

UNITED NATIONS
General Assembly
FORTY-FOURTH SESSION
Official Records

THIRD COMMITTEE
48th meeting
held on
Monday, 20 November 1989
at 3 p.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. KABORE (Burkina Faso)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

*Distances should be kept under the supervision of the delegation concerned
without work of the date of publication. The text of the record is available in Room DC/20,
2 United Nations Plaza, New York, N.Y. 10017.*

Corrections will be accepted until 10 days after the date of publication.

Distr. GENERAL
A/C.3/44/SR.48
27 November 1989

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/44/3, A/44/402, A/44/403, A/44/404, A/44/426, A/44/440, A/44/462, A/44/482, A/44/573, A/44/600, A/44/620, A/44/622, A/44/635, A/44/657, A/44/669, A/44/670, A/44/671; A/C.3/44/1 and 4; A/44/67, A/44/68, A/44/71, A/44/99, A/44/119, A/44/153, A/44/171, A/44/238 and Corr.1, A/44/320, A/44/325, A/44/355-S/20704, A/44/367, A/44/377, A/44/378, A/44/381, A/44/466, A/44/504, A/44/580, A/44/706; A/C.3/44/8)

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (A/44/98, A/44/539, A/44/668, A/44/171, A/44/409-S/20743 and Corr.1 and 2, A/44/689-S/20921)

1. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 12 noted that the forty-fifth session of the Commission on Human Rights, which had met with the participation of an unprecedented number of high-level representatives, had stressed the need for a less politicized and more objective approach to human rights and had taken place in a constructive climate. Most of its resolutions and decisions had been adopted without a vote, including the draft of the Convention on the Rights of the Child just adopted by the General Assembly.
2. Turning to specific issues, he noted that the problem of AIDS knew no boundaries and affected people everywhere. The Secretary-General had called for an objective and unprejudiced study of the problem and had asked the Centre for Human Rights to consider the issue of the human rights of AIDS victims and how to protect them against discrimination. The Centre had accordingly organized an International Consultation on HIV/AIDS and Human Rights, in co-operation with the World Health Organization's Global Programme on AIDS (WHO/GPA). The Consultation had recommended that its report be disseminated to international and regional human rights bodies with a request for recommendations on how to protect the human rights of HIV/AIDS victims; that Governments make measures related to HIV/AIDS and already infected persons conform to international human rights standards and re-examine existing human rights measures in the light of the special problems raised by HIV/AIDS; and that practical information should be distributed to national AIDS programmes on the international human rights instruments relevant to HIV/AIDS measures and the need to comply with them. The Centre, in co-operation with WHO/GPA, had been asked to distribute information about AIDS and the Global Aids Strategy to international, regional and national human rights organizations to impress upon them the need to ensure that HIV/AIDS measures conformed to human rights standards. He also drew attention in that connection to resolution 1989/18 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities requesting a study of the problems and causes of discrimination against HIV-infected people or people with AIDS.
3. Recalling General Assembly resolutions 34/172 and 43/146, he said that lack of time had prevented the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families had

(Mr. Martenson)

prevented it from completing the second reading of the draft, but that it was hoped that it would do so by the end of 1990. He noted that pursuant to General Assembly resolutions 41/94 and 42/47 and Economic and Social Council resolution 1988/6, a Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers had been held at Athens from 18 to 26 September 1989. Its conclusions and recommendations were contained in document A/C.3/44/CRP.1.

4. Turning to the situation of human rights in Afghanistan, he drew attention to Commission on Human Rights resolution 1989/67, Economic and Social Council decision 1989/149 and General Assembly resolution 43/139 and said that the Special Rapporteur on Afghanistan would introduce his latest report contained in document A/44/669.

5. Concerning the situation of human rights in Chile, he drew attention to General Assembly resolution 43/158, Economic and Social Council resolution 1989/62 and the report on the situation of human rights in Chile contained in document A/44/635, which would be introduced by the Special Rapporteur.

6. With regard to the situation of human rights in El Salvador, he drew attention to General Assembly resolution 43/145, Commission on Human Rights resolution 1989/69 and the report of the Special Representative contained in document A/44/671. The introductory statement of the Special Representative would be read by a member of the Secretariat.

7. Concerning the situation of human rights in Iran, he drew attention to Commission on Human Rights resolution 1989/66, General Assembly resolution 43/137 and the report contained in document A/44/620, which would be introduced by the Special Representative.

8. Concerning the situation of human rights in southern Lebanon, he drew attention to Commission on Human Rights resolution 1989/65, the implementation of which was reported on in document A/44/573.

9. With respect to the situation of human rights in southern Africa, he drew attention to Economic and Social Council resolution 2082 A (LXII) and to document E/CN.4/1989/8 containing the latest report of the Ad Hoc Working Group of Experts on Southern Africa.

10. Concerning human rights and mass exoduses, he noted that the General Assembly and the Commission on Human Rights had stressed repeatedly that mass exoduses of persons and groups were frequently the result of human rights violations. Pursuant to the recommendations formulated by the Group of Intergovernmental Experts on International Co-operation to Avert New Flows of Refugees, the Secretary-General had in 1987 made the Office for Research and the Collection of Information responsible for providing early warning of situations requiring his attention and for monitoring factors that could result in refugee flows and comparable emergencies. He drew attention in that connection to General Assembly resolution 43/154 and to the report of the Secretary-General contained in document A/44/622.

/...

(Mr. Martenson)

11. With regard to the status of the Convention on the Prevention and Punishment of the Crime of Genocide, he drew attention to General Assembly resolution 43/138 and the report of the Secretary-General contained in document A/44/440.
12. Introducing agenda item 109, he said that, pursuant to General Assembly resolution 43/115, the conclusions and recommendations of the meeting of chairpersons of human rights treaty bodies had been conveyed to the Commission on Human Rights at its forty-fifth session and to the various treaty bodies at their respective meetings held in 1989. Both the Commission and the treaty bodies had given careful consideration to those conclusions and recommendations and had adopted a number of relevant decisions and recommendations of their own.
13. He drew attention to the independent study of the item, contained in document A/44/668, and added that the task force appointed to prepare a study on computerizing the work of the treaty bodies in relation to reporting was expected to complete that study before the end of the year. The Secretary-General would report on the results of its work to the forty-sixth session of the Commission on Human Rights.
14. A revised text of consolidated draft guidelines reflecting the views of the various human rights treaty bodies had been prepared and was expected to be approved by all those bodies in 1990. Once adopted, those guidelines would greatly ease the reporting burden of States parties by enabling them to submit a single "core" document to all the treaty bodies in respect of the initial part of their reports. A detailed reporting manual to assist States with their reporting obligations should be available for circulation to the treaty bodies in 1990. Several treaty bodies had appointed individual Rapporteurs or established pre-sessional working groups to expedite the consideration of periodic reports. Other action had also been taken to implement the conclusions and recommendations of the chairpersons, and he drew attention in that connection to paragraph 3 of Commission on Human Rights resolution 1989/47. The treaty bodies had also suggested that resources should be made available to hold at least one or two workshops annually in different regions to provide technical assistance to States parties in fulfilling their reporting obligations. Lastly, he drew attention to paragraph 16 of General Assembly resolution 43/115.
15. Prince Sadruddin AGA KHAN (Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan), reporting on progress in providing humanitarian and economic assistance to the people of Afghanistan, drew attention to the report of the Secretary-General contained in document A/44/661, which emphasized the vital role of the United Nations in creating conditions conducive to the voluntary repatriation of Afghan refugees.
16. The United Nations efforts in Afghanistan had been greatly facilitated by the establishment of assessment missions offices for the delivery of essential commodities and the longer-term Salam Mobile Units (SMUs). Many United Nations-funded assistance projects had now been initiated with the co-operation of a number of United Nations agencies. The Red Cross and the Red Crescent Societies

(Prince Sadruddin Aga Khan)

and many non-governmental organizations were also co-operating in providing invaluable services. Donor Governments were funding substantial bilateral humanitarian programmes, although he believed that increasing the proportion of assistance delivered through multilateral channels would greatly advance the cause of peace.

17. The Second Consolidated Report now before the Committee was closely linked to the United Nations plan of action for 1989, which covered a wide range of activities. Steady progress was being made in all areas. For the first time in many years, basic supplies of seeds and fertilizer had been brought into Afghanistan in large quantities. Much-needed drugs and medical supplies had reached hospitals and clinics. Multinational teams had taught mine clearance skills to over 3,000 Afghan volunteers and a campaign of mine awareness and first aid instruction was under way.

18. The entire effort of the humanitarian and economic assistance programmes was aimed at the future return of the refugees and their successful reabsorption into Afghan society. Repatriation would not take place until the refugees themselves perceived that there was something worth going back to, however. The time had come for the international community to give more generously than ever in order to provide genuine incentives for voluntary repatriation.

19. The plan of action for 1990 would result in an expanded United Nations presence in Afghanistan, thereby generating a far greater demand for assistance. Humanitarian access was feasible along a variety of routes, the only criterion for the delivery of assistance being that of actual need. The Salam Mobile Units would be used to distribute assistance as widely as possible, monitor its use and identify future needs. Among the many problems that needed to be addressed, he highlighted the following: assistance for internally displaced persons and the disabled; expansion of mine clearance activities; cultivation of alternative crops to end cultivation for narcotic drugs producing and the provision of information services to help refugees in the camps plan their future.

20. Over two thirds of the total contributions made or pledged to the humanitarian and economic assistance programmes consisted of contributions in kind, most of which had yet to be received. He had no funds available for allocation without prior consultation with a major donor and his freedom to act was being severely limited in what continued to be an emergency situation. Without further substantial contributions from the donor community coupled with the payment of outstanding pledges and greater flexibility in the release of funds, the plan of action could not be implemented. Lastly, he wished to emphasize that humanitarian assistance to Afghanistan was vital to the attainment of a lasting peace.

21. Mr. NOOR (Afghanistan) thanked the Co-ordinator for his tireless efforts to fulfil the mandate entrusted to him in 1988 by the Secretary-General. While, initially the international community had demonstrated strong support for the assistance programmes, there had been serious difficulties in implementing projects and meeting deadlines because of the war and foreign intervention and the political

/...

(Mr. Noor, Afghanistan)

positions of some donor States. He appealed to those countries to respond to the urgent needs of the Afghan people by changing their position with respect to the assistance programmes. The international community should avoid the politization of those programmes, which would undermine their humanitarian nature.

22. Mr. ERMACORA (Special Rapporteur on the situation of human rights in Afghanistan) said that his report (A/44/669) was based on recent visits to Afghanistan, Iran and Pakistan. He wished to thank the Governments of those countries for their full co-operation. Since 1979, the intolerable human rights situation in Afghanistan had caused more than 5 million Afghans to leave their country, and the overwhelming majority had still not returned. The Afghan Minister of Repatriation had estimated the number of refugees at about 3 million, the first time that an Afghan government official had acknowledged a figure of such magnitude. The fact that the refugees were not returning was a great disappointment, since a massive return had been anticipated following the withdrawal of Soviet forces from the country in accordance with the Geneva Accords.

23. Although the Governments of Pakistan and Iran were doing their best to improve the lot of the refugees, the situation of the majority of those living in refugee camps was deplorable. International relief assistance had decreased, affecting the daily lives of the refugees, particularly women and children. The location of the camps and the economic situation of neighbouring towns and villages made it almost impossible for refugees to find work, especially in Pakistan. He therefore appealed to delegations not to halt the humanitarian assistance that their Governments were providing to the refugees through multilateral channels.

24. The refugees' unwillingness to return home was the result of a number of human rights problems. The war in Afghanistan continued to threaten the daily lives of people in many parts of the country. Many regions were still battlefields, and in the larger cities inhabitants lived in fear of rocket attacks, which had resulted in great loss of life and property. The war had also given rise to horrifying accounts of violations of humanitarian law, which he had not been able to verify. Although the use of both Soviet and United States weaponry was widespread, it was his opinion that those weapons did not necessarily indicate the presence of foreign advisers in the country.

25. Refugees were also reluctant to return because of reports of the existence of minefields in many regions of Afghanistan which, despite the training of mine-detection personnel, had not yet been cleared. In addition, many refugees made their return conditional on the formation of an Islamic government.

26. The state of emergency declared in Afghanistan had not had many adverse consequences for the human rights situation in that country. Contrary to his experience in earlier years, he had not received any reports of serious cases of torture or ill-treatment in prisons. The prison population was stable and the International Committee of the Red Cross was being given access to places of detention. There were still about 3,000 political prisoners in Afghanistan. Prison conditions were below desirable standards and the situation of prisoners declared innocent and awaiting a verdict was particularly deplorable.

(Mr. Ermacora)

27. The degree of enjoyment of economic and social rights in government-controlled areas was dependent on the overall situation in those areas. With respect to the enjoyment of the right to education, progress appeared to have been made at the elementary and university levels, at least in urban areas. He had not been able to study the human rights situation in areas not under government control. In some of those areas, the Government claimed to have developed "peace zones", but he had been unable to verify that claim. The question of the right to self-determination was also still unresolved: as a result of the proclamation of a state of emergency, the Parliament was no longer functioning.

28. Restoring human rights in Afghanistan was closely linked to achieving peace in that country. It was his firm belief that human rights could be restored in Afghanistan only through a political solution to the conflict. While he would be willing to accept a renewal of his mandate, he hoped that it would soon be possible to report that further monitoring of the human rights situation in Afghanistan was not needed. In that connection, he wished to reiterate his suggestion that a pilot programme of human rights advisory services should be drawn up for Afghanistan.

29. Mr. VOLIO JIMENEZ (Special Rapporteur on the situation of human rights in Chile), introducing his latest report contained in document A/44/635, said that in May 1989, on learning of his decision not to accept renewal of his mandate for health reasons, the Government of Chile had informed the Secretary-General that it would not be prepared to accept, in future, an ad hoc approach to the situation of human rights in Chile, experience having shown that co-operation in such an approach was pointless and unproductive. When he had later agreed to accept the renewal of his mandate, the Chilean Government had reiterated its refusal, stating that its decision was final. In September 1989, he had sent a letter to the Minister for Foreign Affairs of Chile urging the Government to change its position and resume its co-operation with him. In a reply dated November 1989, the Government had explained its decision in detail, emphasizing that it had been based on reasons of State involving national and substantive circumstances.

30. The format of the report was essentially the same as in previous years. Two sections dealt with replies by the Government to complaints of human rights violations reproduced in earlier reports. That was a new approach whereby the Government provided fuller and more precise information on most such complaints. There was also a section on complaints of alleged violations of human rights committed at Colonia Dignidad, most of whose residents were of German nationality.

31. The human rights situation in Chile had improved significantly. The national elections to be held in December 1989 would make it possible to establish a representative democracy and thus to provide greater protection for human rights through political and legal reforms. The very fact that such elections were to be held was eloquent testimony to the changes that had occurred in the country since 1985, when he had assumed his mandate as Special Rapporteur. Those changes had been brought about by the efforts of the Chilean people themselves, who were determined to reject violence and build a pluralistic society based on respect for

/...

(Mr. Volio Jimenez)

freedom of opinion, and the Chilean organizations dedicated to the protection of human rights.

32. Because the Government had co-operated with him in the past, he regretted its decision to end such co-operation. While he sympathized with the Government's position and believed that the efforts of Governments that co-operated with human rights bodies should be acknowledged, the most important thing was to bring about the changes that would ensure the protection of human rights and fundamental freedoms. He hoped therefore that the Government of Chile would resume its official co-operation in order to complete the process. Much remained to be done and the report indicated the major areas where changes were still necessary.

33. His favourable view of the changes made in the Constitution, particularly with regard to the powers of the President of the Republic, should be understood in the light of other changes that had taken place and the imminent return to a democratic system of government. The time would come when the extraordinary powers of the President would have to be limited to prevent human rights abuses.

34. He would continue his work regardless of the new position taken by the Government of Chile because he had good reason to believe that he could still be a valid intermediary between individual Chileans and their organizations on the one hand and the Government on the other.

35. Mr. MAUTNER-MARKHOF (Chief of Research, Studies and Prevention of Discrimination, Centre for Human Rights) introducing the report on the situation of human rights in El Salvador (A/44/671) on behalf of the Special Representative, said he hoped that the interest expressed by the President of El Salvador in promoting respect for human rights would soon be reflected in the everyday life of the country. All State bodies must be brought under the necessary control to ensure compliance with the provisions of the Constitution and with the norms of the international human rights instruments to which El Salvador was a party.

36. The human rights situation in El Salvador was still cause for concern and, in some areas, was even worse than in 1988. The number of politically motivated summary executions attributable to elements of the State apparatus, particularly the armed forces, was as high as in 1988. Cases of politically motivated disappearances and the resurgence of torture of political prisoners were also cause for concern. The violence and terror in the country was no excuse for the climate of almost total impunity that reigned there. Judicial reforms had gone nowhere.

37. The armed forces continued to inflict civilian casualties during military operations, while the FMLN guerilla organizations continued to carry out politically motivated summary executions, indiscriminate urban operations, abductions and attacks against the country's economic infrastructure. Human rights violations would continue to occur in El Salvador until the civil war ended. That was why he had always attached importance to dialogue and negotiations for restoring peace. Unfortunately, the dialogue between the Government and FMLN had been broken off at the end of October after the fatal bombing of the offices of the

(Mr. Mautner-Markhof)

trade union organization FENASTRAS. Violent, radicalized political sectors appeared to exist which would not hesitate to sacrifice human lives in order to obstruct the peace of negotiations, disregarding the profound desire of most Salvadorians to see an end to the war. Common sense and political pragmatism were essential. He therefore urged the Government and FMLN to resume their dialogue and to create the conditions for promoting mutual trust, including an end to or at least a reduction in the violence.

38. Lastly, he urged the Government of El Salvador to launch an immediate investigation into the 16 November 1989 killings at the University of Central America at San Salvador.

39. Mr. GALINDO POHL (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing the report contained in document A/44/620, said that most of the information provided related to violations of the right to life, and to ill-treatment and torture. Lack of legal guarantees and shortcomings in the prison system were also dealt with. Appendix I contained the names of persons allegedly executed in the Islamic Republic of Iran in the second half of 1988 and the beginning of 1989. There had been more than 1,000 executions in 1989 as a result of the Government's policy of imposing capital punishment on a wide scale to eliminate drug trafficking. The report provided an analysis of the measures taken by the Government to cope with the drug problem in that manner. According to the information received, the drug problem was very serious in that country, as it was in others. The International Covenant on Civil and Political Rights restricted the power of States parties to apply the death penalty, which could be imposed only for the most serious crimes. It was not possible to comply with the Covenant by imposing the death penalty as the only possible penalty for a given offence. Furthermore, the procedure for imposing the death penalty on drug traffickers had been shortened to a maximum of ten days, which was insufficient to ensure due process of law and prevent miscarriages of justice. While Governments and societies in general had the right to combat drug trafficking, international law did not make any distinction between drug traffickers and other persons with regard to penalties and legal guarantees.

40. The report indicated that the situation of the followers of the Baha'i faith had improved somewhat. The number of executions of Baha'is had decreased markedly, as had the number of Baha'i prisoners. Nevertheless, they were still denied access to higher education and government employment. Their situation remained uncertain and depended on the goodwill of public officials.

41. He had maintained cordial relations with representatives of the Islamic Republic of Iran and had been able to conduct frank discussions with them. Those representatives had reaffirmed their desire to see the adoption of a consensus resolution by the General Assembly to co-operate fully to enable the Commission on Human Rights to carry out its mandate.

/...

(Mr. Galindo Pohl)

42. The Iranian Government was apparently preparing replies to the complaints of alleged human rights violations reported to it since 1984. The Government had yet to comply, however, with repeated requests by the General Assembly and the Commission on Human Rights that it co-operate by allowing the Special Representative to conduct an on-the-spot investigation.

43. It could be concluded from the information received that the situation of human rights in Iran had not changed in 1989. There was a need for continued international monitoring and a repetition of the urgent appeals for the Government to take the measures that had been recommended. The process of adapting legislation and the administration of justice to international norms must begin with a categorical and public decision by the highest authorities, followed by specific legal and administrative measures. In that regard, he stressed the need for a programme to train public officials and employees involved in questions relating to human rights. The Centre for Human Rights had drawn up a programme for that purpose and many Member States were making use of it.

44. A letter dated 24 October 1989 from the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/C.3/44/8) referred to the decree of 18 October 1989 for pardon and mitigation of sentences of prisoners convicted in the courts, except for those convicted of drug trafficking and rape. The Special Representative had also received a document indicating that 572 prisoners had been pardoned. He hoped that that trend would continue.

45. On 16 November 1989, he had met with the Permanent Representative of the Islamic Republic of Iran, who had categorically rejected the accusation that the imposition of the death sentence for drug trafficking had been used to conceal cases of political execution. The Permanent Representative had said that all the persons found guilty of drug trafficking were common criminals, and had pointed out that the amnesty recently granted to 2,500 political prisoners had been a genuine act of clemency. Lastly, the Permanent Representative had affirmed his Government's desire to proceed within the framework of paragraph 125 of the report and its intention of resuming a dialogue with the sponsors of the relevant draft resolution in the Third Committee in order to reach a consensus.

46. Mr. BLANC (France), speaking on behalf of the 12 member States of the European Community, commended the relevant organs of the United Nations system for their work in the area of human rights, which had been excellent despite the scant 0.96 per cent of the United Nations budget allocated to programmes in that field. The Twelve were ready to discuss with all interested States what measures might be taken to increase allocations as soon as possible.

47. The Twelve firmly supported the recent trends towards democracy and pluralism in many countries. However, numerous serious violations of human rights persisted in many parts of the world, even in States which had democratic institutions and had adhered to the relevant international human rights instruments. Human rights violations were also taking place as a result of the denial of the right of self-determination.

/...

(Mr. Blanc, France)

48. The Twelve wished to recall their support for the World Public Information Campaign on Human Rights which, if carefully targeted, would contribute to the promotion of human rights throughout the world.

49. United Nations action in the field of human rights was mandated under Articles 55 and 56 of the Charter and did not constitute unjustified interference in the internal affairs of the countries concerned. Moreover, history had shown that it was in a State's interest to combat human rights violations in its territory. Nonetheless, in order to assuage the concerns of States and individuals alike, the United Nations should be able to demonstrate that the criteria used in any human rights investigation would be objective, non-political and based on values universally accepted by the States Members of the United Nations.

50. Special rapporteurs and representatives played an essential role and should be given adequate support and resources by the United Nations and by Governments. The Twelve wished to reiterate their support for the Special Rapporteur of the Commission on Human Rights on questions relating to torture and hoped that, in the future, he would be able to investigate specific cases of alleged torture, including the complicity of certain doctors.

51. Noting that only a minority of countries were co-operating with the Special Rapporteur investigating the question of summary or arbitrary executions, the Twelve called upon the remaining States to provide information concerning the executions in question and to attempt to prevent further such executions. Lastly, despite growing international sensitivity to the issue of religious intolerance, serious violations persisted in most parts of the world and it was regrettable that a small number of States continued to refuse to co-operate with the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

52. The Twelve also wished to reiterate the importance they attached to the efforts of the Working Group on Enforced or Involuntary Disappearances, and commended the initiative taken by several Governments to invite the Group to conduct on-the-spot investigations.

53. All the member States of the European Community had adhered to the European Convention for the Protection of Human Rights and Fundamental Freedoms and accepted the mandatory jurisdiction of the Council of Europe. It was within that framework that reports on the violations of human rights and fundamental freedoms in Cyprus had been examined.

54. The Conference on Security and Co-operation in Europe had produced a number of very positive developments, including the adoption of a specific mechanism for the implementation of commitments made under the Helsinki Final Act.

55. The Twelve were following the reforms in the Soviet Union with interest and sympathy. While the task was far from over, they were convinced that the Soviet authorities would persevere in their efforts. They also welcomed trends towards

/...

(Mr. Blanc, France)

democracy and pluralism in Hungary, and the election in Poland of a Government that reflected the will of the people. Lastly, they commended the German Democratic Republic for its decision to authorize East Germans to leave the country freely, and expressed the hope that the decision would be followed by far-reaching reforms leading to the institution of democracy.

56. Unfortunately, not all the countries of Eastern Europe had joined in the movement towards democracy. The Twelve called on the Government of Romania to respect the commitments made by all the European countries within the framework of the Conference on Security and Co-operation in Europe and asked it to allow the special rapporteur appointed by the Commission on Human Rights to conduct an on-the-spot investigation. They also urged the Romanian authorities to allow Mr. Mazilu, an expert on human rights and youth, to leave the country so that he could present his report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. They noted with regret Czechoslovakia's continued use of repressive measures and hoped that fundamental reforms would rapidly follow its recent decision to ease restrictions on foreign travel. The Twelve were pleased that the Governments of Bulgaria and Turkey had begun negotiations on the fate of the Muslim community in Bulgaria and hoped that Bulgarian Muslims would soon be allowed free exercise of their human rights.

57. The Twelve were outraged at the brutal repression in China, which had been followed by continuing arrests and executions, and called on the Chinese authorities to respect human rights and to respond to their people's desire for freedom and democracy. With respect to South Africa, while President De Klerk had taken several initiatives, he apparently had no intention of eliminating the apartheid system, which the Twelve believed must be abolished in its entirety. They would continue to work for the opening of a dialogue among all elements of South African society, in order that genuine democracy might be established.

58. The Twelve remained deeply concerned at the worsening situation in the territories occupied by Israel. They called on Israel to recognize the legitimate aspirations of the Palestinian people and to respect universally recognized principles of human rights and humanitarian law in the occupied territories.

59. The withdrawal of foreign troops from Afghanistan was a positive step. However, as document A/44/669 indicated, the war had not ended and serious human rights violations continued. The Twelve called on all parties to the conflict to respect human rights and the principles of humanitarian law. In the long run, only a comprehensive political settlement based on genuine self-determination would guarantee respect for human rights in that country.

60. With regard to the question of Kampuchea, the Twelve had welcomed the announcement of the total withdrawal of Vietnamese forces which, if verified, could form a basis for an overall political settlement. They were particularly concerned at the fate of civilians being held hostage by the Khmer Rouge in camps to which humanitarian organizations were denied access. Whatever the terms of the future settlement, they would not tolerate a repetition of the abhorrent practices

(Mr. Blanc, France)

perpetrated by the Khmer Rouge and Pol Pot and would never support the Khmer Rouge in any form whatsoever. Any agreement must be based on the free choice of the Kampuchean people, which first required respect for human rights.

61. The Twelve were also concerned at continuing arbitrary detentions in Viet Nam and called upon the Vietnamese Government to free all arbitrarily detained prisoners immediately.

62. The Twelve continued to be concerned at the numerous allegations of arbitrary arrests and torture in Myanmar, and they urged the country's authorities to free political prisoners and restore respect for human rights and democratic freedoms.

63. With respect to East Timor, which had been opened up somewhat to the outside world since January 1989, they hoped that representatives of non-governmental organizations, including human rights organizations would soon be allowed to visit it.

64. With regard to the report of the Special Representative of the Commission on Human Rights on the human rights situation in the Islamic Republic of Iran (A/44/620), the Twelve were particularly concerned at the large number of summary executions and at the fate of the Bahai minority, which remained uncertain. They hoped that Iran would authorize the Special Representative to conduct an on-the-spot investigation and accord him full co-operation.

65. In Iraq, certain reforms were planned but cases of torture had been reported and arbitrary arrests appeared frequent. Moreover, thousands of Kurds had been forced to leave their homes. It was to be hoped that the recent invitation to the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be made official and that experts would be allowed to visit the country and to visit freely with any witnesses.

66. The Twelve urged authorities in the Syrian Arab Republic to take steps to eliminate the cases of disappearance, torture and arbitrary arrest, and discrimination against certain minorities, that had been reported and to allow non-governmental human rights organizations to investigate freely in Syria.

67. Following the holding of genuine elections in Namibia, the government that would take office after independence would no doubt ensure full respect for human rights and fundamental freedoms. Elsewhere in Africa, however, reliable sources reported repeated violations of human rights. The Twelve were especially concerned at the situation in Somalia and called on the Somali authorities to make the necessary improvements.

68. While the Tela agreements had given reason to hope for the restoration of peace in Central America, much remained to be done to ensure respect for human rights and democratic freedoms in that region. In the wake of the dramatic escalation of violence in El Salvador, the Government must take all necessary measures to prevent uncontrolled reprisals and political murders. The Twelve

/...

(Mr. Blanc, France)

condemned the 16 November 1989 killings at the University of Central America at San Salvador; those killings must be thoroughly investigated and the perpetrators brought to justice. They called on all parties to renounce violence, particularly the bombing of civilian populations, and to allow international humanitarian organizations to come to the aid of the victims.

69. In Guatemala, after a marked improvement, disappearances and summary executions appeared to be increasing. The Twelve called on the Guatemalan Government to put a stop to such occurrences and to bring those responsible to trial, even when the army or the security forces were implicated.

70. The Twelve welcomed the democratic elections scheduled to take place in Chile in December 1989. Despite the definite improvements described in document A/44/635, however, further measures were needed to ensure full respect for human rights. It was regrettable therefore that the Government of Chile had ended its co-operation with the Special Rapporteur on the situation of human rights in Chile.

71. The Twelve reaffirmed their belief that the Government in Panama had not been legitimately elected, and called for free elections as an indispensable prerequisite for respect for human rights and fundamental freedoms. They also supported the efforts of the Organization of American States to find a solution to the Panamanian problem.

72. Lastly, the Twelve were following closely human rights trends in Cuba, and hoped that the Cuban authorities would co-operate fully with the Secretary-General in that regard.

73. It was obvious that, despite some improvements, much remained to be done in the field of human rights. There were numerous instances of the singular effectiveness of United Nations efforts in favour of human rights, however, and the member States of the European Community would continue to support such efforts unreservedly.

The meeting rose at 6.05 p.m.