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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 7 August 1989, at 10.30 a.m.

Temporary Chairman: Mr. BHANDARE

Chairman: Mr. YIMER

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The meeting was called to order at 11.25 a.m.

#### OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the forty-first session of the Sub-Commission and welcomed the participants.

2. Reporting on his activities in his capacity as Chairman of the Sub-Commission since its previous session, he said that, on 15 November 1988, he had attended a meeting of the United Nations Special Committee on Human Rights Prizes at which prizes had been awarded to Nelson Mandela, Mrs. Winnie Mandela, Mr. Murlidhar Devidas Amte (India), Monsignor Leonidas Proaño (Argentina), Professor Adam Lopataka (Poland) and Professor John Humphrey (Canada). He had also attended a workshop on administration of justice in Moscow at which all Eastern European countries had been well represented. The fortieth anniversary of the adoption of the Universal Declaration of Human Rights had been widely celebrated in his own country, and he had spoken on the subject on the Indian national television network.

3. In February 1989 he had presented the report of the Sub-Commission on its fortieth session (E/CN.4/1989/3) to the Commission on Human Rights. The Commission had expressed its appreciation of the Sub-Commission's effective utilization of the time allotted to it, the efforts made by its members to achieve productive results, the contribution made by the working groups, the Sub-Commission's standard-setting activities, and the various studies and reports by members, in particular: the final report by Mr. Joinet on guidelines for the use of computerized personal data files (E/CN.4/Sub.2/1988/22); the draft second optional protocol to the International Covenant on Civil and Political Rights by Mr. Bossuyt (E/CN.4/Sub.2/1987/20); the final report by Mr. Mubanga-Chipoya on the right of everyone to leave any country, including his own, and to return to his own country (E/CN.4/Sub.2/1988/35 and Add.1); the final report and draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers by Mr. Singhvi (E/CN.4/Sub.2/1988/20/Add.1); and the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care.

4. The Commission had also shown considerable interest in three new studies initiated by the Sub-Commission with financial implications, the study on treaties, agreements and other constructive agreements between States and indigenous populations, by Mr. Miguel Alfonso Martínez; the study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, by Mr. Türk; the study of recent developments with regard to traditional practices affecting the health of women and children, by Mrs. Warzazi. Interest had also been shown in the relatively new areas on which the Sub-Commission had been requested to take action, namely movement and dumping of toxic and dangerous products and wastes; elimination of chemical weapons in relation to the respect for life; compensation for victims of gross violations of human rights; strengthening of human rights teaching and the protection of human rights defenders.

5. He recalled that in resolution 1985/12 the Sub-Commission had entrusted Mr. Mazilu with the preparation of a study on human rights and youth. In 1987, Mr. Mazilu had not attended the session of the Sub-Commission and had not submitted his report. In 1988, the Sub-Commission had adopted resolution 1988/37 expressing the view that Mr. Mazilu in his continuing capacity of Special Rapporteur enjoyed the privileges and immunities necessary for the performance of his duties, as provided in Section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, and requesting the Commission on Human Rights to urge the Economic and Social Council to request an advisory opinion from the International Court of Justice on the applicability of the relevant provisions of that Convention. That advisory opinion had been requested and would be circulated to members as soon as it was available. In the meantime, he had received a letter from Mr. Mazilu stating that he had been in captivity since 1986 and that his life and that of his wife were in danger. Mr. Mazilu had also submitted his study. The letter and the study would be discussed by the Sub-Commission under the appropriate agenda item.

6. At the previous session of the Sub-Commission he had been uneasy at the fact that the right of reply had not been given to the observers in respect of draft resolutions concerning their countries. He had therefore written to the Under-Secretary-General requesting legal advice, and the reply had been circulated to members.

7. In May 1989 he had visited Cuba; he had also attended the third World Congress of the International Religious Liberty Association in London in July 1989.

8. In conclusion, he thanked the Under-Secretary-General for Human Rights and the staff of the United Nations Centre for Human Rights for the excellent information material they had prepared, which had created wide public awareness of United Nations work in the field of human rights.

#### TRIBUTE TO THE MEMORY OF MR. YO KUBOTA

9. On the proposal of the Chairman, the members of the Sub-Commission observed a minute of silence in tribute to the memory of Mr. Yo Kubota, a UNOG staff member, who had died in a car accident while serving with UNTAG in Namibia.

#### STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

10. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that the Sub-Commission's agenda revealed the extraordinary scope and diversity of the issues that it would be exploring, and the extent to which human rights concerns permeated the key political, economic and social questions before the international community. The expert members of the Sub-Commission were at the cutting edge of those endeavours, the think-tank of the human rights community.

11. The ever-growing recognition of the universal applicability of human rights and fundamental freedoms gave welcome ground for encouragement. Yet practice did not always accord with theory and recent events had brought home the fragility of the common commitment to human rights and fundamental freedoms. Their enjoyment in practice remained a distant dream for countless men, women and children. Every hour, abuses and violations of human rights

took place in every part of the world. There was the abhorrent spectacle of summary executions in which life itself, the foremost and ultimate right, was arbitrarily destroyed. There were the tragic reports of disappearances, of blatant racism or discrimination against minorities, of widespread torture and the suppression of peaceful demonstrations, of young lives blighted by inhuman conditions. Against that background, he had recently had occasion to reiterate the need for respect for the principles enshrined in the Universal Declaration of Human Rights, even during the most difficult situations.

12. The Sub-Commission was specifically charged with the prevention of discrimination and the protection of minorities, a task of central importance. Nowhere was the disease of violence more likely to grow and to infect society than where discrimination was rife. The most striking example was the apartheid system of South Africa, where long years of discrimination had spawned a bitter cycle of conflict and death, with consequent deep scars of resentment.

13. Discrimination was the antithesis of human rights. As ancient prejudices had to be combated, new forms of discrimination must also be guarded against and in that connection he recalled the human rights of those affected by the HIV virus and AIDS victims, whose suffering must be met with compassion, understanding and solidarity. The Centre for Human Rights had recently held a valuable consultation on that issue in co-operation with WHO, at which Mr. Varela Quiros, one of the Sub-Commission's members, had taken an active part. He hoped that that meeting would provide a useful input in dealing with the critical issues raised by AIDS.

14. Since taking up his post, he had endeavoured to set some new priorities for activities and to enhance areas of work where he believed that more needed to be done. He had referred on previous occasions to the triangular relationship underpinning the programme - legislation, implementation and information/education. The draft convention on the rights of the child and the second optional protocol to the International Covenant on Civil and Political Rights were two achievements in the legislative field and it was hoped that they would be adopted by the General Assembly later that year. While the legislative infrastructure at the disposal of the international community for the promotion and protection of human rights was most comprehensive, he believed that it could not, in itself, guarantee the universal enjoyment of those rights. Indeed, the effective implementation of human rights instruments required a much greater commitment by all concerned. That task was carried out mostly by the Commission on Human Rights and the human rights bodies set up under the Covenants and other international conventions. Those monitoring bodies met regularly to examine reports in which Governments explained what legislative, administrative or judicial measures they had adopted to comply with the obligations undertaken pursuant to the relevant conventions. Those reports were carefully scrutinized and were being given increasing publicity by the media. At the General Assembly, they determined the adoption of resolutions requesting urgent action by Member States. The end result of that process was often the corresponding modification of national legislation and practice.

15. Another monitoring system consisted in the examination of individual communications or complaints. During the first half of 1989, the Communications Section of the Centre for Human Rights had already received some 200,000 such communications, the bulk of which were examined under the

so-called "1503 procedure", but others were dealt with under the specific procedures established by the Human Rights Committee, the Committee against Torture and the Committee against Racial Discrimination.

16. While international mechanisms were essential for monitoring compliance with international human rights standards, strong national infrastructures for the protection and promotion of human rights constituted a major safeguard against violations. Thus, while the efforts to create ever more effective international mechanisms of protection continued, more energy was now going into building up or strengthening national institutions and attitudes by providing expert advice, training and fellowship programmes to the administrators of justice in many countries and regions. Training courses and workshops had been held in Lomé, Lisbon, Kigali, Milan, Tunis, Guatemala City, Moscow, Manila, Geneva, San Remo, Conakry, Banjul and Quito, and others would follow in other parts of the world.

17. The approach in those endeavours was action-oriented, concrete and pragmatic. It was based on the philosophy that strong national institutions for the promotion and protection of human rights constituted a crucial bastion against human rights violations.

18. The Centre's activities under the revitalized programme of advisory services and technical assistance encompassed assistance in setting up human rights centres or offices, provision of expert advice on formulation of legislation in keeping with international human rights standards, training of administrators of justice, other expert assistance in organizing human rights fellowships and internships, establishing law libraries and law faculties, translation into local languages and printing of basic human rights instruments, and other ad hoc forms of technical support, tailor-made to meet the specific requirements of the country concerned.

19. Experience confirmed that the training of national administrators of justice, of senior officials of the Ministries of Foreign Affairs and Justice, of law enforcement officials - particularly police officers and prison administrators - and of military personnel, could play an invaluable and catalytic role in fostering a national consensus on human rights matters and in strengthening national human rights infrastructures. Such activities had in some cases contributed directly to the formation and/or strengthening of national human rights commissions or offices, and in others had facilitated the process of ratification of such international human rights treaties as the Optional Protocol to the International Covenant on Civil and Political Rights and the Convention against Torture. In other cases again, such activities had enhanced States parties' ability to adapt domestic legislation and practices to international human rights standards, and had improved their reporting to the various treaty bodies, thereby enhancing the latter's monitoring role and effectiveness.

20. A recent example of an event organized under the Advisory Services and Technical Assistance Programme was the meeting convened by the Centre for Human Rights in Geneva on 12 April 1989, to enable specialized agencies and other United Nations organs to discuss and review possible co-operative endeavours in that field with a view to enhancing the effectiveness of action and ensuring the best use of limited resources. The meeting had been well attended, and had provided impetus for the co-ordination of such activities in the field of human rights. Similar meetings would be held regularly so as to

ensure the best utilization of resources. Specific projects were already being carried out in co-operation with a number of agencies, including UNDP, UNHCR, UNICRI and WHO, and comprehensive co-operation had been initiated with UNESCO.

21. Special stress would be laid on collaboration with regional bodies. It was encouraging to note that over the past year the Centre had made common cause with the Organization of African Unity, and with the newly created African Commission on Human and People's Rights, and that it had assisted in the establishment of the African Centre for Democracy and Human Rights Studies in Banjul - a close and invaluable partnership that would be enhanced in the future. However, it must be borne in mind that advisory services were an adjunct, albeit an extremely useful and constructive one, to the existing programme procedures, and did not constitute an alibi for exemption from investigation and examination of possible abuses.

22. But legislation and implementation were not sufficient. People everywhere must be made aware of their rights. Information and education were thus indispensable, and there had been positive developments on that front since the previous session of the Sub-Commission. The General Assembly and the other legislative bodies had repeatedly emphasized the importance of information and education on human rights at all levels of society. Throughout 1988, there had been major efforts by Governments, the United Nations system and NGOs world wide in the context of the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights. They had culminated in the launching by the United Nations of a world-wide campaign for human rights on 10 December 1988. The Centre, too, had undertaken an intensive series of events and activities to spread the human rights message, its aim being to create a climate of well-informed public opinion world wide, to act as a powerful instrument in the universal realization of human rights standards. All too often, silence was the unwitting accomplice of tyranny.

23. The task now before the Centre was to help transform the remarkable principles and standards enshrined in the Universal Declaration of Human Rights into a universal reality. The world campaign involved the United Nations system, Member States, NGOs and the mass media in a comprehensive effort to enhance awareness of human rights in every country in the world. Its aim was to build up a universal culture of human rights, one that clearly recognized that human rights and fundamental freedoms were inherent to the human person as such, without any distinction. It was to be hoped that the campaign's universality would be guaranteed by the ever-growing co-operation and participation of Member States and of the wider human rights community, made up of research institutions, academic and research communities, the media, concerned individuals and, above all, the non-governmental organizations, with whom the Centre had continued to increase its co-operation during the past year. For instance, he had recently written to some 800 heads of research institutes and deans of law faculties throughout the world, to explain in more detail the aims and objectives of the world campaign and to call for their support in the enterprise, thus involving the academic community in the venture. In collaboration with other parts of the United Nations system, and aided by the professional expertise of the Department of Public Information, the Centre would continue to exert every effort to realize the campaign's aspirations for a universal culture of human rights.

24. Nineteen eighty-nine marked the bicentenary of the French Revolution of 1789, which, with its proclamation of the ideals of "Liberté, Egalité, Fraternité", had constituted a milestone in mankind's age-old quest for a life of human dignity and worth. Two centuries ago, in Paris, the French National Assembly had adopted the Declaration of the Rights of Man and of the Citizen, acknowledging human rights as part of the fundamental law of the State. The words of that Declaration had resounded the world over, and had reached their modern culmination once more in Paris, in 1948, with the proclamation by the United Nations General Assembly of the Universal Declaration of Human Rights.

25. Looking back over 200 years of history, no one could deny the progress the international community had made in the recognition and realization of human rights and fundamental freedoms, although much energy and enthusiasm was still needed before the ideals of 1789 and 1948 were fully implemented. The importance of human rights in the work of the United Nations had grown steadily, and it was in that area that it numbered some of its most noteworthy achievements. It had laid down standards protecting the rights of the individual in all spheres of human life. Operating systems existed to test national performance against those international standards and mechanisms were available for calling to account those who fell short of them. The contribution of the Sub-Commission had been and continued to be of inestimable value in the building and functioning of that international human rights system. Both with regard to its immediate effects on human rights, as a forum for free dialogue on ideas, concepts and identification of human rights problems, and with regard to its effects through specific reports, studies and standards, the importance of its work was undeniable.

26. The current session of the Sub-Commission was taking place at a time of changes, hope and expectation. The international climate had changed, progress had been made in solving regional conflicts, and also in other areas, such as disarmament. On the national level, in many parts of the world efforts were being made to improve respect for human rights, and to increase participation by citizens in public affairs, with the new prospects for the exercise of the rights to freedom of information, belief and opinion and the right of association which that implied. In many cases, progress had been achieved. Unfortunately, in other cases, tragic events were causing hopes for tangible progress to recede. Nevertheless, national efforts to promote respect for human rights and fundamental freedoms must be encouraged and supported.

27. The day on which the Sub-Commission was to complete its work, 1 September, would mark the fiftieth anniversary of the outbreak of the Second World War. In addition to the appalling carnage and desolation it had wrought, that war had demonstrated complete disregard for the human rights and fundamental freedoms of the individual and of groups. It was as a result of that tragic experience that the United Nations, from the very outset, had enshrined human rights among its main purposes and objectives, affirming that their protection constituted an essential condition for peace and for the well-being of the community.

28. At its previous session, the Sub-Commission had put forward a number of draft instruments for consideration by the Commission on Human Rights, which had retained some on its agenda for consideration at its next session and had recommended two to the General Assembly for its approval, namely, the draft second optional protocol to the International Covenant on Civil and Political

Rights aiming at the abolition of the death penalty and the guidelines on the use of computerized personal files. At the current session, the Sub-Commission would consider a draft declaration on the rights of indigenous peoples, and a draft declaration on the right to leave any country, including one's own, and to return to one's country. In some of the reports and working papers before the Sub-Commission, the authors recommended the consideration of further standard-setting activities.

29. There was no doubt that the Sub-Commission had made remarkable contributions in the area of the prevention of discrimination. It was a task of central and cardinal importance for the Organization, whose endeavours to combat prejudice, discrimination and racism had been unrelenting, particularly in the long struggle against apartheid. In southern Africa, the efforts of the United Nations and the personal endeavours of the Secretary-General as an international mediator had recently reactivated the peace process in Namibia, thus helping to bring about a more favourable situation for the promotion of and respect for human rights in the area.

30. In that connection, in his capacity as Co-ordinator of the Second Decade for Action to Combat Racism and Racial Discrimination, he had organized a global consultation, in October 1988. In organizing the consultation, the Centre for Human Rights had given particular attention to the General Assembly's request to mobilize the maximum international pressure to attain the objectives of the Second Decade and to implement the measures laid down in the Programme of Action. The aim had been to encourage a stimulating and profound exchange of views and to set out some interesting, thought-provoking and useful ideas and recommendations, thereby helping to give fresh impetus to the global struggle against racial discrimination. The composition and format of the consultation had been designed to respond both to the letter and to the spirit of the relevant Assembly resolution. Participants had been drawn from all sectors of the international community of human rights activists, NGOs and experts. Emphasis had been laid on describing and evaluating the contribution of the intergovernmental human rights organs and bodies, as well as Secretariat departments of the United Nations system, the specialized agencies and other international organizations and institutions, while giving particular attention to the views of scholars, scientists, university professors and non-governmental organizations. A Fact Sheet on the global consultation had been issued and widely distributed. The recommendations made included action by the Security Council to impose mandatory sanctions against the apartheid régime, action by Governments to strengthen legal measures making racism a crime under international law, and accession to and ratification of international and regional instruments pertaining to racism and racial discrimination. The importance had been recognized of channels of world-wide communication, in order to encourage fruitful dialogue among cultures and help render public opinion more sensitive to racial discrimination. The key role played by non-governmental organizations had also been underlined.

31. In January 1989, a seminar organized by the Centre for Human Rights, on the effects of racism and racial discrimination on social and economic relations between indigenous peoples and States had been held in Geneva. The fact that a representative of an indigenous community had been elected as the rapporteur of the meeting was a sign of the increasing co-operation between the United Nations, Governments and indigenous peoples in efforts to protect their basic rights. The report of the seminar was available as a publication of the Centre for Human Rights.



32. The rights of another group particularly vulnerable to racism, namely, migrant workers, were to be dealt with in an international seminar on cultural dialogue between countries of origin and host countries of migrant workers, to be convened in September 1989 in co-operation with the Government of Greece. In that regard, he referred to the preparation, by a Working Group of the Third Committee, of the convention on the rights of migrant workers, and looked forward to its completion and adoption by the General Assembly.

33. Finally, the Centre intended, in 1989 or early 1990, to focus attention on the root causes of racism by means of a workshop on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid.

34. Another constant concern of the Sub-Commission was the human rights situation of vulnerable groups. The intense debate on every aspect of the protection of children against all forms of exploitation, of persons subjected to slavery and slavery-like practices, of exploited women and of indigenous peoples dealt with by pre-sessional working groups, was evidence that the Sub-Commission was the ideal international forum for disadvantaged groups wishing to put forward their views, information and recommendations.

35. The human rights of minorities and the protection of persons belonging to minorities were a matter of increasing concern in various parts of the world. The decision taken by the Sub-Commission at its fortieth session, to explore more pragmatic approaches to the protection of minorities, was an encouraging step forward in the prevention of discrimination and the protection of persons belonging to racial, national, religious and linguistic minorities.

36. As in the past, the Sub-Commission would be paying particular attention to the protection of the human rights of detainees and of victims of abuses of power by the judicial system or prison authorities, or of the activities of paramilitary groups and death squads. It would be reviewing information on the treatment of detainees, dealing with the impact of states of emergency on the enjoyment of human rights, and considering cases of deaths of detainees in suspicious circumstances, individualization of prosecution and penalties, administrative detention without charge or trial, and restrictions on the use of force by law enforcement and military personnel. In that connection, the very important issue of protection of staff members of the United Nations system would also be considered.

37. The list of documents before the Sub-Commission dealt with a wide range of subjects. Human rights situations could not be isolated from other aspects of the contemporary world, such as military conflicts, poverty and underdevelopment or environmental problems. In his statement to the Economic and Social Council on 5 July 1989, the Secretary-General had pointed out that the progress achieved in the political field might prove to be illusory unless the aspirations for betterment of the majority of the world's population were satisfied. Thus, the Sub-Commission would have before it a preliminary report on economic, social and cultural rights, and would deal with the pressing needs of development and the promotion of human rights. It would also be considering reports on the use of chemical weapons and its effects on the right to life, and the movement and dumping of toxic and dangerous products and wastes.

38. Clearly, the Sub-Commission would concern itself with information and reports on violations of human rights wherever they occurred, both under its confidential 1503 (XLVIII) procedure and in its public discussion of item 6. The Sub-Commission had a specific mandate from the Commission to concentrate its attention on those specific human rights issues to which it could make a distinctive contribution based on the different views and perspectives of independent experts, and the previous year it had begun an interesting discussion on how it could best fulfil its mandate with regard to alleged violations of human rights.

39. The plight of refugees in several parts of the world had been a matter of growing concern to the international community, with regard both to its causes and to the burden imposed on host countries. A growing number of individuals seeking refuge were finding that their particular situation did not fully fall within the established definition of a "refugee", and there was a growing tendency to attempt to return those individuals to their country of origin. Unfortunately, the fact that such individuals and their families did not fall completely within the established definition of a refugee did not necessarily mean that they would not face serious problems on return to their country of origin. The Sub-Commission might wish to consider specific forms of protection which could be extended by the international community to such individuals, who might qualify as a highly vulnerable group.

40. The previous year, the Sub-Commission had stressed the urgent need to receive the report on human rights and youth from its Special Rapporteur, Mr. Dumitru Mazilu, and had requested the Government of Romania to co-operate with a view to enabling Mr. Mazilu to present his report. Since then, the matter had been taken up with representatives of the Government of Romania on numerous occasions both in Geneva and in New York, by the Secretary-General and also by himself. Unfortunately, no progress had been made in the Secretariat's attempts to consult with Mr. Mazilu with a view to assisting him in the preparation of his report. However, a text had now been received from him and as the Chairman announced it was being processed and would shortly be available to the Sub-Commission. By a resolution adopted at its first regular session of 1989, the Economic and Social Council had referred the question of the applicability of the Convention on the Privileges and Immunities of the United Nations to the case of Mr. Mazilu to the International Court of Justice, as recommended by the Commission on Human Rights at its forty-fifth session.

41. Finally, turning to the question of resources, he said that since becoming responsible for the Centre for Human Rights, he had become increasingly aware of the need for United Nations action in a growing number of areas, and had seen a number of human rights organs add subjects and activities each year to the Centre's list of responsibilities. That development was to be welcomed. However, the financial crisis affecting the Organization had resulted in a reduction in the already strained resources available to the Centre.

42. He wished the Sub-Commission success in the heavy and challenging task facing it. He shared the Secretary-General's conviction that, in the last analysis, the United Nations would be judged by its accomplishments for individuals the world over. There was nothing abstract about the Sub-Commission's undertakings, which served to stem the tide of violence, to

bring relief to the hungry, and to create a society one would not be ashamed to bequeath to one's children. Stressing human rights served as a reminder of the human focus of all the Organization's efforts.

ELECTION OF OFFICERS (item 1 of the provisional agenda) (E/CN.4/Sub.2/1989/1 and Add.1)

43. Mr. KHALIFA nominated Mr. Yimer for the office of Chairman of the Sub-Commission for its forty-first session.

44. Mr. HATANO, supported by Mrs. WARZAZI, Mr. SOBARZO, Mr. TÜRK, Mr. van BOVEN, Mr. JOINET, and Mr. TREAT seconded the nomination.

45. Mr. Yimer was elected Chairman by acclamation.

46. Mr. Yimer took the Chair.

47. The CHAIRMAN said that he felt deeply honoured to have been elected by the Sub-Commission to be its Chairman for the forty-first session. During its more than 40 years of existence, the Sub-Commission had made a considerable contribution to the promotion and protection of human rights through numerous studies prepared by distinguished experts on various topics in the field of human rights and fundamental freedoms. Although the Sub-Commission's title implied a rather narrow, albeit important, field of action, its agenda and the various studies prepared and under preparation by special rapporteurs clearly showed that it was concerned with the whole gamut of human rights. Those developments also testified to the increasingly significant role which the Sub-Commission was playing as an expert body of the Commission on Human Rights in the field of human rights.

48. The Sub-Commission's forty-first session had before it a number of items on human rights which it had been considering over the years. As Chairman, it was his intention to make his own modest contribution to the serious work that lay before the Sub-Commission. He would need the support of all his distinguished colleagues and other participants in the discharge of his duties.

49. The CHAIRMAN invited nominations for the offices of Vice-Chairmen.

50. Mrs. DAES nominated Mr. van Boven for the office of Vice-Chairman.

51. Mr. RIVAS POSADA nominated Mr. Alfonso Martínez for the office of Vice-Chairman.

52. Mr. CHERNICHENKO nominated Mr. Diaconu for the office of Vice-Chairman.

53. Mr. van Boven, Mr. Alfonso Martínez and Mr Diaconu were elected Vice-Chairmen by acclamation.

54. The CHAIRMAN invited nominations for the office of Rapporteur.

55. Mrs. BAUTISTA nominated Mr. Hatano for the office of Rapporteur.

56. Mr. Hatano was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (E/CN.4/Sub.2/1989/1 and Add.1)

57. Mr. ALFONSO MARTÍNEZ pointed out that at the 36th meeting of the 1988 session (E/CN.4/Sub.2/1988/SR.36) it had been agreed, on his suggestion, to delete the words "Draft declaration on" from item 10.

58. The CHAIRMAN said that the summary record confirmed the point that had been raised and the item would be amended accordingly.

59. Mr. van BOVEN agreed with Mr. Alfonso Martínez. In any case, the draft declaration had been submitted to the Committee on Crime Prevention and Control for further study and recommendation, so that it was no longer a matter for the Sub-Commission.

60. The provisional agenda (E/CN.4/Sub.2/1988/1 and Add.1), as amended, was adopted.

#### ORGANIZATION OF WORK

61. Mr. JOINET recalled that it had been decided that the Sub-Commission would be informed about absent members at the beginning of each session. He understood that two or three members were absent from the present session.

62. He also suggested that, in allocating time for agenda items, the Bureau should note that agenda item 9 was a heavy one, and that it should also take account of the availability of documents in all languages.

63. Mr. CISSE (Secretary of the Sub-Commission) said that the situation in respect of documents was quite satisfactory. Most of the documents for agenda items 3, 4 and 5 were already available and the remainder would be available on Tuesday, 8 August.

64. With regard to attendance at the Sub-Commission, Mr. Agboyibor had written to the Centre for Human Rights to say that he would be arriving late and that his alternate, Mr. Assouma, would be present during his absence; Mr. Ilkahanaf had informed the Secretariat that he would be attending the session and that the Sub-Commission would be informed of his expected date of arrival; no information had been received from Mr. Al-Khasawneh and the Centre for Human Rights had been endeavouring to contact him.

65. Mrs. WARZAZI suggested that the Bureau should consider the possibility of reserving Friday afternoons so that members of the Sub-Commission could study the documents.

66. The CHAIRMAN said that the Bureau would consider the suggestion at its next meeting.

67. Mr. VARELA QUIROS recalled that at the 1988 session the observers of Indonesia, El Salvador and Romania had not been allowed to speak before adoption of the resolutions concerning those three States. He had proposed (E/CN.4/Sub.2/1988/SR.35) that the procedure should be abandoned and the observers allowed to speak, and Mr. Treat had supported his proposal. He now wished to request formally that the Sub-Commission should allow observers to speak before the relevant resolutions had been voted.

68. The CHAIRMAN said that the Sub-Commission would have to seek a legal opinion before taking a decision.

69. Mr. DIACONU supported Mr. Varela Quiros and suggested that the matter should be considered by both the Bureau and the Sub-Commission in connection with the organization of work.

TRIBUTE TO THE VICTIMS OF APARTHEID

70. The CHAIRMAN recalled that the Sub-Commission, in its decision 1985/109, had decided to observe, at the beginning of each annual session, a minute of silence in tribute to the victims of apartheid.

71. The members of the Sub-Commission observed a minute of silence in tribute to the victims of apartheid.

The meeting rose at 1.20 p.m.