

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1985/SR.36/Add.1
21 March 1985

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 36th MEETING

(Second part)^{*/}

Held at the Palais des Nations, Geneva,
on Thursday, 28 February 1985, at 6 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

CONTENTS

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session (continued)

Advisory services in the field of human rights

^{*/} The summary record of the first part of the meeting is contained in document E/CN.4/1985/SR.36

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.6108, Palais des Nations, Geneva.

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

GE.85-15531

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-SEVENTH SESSION (agenda item 19) (continued)
(E/CN.4/1985/3, E/CN.4/1985/50; E/CN.4/Sub.2/1983/21 and Add.1-8;
E/CN.4/Sub.2/1984/20 and 23)

1. Ms. BOJKOVA (Bulgaria) said that the following criteria were matters of principle for her delegation in considering the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: firstly, the Sub-Commission's activities should supplement those of the Commission; secondly, it should act within its terms of reference by assisting the Commission in preparing theoretical studies and recommendations; and thirdly, it should give priority attention to mass and flagrant violations of human rights resulting from policies of apartheid, racism, racial discrimination, colonialism, foreign occupation and denial of the right to self-determination and independence.
2. The Sub-Commission's report (E/CN.4/1985/3) confirmed the view that, despite an unfortunate tendency to exceed its mandate, the Sub-Commission could accomplish important work, as it had done at its thirty-seventh session in considering such essential items as those relating to racism and racial discrimination, the assistance given to colonial and racist régimes in southern Africa, the question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, with particular reference to colonial and other dependent countries and territories, human rights and scientific and technological developments, and the new international economic order. The preparation of studies, which was one of its essential activities, could greatly assist the Commission in its consideration of some agenda items.
3. While welcoming the 17 studies listed in the Sub-Commission's report, and particularly the updated list of banks, transnational corporations and other organizations assisting the colonial and racist régime in South Africa, and the study of the problems of indigenous populations, her delegation deplored the Sub-Commission's failure to complete other important studies requested by the General Assembly, the Economic and Social Council and the Commission itself on such subjects as the progress achieved and obstacles encountered during the Decade to Combat Racism and Racial Discrimination, the adverse consequences of the arms race, and the effects of achievements in scientific and technological progress in securing the right to work and development. Those studies were related to the most basic human rights and fundamental freedoms and deserved priority attention. The work of higher bodies was being impeded by the Sub-Commission's failure to complete them.
4. Some of the suggestions concerning the review of the Sub-Commission's work made in the report of its Working Group and in Sub-Commission resolution 1984/37, exceeded the Sub-Commission's terms of reference and ignored the request in Commission resolutions 17 (XXXVII) and 1983/22 that it should abide by its mandate and endeavour to obtain the broadest possible degree of agreement among its members. Sub-Commission resolution 1984/37, for example, had been adopted by only a slender majority.
5. Mr. SUCRE FIGARELLA (Venezuela) said that his delegation had been astonished at the report of the Sub-Commission (E/CN.4/1985/3), which was an encyclopaedic compilation of topics falling within the specific responsibility of the Commission itself. The unnecessary duplication of work in the Sub-Commission could serve as food for thought when considering the functioning of other United Nations bodies. One representative, indeed, had rightly described the Sub-Commission as a "supra-commission". The preparation of draft resolutions was the responsibility of delegations in the Commission itself, and if the Sub-Commission was to assume the Commission's responsibilities, there would be no reason for the Commission's existence.

6. The Sub-Commission should be restricted to the performance of specific tasks under its mandate. His delegation would like it to become a highly technical ad hoc body whose members were selected on the basis of their professional qualifications and not as members of the Commission. Such a body could perform a useful task in providing the Commission with the necessary documentation and analyses to enable it to take the necessary decisions. Its work should be supplementary to that of the Commission and it should in no way be a deliberating body. Its report should, in future, be an expert report in which no attempt was made to pre-judge the Commission's decisions. His delegation rejected the existing report and would abstain in the vote on the draft resolutions recommended by the Sub-Commission, even when it considered their substance to be valid.

7. Mr. MASFERRER (Spain) said that the functions of the Sub-Commission as a group of experts and the Commission as an intergovernmental body were complementary. As a functional commission of the Economic and Social Council, however, the Commission itself had the main competence in the field of human rights. The independence of Sub-Commission experts and their alternates must be maintained in order to avoid the politicization that had unfortunately occurred on various occasions in that body. Improved co-ordination between the work of the two bodies would prevent duplication and promote the defence of human rights.

8. The Sub-Commission's work would be more fruitful if its agenda was shortened and if strict time-limits were applied to the consideration of individual items. His delegation shared the view that some items should be considered biennially. Extreme caution should be exercised in requesting the Sub-Commission to carry out further studies, and any matters referred to it must be of an urgent or priority nature.

9. His delegation supported the suggestion that rapporteurs' reports should be submitted sufficiently in advance to allow for detailed study. It also shared the view that Sub-Commission members should be appointed for a four-year period, half the membership being renewed at two-year intervals, in the interest of continuity and efficiency. Spain shared the concern expressed at the delay in the opening of the Sub-Commission's meetings. In view of the possible financial implications, it had reservations concerning the suggestion in operative paragraph 6 (d) of Sub-Commission resolution 1984/37 that services should be authorized for an additional 10 meetings per session. Referring to operative paragraph 6 (b), he shared the view that the Sub-Commission's name should be changed to reflect its independent expert status and the scope of its mandate. His delegation would welcome any suggestion to that end. It reserved its position on the other recommendations in operative paragraph 6.

10. Mr. TROUVEROY (Observer for Belgium) said that his delegation attached particular importance to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the quality and scope of whose work was directly related to its unique status. That body must not only act strictly within its terms of reference but had also to exercise its functions in complete independence, making the best use of the scientific qualifications of its members. The Commission could help it to retain those characteristics to the advantage of its own work and thus of the promotion of human rights.

11. The relations between the two bodies, and the organization of work and choice of working methods, were particularly important. Although Sub-Commission resolution 1984/37 was based on only a partial consideration by the Sub-Commission, any of its recommendations which the Commission could support should nevertheless be implemented as speedily and effectively as possible. Immediate steps might be taken to give effect to the recommendation concerning the term of membership of experts and two-year rotation of half the members, which could give greater continuity to the Sub-Commission's work. The recommendation that studies should be carried out over a three-year cycle also deserved support. That could help in simplifying the procedures, speeding up the work, initiating new studies and possibly achieving some economies. It must nevertheless be borne in mind that certain studies might require other time scales, and the recommendation should therefore be followed flexibly.

12. The recommendation for the authorization of additional meetings of the Sub-Commission failed to reflect the Sub-Commission's precise intentions as expressed during its discussions. The existing procedure was for the three working groups, each of five experts, to meet consecutively, while the 21 experts who were then unable to meet remained inactive. It would obviously be more efficient if the three working groups could meet simultaneously. The budget implications arising from a concentration of interpretation and secretariat services would be largely offset by the rational use of experts' time. The Commission should seriously consider the benefits of that arrangement and should not automatically reject the recommendation because of its financial implications, which would not be as great as the cost of night meetings or extended meetings. While the proposed strengthening of the Centre for Human Rights might be useful, the Centre should consider whether its existing resources could not be improved through rationalization, including a better distribution of the time spent in providing outside assistance through reports, studies, attendance at meetings, advisory services, etc.

13. His delegation had consistently advocated a simplification of the Sub-Commission's title to make it clearer to the layman. It hoped the Sub-Commission would complete its work so that new and appropriate recommendations could be submitted to the Commission within the required time-limit. The Commission should help the Sub-Commission both to retain its specific character and to supplement the work of the Commission itself.

14. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic) said that the Sub-Commission had once had a well-deserved reputation as a competent body that rendered valuable assistance to the Commission. In recent years, however, it had caused the Commission to spend a substantial amount of time in considering numerous organizational and other problems falling entirely outside the Sub-Commission's terms of reference. That body had repeatedly failed to heed the request in several Commission resolutions that it should adhere strictly to its terms of reference. Sub-Commission resolution 1984/37, for example, made a number of recommendations on organizational questions falling outside those terms of reference. It should endeavour to eliminate its study backlog and reach the broadest possible agreement in its decisions. The need for budgetary restraint must not be overlooked. Despite the overburdening of the Sub-Commission's agenda, new items of secondary importance were added at each session, with the result that genuinely important items such as the question of human rights in the occupied Arab territories could not receive adequate attention. The lack of time had led to the adoption of an increasing number of hastily prepared and ill-advised resolutions. Sub-Commission studies had also proliferated to the detriment of those requested by the Commission and the Economic and Social Council, such as the five studies on measures to combat racism and racial discrimination, on which the Sub-Commission should concentrate.

15. His delegation shared the views expressed by the representatives of Brazil and Peru. Its comments were made in a constructive spirit and were designed to help the Sub-Commission to evaluate its work in the light of the standards established in the relevant Economic and Social Council and Commission resolutions. His delegation nevertheless recognized that the Sub-Commission had, at its thirty-seventh session, carried out productive work in a number of areas. It endorsed Sub-Commission resolution 1984/30, which had been adopted without a vote, and commended its decision to include on the agenda of its thirty-eighth session a subitem on the effects of gross violations of human rights on international peace and security. A number of other Sub-Commission decisions deserved careful study, and his delegation reserved its right to revert to them at a later stage.

16. Mr. MAHONEY (Gambia) said that his delegation attached the highest importance to the independent expert character of the Sub-Commission which, as a subsidiary body, played a vital supporting role in the Commission's work. His delegation endorsed many of the proposals that had emanated from the extensive review of the Sub-Commission's role, functions and procedures, including the proposed measures for rationalizing the preparation of studies. The proposed three-year cycle appeared particularly practical.

17. He noted from annex II to the report of the Sessional Working Group (E/CN.4/Sub.2/1984/3) that 15 studies were in course of preparation and that at least 9 were to be submitted to the Sub-Commission at its thirty-eighth session. In view of the timely warning in paragraph 17 of the Working Group's report that unnecessary proliferation of studies should be avoided in future, his delegation was concerned to note the proposed recommendation in draft resolution IV in the Sub-Commission's report that the Sub-Commission should be authorized to undertake a study paying particular attention to the potential uses of computer and micro-computer technology for increased dissemination of human rights information. The need for such a study was questionable and the resources involved could instead be used to purchase some of the word processors recommended for the secretariat.

18. The proposal in paragraph 14 of the Working Group's report that the Sub-Commission should provide the Commission with suggestions and criteria for advancing the promotion and protection of human rights throughout the world had considerable merit and could provide the Commission with the technical support which it should derive from its subsidiary expert body. He also supported the proposal in paragraph 19 of the same report that factual reports containing information received by the Sub-Commission pursuant to its mandate could be prepared and presented to the Commission annually. It was less convinced about the proposal in paragraph 21 that, in the context of the Sub-Commission's consideration of country situations, members should be permitted to address questions to persons alleging violations of human rights as well as to State representatives responding to such allegations. That was not within the competence of an expert body and should remain the Commission's exclusive prerogative.

19. The scope of the Sub-Commission's activities had developed considerably over the years and its current title failed to reflect the full range of subjects referred to it. The proposed designation "Sub-Commission of Experts on Human Rights" was more appropriate.

20. Turning to chapter IV of the Sub-Commission's report, he said that his delegation attached particular importance to the updating of the study on genocide. The Special Rapporteur's observation on the need to broaden the established concept and definition of genocide was particularly relevant and timely in view of the findings of the Ad Hoc Working Group of Experts on Southern Africa regarding the relationship between apartheid and genocide.

21. His delegation strongly supported draft resolutions I, V and VIII proposed by the Sub-Commission. Section B of draft resolution VIII could be a significant milestone in the international effort to protect and enhance the human rights of indigenous populations.

22. Mr. CARRIER (Observer for Canada) said that the Sub-Commission played an essential role in the annual round of discussions on human rights problems. The non-governmental organizations had a special contribution to make to the Sub-Commission's work since they, too, represented expert and independent views. His delegation supported efforts to strengthen the status of Sub-Commission members and their alternates as independent experts and also shared the view that a four-year term of membership, with the election of half the membership every two years, would promote the continuity and quality of the Sub-Commission's work.

23. His delegation had noted with satisfaction that a working group was considering the rationalization of the Sub-Commission's work, including its studies, which contributed to the establishment of international human rights standards. Sub-Commission studies should be formulated so as to facilitate a thorough examination of their subject matter and help the Commission to take the relevant decisions. The studies in preparation on the independence and impartiality of the judiciary and on the right to protect human rights were of particular interest to his delegation and he hoped they would be completed in time for submission to the Sub-Commission at its thirty-eighth session.

24. The Sub-Commission was also required to bring to the Commission's attention any situations of violation of human rights according to the criteria laid down in Commission resolution 3 (XXIII). As had been observed during the Commission's discussion, the delicate nature of that task could lead to some exaggeration and politicization, and conflicting views in the Sub-Commission were inevitable. The best guarantee of the Sub-Commission's objectivity lay in the appointment of independent experts who were not officials of their respective Governments. The Sub-Commission must keep carefully within its terms of reference as established by Commission resolution 3 (XXIII), since it was the Commission's responsibility to take whatever measures it considered necessary in cases of gross violation of human rights. The Sub-Commission had no mandate to approach Governments or their representatives directly.

25. Emphasizing the importance of the support services provided to the Sub-Commission by the Centre for Human Rights, he pointed out that the Sub-Commission was not suggesting any budgetary increase but merely that it should have the necessary resources to enable it to perform its tasks effectively.

26. Mr. COLLIARD (France) said that the Sub-Commission, whose wide-ranging activities were reflected in the report on its thirty-seventh session (E/CN.4/1985/3), could and should supplement the Commission's work usefully and effectively. It would be able to do so better if the essential independence of its experts, who were elected in their personal capacity, could be strengthened.

His delegation had therefore welcomed the decision taken two years earlier to elect an alternate with each member of the Sub-Commission. It regretted, however, that instead of replacing members who were unable to attend, as stipulated in Economic and Social Council resolution 1983/32, advisers had attended the thirty-seventh session together with the members, and both experts and alternates had spoken in the discussion, the alternates sometimes being members of permanent missions at Geneva and thus not having the necessary independence. Another regrettable practice was the frequent intervention of Government observers in the Sub-Commission's discussions. It was useful and justified for Government representatives to be authorized to speak and give explanations on particular situations in their countries, but it was neither necessary nor desirable for them to make frequent statements regarding the Sub-Commission's discussions. In view of the fact that 59 Member States and four non-member States had been represented by observers at the Sub-Commission's thirty-seventh session, such statements could seriously delay the Sub-Commission's work. Any statements Governments wished to make should be made principally in the Commission itself, as the body responsible for commenting on the Sub-Commission's discussions. The Sub-Commission must also bear in mind the need for complementarity and harmonization between its work and that of its parent body.

27. While many of the resolutions adopted by the Sub-Commission at its thirty-seventh session related to problems of prevention of discrimination and protection of minorities, there were others of more general and broader scope which the Commission might find useful.

28. The Sub-Commission was required to undertake studies and make recommendations on questions within its competence, to prepare reports for use by the Commission in its consideration of violations of human rights, and to draw the Commission's attention to situations that appeared to reveal a consistent pattern of gross violations of human rights and suggest appropriate measures for dealing with them. The Sub-Commission should adhere to those principles in order to fulfil its role as effectively as possible.

29. His delegation welcomed the Sub-Commission's review of its work, undertaken in accordance with Commission resolution 1984/60. Some of the ideas in Sub-Commission resolution 1984/37, including those in operative paragraph 6 (a) and (c), appeared useful, but others seemed inappropriate. That applied, for example, to operative paragraph 6 (b) on which further consideration was required, and to operative paragraph 6 (d), since the Sub-Commission should exercise self-discipline and improve its organization before being authorized to hold additional meetings. His delegation shared the view that the Sub-Commission should be able to vote by secret ballot whenever it considered it necessary to do so.

30. The French delegation could support draft resolutions II, III, IV, V and VI recommended by the Sub-Commission. While generally in favour of draft resolution VII, it had some reservations concerning operative paragraph 1, which it would like to have amended.

31. Mr. DESPOUY (Argentina) said that his delegation had no doubt of the important contribution made by the Sub-Commission, which had been responsible for the establishment of the Group of Experts on Forced or Involuntary Disappearances, a body whose work had been highly beneficial to his country, and which had carried out an intensive study of violations of human rights during the states of siege

or emergency under which Argentina had lived for so long. In the light of that experience, his delegation attached particular importance to draft resolution V recommended by the Sub-Commission.

32. No unanimity existed in the Commission concerning the criteria to be applied in assessing the Sub-Commission's work or what the Commission expected of that body. Some speakers had expressed the view that the Sub-Commission should concentrate on preparing studies and advising the Commission on certain matters, while others considered that the Sub-Commission was overburdened with studies and that no financial resources existed to permit additional studies to be carried out. Critical opinions and value judgements were sometimes expressed without providing any concerted opinion on what was expected of the Sub-Commission. Agreed criteria were needed to enable the Commission to give clear and precise guidelines to the Sub-Commission experts, who were themselves inspired by a common purpose.

33. Mr. KHERAD (Observer for Afghanistan) said that in several cases the Sub-Commission had respected its terms of reference and achieved useful results. A convincing example was the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1984/8 and Add.1 and 2), a subject on which many statements had been made during the Commission's discussion on agenda items 6, 7, 16 and 17. His delegation fully endorsed draft resolution I recommended by the Sub-Commission. A further constructive result of the Sub-Commission's work was the study of the problem of discrimination against indigenous populations.

34. The Sub-Commission had nevertheless failed to respect its terms of reference sufficiently on certain questions. Some studies requested by the Commission had been delayed and other requests ignored, while priority had been given to studies for which no request had been made. It was difficult to understand why no progress had been made in response to the Commission's request for studies on the use of scientific and technological progress to ensure the right to work and development and on the negative consequences of the arms race for the implementation of human rights. The Sub-Commission had done virtually nothing on the subject of the adverse consequences of the nuclear arms race or on the new international economic order and the promotion of human rights, which were fundamental problems encountered by the peoples of the world in their struggle for the effective enjoyment of human rights. He wondered on what criteria the Sub-Commission based its acceptance or rejection of topics. His delegation had noted with astonishment that it had gradually departed from its original terms of reference and had expanded its agenda with unimportant questions which wasted the experts' time and prejudiced its work. The proliferation of studies was responsible for the lack of time to consider particular topics in depth.

35. The Sub-Commission had adopted many **resolutions** without discussion, some of them of unacceptable quality and reflecting the views of certain experts only. The Sub-Commission, which had been established as an expert subsidiary body of the Commission with clearly-defined tasks, should base its work on the opinions of all its experts. It should reduce the number of items on its agenda and select some of the more important items for in-depth examination at each of its sessions. His delegation had doubts as to the relevance of some Sub-Commission resolutions and regretted that the Sub-Commission had been led by certain experts at its thirty-sixth and thirty-seventh sessions to abuse its functions in that regard. A careful analysis of the views of States on the Sub-Commission's work could help considerably in enhancing that body's effectiveness.

36. Mr. RAJKUMAR (Pax Romana) said that no one denied the Sub-Commission's important role in providing expertise on human rights topics, or its complementarity with other human rights organs which enabled them to deal with general and particular issues. In addition to preparing studies, the Sub-Commission played a key role in the implementation of human rights and in breaking new ground. The Commission should therefore give it every possible assistance to make its role more valid.

37. Drawing attention to draft resolutions III and IV recommended by the Sub-Commission, he recalled that various cases of the use of human beings for experimental purposes had been documented. The individuals concerned had been particularly vulnerable members of society: prison inmates, psychiatric patients and the poor. Acts of abuse had included the subjection of psychiatric patients to electric shock experiments, the administration of hallucinogens and poisons, bombardment with recorded messages and injection of prison inmates with live cancer cells to study the effects of the disease. In most instances, the experiments had been performed with the knowledge and tacit approval of Government agencies. In June and October 1975, Hindustan Ciba-Geigy Ltd. had carried out safety tests for its Nuvacron pesticide, in the form of sprays, on some 40 Indian "volunteers" aged between 13 and 57. A year later, its associate company in Egypt had sprayed six young Egyptian children with Galecron, a powerful pesticide that had had disastrous effects on the children's health. The tests had been supervised by Government officials and reportedly approved by WHO. In 1984, two Ciba-Geigy scientists had said that the tests in no way endangered the subjects and should not be considered unethical, but following various protests, the company had recently expressed its regret at the involvement of children in the study and had stated that it would not occur again. Such dangerous experiments on the part of a safety-conscious company like Ciba-Geigy was astonishing, and WHO's role even more so.

38. Scientific progress called for experimentation and the testing of new products in many fields and raised the problem of the freedom of scientific research in relation to the inviolability of human beings. Certain guarantees must be provided to avoid exposing vulnerable members of society to risk with no certainty that the activities concerned could be beneficial. Without a determination of the limits to be placed on scientific research, of the persons authorized to establish such limits and of the aims for which they should be established, scientific and technological experimentation could lead to collective victimization.

39. Pax Romana welcomed the Sub-Commission's studies on computer and microcomputer technology. The establishment of data banks could lead to abuse and victimization through the extraction of data for unlawful purposes, the falsification of data, the revelation of personal situations endangering the persons concerned, and centralization and alienation. Built-in safeguards were needed to ensure the inviolability of privacy and other basic human rights without compromising scientific and technological progress.

40. As Pope John Paul II, speaking at UNESCO in 1980, had stressed, there was a need to ensure that ethical values were paramount and that science allied itself to conscience.

41. The CHAIRMAN said that he wished to acknowledge the co-operation offered by the Government of Mauritania to the mission that had visited that country as reported in document E/CN.4/Sub.2/1984/23, prepared by Mr. Marc Bossuyt. It had not been possible to invite Mr. Bossuyt to make a statement to the Commission, as the

Bureau would have liked but the representative of Mauritania had asked that the letter in which he had requested that Mr. Bossuyt should be invited should be distributed to the members of the Commission. He suggested that that should be done and that his own reply and an acknowledgement of the helpful attitude of the Government of Mauritania should also be distributed.

42. As could be seen from the report of the mission to Mauritania, the Anti-Slavery Society had asserted that the proclamation of the abolition of slavery in Mauritania did not appear to have had much practical effect. The Sub-Commission had considered the matter on the basis of that statement and the representative of Mauritania had explained the situation and invited the Sub-Commission to send a mission to his country. The visit had duly taken place following an exchange of letters between the Chairman of the Sub-Commission and the Minister for Foreign Affairs of Mauritania. As paragraph 21 of the report showed, the mission had been given every facility to move in the country, obtain information and report on its findings.

43. Turning to the expert's recommendations in section III of the report, he drew attention to paragraph 87 in which it was recommended that the Sub-Commission should express its deep appreciation to the Government of the Islamic Republic of Mauritania for inviting a mission of the Sub-Commission to visit Mauritania, and for the facilities placed at the mission's disposal during its stay in Mauritania. That recommendation was taken up in operative paragraph 1 of draft resolution VI recommended by the Sub-Commission in its report (E/CN.4/1985/3).

44. It was rare for a country to give so warm a welcome to a mission, and the helpful attitude of the Government of Mauritania in that connection must be placed on record as an example worthy of emulation.

45. Mr. GONZALEZ ALSINA (Observer for Paraguay), speaking in exercise of the right of reply, recalled that, at the previous meeting, the representative of Pax Romana, who had recently conducted an inquiry in Paraguay, had rightly stated that the number of deaths or disappearances in that country was low. The same representative had, however, gone on to refer to the existence of fear in Paraguay. There could be no fear where there was no repression, and there was obviously no repression in a country in which there were few deaths or disappearances.

46. The same speaker had stated that 40 per cent of the population had left the country because of the existing situation in Paraguay. It should be pointed out that there was a large movement of migrant workers from many countries, including certain European countries, to more highly developed areas with greater employment opportunities. Account should be taken of the vast differences in size and levels of development between Paraguay and the neighbouring countries of Argentina and Brazil.

47. The opposition in his country had in no way been stifled, as had been alleged. Although divided, it acted with the single aim of wielding political power in the country. The active parties concerned were the Liberal Party and the Radical Liberal Party. The February Revolutionary Party had chosen to abstain, but it could participate as soon as it withdrew its abstention. The Christian Democrats had not as yet satisfied the minimum legal requirements for becoming a political party but they were able to act in other ways, as were various breakaway groups of the regular political parties.

48. The representative of the International Commission of Jurists had overlooked the existence of the Colorado Party and the active opposition. The lack of political participation by minorities to which that representative had referred had nothing to do with the state of emergency, which in no way ruled out the creation of new political parties in conformity with the law. The citizenry in general favoured the existence of a number of political parties. The aim of democracy could be fulfilled only if the people were politically aware, as they were in Paraguay.

49. Mr. JUWANA (Observer for Indonesia), speaking in exercise of the right of reply, said that the representative of Pax Christi continued to make misleading statements on the situation in East Timor. Referring to the Indonesian delegation's statement at the Commission's 23rd meeting that the population decrease had never even been near 100,000 let alone 250,000, that representative had implied that the smaller total was the result of a juggling of figures and had been arrived at by increasing the total population before the civil war in 1975. In fact, the total population figures for East Timor for 1974 had been acknowledged by the colonial authorities themselves as being only estimates, based on reports by village headmen, whose accuracy could not be verified. Colonial records had put the total at approximately 624,564. In a national census conducted by Indonesia in 1980, the total population figure for the province had been registered as 553,350. That census had been conducted in accordance with the highest technical standards and recognized internationally as part of the first accurate census held in Indonesia since 1930. Thus, even if the 1974 estimate were accepted as correct, his delegation had been right in stating that the apparent discrepancy in total numbers had never been near 100,000, let alone the 250,000 claimed by Pax Christi and others.

50. The representative of Pax Christi had asserted that the Indonesian delegation had recognized that the territory was not open, since the activities of humanitarian organizations and visits of foreign delegations were subject to the adoption of a position which precluded any condemnation of the authorities or the occupying Power. That was a gross misinterpretation and deliberate distortion of his delegation's statement. The representative of Pax Christi could have exercised more constraint in arguing his case before the Commission.

51. Mr. RAVENNA (Argentina), speaking in exercise of the right of reply and referring to certain expressions used by the observer for Paraguay in reference to Argentina, recalled that, during the Commission's consideration of agenda item 10, his delegation had expressed its regret that the Working Group on Enforced or Involuntary Disappearances had been unable, for lack of time, to include in its report a description of all the measures applied by Argentina in defence of human rights, and had expressed the hope that details of the institutional and legal measures taken would be included in the Working Group's next report.

52. His Government had granted diplomatic status to the United Nations High Commissioner for Refugees and had lifted its geographical reservation to the Convention Relating to the Status of Refugees, thus recognizing such status for all persons throughout the world who suffered political persecution.

53. His country's consistent respect for the principle of asylum had received international recognition. Article 14 of the National Constitution guaranteed the right of all persons to entry, residence, transit and exit, and the preamble to the Constitution provided that any person from any part of the world could live in

Argentina without distinction as to race or religion. With the recovery of its democracy, his country strictly respected all those principles, and he could assure the Commission that the false allegation that his Government was supporting clandestine activities would in no way diminish that strict respect.

54. The observer for Paraguay had stated that the Argentine border "advanced" towards Asunción. Frontiers were political divisions which simply existed between sovereign States and could not advance. Argentina and Paraguay shared many kilometres of border which had always joined their people irrespective of the Governments that had happened to be in power. That was borne out by the continuation in force of the frontier treaty signed by the two countries at the end of the nineteenth century. The Paraguayan people need have no fear of the Argentine democracy. The history of the two countries in the twentieth century had shown that individual and social rights had never been violated by democratic regimes in those countries, but only by dictatorships.

55. Mr. de SILVA (Sri Lanka), speaking in exercise in the right of reply, said that his delegation would have expected the representative of Centre Europe-Tiers Monde not to distort facts for political purposes. He had referred, for example, to certain emergency regulations promulgated in Sri Lanka in 1984 without saying why they had become necessary.

56. An Amnesty International document referring to certain acts of violence that had occurred in northern Sri Lanka since mid-November 1984 had noted that a number of security personnel, as well as a large number of Sri Lankan civilians, had reportedly been killed by members of Tamil extremist groups. The report went on to say that those incidents must have placed an increasingly heavy burden on the security forces charged with the maintenance of law and order in the country and that Amnesty International appreciated that Government officials had repeatedly appealed to the population for calm and restraint at the time those killings had taken place.

57. He asked the representative of Centre Europe-Tiers Monde whether the murderers of women and children killed in those incidents were the "innocent civilians" who he had claimed were being harassed. That representative had quoted the emergency regulations out of their proper context: he had stated that the existence of the prohibited zone established under regulation 4 deprived people of their means of livelihood, but had not quoted regulation 5 which provided that any person deprived of his means of livelihood or normal source of income under regulation 4 could seek relief from the competent authorities. He had gone on to say that the prohibited zone extended landwards for 100 metres from the waterline. It should be pointed out that in Sri Lanka, as in many other countries, part of the coastline was used for coastal protection purposes and was not intended for human habitation. The representative of Centre Europe-Tiers Monde had further referred to political prisoners without mentioning the fact that many of the persons concerned were prisoners convicted of murder or robbery or people awaiting trial for civil offences.

58. While representatives were fully entitled to present their views or interpretations, calculated distortion was bound to be counter-productive to any effort at reconciliation between the various groups in Sri Lanka. He would deal in detail with the allegations made by Centre Europe-Tiers Monde under the appropriate agenda items.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 22) (E/CN.4/1985/9 and Add.1; E/CN.4/1985/30-32 and 36; E/CN.4/1985/L.39)

59. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), introducing the item, recalled the provisions of General Assembly resolution 926 (X). The Secretary-General was reporting regularly to the Commission on the implementation of that resolution, the latest report being before the Commission in document E/CN.4/1985/36.

60. Few Governments had availed themselves of the advisory services of experts since the programme had been established and no such services had been requested since the Commission's previous session. However, in accordance with Commission resolution 1984/51, the Secretary-General had appointed an expert to visit Equatorial Guinea in order to study, together with its Government, the best way of implementing the plan of action for the promotion of human rights. The expert's report was before the Commission in document E/CN.4/1985/9. The Secretary-General had also sent an expert to Haiti in accordance with Commission decision 1984/109, endorsed by Economic and Social Council decision 1984/143, to explore, with the Government of Haiti, ways and means of providing assistance to facilitate the full enjoyment of human rights by the people of that country. Information on the visit was given in document E/CN.4/1985/32.

61. In recent years, the Commission had been increasingly interested in encouraging the provision of assistance to Governments expressing a desire for assistance to enable them to apply international human rights standards. In compliance with Commission resolution 1984/45, the Secretary-General had informed all States, specialized agencies, United Nations bodies and humanitarian and non-governmental organizations of its subject matter and requested that any offer of assistance should be communicated to him for transmission to the Ugandan authorities. No such offer had been received by 8 January 1985. Consultations had been taking place between the Centre for Human Rights and the Government of Bolivia in pursuance of Commission resolution 1984/43, endorsed by Economic and Social Council resolution 1984/32, to examine ways and means and possible resources for the speedy implementation of the projects suggested by the Commission's special envoy in his report (E/CN.4/1984/46) on assistance to Bolivia. Information concerning the implementation of the relevant resolutions concerning that country was given in the report of the Secretary-General (E/CN.4/1985/31).

62. In pursuance of Commission resolution 1983/40, endorsed by Economic and Social Council decision 1983/150, the Secretary-General had convened a seminar, which had taken place from 3-14 December 1984, on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief. Information on the seminar's discussions, conclusions and recommendations was given in document ST/HR/SER.A/16. Arrangements were being made jointly with the International Labour Organisation to organize a seminar in 1985 on the exploitation of child labour in all parts of the world, as recommended in Commission resolution 1984/35, endorsed by Economic and Social Council resolution 1984/28. No training course had been organized under the programme in 1984 but the Secretary-General was exploring, in co-operation with the Governments concerned, the possibilities of organizing regional training courses in future years. At the suggestion of the Centre for Human Rights, UNITAR was organizing a series of training courses on the implementation of international conventions on human rights. The Centre hoped to provide lecturers for the first of those training courses, to be held in Barbados from 29 April to 10 May 1985.

63. A number of fellowships had been awarded in 1984 to candidates nominated by their Governments, 30 awards having been made to nationals of 27 member States. All the candidates would spend some time in 1985 in specialized institutes, studying various subjects in the field of human rights of concern to the United Nations. The programme, which had proved useful in the past, would continue into the future. The number of awards offered was obviously limited to available resources.

64. By Commission resolution 1984/44, the Secretary-General had been requested to outline suggestions for a long-term programme of action in the provision of expert assistance to Governments in the field of human rights. The Secretary-General's report on the subject was contained in document E/CN.4/1985/30.

65. Drawing attention to General Assembly resolution 39/115, he said that the Secretary-General would continue to provide and, as appropriate, enhance assistance in the field of human rights to Governments at their request, under the programme of advisory services in the field of human rights, subject to available resources.

66. Mr. VOLIO JIMENEZ (Expert appointed under Economic and Social Council resolution 1984/36), introducing the report on his mission to Equatorial Guinea (E/CN.4/1985/9), expressed appreciation to all concerned for the assistance he had received, and in particular for the valuable co-operation given by the President of the Republic of Equatorial Guinea.

67. His terms of reference had required him to study, in conjunction with the Government of Equatorial Guinea, the best way of implementing the Plan of Action to which reference was made in operative paragraph 2 of Economic and Social Council resolution 1984/36. The objective had been to facilitate further co-operation between the Government of Equatorial Guinea and the United Nations for the promotion of human rights and fundamental freedoms. In view of the nature of his tasks and the fact that he was familiar with the country and its problems, the curtailment of his mission for reasons beyond his control, as explained in paragraph 8 of the report, had not seriously hampered his work. Although his report could have been more detailed if more time had been available, it still showed the status of implementation of the Plan of Action and the human rights situation in Equatorial Guinea. Co-operation between that country and the United Nations was essential to enable the Government to consolidate its achievements and ensure the enjoyment of human rights and fundamental freedoms.

68. It could be seen from the report that, although more could and should have been done, there had been significant developments. Continuing efforts were essential if the efforts made so far were not to be wasted. Relations between the Government and the United Nations must therefore be maintained and strengthened with a view to the full implementation of the Plan of Action and the adoption of further appropriate measures. United Nations economic and technical assistance to Equatorial Guinea could then enter a new and more fruitful phase, enabling the Government to improve the standard of living of its people in the context of the promotion and protection of human rights.

69. Certain documents which he had requested during his visit concerning enactments by the Government of Equatorial Guinea had since been transmitted to the Centre for Human Rights and were available for consultation in the secretariat. There was an incorrect reference in paragraph 13 of the report to the Union of Central African States. The Union in question was the Customs and Economic

Union of Central Africa (UDEAC). Except in the English version, which correctly referred to fundamental political and civil rights, there was a further error in the penultimate sentence of paragraph 72, which should be corrected in the other language versions.

70. The aim of his mission had been to serve the people of Equatorial Guinea and to further the cause of human rights throughout the world.

The meeting rose at 8.50 p.m.