

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1985/SR.27  
4 March 1985

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 27th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 22 February 1985, at 10 a.m.

Chairman:

Mr. CHOWDHURY

(Bangladesh)

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The meeting was called to order at 10.25 a.m.

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 15)  
(continued) (E/CN.4/1983/26; E/CN.4/1985/25 and Add.1-4; E/CN.4/Sub.2/1983/30)

1. Mr. MASFERRER (Spain) said that his delegation appreciated the constructive efforts of the Advisory Committee for the International Youth Year and of Governments and international and non-governmental organizations to achieve the Year's objectives. Spain had enthusiastically joined in those efforts by offering to hold the World Congress to be convened by UNESCO at Barcelona.
2. Although conscientious objection related primarily to youth, it also affected society in general. He was pleased to announce that an Act under which conscientious objection was recognized as a right which citizens could claim on religious, ethical, moral, humanitarian, philosophical or other grounds had recently entered into force in Spain. It was not, however, to be used as a means of evading the civic responsibilities which all other citizens had to discharge, and therefore provided that military service could be replaced by a system of civilian service, similar in structure but of slightly longer duration because of the lesser emotional stress and physical effort involved. His Government attached great importance to the new Act, which was a call for solidarity on the part of all citizens in promoting peaceful and pluralistic coexistence based on the principles set out in the Universal Declaration of Human Rights.
3. Mr. DO TAT CHAT (Observer for Viet Nam) said that young people aspired to a glorious future but currently faced a disturbing international situation which was rapidly deteriorating as a result of the arms race and the threat of nuclear war fermented by reactionary circles in certain Western countries. If a nuclear war broke out, all life on earth would cease: that was why the International Youth Year must be a year of concerted efforts and real progress towards preserving world peace. In 1985, which was also the fortieth anniversary of the end of the Second World War, effective measures should be taken to mobilize youth in realizing the ideals of peace, friendship and co-operation among all States and peoples on the basis of mutual respect. The objectives of the International Youth Year could not be fully met, however, until colonialism, racism, apartheid and neo-fascism had been eradicated.
4. In many countries, particularly capitalist ones, young people were not able to exercise the rights to education and work; lacking employment and faith in the future, many of them became social outcasts. The International Youth Year must assist them in taking effective action to ensure the exercise of those rights through radical social changes.
5. The Vietnamese people, including the young, were strongly committed to peace and national independence, having been forced for four decades to engage in a relentless struggle against foreign aggression. Young people fully enjoyed all human rights, including the rights to education and work, which were guaranteed in the Constitution, upheld by State policy and safeguarded in practice. Free from exploitation, unemployment and illiteracy, young Vietnamese were devoting all their skills to making an honourable contribution to the country's development. They

participated actively in all international activities to promote peace and disarmament and were contributing to the international democratic youth movement.

6. Viet Nam had set up a co-ordinating committee for the International Youth Year and would soon promulgate a law on youth. It fully supported the recommendation that some of the meetings of the General Assembly's fortieth session should be designated as the World Conference for the International Youth Year and welcomed the fact that the next International Youth Festival was to be held in Moscow. The secretariat of the International Youth Year, United Nations agencies and governmental and intergovernmental organizations should make every effort to ensure that the plans of action for the International Youth Year were successfully implemented.

7. Ms. SHERWOOD (International Commission of Jurists) said that, while many people thought there was nothing they could do to turn nations away from war, others felt they could and must make their own contribution to achieving world peace, and they did so by refusing to bear arms. They were following the dictates of their conscience, religion or beliefs, and in trying to live up to the highest United Nations ideals, were often subjected to harassment, intimidation and punishment. The majority were young people; sadly enough, the only contribution which Governments regularly expected of youth was to be prepared to inflict harm on others, and their most widely used infrastructure for tapping the resources of youth was the armed forces. It was surely time to work for the establishment of national infrastructures which would enable young people to serve their societies in a non-military context.

8. The Commission should clearly affirm the right of conscientious objection and should exhort Governments to bring their national legislation into line with United Nations standards on freedom of thought, conscience and religion and to recognize conscientious objection as a human right, not a privilege which could be bestowed or denied. Clear guidance from the Commission on that matter would provide much-needed support for those genuinely struggling for fundamental United Nations goals, and would also encourage Governments to develop some form of alternative service which conscientious objectors could render. The Commission had been considering the subject of conscientious objection for 13 years; in view of the advent of the International Youth Year and the preparations for the International Year of Peace, the moment was opportune for it to confirm conscientious objection as a right.

9. Mr. DICHEV (Bulgaria) said that although there was now some awareness of the vital importance of the objectives set out in the Charter, there was still a long way to go before they were fully realized. The objectives of the International Youth Year were related to the Commission's endeavours to promote human rights through international co-operation; in that connection, his delegation attached great importance to the Declaration on the Right of Peoples to Peace, contained in General Assembly resolution 39/11. The Commission must devote more attention to the rights of all people, including young people, to life and peace - essential human rights without which the enjoyment of others was impossible. Serious consideration should be given to the vital contribution youth could make to safeguarding those rights.

10. Young people who lived under apartheid or the strain of constant aggression and repression in the occupied Arab territories could not enjoy the entire range of human rights and fundamental freedoms, nor did human rights mean anything to the thousands of young people dying of hunger in African countries. It was therefore nonsensical to advocate human rights and fundamental freedoms while ignoring the rights to peace, life or development. If the Commission took that approach, its contribution to the full and effective enjoyment of human rights by youth would be diminished.
11. Bulgaria had the greatest sympathy for and supported the efforts being made by some Governments to overcome the difficulties facing their young citizens as a result of colonialist exploitation and neo-colonialist pressure. Bulgaria supported the right to development, which was indispensable for social progress and the genuine development of the human personality. In some economically advanced and very wealthy countries, young people were virtually denied any meaningful participation in economic, political and public life because of the prevailing socio-economic conditions. The exorbitant military expenditures imposed on societies as a result of the escalation of the arms race by imperialist circles added an alarming dimension to the existing threat to international peace and security. As the President of the State Council of Bulgaria had stated, it was only in conditions of peace and peaceful co-operation that democracy could develop and human rights and democratic freedoms be consolidated.
12. Mr. CSMACH (Ukrainian Soviet Socialist Republic) said that the proclamation of the International Youth Year testified to the international community's recognition that young people could play a role in solving important contemporary problems and that Governments and international organizations had a responsibility to create conditions enabling them to enjoy the rights to life, employment, education, health and freedom from discrimination. One of the basic goals of the Year, without which none of the others could be achieved, was peace. At the regional preparatory meetings for the Year, it had been pointed out that a serious threat was hanging over future generations, the source of which was the aggressive policy followed by the United States and its NATO allies which, in an effort to acquire military superiority, had embarked on a new stage of the arms race. That threat grew with every effort by the imperialists to intervene in the internal affairs of sovereign States and to follow a policy of confrontation, diktat and State terror.
13. It was therefore appropriate that during the International Youth Year special attention should be devoted to intensifying the participation of young people in the struggle for peace and disarmament and in developing understanding and co-operation among people. The implementation of the specific disarmament proposals contained in Economic and Social Council resolutions 1983/17 and 1983/18 would make it possible to divert massive resources to solving the major economic and social development problems facing mankind and thereby to benefit the youth of all countries.
14. Young people were not indifferent to the fate of mankind, as was evidenced by the peace demonstrations which millions of them attended. It was obvious, moreover, that until all forms of colonialism, neo-colonialism, racism, racial discrimination, apartheid and foreign domination were eliminated, full social and economic development and respect for human rights could not be achieved. Thus, the three goals

of the International Youth Year - participation, development and peace - must be realized as an integral whole; that approach would lead to a real improvement in the situation of young people, the satisfaction of their greatest needs and deepest desires, and the enhancement of their contribution to social progress.

15. One of the most serious problems facing many countries today was unemployment, which stood at 12.2 million in the EEC countries and 8.5 million in the United States. Young people, deprived of the satisfaction of fulfilment by the continuing crisis in capitalist countries were especially hard hit. Unemployment, of course, was at the root of many troubles in capitalist society, such as drug-taking, crime and prostitution. Inflation, unemployment and lack of resources for health, education and other social programmes because of increased military budgets were affecting the social conditions of youth in particular, and the effects would still be felt in the next century. The crisis in the capitalist world had had a particularly serious impact on the developing countries, whose situation was made much worse by the rapacious activities of transnational corporations.

16. The Second World War had resulted in victory over fascism, which had threatened many peoples with slavery and even extinction. The celebration of that event, and the founding of the United Nations, must be given due importance in the observance of the International Youth Year. Young people must be made aware of the untold sufferings caused by fascism, with its inhuman ideology and its policy and practice of aggressive war. The heirs of fascism sought to take advantage of young people's political immaturity, social problems and uncertainties stemming from the current crisis in capitalist society to promote racial and national intolerance and opposition to democratic institutions. The celebrations of the International Youth Year and the fortieth anniversary of the victory over fascism must therefore be used to educate youth in the true ideals of peace, friendship and active co-operation in the struggle against all forms of nazism, fascism, neo-fascism, racial intolerance or superiority and any other forms of inhuman ideology and practices.

17. The International Youth Year should also be used to promote an exchange of experience about national measures to overcome the problems of youth. In the Ukrainian SSR, the Year was being observed by Government bodies, local organizations and the mass media. Newspapers and periodicals, as well as radio and television programmes, would deal with youth topics. In keeping with the State's constant concern for young people, young Ukrainians' rights were safeguarded by a comprehensive range of laws and statutes governing, inter alia, questions of work and leisure and the exercise of constitutional rights shared by other citizens, such as the rights to work and to free education and health services. Some 3,000 standing committees of councils of national deputies dealt with youth matters. Youth was widely represented in the various State bodies of the Republic, and more than 105,000 young people had been elected as deputies to local soviets. Youth was playing an active part in preparations for the forthcoming elections to the Supreme Soviet of the Ukrainian SSR and to the local councils of national deputies.

18. In economic affairs no new initiative was taken without the participation of young persons. Young persons traditionally played a leading part in building major industrial plant, and some 56,000 young persons were currently working on the constructing of various all-Union, Republic and regional installations.

19. Thanks to the provision of free education and vocational training, more than 1,600,000 students were attending middle and higher educational institutes, and over 700,000 persons a year were trained in more than 650 vocations. Secondary school reforms were in progress to improve secondary education and higher vocational training. Students were able to take advantage of scholarships and grants as well as lodging and medical facilities, free or concessionary transport and other forms of assistance. Special attention was also given to the cultural, artistic and physical development of young persons, who were also actively involved in measures to protect the environment.

20. Young Ukrainians were currently preparing to take part in the twelfth World Festival of Youth and Students to be held shortly in Moscow, an extremely important event for the youth of all countries that would help to achieve the aims of the International Youth Year. During both those events, the youth of the Ukrainian SSR was determined to voice its desire for peace, disarmament and improved social and economic conditions for the youth of all nations. It was ready to join in all efforts by the world's youth in promoting co-operation towards those goals and to share its experience in efforts to solve the problems faced by young people in society.

21. Mrs. RUESTA DE FURTER (Venezuela) said that 75 per cent of Venezuela's population was below the age of 30. The country's Constitution reflected and extended the provisions of the Universal Declaration of Human Rights, and the accent was on youth in much of the legislation. The age of majority was 18, and men and women were equal before the law, which also made no distinction between the rights of legitimate and illegitimate children. All men and women of majority age had the right to vote and stand for election, except for the offices of President of the Republic, senator and magistrate, for which the minimum age was 30. Criminal courts could not try persons under 18 years of age, whose cases were heard in the juvenile courts. Free education and health care, from pre-school age to university and vocational training level, was available to all. In the national youth policies and programmes developed since the establishment of democracy in Venezuela 25 years previously, the term "youth" had been taken, for practical purposes, to mean the age group from 14 to 25. That group constituted a majority of the population; it was, of course, regarded as the hope for the country's future and was suitably safeguarded by the law and the Constitution.

22. Venezuela therefore welcomed the celebration of the International Youth Year. That event had been officially opened in Venezuela on 6 February 1985, and the associated nation-wide activities would include special activities on 29 March, focusing on the development of democracy and youth, and a youth congress to be held at Caracas in November 1985. Since many political parties were active in Venezuela, wide-ranging participation and debate was expected, including consideration of the role of youth in the promotion and protection of human rights.

23. There seemed to be some imbalance in the contents of documents E/CN.4/1985/25 and Add.1-4 and E/CN.4/Sub.2/1983/30, which dealt exhaustively with the question of conscientious objection to military service. Only in document E/CN.4/1983/26 was there an attempt at comprehensive treatment of agenda item 15 as a whole, and even that was unsatisfactory - although it contained some suggestions for Governments with regard, for example, to the formation of national co-ordination committees and related activities, including the role of a national youth day. For some years past, such a day had been celebrated in Venezuela on 12 February, in commemoration of a protest staged by youth prior to the establishment of democracy, when the protestors had been killed, imprisoned or exiled. Document E/CN.4/1983/26 also failed to deal with the situation of youth in conditions of

racial discrimination, apartheid, slavery and other forms of oppression and the effect on youth of evils such as drug trafficking, alcoholism, malnutrition and lack of health care. In that connection, as the Netherlands delegation had rightly pointed out, economic, political and social advances aimed at the establishment of a new international economic order were an essential factor in the reduction and elimination of human rights violations.

24. There was insufficient information before the Commission for an over-all treatment of the subject. Her delegation therefore suggested that a suitable co-ordination unit should be established within the Centre for Human Rights to gather and analyse information concerning the problems of youth and thus help to promote national activities related to youth. In particular, the ideas expressed in paragraph 3 of document E/CN.4/1983/26 should be developed. Her delegation therefore requested the Secretariat to submit to the Commission, at its forty-second session, a study on the part to be played by youth in the promotion and protection of human rights, and on the ways in which youth was affected by human rights violations.

25. Mr. WIESNER (Austria) said that his delegation was somewhat disappointed that most previous speakers had dealt with their own government's measures for the benefit of youth. The Commission was not the appropriate forum to receive such details; moreover, a special advisory committee had been set up to receive information concerning all measures related to the International Youth Year. The Commission itself should concentrate on considering how it could contribute to that event; it was not the right forum for stocktaking.

26. The Commission could discharge its mandate more appropriately by focusing on the question of conscientious objection to military service. Austria welcomed the Sub-Commission's examination of that subject, which his Government hoped would be discussed and subjected to a genuine exchange of views hitherto lacking. The report contained in document E/CN.4/Sub.2/1983/30 was a good basis for further debate, which should seek not to condemn any State legislation or policy but to arrive at an acceptable solution of current and future problems. Conscientious objection should be viewed against the background of religious beliefs and deep inner conflict about military service. The relevant recommendations should involve measures to protect the conscientious objector, and a unified reporting system should enable the solution of outstanding problems to be approached more expeditiously.

27. General Assembly resolutions relating to the International Youth Year were based on the assumption that the question of youth was primarily a social issue. Consequently, the focal point for all United Nations activities relating to youth during the year should be the Youth Unit of the Centre for Social Development and Humanitarian Affairs, and any Commission resolutions on the subject should reflect that point. Duplication could thus be avoided, yielding a saving in manpower and material that was especially important during the current unprecedented budgetary crisis.

28. Mr. ZOLLER (Pax Christi International) said that his organization, concerned by the many obstacles in the way of conscientious objection to military service, was greatly interested in the report contained in document E/CN.4/Sub.2/1983/30.

29. The view of the Catholic Church was that acts of war could be morally justified only if they were not perpetrated against innocent civilians and if the principle of proportionality was observed between the evil to be removed and the good to be achieved. Those conditions were not fulfilled in some Powers' military strategies - indeed, the nuclear arms race threatened mankind's very survival. When neither condition was fulfilled, no one could morally take part in warfare. The current arms race thus cast a new light on conscientious objection. As weapons became more sophisticated and warfare more devastating, the Churches had had to adopt an entirely new attitude to war and, as a result, to conscientious objection. For the same reason, conscientious objection was growing, particularly since the arms race had given rise to a situation in which a first-strike nuclear attack was seen as a defensive measure. Conscientious objection therefore reflected moral wisdom and a deep belief in the ability to settle disputes peacefully, through dialogue and mutual assistance, in line with the principles of the United Nations.

30. Conscientious objection to military service would also promote the right to help in creating an alternative to war, which was increasingly seen as no longer a rational way to resolve disputes. Those who were ready, at personal risk, to uphold that growing belief should be recognized as workers for a new humanity, and Governments should help them, considering objectors not as social cases but as potential providers of alternative forms of service.

31. It was to be hoped that the Commission would contribute to that end, inter alia by adopting the recommendations contained in paragraphs 154-169 of the report contained in document E/CN.4/Sub.2/1983/30. His organization especially supported the recommendation inviting States to create an alternative to military service; such an alternative - in social work, for example - would promote peace, development and mutual understanding.

32. Mr. MUHLETHALER (World Association for the School as an Instrument of Peace) said that his Association had decided to open an international centre at Geneva for the training of teachers of human rights and peace subjects. The programmes of the centre, which would organize training sessions for primary and secondary school teachers and lecturers at vocational and teacher training colleges, would take different attitudes into account, stress the three basic values of democracy - tolerance, mutual respect and a sense of collective and individual responsibility - and seek to create a new atmosphere by teaching respect for human rights. An international training session would be held at Geneva from 1 to 6 July 1985.

33. The arms race would never end if divisive prejudices were allowed to persist in school curricula. Teaching must therefore be adapted to the modern world in order to protect young people from the horrors of war.

34. Mr. NESS (World Association for the School as an Instrument of Peace) said that Principle 7 of the Declaration on the Rights of the Child stated that every child should be given an education which would enable him to develop his sense of moral and social responsibility. All young people should be given the opportunity to reach an informed decision about their participation in acts of war in accordance with their moral convictions. Articles 18 and 19 of the Universal Declaration of Human Rights stated that everyone had the right to freedom of conscience and freedom of expression, and those rights should be respected by all nations. It was their moral and legal obligation to include the right to conscientious objection in their national constitutions.



35. Mr. CLEMENT (France) said that his country had supported the designation of 1985 as the International Youth Year. It would make an active contribution to the Year and hoped that the efforts devoted to the occasion would lead to greater consideration of its main themes - participation, development and peace. Because of their diversity, imagination and aspirations, young people both helped to bring clarity and raised important issues. It was essential to listen to young people and leave them to achieve their own ambitions without attempting to organize them or dictate their views. Young people's curious, spontaneous and imaginative nature should be protected as an important source of answers to the questions and doubts of a changing world.

36. The concept of youth could not be defined precisely, since it involved social, cultural and psychological factors and could not be said to begin or to end at a particular age. For that reason, it would be pointless and even discriminatory to attempt to accord special rights to young people, as had been suggested at the most recent session of the Advisory Committee for the International Youth Year in August 1984. Young people had the same rights as the rest of society, and those rights were covered by existing human rights instruments.

37. During the International Youth Year, more importance should be attached to international youth exchanges, which were of great educational value. They taught young people to respect one another's differences and thus served the cause of peace and human rights. Young men and women who went to study or work in another country were the guarantee of future relations between States. The International Youth Year should also be used to make young people more familiar with the ideals of the Charter of the United Nations, and the co-operation of specialized agencies such as ILO, UNICEF and UNESCO, with their wide experience of youth issues, should be sought in that task.

38. Programmes of action for the International Youth Year should be developed at the local and national levels by young people themselves. In France, a National Co-ordination Committee for the International Youth Year had been set up on 10 February 1984 with the participation of representatives from the Government and the youth organizations.

39. The report on conscientious objection (E/CN.4/Sub.2/1983/30) demonstrated the good relations which the Special Rapporteurs had been able to establish with individual States and clearly defined the conflict between the need to defend society and the convictions of conscientious objectors. In France, an Act of 21 December 1963 covered the case of conscientious objection. Young people wishing to be exempted from military service could declare their intentions in writing to an independent committee and had the right of appeal to the Council of State. If the applicant's case was upheld in view of his religious or philosophical convictions, he performed his military service in a non-combatant unit or in a civilian department such as the forestry and water administration.

40. Although the French delegation had reservations about some of its conclusions and recommendations, the report was a good starting point for an objective consideration of youth issues.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF  
DETENTION OR IMPRISONMENT, IN PARTICULAR: (agenda item 10)

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT  
(A/39/662)

(b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES  
(E/CN.4/1985/15 and Add.1; E/CN.4/1985/NGO/10, E/CN.4/1985/NGO/23)

41. Mr. HERNDL (Assistant Secretary-General, Director, Centre for Human Rights), introducing agenda item 10, said that the right to life, liberty and security of person, and to freedom from arbitrary arrest, detention or exile, were enshrined in articles 3 and 9 of the Universal Declaration of Human Rights and articles 6 and 9 of the International Covenant on Civil and Political Rights. He also drew attention to the Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955. The Commission and human rights organizations had conducted studies on the various aspects of the human rights of all persons subjected to any form of detention or imprisonment. Under a regular item on its agenda, the Sub-Commission on Prevention of Discrimination and Protection of Minorities obtained information annually from Governments, intergovernmental organizations and non-governmental organizations, which was examined by a sessional working group. At its thirty-seventh session in 1984, the Sub-Commission had adopted resolutions 1984/8, 1984/10, 1984/13 and 1984/27, dealing respectively with amnesty laws, the use of force by law enforcement officials and military personnel, a draft declaration against unacknowledged detention of persons, and ways and means of preparing a list of those States in which a statement of exception had been declared or terminated.

42. With regard to agenda item 10 (a), he said that the General Assembly had adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 9 December 1975. At the Assembly's request, the Commission had subsequently drawn up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, which had been adopted at the thirty-ninth session of the General Assembly. The Convention had been opened for signature and ratification or accession on 4 February 1985 and had since been signed by 22 countries. The adoption of the Convention was a remarkable achievement, but momentum must be maintained in the fight against torture, and the Commission would no doubt focus its attention on the need for a fact-finding mechanism or special procedure on the question of torture.

43. The Secretary-General's report on the United Nations Voluntary Fund for Victims of Torture was contained in document A/39/662. In resolution 39/113, the General Assembly had called upon all Governments, organizations and individuals in a position to do so to contribute to the Fund. He wished to reiterate that appeal.

44. The question of enforced or involuntary disappearances was one which had been given particular attention in the General Assembly, the Commission and the Sub-Commission. In its resolution 33/173 and on subsequent occasions the Assembly had expressed deep concern about reports from various parts of the world relating to such disappearances. At its thirty-sixth session, the Commission, with the endorsement of the Economic and Social Council, had established a working group, consisting of five of its members serving as experts in their individual capacities, to examine matters relating to enforced or involuntary disappearances. The Working Group, which had submitted reports to the Commission at its four most recent sessions, had pioneered a new chapter in the development of international

co-operation for the promotion and protection of human rights. It had meticulously developed a dialogue with Governments and its urgent action procedure for dealing with reported cases of disappearances had helped to save lives.

45. The latest report of the Working Group (E/CN.4/1985/15 and Add.1) contained important conclusions and recommendations. In particular, the Working Group recommended in paragraphs 90 and 302 that, if the Commission decided to extend the Working Group's mandate, it should consider doing so for a period of two years, on the understanding that the Group's annual reporting cycle would be maintained. The main reasons for that recommendation were reflected in paragraph 89 of the report. The Secretariat fully understood the concerns expressed in that paragraph and would welcome anything that could be done to improve the current situation.

46. Mr. TOSEVSKI (Chairman/Rapporteur, Working Group on Enforced or Involuntary Disappearances), introducing the report of the Working Group (E/CN.4/1985/15 and Add.1), said that it should be read and understood in conjunction with the Group's previous reports.

47. He wished to reiterate that the Group's sole objective was to help to determine the whereabouts of persons reported to have disappeared. It tried to meet that objective by transmitting to Governments reports on disappearances containing elements which, in the Group's view, should enable national authorities to continue meaningful investigations. In its purely humanitarian task, the Group did not pass judgement on circumstantial elements relating to disappearances, on violations of any basic human rights that might have been committed, or on questions of responsibility, guilt or punishment. The Group had to decide only whether a case qualified for transmission to Governments and whether a Government's reply clarified it. A case was considered clarified when a Government informed it where the missing person was and whether that person was alive or dead, in such a manner that the families could be reasonably expected to accept that information. That was the only approach the Group could take, and he hoped that it was understood by the relatives and many non-governmental organizations that provided it with information, both on specific cases and on the phenomenon in general.

48. The amount and quality of information received from non-governmental organizations had been particularly rich during the period under review, and their views and constructive suggestions were widely reflected in the report. In particular, the meeting held at San José, Costa Rica, in October 1984 had enabled the Group to establish unprecedented direct contacts with the many organizations of the region which would not otherwise have been in a position to come before it. He wished to reiterate the Group's gratitude to the Government of Costa Rica and the Inter-American Court of Human Rights for having enabled it to meet in that country.

49. As could be seen from the report, two members of the Group had undertaken a mission to Bolivia at the Government's request to assess the progress made and the difficulties encountered by the Bolivian National Commission in investigating disappearances in that country and to help to determine what kind of assistance the United Nations could grant. He hoped that ways and means could be found within the United Nations system to implement the recommendations made for such assistance, which, though comparatively modest, was nevertheless of great significance to the investigatory process in Bolivia.

50. He also expressed the Group's appreciation to the Government of Peru for having invited it to undertake a mission to that country in the next few months. The section of the report relating to the situation in Peru was presented in such a manner as not to prejudge in any way the findings of a possible mission and therefore did not reflect the entire range of information non-governmental organizations had placed at the Group's disposal. The Group also conveyed its gratitude to the Government of Argentina for its invitation to hold one of its next regular meetings at Buenos Aires.

51. The Group's activities had now reached a stage at which some in-depth stock-taking, scrutiny and possible revision of cases accumulated over the years had become necessary. In the current report, the statistics, when carefully studied in connection with the rest of each country section, were not always of equal significance. Those and other related aspects would have to be closely examined by the Working Group, if the Commission decided to extend its mandate. If it did so, the Commission might also wish to take into account the Group's recommendation that it should be given a two-year mandate while maintaining the customary yearly reporting cycle. Such a decision would greatly improve the support the Group needed from the Secretariat in terms of qualified staff and budgetary requirements and would also enhance the substantive aspects of its work.

52. Mr. RHENÁN SEGURA (Costa Rica) said that little progress had been made on the item under consideration and the practice of cruel, inhuman or degrading treatment continued to be a scourge which it had yet not been possible to eradicate. Despite the good intentions of various international bodies, in particular the Commission on Human Rights, the world continued to witness with horror the application of the most sophisticated techniques to torture human beings.

53. Torture was the most abhorrent instrument that a State could use and it could not be justified by invoking the existence of a national danger. A Government which had recourse to torture was admitting that it was incapable of governing the nation, and the spectacle of a Government making use of the power entrusted to it by society to engage in the systematic practice of torturing its fellow-citizens was utterly repugnant. The need to prohibit torture and other cruel and inhuman treatment was absolute and there was no possible circumstance or exceptional reason that could justify its application.

54. The international community had made a significant contribution to the elimination of torture. The 1949 Geneva Conventions, and particularly article 17 of the Third Convention, prohibited torture during armed international or internal conflicts. Another step forward had been the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975. Article 3 of the Declaration stipulated that "No State might permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment, for which exceptional circumstances could not be invoked as a justification".

55. Torture could not be applied under any circumstance and the fact that authorities sometimes required urgent information to combat terrorism or that security forces were under considerable pressure could not justify its use.

56. Costa Rica had been one of the first countries to sign the Convention Against Torture on 4 February 1985, and its Constitutional Charter stipulated that no one should be subjected to cruel or degrading treatment or perpetual punishment and

that any statement obtained through violence would be null and void. His Government hoped that the Convention would soon be signed by all States in the world, and welcomed the fact that it had already been signed by more than 20 countries. Torture was a flagrant violation of the Charter of the United Nations and various international instruments which constituted not only a direct attack by a Government against the security of its own State but a crime against humanity and international peace and security.

57. Ms. RASI (Finland) said that her delegation had studied the report of the Working Group on Enforced and Involuntary Disappearances, in which it was stated that disappearances had continued in 1984 as in previous years, with great concern. In 1984, the Working Group had received numerous reports on persons who had been arrested or abducted, had been missing for one or more weeks and had then reappeared in a public place. Her delegation noted with concern that temporary disappearances of that type seemed to have increased during the period under review. Although its mandate did not enable it to take action in such cases, it was appropriate that the Group had paid attention to that type of disappearance.

58. One of the main features of the Group's humanitarian work was the contact it established with Governments in order to ascertain the fate of missing persons. Such co-operation was of paramount importance for achieving its objectives, and it was encouraging to note that many Governments had shown increasing willingness to provide facts and explanations. The co-operation of an increasing number of non-governmental organizations, particularly organizations of relatives, had also proved to be very useful for the work of the Group. Regrettably, the Group had encountered serious problems in establishing a dialogue with some Governments, but there was cause for optimism that the situation would continue to improve. She was convinced that through continued emphasis on the humanitarian character of its mandate, the Group would achieve further positive results.

59. The issue of disappearances had received considerable world-wide publicity and needed to be solved in a manner which world public opinion could observe and accept as reasonable. The existence of the Working Group might not be known in some countries. The effectiveness of United Nations action on the problem could be enhanced by making greater efforts to inform the public about what the Organization was doing in that field and how the Group could be approached by individuals and groups.

60. As the Group itself acknowledged, it could not be claimed that a major breakthrough had been achieved in efforts to eradicate forced disappearances. However, it had helped to solve a number of cases.

61. Sir Anthony WILLIAMS (United Kingdom) said it was encouraging that the Commission had made considerable progress during the past few years on the questions of torture and of enforced or involuntary disappearances. However, it could not consider its tasks completed until both practices were much more closer to eradication than at present.

62. With regard to torture, his Government welcomed the adoption of the Convention Against Torture, which it hoped to sign in the near future. It also supported the Voluntary Fund for Victims of Torture and had made a contribution to the Fund at the end of 1984. It hoped that organizations and individuals in the United Kingdom would also contribute to the Fund.

63. Referring to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1), he said it was an achievement for the Group to have transmitted some 2,000 cases to the Governments concerned since the most recent renewal of its mandate. It was highly commendable that the Group's efforts were based on a purely humanitarian premise, and that it had operated on the basis of co-operation with Governments rather than on that of confrontation. That sensible formula seemed to be achieving results, but the fact that the Group had received so large a number of new cases during 1984 showed that the abhorrent practice of enforced disappearance still occurred; indeed, it was clear from the number of countries to which the Group had addressed cases and from the wide range of non-governmental organizations which it had heard that the phenomenon remained a world-wide problem. All credit was due to the Governments that were co-operating closely with the Working Group, particularly those which had established their own machinery to investigate cases of disappearance.

64. The work being done by the Group should be more widely publicized. That might best be done through the Information Service. Meanwhile, the Group itself was making efforts to increase public awareness by undertaking visiting missions, which enhanced the Group's knowledge of individual countries and facilitated direct contacts at all levels with Government and concerned organizations.

65. He welcomed the fact that the Group had responded to the Commission's request to revitalize its procedures, holding one of its 1984 sessions away from its usual venues and expressing its intention to do so again. That approach not only facilitated attendance by petitioners but could also save expenses. His delegation did not expect that meetings away from New York or Geneva would have additional financial implications for the Group's budget.

66. With regard to the Group's recommendations, his delegation supported recommendations (a) and (b) in paragraph 302. So far as recommendation (c) was concerned his delegation had studied the relevant draft instrument with interest, but thought that, in the first instance, the Group should examine the question in more detail so as to be in a position to put forward a considered view concerning the form any international instrument on enforced or involuntary disappearances might take and how it would be implemented. His delegation supported the Group's final recommendation that the Commission should consider renewing its mandate for a period of two years, which should be approved by consensus so that the Centre for Human Rights could be spared past difficulties in recruiting support staff for the Group. In addition to the recruitment of longer-term support staff, the Centre should ensure that the regular staff allocated to the Group was both adequate and effective.

The meeting rose at 12.45 p.m.