



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1989/SR.52
16 June 1989

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 7 May 1989, at 10 a.m.

<u>Chairman:</u>	Mr. BOSSUYT	(Belgium)
later:	Mrs. ILIC	(Yugoslavia)

CONTENTS

Organization of the work of the session (continued)

Question of human rights in Chile (continued)

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 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called at 10.20 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRMAN announced various arrangements concerning the utilization of the time remaining in the next few meetings and clarified some points relating to the consideration of item 13 (Question of a convention on the rights of the child), to which a number of delegations had referred at the 50th meeting. First of all, he pointed out that, for the consideration of that item, the Commission now had before it documents E/CN.4/1989/29 and Corr.1 and E/CN.4/1989/48. The Bureau recommended that delegations, including those of NGOs wishing to make comments on the draft convention on the rights of the child, which had not already been reflected in the above-mentioned documents, should be permitted to make short statements unless, of course, they preferred to do so in writing. Those statements should not exceed 10 minutes for members and 5 minutes for observers and NGOs. Delegations of member States were invited to give explanations of vote instead of making statements during the debate. If that method of procedure was acceptable to the Commission, item 13 would be considered in that manner at the beginning of the meeting on the following morning.

2. Although, technically, the consideration of item 22 had been concluded at the preceding meeting, many speakers had expressed their wish to make further statements on that item. In view of the fact that those speakers had been waiting for more than two weeks, the Bureau proposed that they should be heard, while emphasizing that that should not constitute a precedent.

3. It was so decided.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1989/7 and 72; E/CN.4/1989/NGO/9, 20, 29, 45, 58, and 60; A/43/624 and Corr.1)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1989/23-28, 58, 64 and 71; E/CN.4/1989/NGO 1, 5-7, 10, 31, 47, 54, 57, 61, 62, and 66; A/43/624 and Corr.1, 630, 705, 736, 742 and 743)

4. Mr. SECKA (Gambia) said that his Government had always been fully committed to the defence of the cause of justice and respect for human rights and fundamental freedoms throughout the world and its position in that regard had been reaffirmed by the Gambian Minister of Justice in his address to the Commission two weeks earlier. Thus, Gambia was a party to the International Covenant on Civil and Political Rights. It lent unqualified support to the liberation struggles in South Africa and Namibia, in Palestine and the occupied Arab territories, in Afghanistan and Kampuchea. In a spirit of solidarity with all those who sought to promote social justice, the Gambian Government had been fully associated with the elaboration of the African Charter on Human and Peoples' Rights.

5. In spite of the significant progress that had been achieved in the field of human rights under United Nations auspices, the rights of millions of people around the world were still being systematically and flagrantly violated through acts of terrorism and violence, as described in the reports before the Commission, and particularly those on the situation in Chile and

El Salvador. In that connection, his delegation hoped that the concern that had been expressed in regard to the human rights situation in other countries, such as Guatemala, Paraguay and Peru, would be investigated closely by the Governments of those countries.

6. His delegation welcomed the tripartite agreement that had been signed at New York in December 1988 with a view to securing the independence of Namibia in accordance with Security Council resolution 435 (1978), although it deplored the fact that the South African régime had not yet abandoned its policy of brutal and cruel repression of the black peoples of southern Africa. His delegation had also noted that ruthless repressive measures were still being applied against the populations seeking to exercise their legitimate right to self-determination in Palestine and the occupied territories. It hoped that the positive stand taken by the PLO, through its recognition of the existence of the State of Israel, would pave the way for substantive negotiations among all the parties concerned and that Israel would henceforth endeavour to respect and protect the human rights and fundamental freedoms of the Palestinians. With regard to the situation in war-torn Afghanistan, the population of which had been cruelly affected by a conflict that had lasted for many years, his delegation hoped that, following the withdrawal of foreign troops, the refugees and political exiles would be able to return to their country, freely and safely to participate in the establishment of a truly independent nation. Moreover, the Commission should not disregard the situation in Kampuchea, where the Vietnamese occupying forces were continuing their campaign of repression and preventing the Kampuchean people from exercising its inalienable right to self-determination and the choice of its own Government.

7. His delegation was also concerned at the tragic situation of the Turkish Muslim minority in Bulgaria, which was being subjected to systematic violations of its right to freedom of religion, worship and conscience, and it appealed to the Turkish and Bulgarian Governments to work towards a lasting solution to that problem within the framework of the protocols that they had signed. Finally, the reported abuses of human rights and fundamental freedoms in Romania were also giving rise to concern. In his delegation's opinion, the Romanian Government's resettlement programmes, no matter how well-intentioned, could not serve the cause of justice and the enforced removal of persons could only result in the dislocation of families and disrupt cultural and ethnic affinities.

8. The Commission had a special responsibility in regard to the countless cases of torture, murder and summary execution which occurred throughout the world. However, it had not always found it expedient to examine all situations in which human rights were alleged to have been violated; the Gambian delegation did not approve of that attitude, although it was well aware that some members of the Commission preferred to remain silent for fear of undermining certain alliances or national interests. His delegation felt that any shirking of responsibility on the part of the members of the Commission would only encourage the perpetrators of injustice and human rights abuses and increase the suffering of the victims of those abuses. In that regard, the existing procedures for dealing with situations of human rights abuses, especially the use of special rapporteurs and special representatives, should be maintained and strengthened, since even those Governments which had hitherto shown utter disdain for the guarantees set forth in the Universal Declaration were now becoming aware of the fact that human rights violations

would not be ignored. For that reason, his delegation urged the Commission not to yield to pressures aimed at inducing it to abandon the investigation of some situations that merited its attention.

9. His delegation was pleased to note that many countries were co-operating effectively with the Commission in its endeavours to ensure respect for human rights and fundamental freedoms. It was particularly gratifying that many countries had amended their legislation to provide better protection for human rights and his delegation hoped that those initiatives would contribute to the defence of human rights and social justice throughout the world.

10. Mr. STEEL (United Kingdom) said that, at each of its sessions, the Commission had an increasing number of questions before it relating to the promotion of human rights. Agenda item 12 was particularly important. No continent, country or region of the world could claim to be free from violations of human rights and the procedures that the Commission had established to investigate human rights situations, and particularly the tasks that it entrusted to special rapporteurs or representatives and working groups, were extremely important. Any country which had reason to fear that its human rights situation might leave somewhat to be desired could only gain by the investigations or inquiries carried out by a special rapporteur or working group, whose appointment should under no circumstances be regarded as hostile acts. Moreover, any country which felt that it had nothing to hide had nothing to fear.

11. The Government of the United Kingdom also attached high value to the work of the special rapporteurs or working groups appointed to examine major problems in accordance with the thematic approach. Although they were all doing extremely useful work, his delegation wished to focus, in particular, on the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1989/25). In fact, that report was extremely disturbing for many reasons, including the fact that several Governments had not adequately fulfilled their obligation to co-operate with the Special Rapporteur, as the members of the Commission could see from paragraphs 15 to 18 and from the table set out in paragraph 304 of the report. The Special Rapporteur's conclusions and recommendations contained in paragraphs 312 to 316 of his report gave little cause for optimism. In that connection, he referred to paragraphs 313, 314, 315 and 316 of the document under consideration, which seemed to confirm the usefulness of the advisory services provided by the Centre for Human Rights. Furthermore, the Special Rapporteur had appropriately drawn attention, in paragraphs 301 and 302 of his report, to the question of overlap in the mandates of the special representatives and, in paragraph 305, to the possibility of making a larger number of on-site visits and achieving closer co-operation with other international organizations. His delegation felt that those ideas should be explored by the Special Rapporteur and the Centre for Human Rights.

12. In contrast with some views expressed in the Commission, his delegation believed that consideration by the Commission of the human rights situation in a particular country, and the action of any delegation in drawing attention to that situation, did not constitute interference in the internal affairs of the State in question, since such action was taken in fulfilment of the obligations arising under Articles 55, 56 and 68 of the Charter. All the

representatives in the Commission should accept their responsibilities, regardless of the consequences, and States which, unlike the United Kingdom, were seeking to avoid scrutiny by the Commission were in no way furthering their own cause.

13. With regard to the human rights situation in the Islamic Republic of Iran, the report of the Special Representative (E/CN.4/1989/26) was extremely disturbing, particularly in view of the fact that the Iranian Government had refused permission to allow the Special Representative to visit that country in order to discharge his mandate. However, in chapter IV, section C, of his report, he had described all the principal features of the present state of affairs in Iran. In particular, he had referred to the wave of executions which had taken place between July and December 1988, as well as the situation of political prisoners and of the Baha'i community. Although much of the information provided by the Special Representative was dismissed by the Iranian Government, the delegation of the United Kingdom was convinced of the credibility of the information. In that connection, his delegation endorsed the proposals made by the Special Representative in paragraph 77 of his report and concurred with the opinion that he had expressed in paragraph 78 to the effect that the situation prevailing in the country justified the fears that had been voiced by the international community and warranted constant monitoring by the United Nations.

14. As in the past, his delegation would take up the question of human rights in Chile under agenda item 12, since it saw no reason to deal with that question under a separate item. His delegation had read with interest the report of the Special Rapporteur (E/CN.4/1989/7), as well as his interim report to the General Assembly (A/43/624). It noted with satisfaction that the Chilean Government had again co-operated with the Special Rapporteur. However, while welcoming the positive steps that had been taken in the past year to restore democracy in Chile, it regretted that insufficient progress had been made in regard to respect for human rights. It commended the fortitude and deep sense of responsibility shown by the vast majority of the Chilean people and hoped that the recommendations of the Special Rapporteur would be implemented swiftly and that the resolution that the Commission would adopt at its current session would condemn the acts of terrorism which were still impeding the enjoyment of human rights in Chile.

15. The Government of El Salvador had also co-operated with the Special Representative and the policy which the President of El Salvador was pursuing with a view to ensuring respect for human rights should be welcomed. However, as the Special Representative had pointed out in his report (E/CN.4/1989/23), in the period under review there had been a marked increase in acts of violence, sabotage and terrorism, which had caused many deaths among the civilian population. As the Special Representative had noted, that reflected not only the Government's limited control over State agencies, but also a considered policy on the part of the FMLN guerrillas. In view of the deteriorating situation, the Government of the United Kingdom hoped that the Special Representative's mandate would be extended. It also appealed to the Government of El Salvador to intensify its efforts to curb human rights violations in the country and called upon the FMLN to renounce acts of terrorism and economic sabotage. It hoped that all the parties would work towards a peaceful settlement of the conflict, in accordance with the provisions of the Esquipulas II Agreement.

16. With regard to the situation in Afghanistan, the Special Rapporteur's report (E/CN.4/1989/24) noted that numerous human rights abuses were still being committed in that country. The Government of the United Kingdom welcomed the withdrawal of foreign troops as a first step towards the establishment of a fully representative Government capable of ensuring respect for the human rights and fundamental freedoms of all Afghan citizens. The United Kingdom hoped that the Commission would follow the example of the General Assembly and adopt its resolution on the situation in Afghanistan by consensus.

17. His delegation had already said everything it had to say on the question of Cuba during the consideration of that question under agenda item 11 bis and, solely for that reason, would say no more at that time, although it considered that it had the right to refer to that question again, as and when appropriate. His delegation had also already expressed its opinion on the situation in South Africa and the occupied territories. However, it wished to speak of the problem of the flagrant violations of human rights that were being committed in Romania, independently of the problem relating to the case of Mr. Mazilu, which had been discussed under agenda item 19. Although the Romanian Constitution theoretically guaranteed freedom of expression, association, assembly and religious belief, those guarantees were made meaningless by the broad caveat that those freedoms might not be exercised against the socialist system or the interests of the workers. Furthermore, severe restrictions had been imposed on contact between Romanian citizens and foreigners and the policy of gradual assimilation that was being applied by the Romanian authorities constituted a denial of the cultural rights of minorities. The manner in which populations had been forcibly resettled had also understandably evoked dismay both in and outside the country.

18. Consequently, his delegation urged the Romanian Government to observe its commitments to respect human rights under the agreements that it had signed. In its view, the wording of the draft resolution before the Commission was moderate enough to attract wide support among the members of the Commission.

19. The situation in Burma continued to cause concern since, although the acts of violence had not been as dramatic as those in the previous year, the repression was still taking a heavy toll, particularly among students. According to reports received, people were still being forced to act as porters during counter-insurgency operations. Burma's internal crisis could be solved only if the desire of the Burmese people for freedom and a multi-party democracy were satisfied. Accordingly, he urged the Burmese authorities to respect their obligations and to hold free and fair elections as soon as possible.

20. With regard to Iraq, his delegation was extremely concerned at the allegations that had been made, especially in connection with the conditions of detention of women, children and political opponents. The communications that had been received also indicated that the Kurds in that country were being persecuted and had been the victims of brutal military operations in which chemical weapons had been used. The United Kingdom had supported the adoption of Security Council resolutions 612 (1988) and 620 (1988), which condemned the use of chemical weapons in the conflict between Iraq and Iran, and his delegation deplored Iraq's refusal to permit a special United Nations team to investigate the allegations that had been made. His delegation urged the Iraqi Government to respect the principles of international law and the

agreements banning the use of chemical weapons, including the 1925 Geneva Protocol, in keeping with the pledge that it had given at the Paris Conference on chemical weapons, and to permit bodies concerned with human rights to investigate that matter.

21. Reports had also been received from various sources concerning arbitrary arrests, incommunicado detention, torture and ill-treatment of persons detained in Syria and in the part of Lebanon that was under the control of the Syrian authorities. Those violations of human rights should obviously be viewed in the light of the fact that a state of emergency had been in force in Syria since 1963. His delegation urged the Syrian Government to rectify the current situation.

22. The United Kingdom Government was also extremely concerned about the situation in Ethiopia, where numerous atrocities had been committed during the civil wars and where many political prisoners were still being held without trial. The allegations that the Ethiopian forces were using napalm bombs against the civilian population in Tigre and Eritrea were particularly disturbing. His delegation urged the Ethiopian Government to take the measures needed to redress that situation.

23. The situation in Somalia was also causing concern. The United Kingdom Government had urged the Somali Government to ensure that human rights were respected and welcomed commitment by President Barré to release all political prisoners and to seek a political settlement of the problems that had arisen in the north. With regard to Viet Nam, while welcoming the amnesty proclaimed in 1988 under which various categories of prisoners had been released, his delegation deplored the continued existence of the so-called re-education camps and of practices such as arbitrary detention and unfair trials. He therefore urged the Government of Viet Nam to honour its commitments as a party to the International Covenant on Civil and Political Rights and, in particular, to allow its citizens to be treated according to the due process of law.

24. There had been some encouraging developments on the human rights front in the Soviet Union and in some of its allied countries, notably Hungary, which became the first East European country to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, and Poland, where the Prime Minister had recently attended a play written by Mr. Havel, the dissident Czechoslovak playwright. It was regrettable that Czechoslovakia, in particular, did not follow their lead in improving the extent to which its citizens enjoyed fundamental human rights, particularly the right to freedom of speech. It was important that the Soviet Union should continue to pursue the reforms that had already been undertaken in the relation between its citizens and the authorities, since that was the main problem area for human rights. His delegation welcomed the release of political prisoners, as well as the increase in the number of refuseniks who had been permitted to emigrate, the growing improvement in the enjoyment of the right to freedom of expression, particularly in the Baltic Republics, and the positive trend in the official attitude towards psychiatry and religion. Nevertheless, there were still prisoners of conscience in the Soviet Union and, above all, the structures of repression remained intact. It remained to be seen whether the progress on individual cases would be matched by new legislation in all areas of human rights and whether new legislation would also be implemented effectively.

25. The United Kingdom Government recognized the importance of the question of Cyprus and continued to follow very closely the situation in that country, which was both complex and delicate. His Government remained in contact with all the parties to the conflict and would continue to give the Secretary-General of the United Nations full support in his attempts to settle that conflict.

26. Mr. TAYLHARDAT (Venezuela) said that an improvement in the political climate and an improvement in the human rights situation in any country were evidently two closely linked and interdependent phenomena. Respect for human rights went hand in hand with the establishment of peace at the international and national levels. It was obvious that the improvement in the international climate had had favourable repercussions on the exercise of human rights and fundamental freedoms in many countries throughout the world and that massive and flagrant violations of the principal rights of the human person were frequent in the regions in which the political situation was unstable and people were still living under totalitarian régimes.

27. Article 55 (c) of the Charter of the United Nations, stipulated that there should be universal respect for, and observance of human rights and fundamental freedoms. The international community should therefore endeavour, through the United Nations, to ensure that human rights were really enjoyed in all countries, failing which appropriate measures should be taken to achieve that end. Since respect for human rights was one of the main aims of the United Nations, the principle of non-intervention laid down in Article 2, paragraph 7, of the Charter of the United Nations could not be invoked to restrict the Organization's action in that field or to prevent the application of the provisions of Article 55 of the Charter. In fact, it was unthinkable that the drafters of that instrument had made the achievement of a universal ideal subordinate to a principle which, more than any other, might be open to subjective interpretations. Moreover, under Article 56 of the Charter, all States Members of the United Nations had pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, and he reaffirmed Venezuela's intention of complying with that undertaking.

28. Those provisions of the Charter enabled the Commission to conduct a periodic examination of situations affecting human rights, particularly situations which appeared to reveal a consistent pattern of gross violations (Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII)). The various procedures in force made it possible to examine allegations of violations of human rights stemming from various sources, particularly non-governmental organizations, whose contributions to the work of the Commission should be commended provided that they remained objective and impartial.

29. The procedures established by the United Nations to consider human rights violations had proved to be fairly effective, because they often exerted a deterrent effect on States and made it possible to establish a constructive dialogue with the country concerned, which could lead to an improvement in the human rights situation in that country. However, his delegation was deeply concerned at the manner in which those mechanisms were being increasingly undermined, partly as a result of the growing use of procedural motions intended to prevent the Commission from taking a decision on certain proposals and recommendations.

30. Although decisions concerning human rights should preferably be taken by consensus, the quest for such consensus should not prevent the international community from discharging its tasks of ensuring universal and effective respect for the human rights and freedoms of all.

31. The principle of universality precluded any discrimination or selectivity. However, the Commission frequently acted in a selective manner, as could be seen from the fact that the vast majority of the situations involving violations of human rights which it examined concerned the countries of Latin America, although much more serious violations of human rights were committed in other regions which did not receive as much attention. It should not be forgotten that the primary purpose of the investigation procedures established was not to condemn the perpetrators of human rights violations in a particular country, but rather to set in motion machinery for international co-operation to end those violations. It was therefore important to participate in the efforts to bring those procedures to a successful conclusion and to ensure that the outcome of the investigations that had been undertaken were fully reflected in the Commission's decisions. Venezuela's position in regard to the various proposals that would be submitted to the Commission in the form of draft resolutions or decisions would be in accordance with those principles.

32. His delegation noted from the report by Mr. Volio Jiménez (E/CN.4/1989/7) that the human rights situation in Chile continued to cause concern. In fact, many cases of torture and ill-treatment had never been clarified and further violations of human rights had been brought to the attention of the Special Rapporteur in 1988. It was to be hoped that the elections due to be held at the end of 1989 would lead to the full restoration of democracy in Chile. In the meantime, however, it was essential that the Chilean authorities should make further efforts to fulfil their international obligations in regard to human rights, in order to establish the conditions of freedom and normality essential for the establishment of a political system governed by the principles of multi-party representative democracy and respect for the rights of the individual.

33. The report of the Special Representative of the Commission on El Salvador (E/CN.4/1989/23) also showed that the favourable development of the human rights situation which had been noted in that country had not continued. In fact, the Special Representative had drawn attention to a disturbing increase in the number of summary executions imputable to the armed forces, as well as violations of human rights committed by the irregular forces. The Venezuelan delegation fully endorsed the Special Representative's appeal to the constitutional authorities in El Salvador and to the FMLN to reach a peaceful negotiated solution to the conflict. It hoped that the trend towards a reconciliation which appeared to be emerging among the protagonists in the Salvadorian crisis would culminate in a settlement leading to the restoration of peace in a country, torn apart by a fratricidal war that had lasted for so many years.

34. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic) said that the highly complex question of human rights violations, wherever they occurred, called for the continuing attention of all members of the international community. The elimination of reported violations had been facilitated by the negotiated settlement of some regional conflicts and the lowering of international tension. His delegation welcomed the progress recently achieved in that field

on the Afghan problem as well as on the questions of Namibia, Cyprus, Kampuchea and Western Sahara, as a result of the efforts made by States and the fresh impetus given to the role of the United Nations. However, international co-operation needed to be developed further in order to combat violations of human rights and fundamental freedoms more effectively. His delegation believed that one of the directions that such co-operation might take would be the adoption of preventive measures.

35. No State could claim to guarantee all human rights to all the social groups that made up its population. The prevention of human rights violations was therefore a world-wide problem and the international community should formulate guarantees with that in mind. Such guarantees should include, in particular, a clear definition of the responsibility of the leaders, officials and citizens of States. In other words, clearly defined norms should be applied, within each State, by its authorities and the individuals under their jurisdiction.

36. In situations where there was a consistent pattern of gross violations of human rights, which usually occurred in the wake of colonial domination or aggression and regional conflicts, the State was generally found to be the main culprit. It was therefore necessary to protect human rights at two levels: firstly, at the international level, by applying the international norms in force; secondly, at the national level, by adopting standards which specified the responsibilities of the State and of the individuals under its jurisdiction.

37. In fact, the International Law Commission had embarked on an exercise relating to those national norms in the context of the drafting of a convention on State responsibility (art. 19 of which placed massive violations of human rights in the category of international crimes), as well as a code on crimes against peace and the security of mankind. The Commission on Human Rights should request the International Law Commission to do everything in its power to speed up that work.

38. Under many existing international instruments, States parties had an obligation to ensure that their national legislation incorporated provisions defining their responsibilities, as well as those of their nationals; such an obligation had been assumed by the States parties to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Elimination of All Forms of Racial Discrimination. In accordance with those instruments, States had to ensure that their legislation contained provisions under which the perpetrators of those offences could be punished. In a State subject to the rule of law, the existence of an appropriate set of provisions of that type should make it possible to prevent violations of human rights.

39. Mr. MARTIUS (Federal Republic of Germany) said that the Universal Declaration of Human Rights, the fortieth anniversary of which had been celebrated recently, stipulated that all countries had a common responsibility for the global realization and protection of human rights. However, in spite of the progress that had been made towards the achievement of those objectives, the number and seriousness of the violations with which the Commission again had to deal during the present year was such as to require a concerted effort as the only way to put an end to those violations. In

furtherance of that endeavour, the competence of the Commission should be recognized by all the States Members of the United Nations, in accordance with Articles 55 and 56 of the Charter. In particular, no State should refuse to collaborate with the special rapporteurs.

40. Turning to the human rights situation in various countries, he deplored the fact that South Africa was sinking ever deeper into crisis and discord. The leaders in Pretoria must at last find the courage to eliminate apartheid and racial discrimination rapidly and completely. As a pre-condition for the establishment of a national dialogue, the South African Government must abolish the emergency legislation, order the unconditional release of the political detainees and lift the ban on anti-apartheid organizations.

41. Respect for human rights was still not guaranteed in many countries in the African continent. Political opponents were detained for long periods without trial and there had been unexplained deaths among those political detainees. Fortunately, the African Charter on Human and Peoples' Rights had fostered an awareness of human rights in that continent and several countries had established ministries or other bodies with special responsibility for human rights.

42. In Chile, the plebiscite of 5 October 1988 had clearly expressed the Chilean people's desire to return to democracy. The fact that the Chilean Government had respected the result of that plebiscite was commendable and it was hoped that the Government would continue to honour its commitment to hold free elections in December 1989. He noted with satisfaction that the Chilean Government had decided to begin an investigation into the German settlement known as "Colonia Dignidad", located in Chile, against which grave accusations had been made.

43. The joint declaration made by the Presidents of five Central American States on 14 February 1989 had increased the hopes generated by the Esquipulas agreements concluded in August 1987. In particular, that declaration contained a timetable for democratization and national reconciliation in Nicaragua. Moreover, the fifth San José meeting, held the previous week at San Pedro Sula, had provided an opportunity to study the extent to which the European Community could contribute to the re-establishment of peace, democracy and respect for human rights throughout that region. However, he regretted that no guarantees had yet been provided for the domestic opposition in Nicaragua. In El Salvador, unfortunately, there had been increasing violence, although the Government was endeavouring to carry out social reforms and all the parties had made serious efforts to put an end to the civil war.

44. The Federal Republic of Germany remained concerned at the human rights situation in Cuba, to which his delegation had referred extensively under another agenda item.

45. In Afghanistan, peace had not returned after nine years of war, the consequences of which for the Afghan people had been described in the reports of the Special Rapporteur. It was to be hoped that, following the Geneva agreements concluded on 14 April 1988, as well as the withdrawal of Soviet forces which was completed on 15 February 1989, the human rights situation would begin to improve. The Federal Republic of Germany appealed to all the parties to the conflict in Afghanistan to seek the peace needed for the reconstruction of that devastated country.

46. In Iran, the numerous politically motivated executions that had recently taken place were extremely disturbing. The incitement to murder the writer Salman Rushdie and the publishers of his book constituted a flagrant violation of the universal rules governing relations between States, as set forth in the Charter of the United Nations. The Federal Republic of Germany urged the Iranian Government to allow the Special Rapporteur of the Commission to enter Iran and to co-operate with him in a constructive manner.

47. With regard to Iraq, if it were confirmed that chemical weapons had been used against the Kurdish population, the Commission should strongly condemn that violation. The Government of the Federal Republic of Germany was calling for the complete abolition of those weapons throughout the world; in particular, it would be doing its utmost to ensure that Libya would not be in a position to manufacture them.

48. Like its European partners, the Government of the Federal Republic of Germany had repeatedly declared that the measures taken by Israel in the occupied territories violated international law and human rights. In a declaration made on 8 February 1988, the Ministers for Foreign Affairs of the 12 member countries of the European Community had affirmed that the status quo in the occupied territories could not be maintained. The Government of the Federal Republic of Germany therefore called upon Israel to honour its obligations under international law, and particularly the Fourth Geneva Convention of 1949. His Government also appealed to all the parties to seek a negotiated settlement through the mutual recognition of their respective legitimate interests.

49. With regard to Burma, the Federal Republic of Germany deplored the use of force by the army and security forces to put down peaceful demonstrations in the spring and summer of 1988. Human rights were still being violated in that country. The democratic elections that had been promised by the military rulers should be held as soon as possible.

50. In Cambodia, a comprehensive political solution was needed even more urgently, to put an end to the serious violations of human rights to which more than 300,000 Cambodians still living in refugee camps had fallen victim. The withdrawal of Vietnamese forces should be accompanied by effective measures to prevent the return to power of the Khmer Rouge. However, he welcomed the dissolution of the "re-education" camps in Viet Nam and expressed the hope that the reforms that had been introduced in that country would improve the protection of human rights and halt the repression of political and religious activities.

51. The situation had improved in the Soviet Union in 1988. In particular, the Federal Republic of Germany welcomed the fact that an increased number of applications submitted by Soviet citizens of German origin for travel abroad or for family reunification had been approved. It was to be hoped that the Soviet leaders would now implement all the legal reforms that they had announced.

52. The situation of national minorities in many countries of Eastern and South-Eastern Europe was far from satisfactory. Moreover, in Romania, the "systematization" programme was threatening to destroy an important cultural heritage and infringe the fundamental rights of many citizens. In view of the Romanian Government's refusal to grant an exit visa to Mr. Dumitru Mazilu, the

Commission had quite rightly submitted to the Economic and Social Council a request for an advisory opinion from the International Court of Justice on that matter. In Albania, the Constitution of 28 December 1976 contained no commitment in regard to human rights and, in fact, prohibited religious practices. Since that country was becoming more amenable to dialogue, it should be urged to respect human rights fully. In Czechoslovakia, the sentences that had been passed on the writer Vaclav Havel and eight other civil rights campaigners were incompatible with the spirit of the CSCE and the Concluding Document adopted at Vienna, to the principles of which that country had agreed to be bound.

53. The Federal Republic of Germany felt a sense of special responsibility in regard to the rights and freedoms of Germans in Central, Eastern and South-Eastern Europe. In particular, it deplored the fact that, although some improvements had been observed in the German Democratic Republic, the situation in regard to travel abroad and the granting of exit visas was still unsatisfactory. Western journalists were still subjected to censorship and the import of some foreign newspapers was prohibited. The Government of the Federal Republic of Germany felt that all Germans should be able to travel freely and that frontier barriers and the use of weapons to prevent such travel were unacceptable.

54. The adoption, a few weeks earlier, of the Vienna Concluding Document by the 35 participating countries was an event of historic importance, since that document made for greater freedom and respect for human rights and, consequently, peace and security. It also made provision for legal redress against violations of human rights and called for greater freedom of religion and protection of minorities. The provisions of the third "basket" gave fresh hope to the individual. The Conference on the Human Dimension, the first meeting of which was to be held at Paris in June, was also a source of hope.

55. Mr. ROA KOURI (Cuba) said that the consideration of agenda item 12 enabled the Commission to discharge one of its fundamental responsibilities, namely, the consideration and rectification of situations, in any part of the world, in which the rights and freedoms of large population groups were being violated and were not adequately protected by national laws. Obviously, that did not imply that the Commission should disregard less massive violations of human rights. The Cuban revolution was based on a philosophy of freedom which drew its inspiration from the example set by José Martí who, nearly a century ago, had urged Cubans to react in the face of the abuses to which any human being, anywhere in the world, might be subjected. However, the Commission should concern itself primarily with massive violations of human rights, in accordance with the directives that it had been given in General Assembly resolution 32/130. The quest for remedies for that type of violation involved the promotion as well as the protection of fundamental rights and freedoms, in accordance with the precepts of the Charter, and particularly Articles 1, 55 and 56 thereof, which emphasized the need to promote international co-operation in the solution of human rights problems. Any attempt to make the Commission a supranational tribunal would certainly not be conducive to a solution of those problems. Likewise, it would be a mistake to think that, in regard to human rights, there was a single scale of values which must be applied to all societies, since differences constituted the raison d'être of the United Nations, in which a very large number of States were represented. In fact, General Assembly resolution 32/130 indicated that human rights questions should be examined globally, taking into account the overall context of the various societies in which they presented themselves.

56. Priority should therefore be accorded to cases or situations in which the international community had not succeeded in obtaining the co-operation of the country concerned, or in cases in which national legislation had been found to be incompatible with universally recognized standards. At the international level, rights and freedoms were protected primarily by the procedures established under the many international legal instruments in force and by the procedure established in Economic and Social Council resolution 1503 (XLVIII). His delegation was not convinced that the proliferation of "new" supervisory bodies, recently established under decisions of the Committee, was the best way to ensure that protection, since the manner in which those new bodies functioned frequently depended on criteria established by a single person or a small group of persons. Moreover, those new bodies had a tendency to duplicate the work of the protective machinery explicitly provided for in existing international agreements. It was also disturbing to note that, in many cases, the Commission largely disregarded the possibilities offered to it in Economic and Social Council resolution 1503 (XLVIII). At an appropriate time and place, his delegation intended to request an in-depth discussion of that aspect of the question.

57. His delegation's comments on specific cases of violations of human rights would focus mainly on the situations which it regarded as giving rise to the greatest concern in the geographical region of the world in which Cuba was situated. In Latin America and the Caribbean, the effective exercise of all rights and freedoms was profoundly affected by the unjust nature of the present international economic order. In view of their external debt, most of the countries of the region were unable to ensure the enjoyment of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights and their attempts, after years of military dictatorship, to strengthen or establish new and more progressive political structures were frequently impeded by the interdependence between civil and political rights and economic, social and cultural rights. It seemed unrealistic, not to say irresponsible, to maintain, as some delegations had done a few days earlier, that the Commission was not competent to concern itself with the obstacles impeding the exercise of human rights.

58. The situation remained critical in Central America, in spite of the Esquipulas II agreements. Notwithstanding the reverses experienced by the "contras" in Nicaragua who, for years, had violated the right to life of thousands of Nicaraguans by virtue of the financial support that they received from the United States, massive and flagrant violations of human rights by the "death squads" in El Salvador had intensified. The Commission should therefore continue to apply the special procedure to that country, in which the effective exercise of all rights and freedoms depended on the conclusion of a political agreement between the present authorities and the Farabundo Martí National Liberation Front, on the basis of the proposals which the latter had made on 23 January and 21 February 1989 with a view to participating in a truly democratic political process. In Guatemala, in spite of the Government's commendable intentions, some sections of the armed forces, as well as paramilitary groups, were continuing to commit serious violations of human rights. In 1988, more than 1,000 cases of involuntary disappearances and more than 800 murders had been reported. The report before the Commission on that subject stated that, according to the Guatemalan armed forces, the Unidad Revolucionaria Guatemalteca was responsible for the massacre at "El Aquacate". However, that organization had categorically denied the

accusation, which it described as an attempt to bring the revolutionary movement into disrepute. In Paraguay, it was to be hoped that the recent departure of the tyrant Alfredo Stroessner would herald an era of respect for human rights and fundamental freedoms. The situation in Haiti, on the other hand, should continue to mobilize the Commission's full attention.

59. However, the situation also left much to be desired in the developed countries of North America. The struggle of the indigenous peoples for the effective exercise of their rights was continuing in Canada and the United States. In the latter country, the rights of the Hispanic communities and, above all, of the detained advocates of Puerto Rican independence and the black minority, were still being flouted. The decisions of the federal courts, and especially those of the Supreme Court, being strongly influenced by eight years of Reaganism, had seriously undermined certain procedural safeguards and had restricted the protection of other freedoms, such as freedom of religion and belief, which had been won after many years of hard struggle. Juvenile offenders were still liable to capital punishment, which was applied in about 20 States of the Union. The conditions of detention in prisons were appalling. There was also a trend towards the privatization of penal institutions for purposes of profit rather than social rehabilitation. Viewed in conjunction with the millions of unemployed, homeless and poverty-stricken persons, that situation seemed to indicate that a very substantial proportion of the population of the United States was subjected to flagrant and massive violations of its rights. It was strange that, despite the attempts made in the Commission by the United States to put Cuba in the dock, that country's delegation had never followed the example that Cuba had set during the previous year by inviting the Commission to send a mission to visit the United States to observe and report on the situation there. There was still time, at the present session, for the authorities at Washington to issue such an invitation.

60. In the United Kingdom, the conditions of detention which had sparked off serious prison riots in 1986 continued unchanged and the repression was continuing in Ulster and in certain colonial possessions. That state of affairs merited careful examination by the Commission. The situation was also disturbing in the Federal Republic of Germany, where migrant workers, particularly those of Turkish origin, were subjected to social and occupational discrimination. The Cuban delegation also hoped to be able to contribute to the protection of rights and freedoms in those countries.

61. Mr. LI ZUOMIN (China) said that he would like to provide some facts of a general nature concerning the autonomous region of Tibet, to which reference had been made in some statements, with a view to bringing about a better understanding of the real human rights situation in that region.

62. The People's Republic of China was a united multinational State consisting of a Han majority and 55 other minority nationalities, the latter totalling about 70 million people. The 2 million Tibetans living in the Autonomous Region of Tibet and in neighbouring provinces constituted one of those nationalities. Each nationality had contributed to the development of the motherland and Chinese culture and the unity of the Chinese nation guaranteed the prosperity of all. Being aware of the importance of that diversity, the Chinese Government had affirmed the equality and solidarity of all the nationalities and the autonomy of regions inhabited by minority

nationalities. Those principles, which were laid down in the General Provisions in the Constitution of China, had been expounded in greater detail in the Law on Regional National Autonomy which proclaimed complete equality of rights among the various nationalities. In the light of the history, culture, religion and environmental conditions of Tibet, the Chinese Government had adopted particularly flexible measures to ensure the development of that region in a manner consistent with the wishes of its population.

63. The Autonomous Region of Tibet enjoyed autonomy and, from the administrative standpoint, was regarded as a province. Prior to the democratic reforms carried out in 1959, a system of feudal serfdom had permeated every sphere of social life. All economic activity was dominated by three centres of power - the aristocracy, the priesthood and the local governmental authorities - which represented less than 5 per cent of the population. The serfs and slaves, comprising 95 per cent of the population, were deprived of all means of production and belonged to their masters, for whom they were required to work and to whom they were forced to pay an annual poll-tax. The serfs were totally at the mercy of their master, by whom they could be sold or given away, and they had no rights whatsoever.

64. The democratic reform in 1959 had abolished serfdom and enabled the slaves and serfs to exercise all the rights guaranteed by the Chinese Constitution. The underdeveloped infrastructures had gradually been improved and, after the establishment of the Autonomous Region, a people's congress system had been introduced, under which Tibetans could elect their representatives, directly or indirectly, at various levels. With the help of the Government, the former owners of slaves, having renounced their former privileges, had been reconciled with those whom they had exploited. Some even held senior posts in the People's Congress or the People's Political Consultative Conference at the national or regional level.

65. In view of the weakness of the Tibetan economy, since 1952 the State had provided Tibet with about 25 billion yuan in the form of subsidies, investment and earmarked financial aid. Thanks to that assistance and the efforts of the Tibetans themselves, significant progress had been achieved, particularly since 1980, in the economic sphere and also in regard to culture, education, health, science and technology. Total industrial and agricultural output had increased almost fivefold since the democratic reform. More than 250 small and medium-sized enterprises had been established and more than 21,500 kilometres of roads had been built. At the present time, there were 2,470 schools and the illiteracy rate had been reduced from 90 per cent to about 60 per cent. The Region had 95 hospitals, 770 clinics and about 9,000 physicians. Medical care was provided free of charge.

66. The Chinese Government was careful to respect, preserve and develop the traditional culture of the Tibetan and other nationalities. For example, measures had been taken to promote traditional Tibetan medicine, which had become an important component of Chinese medicine, in which it had been integrated. The Chinese Government had also collected and published Tibetan classical works. The sole aim of the Chinese Government's policy in Tibet was to promote the prosperity and development of the region and the welfare of its population. That did not imply that everything was perfect, since serious mistakes had been committed, such as those which occurred within the context of the "cultural revolution". In spite of those shortcomings, the Chinese authorities were pursuing a consistent policy in all spheres in Tibet.

67. However, riots had taken place at Lhasa at the very time when, like other parts of China, Tibet was endeavouring to implement a policy of reform, the easing of restrictions and the consolidation of democracy and the rule of law. Those riots had been provoked by a few separatists, who feared that their dream of secession might be compromised by economic and social progress. Taking advantage of the easing of restrictions, they had called for "independence for Tibet", endeavoured to poison relations among the various nationalities, fostered ethnic antagonisms and separatism and carried out acts of terrorism with a view to undermining the stability of Tibet. In the face of those riots, the Chinese authorities had been forced to take appropriate action. Any attempt to separate Tibet from China was doomed to failure and the measures which the Chinese authorities had been compelled to take did not imply any change in their policy towards Tibet. The Chinese authorities would continue to implement their policy of promoting equality among nationalities, preserving national unity, encouraging freedom of religion and furthering development in Tibet, while remaining open to constructive criticism.

The meeting rose at 1 p.m.