much disregard as ever for the demands of the democratic forces in Chile and the broad world public supporting them. The state of emergency which was endlessly extended provided the formal basis for the use of terror by the regime and for its arbitrary practices.

46. The documents on the situation in Chile gave a number of examples of the Junta's practice of simply eliminating its political opponents. That confirmed anew the accuracy of the prediction made by the Special Rapporteur in 1981 that the Chilean secret police would increasingly tend to use death squads. Representatives of humanitarian institutions and relief organizations were under growing threat from gangs of right-wing terrorists.

47. The Special Rapporteur had further noted alarming new facts regarding the disappearance of persons - the Junta's favourite device for ridding itself of political opponents. The fate of more than 1,500 victims of that practice still remained uncertain and appeals to the Chilean authorities from the Commission and the General Assembly to account for the disappeared persons had all been ignored. Equally alarming were the figures regarding mass arrests in 1982, which had increased compared with the previous year. Detainees enjoyed no legal safeguards whatsoever, and arrests were effected without a warrant.

48. Another fact which his delegation could not pass over in silence was the outside support for Chile's military rulers, without which the fascist regime would long since have collapsed. He also wished to mention the Junta's expanding co-operation with the apartheid regime of South Africa. Both were backed by the same forces and the same States.

49. Despite the regime's intensified terror and repression, however, a broad opposition movement had sprung into existence based on all strata of society. World-wide solidarity with the Chilean people in their struggle to restore their democratic rights was of extraordinary significance.

50. It was vital that the Chilean regime should immediately provide information regarding the whereabouts of the 2,500 patriots who had been deported or had disappeared, discontinue its policy of mass arrests and release all persons imprisoned for political reasons, call a halt to torture by the secret police, restore all trade union rights and freedoms, and put an end to its policy of violating the economic and social rights of the country's working people.

51. The General Assembly and the Commission should continue to study the question of Chile as a matter of highest priority. His Government was willing to support the United Nations in that endeavour, since it was a basic principle of its foreign policy to practise solidarity with all peoples struggling for the realization of their inalienable rights.

52. Ms. MOLTKE-LETH (Observer for Denmark) said that her Government had for a number of years joined in the international community's expressions of concern over the human rights situation in Chile. The Chilean authorities had consistently refused to co-operate with the Commission on Human Rights and its Special Rapporteur on the grounds that they were selectively treated and that the Commission's resolutions were a distortion of the situation in Chile. In her delegation's view, however, the attention given to that problem by the United Nations was an expression of global solidarity with the Chilean people, and for the Commission to discontinue its consideration of the matter, an improvement in the human rights situation in Chile would be needed.

53. Unfortunately, no steps had been taken from the Chilean side which could justify a change of position. So far as her delegation could judge, there was no situation of exceptional danger existing within the country to justify the states of emergency. The right to physical and moral integrity was still being violated, torture and ill-treatment had become institutionalized, and no progress had been made in clearing up the fate of disappeared persons.

54. Although a special advisory commission had been set up to study the possible return of exiles, the total number of persons living in exile made it impossible, at the current stage, to interpret that step as a sign of a more liberal policy.

55. In view of the continuing reports on violations of human rights in Chile, the international community should keep the matter under consideration, and her delegation recommended the extension of the mandate of the Special Rapporteur for another year.

56. Mr. THUONG (Observer for Viet Nam) said that in Chile nearly all human rights had been trampled underfoot, from the most elementary rights to existence, security and privacy to freedom of movement, thought and expression and economic, social and cultural rights. Moreover, broad segments of the population were victims of those violations; 1.2 million persons had been exiled in the previous nine years, while millions of others inside the country lived without hope for the future in a climate of permanent insecurity and terror. Documents A/37/564 and E/CN.4/1983/9 could be complemented by the abundant information from non-governmental organizations and other sources, so as to corroborate the Special Rapporteur's assessment of massive and systematic violations of human rights and a regime of State terrorism.

57. One striking feature was the increasing sophistication of the repressive procedures used. He referred to torture carried out in secret places by specialized personnel, the poisoning of detainees, the prohibition on returning to Chile affecting tens of thousands of Chileans, active intimidation and persecution, arbitrary deprivation of economic and social rights, and the merciless exploitation of child labour.

58. International opinion should remember under what conditions and with the support of what forces the fascist Junta had come to power in 1973. One could not help making comparisons with the mass and systematic violations of human rights under the most tyrannical regimes of the last few decades in South Viet Nam, in Iran under the Shah and in Israel and South Africa. Such regimes had resorted to the same practices of denying all human rights, using the same psychologies, methods and techniques. It was not possible to condemn the gross violations of human rights by the fascist Junta in Chile without also condemning those who had been behind the anti-democratic coup d'état of 1973. Support to that regime by certain Western countries must cease.

59. The Government and people of Viet Nam venerated the memory of President Allende as an example of devotion to the cause of human rights. It would continue its firm support for the valiant struggle of the people of Chile and the restoration of human rights there.

60. No improvement could be seen in the situation of human rights, which might well be flouted even more cynically and brutally in Chile in the future. The argument that the Chilean regime should be left to undertake democratic reforms was only propaganda designed to divert opinion. The support and solidarity of the international community was essential.

61. His delegation supported draft resolution E/CN.4/1983/L.49 and opposed any attempt to shelve the question, which would be a dangerous encouragement to the fascist regime in Chile and to the neo-fascism re-emerging in many countries, and would do serious harm to the cause of human rights in the world.

62. Mrs. SLÁMOVÁ (Observer for Czechoslovakia) said that the flagrant violations of human rights in Chile continued without any improvement. It was a well-known fact that the Chilean regime was trying to enhance its image by such devices as the constitution of a commission to study the situation of exiles, the composition of which showed its real aim. It was apparent that the Chilean Government was not genuinely concerned to ensure the defence of human rights. Tens of thousands of Chileans were refused the right to live freely and without discrimination in accordance with the Universal Declaration of Human Rights.

63. In view of the steadily deteriorating situation in Chile, her delegation urged the Commission to continue to give attention to that question and supported the extension of the Special Rapporteur's mandate.

64. Mr. Otunnu (Uganda) took the Chair.

65. Mr. CHILOVITCH (Observer for the Byelorussian Soviet Socialist Republic) said that the tragic situation of the people of Chile caused serious alarm among progressive humanity. Various international bodies had adopted resolutions condemning the continued massive and flagrant violations of human rights. Those resolutions expressed general alarm with regard to the terror and repression prevailing in that country in all spheres of political and economic life and appealed to the Chilean authorities to restore basic human rights, and release all persons imprisoned for political reasons.

66. The new Constitution had not improved the situation but violated elementary human rights and freedoms, while alleged "threats to internal peace" served as a justification for new repressive activities. Violations of the rights to life, freedom, physical and moral integrity and personal security had been institutionalized and there had been an increase in arbitrary arrests, the practice of torture and the

murder of opponents of the regime by official security organizations protected by the authorities which were in turn protected in their widespread repression by the United States. Moreover, the international community's appeals to the Chilean authorities to investigate the fate of disappeared persons and to punish the officials responsible had been ignored. Violations of the most important social and economic rights continued, with the resultant impoverishment of the broad masses of workers. The authorities had brought the economy to an impasse; industrial production had declined, bankruptcy was common, there had been a catastrophic rise in prices and in the external debt, a continuing drop in the standard of living of the workers and an increase in unemployment. Every measure taken in the economy led to the further impoverishment of the people and the enrichment of the transnational corporations and national financial cliques.

67. There was a need to give continuing attention to the violations of human rights in Chile and to take all possible measures to bring the Chilean authorities to abandon their evil ways. He condemned the regime and those who supported it and called for an immediate end to infringements of human rights in that country.

68. Mr. SZELEI (Observer for Hungary) said that the tragic circumstances of the life of the Chilean people under the brutal repression of the Junta called for a concentrated effort from the Commission on Human Rights. His Government deplored the institutionalized terror and social oppression carried out by the military Junta, as reflected in the valuable report of the Special Rapporteur (E/CN.4/1983/9). In his delegation's view the Commission should make concentrated and renewed efforts to seek effective measures to put an end to the violations of human rights in Chile.

69. His delegation considered that not a single fundamental human right of the people of Chile was respected. Violations of the right to life, liberty, and physical and moral integrity had become permanent features of the situation there, and all members of the Commission had an obligation to exert every effort to end that tragic state of affairs. The oppression in Chile obviously coincided with the significant increase in financial and economic assistance from outside circles, which tended to disregard serious violations of human rights when their own political or strategic interests were at stake. His delegation was convinced that that kind of assistance would contribute to prolonging the situation in Chile.

70. His delegation supported the extension of the mandate of the Special Rapporteur as proof of its determination to put an end to the shameful human rights situation in Chile.

71. Mr. ZAWALONKA (Poland) said that the Special Rapporteur's most recent report (E/CN.4/1983/9) and his previous accounts of the situation of human rights in Chile formed a meticulously assembled and carefully systemized body of evidence attesting to mass and flagrant violations of human rights. That report was a grave indictment of the policies and practices of the illegitimate Chilean regime and a proof of its tenacious abuse of human rights. The disruption of the traditional democratic legal order had been compounded by the introduction of regressive legislation, incompatible with the international human rights instruments ratified by Chile. The new Constitution allowed interference with human rights and fundamental freedoms. Not only the procedure for applying article 4 of the International Covenant on Civil and Political Rights, concerning cases of public emergencies, but also the provisions with respect to inalienable rights and freedoms had been infringed.

72. The latest developments in Chile confirmed the gravity of the restriction and violation of human rights in that country. The abuses committed had an institutional character and benefited from the tolerance of the administrative and the judicial authorities. The fact that the Chilean regime arrogantly persisted in its ruthless and inhuman policy of harassment and persecution of the Chilean people could not be explained in terms of the perversity of the Junta members, for it was an interaction of vicious local interest with the interests of a protective external power that determined Chile's present condition. That factor was also responsible for the reversal of the democratic process of socialist reforms introduced by President Allende. It accounted for the denial of the Chilean people's right to self-determination and their freedom to choose their political destiny.

73. The noxious influence of the regime's policy was not confined within Chile's borders but was generating tension on an international scale, particularly since the establishment of regular contact between Chile and South Africa based on traffic in arms and the exchange of military personnel and advanced technology and information.

74. His delegation upheld all efforts aimed at putting an end to the mass and gross violations of human rights in Chile and had supported General Assembly resolution 37/183. It was of the opinion that the Special Rapporteur should be provided with every means for the resumption of his important task.

75. Mr. LAURIJSSEN (International Confederation of Free Trade Unions) said that his organization was well placed to confirm that, with respect to trade union rights, Chile had institutionalized repression and the total denial of basic rights and liberties. It was true that the murder and bloodshed of the military regime had gradually decreased, but the years of terror and intimidation had done their work, particularly in the ranks of the democratic trade union movement.

76. The current situation in Chile was characterized by an acute crisis brought about by the imposition of an unsuccessful economic system which stood no chance of long-term survival and which had led to a rise in unemployment and inflation, company closures and bankruptcies, a scarcity of foreign investment, and the denial of individual and social rights, while the situation was compounded by campaigns of terror which caused growing resentment and despair among the population. Organized trade union action and opposition, however, had been strengthened.

77. The trade union organizations which had voiced their opinions had been the victims of violent repression and their leaders had been imprisoned or expelled from the country. Faced with determined opposition by the unions, the Chilean authorities had resorted to murder.

78. In December 1982 the police had brutally intervened at a workers' demonstration held in Santiago to denounce the disastrous deterioration of the employment situation and the standard of living in the country. Several participants had been injured and some 50 trade unionists detained. One of them, Manuel Bustos, President of the National Trade Union Co-ordinating Body (CNS), had been expelled from the country and had subsequently come to Europe and given an eyewitness account of the state of the Chilean economy and the mounting repression exercised by a regime faced with bankruptcy.

79. Other methods of intimidation and harassment were used by the authorities to prevent the workers' movement from defending its legitimate rights. For instance, the trade union leader Mr. Mery Toro had been stopped and threatened by CNI agents on his way to a meeting, and in November 1982 the police had forced their way into CNS headquarters. In the past few months the authorities had refused lawful requests for legitimate trade union meetings, thereby denying a number of civil liberties and the right to freedom of movement.
80. In the light of the intolerable situation of brutal and gross violations of human rights in Chile, his organization had invited the Commission on Human Rights and other organizations to attend a world conference on human and trade union rights in Chile to be organized in March 1983, in order to give new impetus and guidance to the democratic trade union movement in its fight against the fascist dictatorship in Chile.
81. It remained the duty of the international community to do what it could to support the Chilean people in their peaceful aspirations and efforts to terminate that destructive chapter in their history. His delegation was confident that the Commission would decide to extend the Special Rapporteur's mandate.
82. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that the Special Rapporteur on Chile had given eloquent evidence of the aggravation of the methods used to violate the rights and freedoms laid down in the international instruments which guided the work of the Commission on Human Rights. In recent months there had been an increase in the steps taken by the people to claim their rights and freedoms, and the regime had responded by intensifying its repression. The Chilean press itself had reported how police dogs had been unleashed on demonstrators in August and December 1982, while the secret police had infiltrated the demonstrators and joined in attacking them. Those events had given rise to a further display of the courage of the Chileans when the Chilean Journalists' Association had filed a complaint against the Minister of the Interior.
83. The Chilean regime was resorting to increasing violations of human rights to defend its existence in the face of the praiseworthy efforts of the Chilean people, its social and political organizations and the Catholic Church to restore the democratic institutions and constitutional guarantees previously enjoyed.
84. His delegation considered that the measures and machinery agreed upon by the Commission on Human Rights should be maintained, and the mandate of the Special Rapporteur extended in order to achieve the liberation of the people of Chile through information and action. His organization noted with appreciation that the Commission had not hesitated to condemn the Chilean regime when the latter had seemed strong. Now that all the information indicated that the regime was increasingly isolated from civil society and its power no longer so unassailable, there was no reason for the international community to change its position.
85. One of the worst aspects of the situation was that Chile was becoming an example for other totalitarian countries. The Constitution of a certain African country was an exact copy of the new Chilean Constitution. The Commission had a duty to condemn such totalitarian and fascist ideologies, which were inimical to the self-determination of peoples.

86. Ms. DUMBAR (Afro-Asian People's Solidarity Organization) said that since her organization worked for solidarity with the peoples of Africa and Asia struggling for national independence, democracy and economic and social progress, it felt itself involved in events in Latin America and particularly in Chile, a country extremely significant for its republican development and advanced political experience up until 1973.

87. At a time when a broad-based opposition to the Chilean dictatorship had emerged, the international community could not vacillate in its support for the struggle of Chilean democrats and should condemn the methods used to suppress the rights and liberties of the Chilean people. The result of what had happened in Chile since 1973 was catastrophic, with countless violations of human rights and an acute economic and social crisis. Her organization offered its continuing solidarity with the people of Chile.

88. Mr. ZAHIRNIA (Observer for Iran) said that the wording of agenda item 5, "Question of human rights in Chile", was misleading since it led people to forget the heavy responsibility of the United States in Chile and other places. The Special Rapporteur should address himself to the root causes of the situation. The main cause was United States intervention through manipulation and the organized coup d'état of 1973. The second cause was that the kind of régime existing in Chile benefited from financial and military support from most Western countries. The third cause was the fact that every United States protégé in the world was assured of a place of refuge, as had been the case with the Shah of Iran, Somoza and others.

89. Most of the speakers who had preceded him had referred to the question of disappearances. That was a crime against humanity and his delegation did not understand why the proposal to adopt a resolution on the matter had been ignored. In the case of the more than 9,500 Iranian missing persons a number of resolutions existed.

90. Many statements had focused on the question of expulsion and exile. In Chile people were apparently expelled after a hearing, thus giving legal form to an illegitimate act of State.

91. Mr. HEREDIA (Cuba) said that none of the recommendations of the international community with regard to Chile had resulted in the adoption of measures aimed at restoring human rights. The persistent picture of violations was a consequence of the repression exercised by the fascist dictatorship of that country, supported by the United States. A climate of persecution and intimidation reigned, affecting both Chileans and the indigenous population.

92. The Special Rapporteur's report (E/CN.4/1983/9) contained a great deal of information on the repression of the Chilean people's collective efforts to secure their rights and freedoms. The methods of terror included recent police raids on some of the shanty towns in Santiago which had been described as preventive operations.

93. The Special Rapporteur had also shown how social, economic and cultural rights were being systematically violated. Public health and education had been transferred to the private sector, school meals had been reduced and university enrolment had been drastically cut back.

94. The violation of human rights in Chile was linked to a policy of economic indebtedness; the country and its wealth had been handed over to a foreign power and its economic future mortgaged. Nearly 10 years of violations, arrests, torture, murders, and expulsions had served to enrich minority groups and imperialist capital, especially from the United States. The Chilean people had lost a great deal while a tiny minority had made large profits.

95. Owing to the fact that Chile had strayed ever further from acceptable social norms under the ferocious policies of the dictatorship, it was necessary to extend the Special Rapporteur's mandate so that the study of the violations of human rights in Chile could be continued.

96. He expressed the hope that the question would soon cease to be a concern of the Commission on Human Rights as a result of the efforts by the Chilean people and of international solidarity.

97. Mr. GASMI (Libyan Arab Jamahiriya) said that the Special Rapporteur on Chile had shown that there were an increasing number of cases of illegal imprisonment and disappearances in that country and that freedoms were being suppressed and torture used.

98. His delegation considered that that situation could not have developed if the Junta had not received support from certain countries with an interest in upholding fascist regimes, particularly the United States, South Africa and Israel.

99. His delegation called on the Chilean regime to respect the right to life, to apply the principles of legality and to enable the people to exercise their rights under the international instruments subscribed to by the Chilean Government, and urged countries which assisted that regime to cease their assistance.

100. His delegation supported draft resolution E/CN.4/1983/L.49, but considered that it was incomplete because it failed to refer to those regimes which continued to support Chile.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-FIFTH SESSION (agenda item 20) (continued)
(E/CN.4/1983/L.34, L.35/Rev.1, L.36, L.42, L.43/Rev.1, L.46, L.47, L.57, L.64, L.67; E/CN.4/1983/4, chapter I-A, draft resolution I; draft resolution III; draft resolution VI; draft resolution X)

Draft resolution E/CN.4/1983/L.34

101. Viscount COLVILLE of CULROSS (United Kingdom), introducing draft resolution E/CN.4/1983/L.34, said that the debate under item 20 had been lively and constructive. There had been agreement on the independent, expert nature of the Sub-Commission and the desirability of maintaining that status, thus enabling the Sub-Commission to make a unique contribution in its field.

102. Since Sub-Commission members were elected in their individual capacity, ideally there should be no provision for their substitution by alternates, just as there was no provision for the substitution of experts on other human rights bodies. However, his delegation recognized that there were arguments for a system of alternates for the Sub-Commission to cover occasions when members were unable to attend a meeting because of sickness or for some other reason. The identity and qualifications of alternates were as important and relevant as those of the elected member himself, and alternates should possess similar qualities of independence and expertise. The electorate, namely the Commission on Human Rights, should be given the opportunity to weigh those factors.

103. Draft resolution E/CN.4/1983/L.34 was designed to meet those concerns. The understanding of the sponsors was that if the Economic and Social Council adopted the draft decision recommended, the proposed system would come into effect at the next round of elections, to be held at the Commission's 1984 session. The rules should be established in time for that occasion. He wished to make it clear that the system would in no way inhibit the right of a member of the Sub-Commission and his Government to nominate whomever they wanted as alternate, or to change alternates through a process of nomination and by-election at the Commission if their first choice was unable to serve.

104. The sole objective of the draft resolution was to promote the independent and expert character of the Sub-Commission. He believed that the text was generally acceptable and hoped that the Commission might be ready to adopt it without a vote.

105. Mr. PACE (Secretary of the Commission) said that the word "alternative" in subparagraphs (a) and (c) of the draft decision recommended to the Economic and Social Council for adoption should be replaced by "alternate". In addition, the Secretariat proposed to modify the French version of subparagraph (c) to bring it into line with the English original.

106. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that, in a spirit of goodwill and with a view to achieving a mutually acceptable solution, his delegation was ready to accept the main idea of draft resolution E/CN.4/1983/L.34. As it stood, however, the draft resolution contained a number of negative elements. In particular, subparagraph (c) of the proposed draft decision departed from rule 13.2 of the rules of procedure of the functional commissions of the Economic and Social Council, when there were no grounds for placing the Sub-Commission in an exceptional position vis-à-vis other, similar organs. In accordance with those rules of procedure, it was not States but members of the Sub-Commission that nominated alternates, that being a fairer and more democratic approach. He described several instances in which members had appointed their own alternates, who had made outstanding contributions to the work of the Sub-Commission.

107. The purpose of his delegation's proposed amendment in document E/CN.4/1983/L.67 was to reconcile draft resolution E/CN.4/1983/L.34 with the existing rules of procedure. In its view, an appeal to members of the Sub-Commission and their respective Governments to refrain from designating non-elected alternates would be sufficient to ensure that there was no abuse of the right to nominate alternates.

108. If a vote was taken on the draft resolution in its present form, his delegation would be obliged to vote against it. It was, however, an important draft, and the sponsors should endeavour to obtain a consensus.

109. Mr. CHOWDHURY (Bangladesh) said that the object of draft resolution E/CN.4/1983/L.34 was to ensure that, in the event of the absence of a member of the Sub-Commission, his alternate was a person elected by the Commission and therefore acceptable to it. One practical difficulty was that only the designated alternate could attend if a member was unable to attend; a developing country might not be able to cover the expenses of such a person. Another problem was the fact that while five or six members were elected from each geographical region, the draft resolution stated that the alternate had to be from the same country as the member.

110. Unless the resolution could be amended in such a way as to cover those points, he was not prepared to support it. It might be advisable to establish a working group, headed by Viscount Colville, to draft rules relating to alternates and transmit them to the Economic and Social Council for approval.

111. Mr. HEREDIA (Cuba) wondered whether the proposal contained in draft resolution E/CN.4/1983/L.34 was of a permanent nature and whether it did not contradict the rules of procedure of the functional commissions of the Economic and Social Council. He suggested that advice should be sought on the question and that no hasty decision should be taken in that regard.

112. Mr. CALERO RODRIGUES (Brazil) said that the question of alternates for Sub-Commission members had occupied the Commission for several sessions and that it would be desirable to take a decision on the subject. The proposal contained in draft resolution E/CN.4/1983/L.34 met the need to clarify the problem. He doubted whether rule 13.2 of the rules of procedure of the Council's functional commissions applied in the case of the Sub-Commission, since it referred to the case of subsidiary organs whose members were experts nominated by Governments serving in their individual capacity. In the case in question, the members were elected by the Commission on Human Rights, and anyone sitting on the Sub-Commission should be so elected.

113. What the draft resolution sought was not replacements for members temporarily absent, since the Sub-Commission could work with a few members absent. The problem was that some members could not commit themselves to attending an entire session, in which case alternates were designated under rule 13.2. He did not think that was a good practice. If it was decided to elect a member and an alternate at the same time, the possibility that both would be absent simultaneously was remote and the problem would be solved.

114. The amendment contained in document E/CN.4/1983/L.67 ran counter to the intention of the draft resolution, which required alternates on the Sub-Commission to be elected rather than to be appointed by members or Governments. His delegation would vote in favour of the draft resolution and against the Soviet amendment.

115. Mr. KONSTANTINOV (Bulgaria) said that he endorsed the remarks made by the representative of Bangladesh. He could not reconcile himself to the discrepancies between rule 13.2 of the rules of procedure and the proposals contained in draft resolution E/CN.4/1983/L.34. The only way to link them was through the amendment put forward in document E/CN.4/1983/L.67.

116. He appealed to the representative of the United Kingdom to find a means of incorporating that amendment in the draft resolution, which would make it easier for many delegations to approve it.

117. Viscount COLVILLE of CULROSS (United Kingdom) said that, in response to the representatives of Cuba and Bangladesh who had said that further thought should be given to certain details of draft resolution E/CN.4/1983/L.34, he wished to underline that the Commission was merely making a recommendation to the Economic and Social Council; he would suggest that that action should not be postponed. What was needed was a constructive and positive idea for the Economic and Social Council to follow up.

118. While the sponsors of the draft resolution were anxious to attract support from the maximum number of delegations in the Commission, they had difficulty in accepting the Soviet amendment in document E/CN.4/1983/L.67, since its adoption would mean that Governments would still be able to nominate whomsoever they wanted to serve as alternates on the Sub-Commission without any election process.

119. With reference to rule 13.2 of the rules of procedure, he observed that rules were not sacrosanct. In any event, the sponsors were not suggesting a wholesale amendment to the rules but a small exception. The solution which they proposed seemed practical if not perfect and he hoped that the Commission would endorse it, if necessary with a view to giving the question further thought.

120. Mr. HEREDIA (Cuba) asked the sponsors to clarify why, if there was no contradiction between the draft resolution and rule 13.2 of the rules of procedure of the functional commissions of the Economic and Social Council, it was necessary to use the word "notwithstanding". Only the Council could amend its rules. In his view, the matter should be given further study.

121. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the discussion had confirmed his fears that some members of the Commission wished to change the existing rules. Those rules had been suitable for 34 years, yet it was now being suggested that they were inappropriate. The debate showed that the question was not ripe for a solution. Not all the issues had been given the full and careful consideration needed to submit a proposal to the Economic and Social Council.

122. Mr. KONSTANTINOV (Bulgaria) said that the use of the phrase "decides that, notwithstanding" in the draft decision to be submitted to the Economic and Social Council implied that the Commission had practically amended the rules of procedure in advance. The draft resolution as it stood was contrary to those rules.

123. Mr. GONZALEZ de LEON (Mexico) said that under rules 22 and 24 of the rules of procedure the functional commission determined the functions, composition and working procedures of its sub-commission. The Commission was therefore within its rights in formulating provisions regulating the question of alternates in the Sub-Commission. The Sub-Commission had been working as though its intention were to constitute delegations rather than to select individuals who were chosen on the basis of their curriculum vitae and their personal merits.

124. His delegation was prepared to accept the amendment contained in document E/CN.4/1983/L.67 if the words "whenever possible" were deleted.

125. Mr. DHAVERNAS (Canada) observed that the representative of the Soviet Union had asked why a practice previously regarded as appropriate was to be changed. It had long been the belief of his delegation that that practice was unsatisfactory. It considered that the Commission was sovereign in the matter and could decide to recommend a modification of the rules. His delegation would not vote in favour of the Soviet amendment or the subamendment proposed by the representative of Mexico.

126. Mr. KONATE (Senegal) said it was the normal practice in other international organizations to elect alternates at the same time as members. He saw no reason to make an exception to that principle in the case of the Sub-Commission.

127. Mr. BARAKAT (Jordan) said it was clear that there was a general concern to find means of improving the performance of the Sub-Commission. Many different views had been expressed with regard to rule 13.2 of the rules of procedure, but it might be asked whether all the conditions posed in that rule had been taken into consideration. It was indicated that the alternate would be designated by the expert himself, in consultation with the Secretary-General, and it therefore followed that the alternate would be of a certain calibre.

128. He suggested that the matter should be given further study; it would be advisable not to take immediate action.

129. Viscount COLVILLE of CULROSS (United Kingdom) said his delegation appreciated that an attempt was being made by the members to arrive at an acceptable solution. Although his delegation would be prepared to give the matter further consideration if that was the general view, he wished to point out that what was proposed was merely a recommendation to the Economic and Social Council, which was the body that would decide whether to accept draft resolution E/CN.4/1983/L.34 as currently worded or in some other form. Moreover, if the matter were postponed there would be no draft resolution before the Economic and Social Council in 1983 and no change in procedure for another three years as from 1984.

130. The reference to rule 13.2 of the rules of procedure had been put in for safety's sake, so as to ensure that the Commission did nothing that was not legal.

131. Mr. HEREDIA (Cuba) asked whether the Soviet delegation would accept a small change to its amendment contained in document E/CN.4/1983/L.67, to read "members of the Sub-Commission are called upon only under exceptional circumstances to designate alternates who were not elected". The basis of that amendment was that some countries lacked suitably qualified candidates, and should therefore be able to call on capable persons of recognized intellectual independence from among members of missions, for example.

132. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that his delegation's only concern was to reconcile the idea put forward in draft resolution E/CN.4/1983/L.34 with the existing rules of procedure with a view to achieving a compromise. His delegation was prepared to accept the proposal made by the representative of Cuba.

133. The CHAIRMAN invited the Commission to vote on the amendment proposed by the Union of Soviet Socialist Republics in document E/CN.4/1983/L.67, as modified by the delegation of Cuba.

134. The amendment was rejected by 22 votes to 12, with 8 abstentions.

135. At the request of the representative of Tanzania a separate vote was taken on operative paragraph (c) of draft resolution E/CN.4/1983/L.34.

136. Operative paragraph (c) was adopted by 23 votes to 8, with 11 abstentions.

137. At the request of the representative of Bulgaria, a separate vote was taken on the phrase in the operative part of the draft resolution reading "notwithstanding rule 13.2 of the rules of procedure of the functional commissions of the Economic and Social Council".

138. The phrase was adopted by 25 votes to 5, with 9 abstentions.

139. A vote was taken by roll-call on draft resolution E/CN.4/1983/L.34 as a whole.

140. Rwanda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Brazil, Canada, Colombia, Costa Rica, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Mexico, Netherlands, Philippines, Rwanda, Senegal, Togo, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: Bulgaria, Cuba, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Argentina, Bangladesh, China, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan.

141. Draft resolution E/CN.4/1983/L.34 as a whole was adopted by 31 votes to 5, with 7 abstentions.

Draft resolutions E/CN.4/1983/L.35/Rev.1, L.42 and L.64

142. Mr. DHAVERNAS (Canada) said that both draft resolution E/CN.4/1983/L.35/Rev.1 and draft resolution E/CN.4/1983/L.42 on the same question, the role and mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had been the subject of long and fruitful discussions which had led to the formulation of the compromise draft resolution E/CN.4/1983/L.64, which his delegation hoped the Commission would adopt. If so, his delegation would not ask for a vote on draft resolution E/CN.4/1983/L.35/Rev.1. He requested that the compromise draft resolution, which incorporated the amendment proposed by the delegation of Brazil in document E/CN.4/1983/L.36, should be considered first by the Commission.

143. Mr. GUEVORGULIAN (Union of Soviet Socialist Republics) said that his delegation agreed to the proposal that draft resolution E/CN.4/1983/L.64 should be considered first. If that draft resolution were adopted, his delegation would not insist on a vote on draft resolution E/CN.4/1983/L.42.

144. Mr. CHOWDHURY (Bangladesh), introducing draft resolution E/CN.4/1983/L.64, paid a tribute to the sponsors of draft resolutions E/CN.4/1983/L.35/Rev.1 and E/CN.4/1983/L.42, whose spirit of compromise had made it possible to arrive at that text.

145. Draft resolution E/CN.4/1983/L.64 took note of the report of the Sub-Commission, recognized the important contribution made by the Sub-Commission's work and recalled Commission resolution 1982/23, the Sub-Commission's terms of reference and the scope of its work. It then called on the Sub-Commission in the fulfilment of its functions and duties to be guided by the resolutions referred to in the preamble, drew the Sub-Commission's attention to the comments and suggestions made at the Commission's current session, and invited the Sub-Commission to consider and make recommendations to the Commission as to how its work might best be harmonized with that of the Commission, within the existing terms of reference of the Sub-Commission. The Sub-Commission was also invited to examine possibilities for rationalizing its methods of work, in order to set the minds of some members of the Commission at rest, and urged to ensure that special rapporteurs restricted their reports to a standard length. In substance, the Sub-Commission was reminded that the focus of its work lay in scholarly endeavours.

146. The aim of the draft resolution was to restore understanding and co-ordination between the Sub-Commission and the Commission, in the interest of furthering the cause of human rights. He hoped that the draft resolution would be adopted without a vote.

147. Mr. CALERO RODRIGUES (Brazil) noted that, in its resolution 1982/10 the Sub-Commission had decided "that the Working Group on Detention at its next sessional meeting should give special attention to hearing and receiving information, in accordance with existing rules and practices of the Sub-Commission, concerning the extent of and facts relating to torture or cruel, inhuman or degrading treatment or punishment, unless the Commission on Human Rights establishes a system for examining such information". It had been pointed out during the Commission's debate that that would represent an innovation of considerable importance, and it should be examined in order to determine whether it was justified. That was the reason behind the proposal made by the delegations of Brazil and Uruguay in document E/CN.4/1983/L.82, under which the Sub-Commission would be requested to "defer the implementation of the decision contained in paragraph 17 of its resolution 1982/10 until consideration of the question by the Commission at its fortieth session".

148. Since that proposal had been presented after the submission of draft resolution E/CN.4/1983/L.64, it had not been possible to incorporate it in the latter. Moreover, draft resolution E/CN.4/1983/L.64 represented a delicate compromise, and the introduction of an amendment could create problems. He therefore suggested that the proposal contained in document E/CN.4/1983/L.82 should be adopted as a separate decision of the Commission, reading:

"The Commission on Human Rights,

Decides to request the Sub-Commission to defer the implementation of the decision contained in paragraph 17 of its resolution 1982/10 until consideration of the question by the Commission at its fortieth session".

149. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1983/L.64, as well as the draft decision proposed by the delegation of Brazil without a vote.

150. It was so decided.

Draft resolution E/CN.4/1983/L.43/Rev.1

151. Mr. KAMPER (Netherlands), introducing draft resolution E/CN.4/1983/L.43/Rev.1 on discrimination against indigenous populations, said that his delegation had already expressed its satisfaction at the prompt follow-up to Commission resolution 1982/19, which had requested the Economic and Social Council to authorize the Sub-Commission to establish annually a working group on indigenous populations. His Government appreciated the way in which that working group had conducted its first session and was confident that it would continue to function as a useful platform for representatives of indigenous populations. It was in the spirit of encouraging the working group on indigenous populations that his delegation had submitted the draft resolution under discussion which, inter alia, responded to the request made in Sub-Commission resolution 1982/31 that the Commission and the Economic and Social Council should establish a voluntary fund for the purpose of allowing representatives of indigenous populations to participate in the work of the working group. His delegation looked forward to a more specific proposal by the Sub-Commission with regard to that fund. It hoped that the Commission would adopt the draft resolution without a vote.

152. The CHAIRMAN, after announcing that the delegations of Colombia and Peru wished to join the sponsors of draft resolution E/CN.4/1983/L.43/Rev.1, said that, if there was no objection, he would take it that the Commission wished to adopt that draft resolution without a vote.

153. It was so decided.

Draft resolutions recommended by the Sub-Commission for adoption (E/CN.4/1983/4)

Draft resolution I

154. Mr. BOZOVIC (Yugoslavia), referring to the statement of the financial implications involved in updating the study on genocide (E/CN.4/1983/L.57), noted that the services of a temporary assistant to the Special Rapporteur would be required for six months at the P.3 level at a cost of \$24,000. He asked whether that meant that a new assistant would be recruited for the preparation of the study and, if so, whether that was the general practice with special studies. The Commission should reflect before deciding to undertake studies that required additional staff to be recruited at considerable cost.

155. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) said that the understanding of the Secretariat was that the Special Rapporteur would revise the study and would update it and in so doing would take into account all developments relating to the question since the study was undertaken.

156. With regard to the financial implications, the Secretariat envisaged that the Special Rapporteur would require appropriate temporary assistance.

157. Mr. BOZOVIC (Yugoslavia), supported by Mr. SCHIFTER (United States of America), said that in the future the Centre for Human Rights should give more careful consideration to the financial implications of proposed studies before the matter came up for decision.

158. Mr. CHOWDHURY (Bangladesh), supported by Mr. BASHIR (Pakistan), said that his understanding was that the study on genocide would be updated as from the date of publication of the existing version.

159. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution I without a vote.

160. It was so decided.

Draft resolution III

161. Mrs. PURI (India) asked whether the 1966 report on slavery of which Mr. Whitaker's report was an updated version had also been printed and given the widest possible distribution. If not, the latter document, which was only a follow-up to the earlier report, would not give a complete picture.

162. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) said that the earlier report had indeed been printed and distributed.

163. Mr. MA (China) asked why no mention was made of the Chinese language in the statement of financial implications contained in document E/CN.4/1983/L.47.

164. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) said that in some cases a certain number of languages only were used, but that the matter was subject to confirmation in the appropriate quarters.

165. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution III without a vote.

166. It was so decided.

Draft resolution VI

167. Mr. DHAVERNAS (Canada) said that consultations between his delegation and others had shown that many members of the Commission sympathized with draft resolution VI. It was, however, ambiguous and inaccurate. For instance, it was not clear who would take the initiative in regard to the proposed visits: whether the Commission would ask the Sub-Commission to undertake them or the Sub-Commission itself would make the request. Moreover, the draft resolution made no provision for a report by the Sub-Commission to the Commission. It was also questionable how in practice such visits could be reconciled with the need to inform the Commission in a general and non-discriminatory fashion of violations in all regions of the world, since selective attention would inevitably be paid to some countries.

168. He proposed that the operative paragraph should read: "Decides to refer draft resolution VI proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1982/14 to the Sub-Commission at its thirty-sixth session for consideration in greater depth and possible reformulation".

169. Mr. BOZOVIC (Yugoslavia), supported by Mrs. PURI (India) and Mr. HEREDIA (Cuba), said that he had similar difficulties with the draft resolution. Adoption of the amendment put forward by the delegation of Canada might be construed as a kind of acceptance, a tacit encouragement to the Sub-Commission to continue as it had begun. There was not enough time to discuss all the implications of the draft resolution, and he proposed that a decision on the matter should be postponed to a later date.

170. That proposal was adopted without objection.

Draft resolution X

171. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution X without a vote.

172. It was so decided.

The meeting rose at midnight