COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 March 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

later: Mr. DELGADO BARRETO (Peru)

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at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.
The meeting was called to order at 10.15 a.m.

STATEMENT BY MR. ACEVEDO PERALTA, THE MINISTER FOR FOREIGN AFFAIRS OF EL SALVADOR

1. The CHAIRMAN said that the Commission had been honoured by the visit of the Minister for Foreign Affairs of El Salvador, whom he invited to take the floor.

2. Mr. ACEVEDO PERALTA (Minister for Foreign Affairs of El Salvador) said that the signing of the historic peace agreement, Esquipulas II, by the Presidents of the five Central American countries in August 1987 had been a considerable achievement. El Salvador's hopes of building a democratic society were being realized, despite the terror, destruction and disinformation perpetrated by the armed bands of the Farabundo Martí National Liberation Front (FMLN) and the Democratic Revolutionary Front (FDR) and extreme right-wing activists. His Government was determined to redouble its efforts to guarantee the full exercise of human rights and fundamental freedoms by Salvadorian citizens.

3. Political leaders from Latin American and other countries, the Secretary-General of the United Nations, the Secretary-General of the Organization of American States and representatives of the Contadora Group and the Support Group had visited El Salvador. His country had received aid on an unprecedented scale from international financial organizations and friendly Governments in order to repair the harm done to its national heritage by the guerrilla war.

4. In his report (E/CN.4/1988/23), the Special Representative of the Commission, Mr. Pastor Ridruejo, noted the commitment to human rights of the constitutional authorities of El Salvador and stated that the signing of the Esquipulas II Agreement showed the Government's eagerness to consolidate democracy and eliminate all human-rights violations. The Special Representative noted the gradual decline in the number of attacks on human life, the fact that no cases of summary execution had been reliably attributed to members of the security forces and the sincere efforts of the Government to deal with the "death squads". The Special Representative had also referred to the streamlining of the criminal justice procedure and the way in which the army had observed humanitarian principles during hostilities.

5. Human-rights policy in his country had advanced significantly, but the remaining problems were exacerbated by the violent methods used by the armed bands of the FMLN-FDR, which deserved both national and international condemnation. The Special Rapporteur had referred to the alarming level of maimings and deaths among civilians caused by contact mines, as well as summary executions, kidnappings for financial or political gain and the systematic sabotage of the economic infrastructure. Such acts threatened the current and future enjoyment by Salvadorian citizens of important economic, social and cultural rights.

6. The investigation into the murder of Monsignor Romero, Archbishop of San Salvador, had led to the identification of a suspect and an application for his extradition.
7. The Government had condemned the murder of Mr. Anaya Sanahria, co-ordinator of the Salvadorian Human Rights Commission (non-governmental) and the Office of the Attorney-General had appointed two officials to investigate the case. The Salvadorian Human Rights Commission and other organizations had attempted to exploit the situation by calling a transport strike and encouraging other urban terrorist activities. A certain Jorge Alberto Miranda Arévalo had confessed to participating in the murder, under orders from the Peoples Revolutionary Army, part of the FMLN.

8. The terrorist practices of the armed bands showed their contempt for human values. They had used the murders which they had themselves committed as an excuse for breaking off their dialogue with the Government.

9. The murder of Mr. Cárdenas Varqas, chief of the San Miquel regional office of the Salvadorian Human Rights Commission (governmental) in December 1987 had been greeted with silence by the so-called humanitarian groups. Two persons had been detained in connection with the crime.

10. A campaign to teach precautions against contact mines, a weapon much used by extremist groups was being carried out by the Salvadoran Youth Council and the armed forces. The armed forces were receiving human-rights training from the Salvadorian Human Rights Commission (governmental), the International Committee of the Red Cross and the Catholic Church.

11. New acts had been introduced to implement the second stage of agrarian reform which was designed to develop, consolidate and modernize Salvadorian agriculture.

12. His Government had signed the Inter-American Convention to Prevent and Punish Torture in October 1987, and the Amnesty Act, which would benefit those convicted of political crimes and common crimes with a political connection, had entered into force in November of that year. It had also suspended military operations against the armed bands, but the latter had responded by stepping up their destructive and criminal activities.

13. His Government wished to repatriate the 4,500 Salvadorian refugees who had fled to Honduras; they would return to their original places of residence and special projects would be set up for them.

14. The process of streamlining the judicial system was continuing. A committee was engaged in the elaboration of reforms to the Code of Criminal Procedure, and a co-ordination system had been established between the Office of the Attorney-General and the Salvadorian Human Rights Commission (governmental) to ensure that criminal activities did not go unpunished.

15. Elections to the municipal councils and the Legislative Assembly were to be held on 20 March 1988. More than 1.5 million people had registered to vote, and international observers had been invited to supervise the election process. FDR leaders had returned to El Salvador for the election, although the FDR had often refused to accept election results in the past, and FMLN-FDR extremists had threatened to use violence to disrupt the elections.

16. The armed FMLN-FDR bands had failed to carry out the provisions of the Esquipulas II Agreement and had continued their indiscriminate action against the Salvadorian people, including the kidnaping of civilians, the
indiscriminate use of contact mines and the destruction of vehicles. Their systematic attacks on the economic infrastructure included the destruction of farms and crops, the slaughtering of cattle, the destruction of machinery and sabotage of the telecommunications system and the electric-power grid. Those activities had been condemned by the general public in his country and by international public opinion.

17. That his Government wanted peace was shown by its implementation of the Esquipulas II Agreement. In its quest for national reconciliation, it had pursued a dialogue with the non-armed forces of the opposition. It had also renewed its appeal to the armed rebels of the FMLN-FDR for dialogue and for co-operation on ceasing hostilities, and had met the FMLN-FDR for a third time in October 1987 in the framework of the Esquipulas II Agreement. The FMLN-FDR had, however, used the assassination of the co-ordinator of the non-governmental Human Rights Commission as a pretext for breaking off the dialogue with the Government.

18. The situation in El Salvador must be regarded more objectively and fairly, his Government having demonstrated, through concrete actions, its willingness to work for democracy and human rights. As had been pointed out recently in an article published by the Latin American Episcopalian Council in Rome, there had been no lack of positive gestures by President Duarte, who had decreed a wide-ranging amnesty, had demonstrated his determination to punish the murderers of Monsignor Romero as well as those behind the act, and had unilaterally declared a provisional cease-fire. The guerrillas had nevertheless continued their sabotage campaign, which could lead only to their rejection by the Salvadorian people. Peace could be achieved only by renouncing the use of violence.

19. With the help of the international community, his Government intended to continue the arduous process of refining a political system in which liberty, participatory democracy, respect for civil rights, development, social justice and peace took precedence. He wondered, however, why El Salvador was the sole genuinely pluralistic and free democracy that had a Special Representative, when flagrant violators of human rights with totalitarian régimes did not and why, indeed, such a country was still the subject of human-rights monitoring.

20. It should be borne in mind that a resolution favourable to El Salvador would be a vote for the Esquipulas II Agreement and for justice and liberty; a vote against terrorism and subversion. The only way to help his country make progress was to recognize its efforts and encourage it to continue its quest for authentic democracy, modifying the current mandate of the Special Representative accordingly.

21. The CHAIRMAN thanked the Minister for Foreign Affairs of El Salvador for his invaluable statements.

22. Mr. Delgado Barreto (Peru) took the Chair.
QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1988/7, and 68; E/CN.4/1988/NGO/7, 9, 29 and 44; A/42/556 and Corr.1 and 725)


(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (E/CN.4/1988/27)

23. Mr. GRIEGER (German Democratic Republic) said that there had been no improvement in the human-rights situation in Chile despite international criticism. In 1987, in fact, the highest number of politically motivated killings and cases of torture and arrest had been recorded since the adoption of the new Constitution in 1980. Against the backdrop of a permanent state of emergency, unrest had increased and dissatisfaction with the régime's policy of terror and the bad shape of the economy had mushroomed in all strata of the Chilean population. The brutal suppression of the opposition was engulfing not only leftist forces but also people professing the Catholic faith, including members of the clergy.

24. The report submitted by the Special Rapporteur (E/CN.4/1988/7) contained extensive material describing brutal violations of human rights, including new cases of disappearances, the murder of opponents of the régime and cases of torture. The Bishops' Conference in Chile had confirmed that torture was a regular practice followed by the police and other investigative bodies.

25. The execution in June 1987 of 12 teenagers ("Operation Albania") and the fact that it had been carried out despite the absence of any court ruling clearly testified to the unscrupulous perversion of the rule of law, as did the arrest and degrading treatment of a former Minister and two former senators. His delegation demanded that all the detained democrats in Chile be immediately released.

26. His delegation was vehemently opposed to any attempt at portraying the human rights situation in Chile as having improved. There had been a clear retrogression with regard to the possibilities of re-establishing a democratic Government, and the country continued to live in a climate of insecurity and fear. His delegation advocated, therefore, the extension of the Special Rapporteur's mandate, on the understanding that his reports would reflect the real human-rights situation in Chile and contain proposals regarding the most effective measures that could be taken against the dictatorship.

27. Mr. STEEL (United Kingdom) said that the annual debate on item 12 lay at the core of the Commission's endeavours. His delegation favoured the Commission's increased use of the schematic approach to human-rights violations and its use of special mechanisms to deal with violations of certain rights, irrespective of where they occurred.
28. The report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1988/22 and Add.1-2) was commendable. His delegation was gravely concerned, however, by the lack of response from so many of the Governments the Special Rapporteur had approached. It was the duty of all Member States to co-operate with the duly appointed representatives of the Commission.

29. While the misdeeds of government agents must be criticized, the alarming phenomenon of killings by non-governmental forces must not be ignored either. In relation to both kinds of killings, his delegation endorsed the Special Rapporteur's conclusions as to the need to establish minimum international standards to ensure proper investigation of all deaths occurring in suspicious circumstances. It also endorsed the recommendation that training programmes should be made available for law enforcement officers, particularly in countries which had recently emerged from periods of non-democratic Government. The need to continue to monitor the practice of summary or arbitrary executions remained acute, and his delegation thus felt that the Special Rapporteur's mandate should be renewed.

30. His delegation recognized that members of the Commission had a duty to speak out about the situations in particular countries as well as about thematic issues. A number of States that had recently returned to the values of human rights, democracy and pluralism after a period in which those values had been denied had made clear how important to them, at the time when their human rights were being violated, had been the expression of the concern of the United Nations.

31. His delegation would, as usual, address the question of Chile under item 12 because it saw no justification for a separate item on Chile. Although a number of encouraging steps had been taken by the Chilean Government, several disturbing matters had been reported by the Special Rapporteur. His delegation was particularly concerned at the continued use of incommunicado detention and other forms of maltreatment, including torture; the recurrence of the practice of disappearances; and the bypassing by the National Information Agency (CNI) of the measures forbidding it to hold detainees. There could be no excuse for any of those practices.

32. Moreover, all exiles should be allowed to return, and the Government should take steps to help their reintegration into society. In fact, his delegation urged the Government of Chile to implement all the Special Rapporteur's recommendations and, in particular, to lift the two states of emergency.

33. The judiciary should once more become fully independent and democratic freedoms should be guaranteed. Access to the media for opposition parties, especially access to television facilities, was especially important. His delegation urged the Government to publish the International Covenants on Human Rights, to which Chile was a party, and to ratify and publish the United Nations and Organization of American States conventions against torture.

34. His delegation had discussed the human-rights situation in Guatemala under agenda item 22, so he would simply express the hope that the Esquipulas II Agreement, signed in Guatemala, would make a contribution to the protection of human rights throughout Central America.
35. The Government of El Salvador had again extended its cooperation to the Special Representative, whose report (E/CN.4/1988/23) made it clear that that Government's policy was one of respect for human rights. However, serious violations continued to occur. His delegation was particularly disturbed by reports of summary executions carried out by members of the armed forces and of a resurgence of "death squad" activities, especially the murders of leaders of the non-governmental Human Rights Commission and of the Government's Human Rights Commission. Efforts by the criminal justice system to investigate and punish serious human rights violations remained highly unsatisfactory, and his delegation strongly urged the Government to implement the Special Representative's recommendations for rendering the judiciary more effective.

36. Although the main responsibility for improving the human rights situation in El Salvador lay with the Government, it was clear from the report that serious violations continued to be perpetrated by the guerrilla forces. They had continued to lay mines, which had killed a large number of non-combatants, and had carried out summary executions and abducted civilians. His delegation welcomed the Salvadorian army's efforts to apply humanitarian standards in the conduct of hostilities, and looked to the opposition forces to do no less.

37. With regard to the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1988/25), his delegation welcomed the cooperation extended by the Afghan régime to the Special Rapporteur. Nevertheless, the report revealed evidence of continuing widespread and systematic human-rights abuses. The new Constitution contained no real safeguards for the protection of human rights, the judiciary remained totally subordinated to the Executive and there was neither freedom of speech nor freedom of assembly. There had also been serious violations of the right to life, liberty and security of person.

38. The Soviet occupation and the war had brought massive destruction and pain to Afghanistan. His delegation had heard with interest the stated intention of the Government of the Soviet Union to begin to withdraw its occupying army in May. However, only deeds would persuade the millions of Afghan refugees to return home. Pending the withdrawal of the Soviet forces and the ending of the human-rights abuses in Afghanistan, it was imperative to renew the Special Rapporteur's mandate.

39. Referring to the situation of human rights in the Islamic Republic of Iran (E/CN.4/1988/24), his delegation noted that, although the Government of that country had entered into limited contact with the Special Representative, it had maintained its blanket refusal to respond in detail to specific allegations and had continued to refuse to allow the Special Representative to visit Iran.

40. Iran had a solemn obligation to respect all the provisions of the human-rights instruments to which it was a party. International law could not tolerate a selective approach to legal obligations. There continued to be reports of summary and arbitrary executions and of the use of torture and arbitrary detention, although a small number of prisoners had been released. Minority groups such as the Bahá'ís were treated with particular harshness.

41. The situation was further aggravated by the lack of an independent judiciary and the widespread absence of fair trial. In the light of the human-rights violations described in the Special Representative's report, his
delegation felt that the international community must continue to monitor the situation and that the Commission must therefore renew the Special Representative's mandate.

42. His Government had long been disturbed by reports of long-term detention without trial, of disappearances and of widespread ill-treatment of prisoners in the Syrian Arab Republic and in the parts of Lebanon occupied by Syria. There had also been reports of summary executions. His delegation urged the Syrian authorities, through the Syrian delegation, to treat the Commission's questions responsibly, to investigate the reports thoroughly and, if there was substance in them, to put an end to any activities of the kind alleged.

43. His Government remained concerned also about the continuing detention of several thousand long-term prisoners in Ethiopia. The introduction of the new Ethiopian Constitution, which had established a number of basic rights, was encouraging, and his delegation hoped that all the long-term prisoners would be brought to trial or released without further delay.

44. With regard to continuing reports of human-rights violations in Cuba, his Government was concerned, in particular, at the reports of harsh treatment of detainees and restrictions on freedom of assembly and expression and on the freedom of the press. The charges appeared to have some substance and therefore deserved examination and reply. No country could claim immunity from the legitimate scrutiny of the Commission. His delegation would therefore support a proposal to enable the Commission to subject the human rights situation in Cuba to proper inquiry.

45. His delegation welcomed the recent improvements in the human rights situation in the Soviet Union, and especially the increased openness of the media. It also welcomed the release of some 200 prisoners of conscience in 1987 and the transfer of responsibility for psychiatric institutions from the Ministry of the Interior to the Ministry of Health. Many fundamental changes were needed, however, particularly in the area of legal reform. His delegation hoped that such changes would be made so that Soviet citizens would be able to express their political or religious beliefs without fear of punishment. It also hoped that the Soviet authorities would allow the thousands of people who wished to leave the country to do so.

46. His Government was also disturbed by continuing reports of serious human-rights violations in Romania, where there was no move to greater openness. The Commission had already heard an account of the Romanian authorities' refusal to allow Mr. Mazilu to come to Geneva to attend the most recent session of the Sub-Commission. The Romanian Government had failed to deny, explain or excuse that refusal. Worse still, there were many reports of ill-treatment of prisoners, and a number of unexplained cases of death in detention. Freedom of movement, expression and association were harshly restricted, and economic, social and cultural rights were not respected. His delegation urged the Romanian Government to comply with its legal undertakings under the International Covenants on Human Rights.

47. In various ways and to varying degrees, other countries of Eastern Europe imposed unjustifiable restrictions on human rights and fundamental freedoms. His delegation urged all of them to move as rapidly as possible towards full compliance with all their obligations in the field of human rights. In that
context, the recent Protocol signed between Bulgaria and Turkey was encouraging, and he expressed the hope that it would lead to an improvement in the lot of the Turkish minority in the former country.

48. The question of human rights in Cyprus was a subject whose importance his Government did not underestimate. However, the situation was both complex and delicate. The United Kingdom had close relations with all parties to the conflict, and his Government felt that the best hope lay in supporting the Secretary-General's efforts to secure an overall settlement.

49. Similarly, his Government had, since 1982, supported the Secretary-General's efforts to encourage a bilateral settlement between Portugal and Indonesia on the issue of East Timor. His delegation hoped that both sides would work actively on the problem with a view to reaching an early agreement which would fully protect the interests of the people of East Timor.

50. Lastly, his delegation welcomed the progress being made in drafting a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

51. Mrs. LOPEZ (Colombia) said that the foreign mass media concentrated on the problems of drug trafficking, terrorism and political violence in her country, without taking into account the complexities of the situation. Colombia was confronted with the terrorist acts of drug traffickers and extremist groups, attacks on its economic infrastructure, ever-increasing poverty and the crime levels which accompanied rapid modernization and urbanization.

52. Owing to its geographical position and transport facilities, the country had, since 1980, become a strategic base for drug trafficking. The drug boom, encouraged by a great increase in the demand from the drug-consuming countries, had affected Colombia's traditional patterns of production, undermined moral standards and hampered the activities of public officials. Minister of State Rodrigo Lara and the Attorney-General, Carlos Mauro Hoyas, had been assassinated by the drug traffickers, as well as many judges, newspaper editors, journalists, policemen, soldiers and hundreds of ordinary citizens.

53. In such a situation it was quite understandable, although highly reprehensible, that certain State officials should have benefited from illegal activities. The State had investigated all such cases and punished the guilty parties.

54. Violence against politicians of all persuasions had increased since municipal mayors had been elected, rather than appointed. In some regions, opposition groups had been denied access to local government by the activities of certain groups. Nevertheless, despite the attacks on many political leaders, the mayoral election was scheduled to take place throughout Colombia on 13 March 1988. Although some opposition parties such as the left-wing Unión Patriótica, had been greatly affected by the violence, they had continued their parliamentary activities.
55. The process of agricultural modernization in Colombia had been particularly difficult. The concentration of agricultural land and profitable export crops in a few hands had led to confrontation and polarization over many years. The contrast between the large estates and the peasant smallholdings had led to frequent popular demonstrations, which the Government had viewed sympathetically, being aware of the validity of the claims in question. Congress had recently approved an agrarian reform project, which was designed to facilitate and extend land allocations and implement rural development plans.

56. In other areas, modern methods of production and exploitation co-existed with a poor economic infrastructure and a lack of State presence. Much of the violence in those areas was directed at trade unionists, political leaders, social activists and military personnel. The Government had allocated large sums to programmes designed to guarantee workers' rights, and carried out with the participation of the community.

57. In areas of expansion on the agricultural frontier, large tracts of cleared forest were being used for the cultivation of the coca plant and there were constant acts of violence by armed gangs. Her Government had introduced social development and crop substitution programmes with the financial assistance of international bodies.

58. Her Government realized that many of its problems could be solved only with the support of the international community. The problems she had mentioned had been exacerbated by the economic and social imbalance resulting from an internal lack of adjustment and the inequitable distribution of risks and opportunities among countries. External debt, falling commodity prices and the protectionist policies of the developed countries had helped to create an explosive social situation in Colombia and in many other countries of the southern hemisphere. Her Government was directing industrial activity and public expenditure towards the achievement of social objectives, particularly the eradication of poverty and the rehabilitation of areas which had experienced armed conflict.

59. The resources allocated to the administration of justice had been considerably increased. The Office of the Attorney-General had been modernized, a public order court had been established and efforts had been made to protect persons who had been threatened. The supervision and the control of military personnel had been entrusted to a civilian magistrate. The Government had established a commission for the defence, protection and promotion of human rights. A new statute on the defence of democracy had increased the penalties for terrorist acts and facilitated the capture and punishment of professional assassins.

60. With the aim of increasing participative democracy, the President had proposed three changes to the Constitution, whereby the people would exercise its national sovereignty not only through its elected representatives, but also by means of referenda and popular initiatives; Congress would establish adequate ways of facilitating the workers' access to property or the administration of the factors of production, and the benefits deriving therefrom, as well as ways for workers to fulfil the ensuing responsibilities; and the sources of political parties' funds and the way in which they were spent would be made public.
61. The President of her country, through the Commission on Human Rights, had invited non-governmental organizations, international experts, the Working Group on Enforced or Involuntary Disappearances and Government officials to visit Colombia in order to see for themselves the achievements and difficulties of the country's development process and pave the way for wide-ranging international collaboration. She hoped that the visitors would recognize her Government's endeavours to preserve peace and create an atmosphere of tolerance and respect for human rights.

62. Mr. ESPAÑA-SMITH (Observer for Bolivia) said that, although the report of the Special Rapporteur on the situation in Chile (E/CN.4/1988/87) had recorded some slight improvement, it clearly reflected the persistence of a state of systematic oppression involving the violation of virtually all human rights and the limitation, even the suppression, of civil liberties. The Special Rapporteur's observations had in several cases been confirmed in statements by Chilean bishops and judges.

63. The situation fully warranted the world community's continued attention and an extension of the Special Rapporteur's mandate. His delegation agreed with the Special Rapporteur that human rights could be fully restored in Chile only through the installation of representative democracy, which would also enhance Latin American integration and solidarity and restore right and justice.

64. Mr. YAVUZALP (Observer for Turkey) said that if the Commission on Human Rights was to maintain its authority, it must remain credible. To that end, it must consider problems on a purely humanitarian basis. It was therefore essential to resist all attempts to turn the Commission into a forum for settling political accounts or for using distortions and misinformation to destabilize countries under the cover of human-rights advocacy.

65. Any multilateral endeavour required an approach based on consensus rather than confrontation, but the driving force behind such efforts should not be political, and no valid humanitarian consideration should be sacrificed for the sake of reaching such a consensus.

66. Agenda item 12 was of overriding importance for enhancing the authority of the Commission. There should be no hesitation on speaking out in genuine cases, but a clear distinction must be made between such cases and those raised for purposes not at all connected with the objectives of the Commission.

67. One of the pillars of the Commission was the collection of information on human rights violations. The flow of correct information and its objective and fair assessment were of utmost importance for the Commission's monitoring work. Any information which would contribute to the cause of human rights must be brought before the Commission, and no obstacle should impede the free exercise of that right. Focusing international attention on human-rights violations should not be construed as interference in internal affairs. In so doing, however, all members and participants must be fair and objective.

68. It was therefore imperative that those who had been given the right to inform the Commission should be conscious of their responsibility. If that right were abused to air propaganda or to spread accusations whose only purpose was to slander or destabilize a particular country or group of countries, it would do a great disservice to the authority of the Commission.
69. The signing of a protocol between Bulgaria and his country on 23 February 1988 at the meeting of foreign ministers of the Balkan countries in Belgrade, had been a positive development which should help pave the way to a settlement of the problems confronting the Turkish minority in Bulgaria in preserving its ethnic and cultural identity. It was to be hoped that the process of bilateral negotiations set up under the protocol would contribute to restoring the legitimate cultural and minority rights of Turks in Bulgaria, thereby eliminating the main element adversely affecting relations between the two countries. The international community would, no doubt, closely monitor those negotiations and their outcome.

70. Mr. Sene resumed the Chair.

71. Mr. van SCHAIK (Observer for the Netherlands) said that, despite the historical achievement of the Universal Declaration of Human Rights and the extensive legal machinery that had since been added, human dignity was not any less important than it had been 40 years previously. For that reason, Governments must be constantly reminded of their obligation actively to promote the enjoyment of human rights.

72. In South Africa, arbitrary arrests, detention without trial and maltreatment of children in custody were amply documented. It was with great concern that his Government had learned from information provided by the South African Minister of Law and Order himself that 234 children of 17 years of age and younger were being held in detention under the rules governing the state of emergency, a figure considerably higher than that provided for autumn 1987. His Government very much hoped that the South African authorities would heed the call unanimously made by the General Assembly and again by the Commission on Human Rights that random arrests, detention and maltreatment of children must cease immediately.

73. His Government, which condemned the continued institutionalized system of racial discrimination in South Africa, for which sooner or later catastrophe would be the price, considered that the recent repressive measures against non-violent opposition movements constituted a new blow to freedom of expression in that country and had contributed to a further deterioration of the political situation there.

74. The report submitted to the Commission by the Special Rapporteur on religious intolerance (E/CN.4/1988/45) showed widespread practices of discrimination based on religion or belief. The repeated indications of difficulties and restrictions encountered by a large number of religious denominations in the Soviet Union could not be simply rejected as disinformation. It was to be hoped that, in the spirit of glasnost and perestroika the Government of the Soviet Union would show progress towards the promotion and effective protection of all human rights in its country.

75. His delegation strongly supported the draft resolution on the human-rights situation in Iran (E/CN.4/1988/L.69) of which it was a sponsor. In particular, it wished to refer to the plight of the Bahá'ís in that country. With reference to a point made earlier by the representative of Iran, he was able to assure him that religious freedom was one of the inherent rights of the individual on which Dutch society was built. All members of all
religions enjoyed the same rights and freedoms, and if any individual were frustrated in the execution of his rights, he could defend them in public without any fear of reprisal, by legal, political or any other means.

76. Certain countries had been unwilling to co-operate with the special rapporteurs appointed by the Commission. It could not but raise serious doubts when, as the Commission had learned from the report of the Special Rapporteur on questions relevant to torture (E/CN.4/1988/17), 14 countries had not taken the trouble to answer requests for information with respect to alleged cases of torture.

77. His Government rejected the practice of the Romanian authorities of detaining, without due process of law, people who merely claimed their rights, of prohibiting them from leaving the country and of creating all sorts of obstacles to their finding jobs, marrying and enjoying normal life. The lack of scruples on the part of the authorities in Bucharest was evidenced by the case of Mr. Mazilu, who was not even being allowed to carry out his mandate as an independent member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

78. Recent killings in El Salvador and Honduras had underscored the extraordinary courage of those who stood up for human rights and the rule of law; unfortunately, such killings had also shown the impotence of the authorities to cope with those crimes.

79. His delegation deplored the continuing abuse of human rights in Chile, including arbitrary detention and torture of those arrested for political reasons. It had serious doubts as to whether the results of the recent elections in Paraguay reflected the free choice of the Paraguayan people. It had reason to be concerned about violations of the fundamental rights and freedoms of the individual in Cuba and urged the Cuban authorities to enable independent human-rights organizations to visit the country and allow them to draw their own conclusions.

80. His Government had leaned with concern of the bloodshed that had led to the suspension of the elections in Haiti in November 1987. It hoped that, with the new Government in office there, the Haitian authorities would be successful in their quest for democracy, development and full respect for human rights.

81. His delegation welcomed recent positive developments in Suriname, culminating in the election of a new and democratic Government. It greatly appreciated the annex to the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1988/22), which pointed out that arbitrary executions in Suriname could be prevented only if democracy was fully restored. It was to be hoped that national reconciliation and reintegration of the inhabitants of the interior would be initiated as soon as possible and that the internal armed conflict would come to an end. His delegation welcomed the intentions expressed by the new Suriname Government to respect human rights and hoped that that Government would take account in its policies of the recommendations made by the Special Rapporteur.

82. His Government was concerned about the serious deterioration of the situation on the occupied Arab territories and deeply deplored the repressive measures taken by Israel in violation of international law and human rights.
Self-determination for the Palestinian people within the framework of a comprehensive settlement was the only viable way to resolve the conflict. Any settlement should guarantee the rights of all States in the region, including Israel, to exist within secure and recognized borders.

83. The Afghan people had also been seeking self-determination for years. They were subjected to the yoke of foreign occupation and a régime imposed upon them that was alien to their basic values. His Government was encouraged by statements of Soviet leaders that their armies would soon leave Afghanistan for good. In the meantime, respect for human rights and fundamental freedoms should be restored immediately.

84. The unprecedented horrors and abuses inflicted upon the Kampucheans by the past Khmer Rouge régime provided no justification for Viet Nam's illegal occupation and its imposition of an illegitimate régime. It was to be hoped that the foreign armies would soon be withdrawn, democracy restored and basic human values respected.

85. The right to self-determination did not mean self-determination of States, Governments, political parties or self-proclaimed leaders, but of peoples, who by virtue of that right must be able freely to determine their own destiny and, consequently, must be free to elect their own Governments.

86. Mr. KIVIMÄKI (Observer for Finland) said that implementation of the Universal Declaration of Human Rights had made broad world-wide agreement possible, despite wide ideological, philosophical and religious differences, on the concept of human rights, thus enabling human-rights issues to assume a firm role in international relations. The establishment of internationally recognized standards had fostered understanding of the link between the observance of human rights and international peace and security.

87. The growing openness of human-rights discussions in international forums must be pursued actively in the future. Standards and procedures must be constantly appraised and improved, especially with regard to the rights of minorities. Particularly important was the current work on drafting various declarations and conventions, such as a second optional protocol to the International Covenant on Civil and Political Rights, and an international convention on the protection of the rights of all migrant workers and their families. Developing new instruments was not, however, an end in itself. The main concern should always be to apply existing instruments in full and develop new ones only where the earlier ones were inadequate.

88. Despite the success in standard-setting, gross violations of human rights continued to occur throughout the world; but the Organization's reaction to such violations had not always been unequivocal. Although the situations in certain countries were covered by the reports of special rapporteurs, others where human rights and fundamental freedoms were violated were not so dealt with. Selectivity and political considerations weakened the United Nations' credibility in its work to promote and protect human rights. The responsibility of States must be stressed in that regard, as well as the need for consistent joint efforts by all the parties concerned. The problems and measures must be defined in order that the Organization's machinery could produce better results than hitherto.
89. The system of special rapporteurs was undoubtedly a major achievement. Its purpose should be to use the existing United Nations system for the benefit of individuals, not merely to point out human-rights violations in a given country. That aim implied a positive approach by the special rapporteurs, the country directly involved and all Member States. Although many countries had shown a welcome willingness to co-operate, some Governments had refused to do so - whilst supporting, paradoxically, the work of special rapporteurs elsewhere. Unwillingness to co-operate hampered the Organization's human-rights efforts; therefore, all Governments were urged to co-operate fully with the special rapporteurs.

90. The thematic reports - for example, on torture and enforced or involuntary disappearances - deserved special attention; the special rapporteurs and the working group on one item deserved the Member States' full support. With regard to the report on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1988/17 and Add.1), his delegation agreed that the Special Rapporteur's mandate and the work of the Committee to be established under article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must not overlap. Certain important elements of his work - such as the so-called urgent action procedure, the adoption of preventive measures and personal contacts with the national representatives concerned - made his mandate complementary to rather than competitive with other relevant United Nations activities.

91. It was recognized everywhere that Governments must treat their peoples with respect and dignity and safeguard all their citizens' human rights. Such safeguards were fundamental to world peace and security.

92. Mr. OLSSON (Observer for Sweden) said that the United Nations had established an impressive framework for the promotion and protection of human rights. The main task was to improve implementation of the existing instruments, including the very important Universal Declaration of Human Rights. The Commission's innovations in that regard included special rapporteurs or representatives and working groups to deal with specific themes or national situations; their reports provided the Commission with valuable information as well as conclusions and recommendations. Likewise useful were the procedures pursuant to Council resolution 1503 (XLVIII), the expanding programme of advisory services and the current information campaign on human rights.

93. A recent example of an informative report was that on summary or arbitrary executions (E/CN.4/1988/22); its focus on violation of the right to life by groups outside government control reflected one grave facet of the widespread disregard of human rights in internal conflicts. The incidents reported include three in Mozambique during 1987, allegedly carried out by the so-called Mozambique National Resistance. His Government agreed with the Special Rapporteur that such disregard of the right to life must be unconditionally condemned. Urgent appeals to prevent summary or arbitrary executions had been communicated to over 30 Governments; the number was distressingly high, and it was likewise disturbing that most of them had failed to respond. His delegation appealed to all Governments to co-operate with the Special Rapporteur, and supported the latter's recommendation that international standards should be developed to investigate all deaths under suspicious circumstances.
94. The report of the Special Representative on the situation in El Salvador (E/CN.4/1988/23) concluded that the Government, despite its commitment to human rights, had not gained effective control over all the State apparatus. The situation thus remained a matter of great concern. His Government hoped that the signing and upholding of the Esquipulas II document by El Salvador, particularly if a negotiated cease-fire and national reconciliation were achieved thereby, would lead to steady improvements in the exercise of human rights. It was vitally important that the Special Representative should continue to study and report on the situation.

95. The report of the Expert on Guatemala (E/CN.4/1988/42) noted that, despite advances in the legal framework, serious human rights violations persisted, especially in the form of killings and disappearances, virtually nothing having been done by the Government or judiciary towards investigation and punishment. The Commission must thus continue to review the situation and support the efforts to improve it; the best way would be to renew the Expert's mandate.

96. The human-rights situation in Chile remained grave. The régime, since its illegal inception, had systematically violated human rights, persistently resorting to killings, disappearances, detention and torture; a record that was well documented. The régime showed no good will or genuine interest in restoring basic human rights, and was solely responsible for the violations recorded in the report (E/CN.4/1988/7). It was important for the Special Rapporteur to be receptive and straightforward in analysing the continued violations, taking into account the nature of the régime. It was vital that the latter should end such violations forthwith and accept without delay the restoration of democratic Government.

97. With regard to the situation in the Islamic Republic of Iran, his delegation could not accept "The Viewpoints" of the Iranian Government, as reflected in chapter IV of the Special Representative's report (E/CN.4/1988/24) on Commission resolution 1987/55, for the reasons stated by the Special Representative; the Government was bound by obligations assumed as a State party to relevant international instruments. It was to be hoped, however, that the valuable dialogue between the Government and the Special Representative would continue, preferably through direct contacts in the country, and that the Government would reconsider its refusal to provide detailed replies to the allegations presented by the Special Representative. His delegation would greatly appreciate specific replies to all the allegations.

98. Although the Special Rapporteur on the situation in Afghanistan had reported improvements in the Government-controlled areas (E/CN.4/1988/25), he had found that the reconciliation policy had not yet achieved the desired results. He had continued to receive reliable reports about torture, ill-treatment in prisons and even killings of political prisoners, and had noted that the armed conflict seemed to have intensified, over 14,000 civilians having been reported killed in 1987. The Swedish Government hoped that, as a result of the current discussions, Soviet troops would have been withdrawn from Afghanistan by the time of the Commission's next session and that respect for human rights would have been fully restored; until then, the Special Rapporteur's mandate must be maintained.
99. His delegation reiterated its regret that the Commission's approach to human-rights violations in any part of the world was a selective one. For example, the Commission had failed to act in regard to events in Kampuchea during the Pol Pot régime. Those engaged in efforts to solve the Kampuchean conflict should bear in mind which persons were responsible for those events.

100. His Government's views concerning the situation in South Africa and in Namibia had been reflected earlier in the current session in a statement made by the Norwegian delegation on behalf of the Nordic countries. With regard to the situation in the Arab territories occupied by Israel, his Government and people had studied with horror and sadness the recent reports, including details of the Israeli army's brutal methods against civilians, which had resulted in some 70 deaths since December 1987. The root of the problem was a foreign occupation that the local population refused to accept. To continue that occupation could never be justified.

101. A solution was urgently required - but it could not be dictated by the occupier alone but must be negotiated by Israel with the neighbouring Arab countries and the Palestine Liberation Organization, representing the Palestinian people. In the meantime, it was vitally important to secure the occupying Power's observance of its obligations under the Fourth Geneva Convention of 1949.

102. His Government reiterated the importance it attached to undertakings pursuant to the Final Act of the Conference on Security and Co-operation in Europe. It hoped that the current follow-up meeting at Vienna would contribute to improvements in regard to human rights because, despite some encouraging improvement, there were situations which were still disturbing.

103. The Commission's deliberations under the current group of agenda items had come to serve as a focus on United Nations efforts to achieve universal respect for human rights and fundamental freedoms; they enabled delegations to voice their concerns and served as part of the implementation system. The interest shown in the debate testified to the importance of the Organization's activities, which must be pursued and strengthened.

104. Mr. CANGELARIS (Observer for Greece) said that the question of human rights in Cyprus was characterized by a wide range of human-rights violations which had persisted, despite the findings of the Assembly, the Security Council, the Commission and the European Commission on Human Rights, ever since the Turkish invasion of the island. Some 200,000 of the inhabitants had been made refugees in their own country, title to their properties having been falsely transferred to others settled on their lands.

105. The occupying authorities systematically sought to change the island's demographic composition: the settlers, together with the occupying military forces, numbered as many as the Turkish Cypriots themselves. Greek Cypriots in the Karpassia peninsula had been reduced from some 20,000 to 681, through systematic violation of their basic rights such as those to movement, religion and security of person, not to mention political rights.

106. Maps and topographical terms had been falsified, and a rich and unique cultural heritage was threatened with destruction by pillaging and other illegal practices. The occupying authorities sought to give such violations a
veil of legality by establishing a pseudo-state in the northern part of
Cyprus - an entity recognized only by Turkey and rejected by the
United Nations.

107. His delegation was bound, by moral duty as well as by cultural affinity,
to denounce the continued violations before the Commission and to demand the
restoration, without delay, of the Greek Cypriots' human rights. The
Commission should not remain silent in the face of those violations. The
Cypriot people claimed nothing more than their most elementary human rights,
recognized by the Universal Declaration and other international instruments.

The meeting rose at 1 p.m.