COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 55th MEETING

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

Chairman: Mr. SENE (Senegal)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.
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The meeting was called to order at 10.50 a.m.

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FACIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES (agenda item 21) (continued) (E/CN.4/1988/L.72)

1. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/1988/L.72, said that its main elements were based on earlier Commission and General Assembly resolutions. It again resolutely condemned all totalitarian or other ideologies and practices based on racial or ethnic exclusiveness or intolerance. It called upon all States to take the measures necessary to ensure the thorough investigation and the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity, and called upon all Governments to pay ongoing attention to the education of the young in the spirit of respect for international law and fundamental human rights and freedoms and against Facist, neo-Fascist and other totalitarian ideologies and practices based on terror, hatred and violence.

2. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.72 by consensus.

3. It was so decided.


4. Mrs. ILIC (Yugoslavia), introducing draft resolution E/CN.4/1988/L.41, said that the report of the open-ended working group to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1988/36) had been adopted unanimously. The purpose of the draft resolution under consideration was to keep the item on the agenda and to establish at the Commission's forty-fifth session an open-ended working group to continue consideration of the revised draft declaration proposed by her delegation. It further decided that the working group should have no fewer than four full meetings and requested the Secretary-General to provide it with all the assistance it might require.

5. The CHAIRMAN said that, if he heard no objections, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.41 by consensus.

6. It was so decided.

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS


7. Mr. VITA (Peru), introducing the draft resolution on the situation of human rights in El Salvador, said that it reflected, in a balanced way, the importance attached by member States to the human-rights situation in that country. It recognized with interest that the Special Representative had reported (E/CN.4/1988/23) that respect for human rights was an important part of the policy of the Government, which was achieving increasingly significant and commendable results, and also took note of the fact that the Special Representative had referred in his report to his understanding "that the FMLN-FDR is associating itself with the proposals concerning democratization and respect for human rights set out in the Esquipulas document".

8. It expressed its deep concern, however, that serious and numerous violations of human rights continued to take place, drew attention to the continued unsatisfactory capacity of the judicial system to investigate, prosecute and punish human-rights violations and urged the Government and the Frente Farabundo Martí para la Liberación Nacional - Frente Demócratico Revolucionario (FMLN-FDR) to renew their dialogue. It requested all States to refrain from intervening in the internal situation, recommended the continuation and broadening of reforms and requested the Government and the FMLN-FDR to continue to apply the agreement concerning the evacuation of war-wounded.

9. It also decided to extend the Special Representative mandate for another year.

10. The CHAIRMAN said that the Observers for the Netherlands and Greece had asked to become sponsors of the draft resolution.

11. Mr. PACE (Secretary of the Commission) said that a number of changes had been made to the draft resolution by its sponsors. In the eleventh preambular paragraph, the words "by both parties" should be deleted, so that the text would read "... the dialogue ..., the resumption of which within the framework of the Guatemala Agreement ...". In operative paragraph 4, the final 12 words of the paragraph should be deleted, so that the text would read "... serious and numerous violations of human rights continue to take place in El Salvador;". In operative paragraph 7, the words "insurgent forces" should be replaced by the words "Frente Farabundo Martí para la Liberación Nacional - Frente Democrático Revolucionario".

12. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.24, as orally revised, by consensus.

13. It was so decided.
14. Mr. VALLADARES (United States of America), introducing the draft resolution on the situation of human rights and fundamental freedoms in Cuba, said that it was neither a condemnation of Cuba nor an attempt to overthrow the existing régime in that country. It was not motivated by ideological considerations, nor was it an attack on the sovereignty or foreign policy of Cuba. The draft resolution was a moderate document, drafted and submitted in accordance with the rules of the Commission, which had been modified as a result of consultations with many delegations.

15. The draft resolution was motivated by a deep concern at the many reports containing allegations from reliable sources about systematic human-rights violations in Cuba. Such reports had been received from, inter alia, Amnesty International, the Inter-American Commission on Human Rights, the Organization of American States and the European Parliament, as well as from groups and individuals both inside and outside Cuba. There was no reason for any delegation to vote against it or for the Cuban Government to fear or oppose it.

16. He mentioned that he himself had been a prisoner in Cuba for 22 years, simply because he had not been willing to pretend that he believed in communism. Although he had been released six years previously, as the result of an international campaign on his behalf and the intervention of the President of France, his friends were still in prison and suffering, as he had, from beatings, forced labour, illness and loneliness.

17. He had just received the news that, in order to break a hunger strike in a Havana prison, the police had brutally beaten up 20 prisoners. The adoption of the draft resolution would give hope to thousands of prisoners in Cuba. It would not be too much to give to a man who had lost 28 years of his life simply because he had defended human rights.

18. The draft resolution under consideration was neither pro-United States nor anti-Cuban. Whether or not the resolution was adopted, the United States would continue being a powerful, rich and free country, and it would continue to fight for human rights in Cuba.

19. The draft resolution requested clarification of all allegations of human-rights violations and urged the authorities to allow the International Committee of the Red Cross access to Cuban prisons. The invitation contained therein for the Government to respond was proof that the resolution was not a condemnation, was not inspired by a desire for revenge but by love for mankind.

20. His heart was open to love and forgiveness and he felt that the Cuban Government's decision to permit a commission to visit Cuba to investigate the human-rights situation there was a positive gesture which showed a flexible attitude on its part. His Government wished to co-operate with the Cuban Government's initiative, through four Latin American countries, and was currently discussing the matter. It was to be hoped that an agreement could be reached that would incorporate the valuable suggestions made by the representative of Colombia.

21. Mrs. RODRIGUEZ (Observer for Cuba), introducing the draft resolution on the policy of human-rights violations of the Government of the United States of America on behalf of her own delegation and that of the Syrian Arab Republic, said that, unlike the representative of the United States, all the members of her delegation had been born in the country which they represented and spoke its language. They did not need to explain at length the reasons behind the draft resolution because the entire world knew about the violations not only of economic, social and cultural rights but also of political and civil rights in the United States. It was true, as its representative had stated, that the United States was a rich and powerful country. However, it had become that way at the expense of small countries such as Cuba.

22. Her delegation had submitted the draft resolution in order to draw attention to human-rights violations in the United States, especially of the human rights of groups such as the Indians, chicanos and blacks. Certain human rights, such as the right to development and the right not to be dependent on powerful countries were sometimes not even recognized by the United States.

23. The Government of that country had supported mercenaries in Latin America, bombed densely populated areas, made plans to assassinate leaders who were fighting for the dignity and freedom of their people and maintained a blockade against Cuba. The international community had the duty to study those human-rights violations and require the United States to take steps to eliminate them.


24. Mr. SUKUL (India), introducing the draft resolution on the situation of human rights in southern Lebanon, said that the Ukrainian Soviet Socialist Republic had asked to be included among its sponsors, who wished to express their deep concern at the acts of aggression and arbitrary practices of the Israeli occupation forces in southern Lebanon. The draft resolution drew attention to the previous resolutions of the General Assembly and the Commission on the subject, and called upon the Government of Israel to cease its repressive practices and withdraw its forces from all Lebanese territories.

25. It further called upon Governments which assisted Israel to exert pressure on the Government of that country to cease its aggressive and expansionist policy. The draft resolution also requested the Secretary-General to transmit the resolution to the Government of Israel and to report on the results of his efforts to the General Assembly and the Commission. He hoped that the draft resolution would be adopted without a vote.

26. Mr. PACB (Secretary of the Commission) said that the delegations of Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Iraq and Pakistan had expressed the wish to be included among the sponsors of the draft resolution as had the observers for Czechoslovakia, Democratic Yemen, Kuwait, Qatar, Syrian Arab Republic, Tunisia and Yemen.
27. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1988/L.36.

28. Belgium, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Rwanda, Sao Tomé and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Yugoslavia.

Against: United States of America.

Abstaining: Argentina, Belgium, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Peru, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, Venezuela.

29. Draft resolution E/CN.4/1988/L.36 was adopted by 26 votes to 1, with 15 abstentions.

30. Mr. HELLER (Mexico), speaking in explanation of vote, said that his delegation had voted in favour of draft resolution E/CN.4/1988/L.36 despite the fact that it considered that the third preambular paragraph did not accurately reflect what had been said in the relevant General Assembly and Security Council resolutions, and that the action proposed in operative paragraph 3 went beyond the Commission's competence.

31. Mr. STEEL (United Kingdom), speaking in explanation of vote, said that his delegation had abstained during the vote on draft resolution E/CN.4/1988/L.36, as it had done with regard to similar texts at previous sessions of the Commission. His Government was gravely concerned about the situation in southern Lebanon and continued to call for the complete withdrawal of all Israeli forces, whose presence was merely provocative and not conducive to Israel's own security interests; moreover, even control exercised for security reasons must always be in accordance with international law. His Government remained gravely concerned about the refusal to allow the International Committee of the Red Cross access to Khiam camp in the Israeli-controlled "security zone" and looked to Israel and the so-called Southern Lebanon Army to rectify that situation. However, the draft resolution in question had failed to make it clear that human rights were being violated in Lebanon by many different groups, and not in the southern region alone.

Draft resolution E/CN.4/1988/L.46

32. Mr. BOSSUYT (Belgium), introducing the draft resolution on the question of human rights and fundamental freedoms in Afghanistan, said that it decided to extend the Special Rapporteur's mandate for one year and requested him to report to the General Assembly at its next session and to the Commission on the question of human rights and fundamental freedoms in Afghanistan.
33. The draft resolution took note of the positive developments in the situation in Afghanistan since the previous session, such as the co-operation of the Afghan Government with the Special Rapporteur and the improvement in the human-rights situation in certain areas. It also welcomed the resumption of the activities of the International Committee of the Red Cross in Afghanistan and the statements of willingness to withdraw foreign troops from the country. It stressed, however, that steps must be taken to ensure respect for human rights as well as peace and stability. Several paragraphs of the draft resolution expressed concern about continuing human-rights violations and the repercussions of the armed conflict.

34. The sponsors of the draft resolution, while welcoming the efforts that had been made to improve the human-rights situation in Afghanistan, considered that the position was still serious. The Commission needed another report from the Special Rapporteur which, he hoped, would reflect further positive developments in that country.

35. The CHAIRMAN said that the financial implications of draft resolution E/CN.4/1988/L.46 were set out in document E/CN.4/1988/L.92 since they were the same as those of draft resolution E/CN.4/1988/L.74 on the same subject.

36. Mr. SHOOGUFAN (Observer for Afghanistan) said that his delegation rejected draft resolution E/CN.4/1988/L.46, which did not take account of the real situation in Afghanistan. His Government had undertaken a wide-ranging programme of social and economic development and had enacted a series of humanitarian measures and laws to guarantee the rights of citizens. Afghanistan had become a party to virtually all the international instruments on human rights. His Government had also proclaimed a policy of national reconciliation and had called upon all Afghans, wherever they lived, to return to their homeland with honour. It was also providing every facility for those who returned.

37. Many armed groups had gone over to the side of the popular power, and thousands of Afghans had succeeded in returning to their homes despite the obstacles placed in their way by certain neighbouring countries, particularly Pakistan. Had it not been for such hindrances, that figure would have been much higher, for at least 80 per cent of the refugees were willing to return home.

38. His Government was also making every possible effort to achieve a political solution at the Geneva talks between Afghanistan and Pakistan, and significant progress had been made. The parties to the talks had only to take the final decisive step, and an agreement would be concluded. If the other party to the talks showed the same good will and political determination as his Government, a political solution to the situation around Afghanistan would be achieved. There was no reason whatsoever to doubt that the limited Soviet military contingent would then return to its peaceful country.

39. Unfortunately, imperialist circles and reactionary Governments in the region, particularly that of Pakistan, had tried their utmost to block realization of the policy of national reconciliation. A broad campaign of propaganda and lies had been unleashed by such imperialist and reactionary sources. Although Afghanistan's proclamation of national reconciliation on
15 January 1987 had laid the groundwork for ending the war, the warmongers had expanded the conflict, and destructive and terrorist deeds had gained in dimension.

40. Those who were violating human rights in Afghanistan were not the forces of the popular power in the country, but those who had been waging an undeclared war against independent and non-aligned Afghanistan for more than nine years. It was no longer a secret that the extremist opposition groups, working at the behest of international imperialism and reactionary forces in the region, were committing clear violations of human rights through their inhuman acts of terror, murder and destruction.

41. His Government had offered proof of its good will by inviting the Special Rapporteur of the Commission to visit its country, and the latest report on the situation of human rights in Afghanistan (E/CN.4/1988/25) had confirmed that his Government was doing everything possible to ensure the genuine exercise of the population's civil, political, economic, social and cultural rights. The report had also referred to positive developments in the human-rights situation in Afghanistan. Needless to say, his Government would continue to co-operate with the Special Rapporteur.

42. It would be regrettable if, by adopting draft resolution E/CN.4/1988/L.46, the Commission were to become embroiled in the political campaign against Afghanistan. His delegation was aware that pressure was being exerted on certain delegations to support that draft, and it was to be hoped that those Governments that had shown themselves to be hostile to Afghanistan would change their attitude, in the spirit of the Charter and in accordance with the principles of the United Nations.

43. Mr. FRAMBACH (German Democratic Republic), speaking in explanation of vote before the vote, said that his delegation was strictly opposed to the adoption of yet another resolution on the human-rights situation in Afghanistan which did not reflect the genuine situation in that tormented country or take into consideration the prospects for a peaceful solution to the conflict.

44. The Afghan Government had made many commendable efforts in recent months to facilitate the process of national reconciliation, as shown by the adoption of a Constitution, the passing of a law of freedom of organization for political parties and the proposal to establish a coalition Government involving the widest possible range of political groups.

45. Draft resolution E/CN.4/1988/L.46 was not conducive to a speedy settlement of the conflict, since it contained elements of tutelage and discrimination against the peace-seeking forces in Afghanistan and was based on a report by the Special Rapporteur which could not be considered either precise or undisputed. His delegation would thus vote against it.

46. Mr. DEHLAVI (Pakistan) said that the representative of the Kabul régime had made a number of references to Pakistan which he wished to correct. Firstly, he had claimed that 80% of the refugees would have returned had it not been for hindrances from Pakistan. Everyone was well aware, however, that the refugees were perfectly free to return to their homeland but that the conditions there were such that they were not willing to do so. Secondly, he had claimed that Pakistan had been blocking realization of the policy of
national reconciliation. That policy was a matter for the Afghans, and there was no question of Pakistan's blocking or not blocking it. In that connection, the Special Rapporteur had himself concluded that the policy of national reconciliation had not had the desired results, even in the Government-controlled areas.

47. Miss BOJKOVA (Bulgaria) said that her delegation would vote against draft resolution E/CN.4/1988/L.46 because it did not take due account of the significant events that had recently occurred in Afghanistan in all spheres of socio-economic life and in the field of human rights, as a result of the policy of national reconciliation. The draft resolution should have reflected the adoption of the new Afghan Constitution, which was in full accordance with international human-rights instruments and constituted a solid basis for furthering national reconciliation.

48. While acknowledging human-rights improvements in some areas of the country, the draft resolution did not emphasise that they were, in fact, a result of the national reconciliation policy. Although they recognized that a situation of armed conflict continued to exist in Afghanistan and that its duration increased the seriousness of the human-rights situation in that country, the sponsors of the draft resolution had not acknowledged that the duration of the conflict was to a large extent a consequence of the undeclared war imposed upon and waged against the Government and people of Afghanistan with generous assistance from outside.

49. The draft resolution did not reaffirm the right of the Afghan refugees to a safe and honourable return to their homes and did not urge the States concerned to take the necessary steps to enable the Afghan refugees to return home without being hindered. Furthermore, it should have appealed to Member States to intensify their efforts towards ending the armed interference in the affairs of Afghanistan.

50. At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken by roll-call.

51. Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Nigeria, Norway, Pakistan, Peru, Philippines, Portugal, Rwanda, Senegal, Somalia, Spain, Togo, United Kingdom of Great Britian and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, India, Union of Soviet Socialist Republics.

Abstaining: Cyprus, Iraq, Nicaragua, Sao Tomé and Principe, Sri Lanka, Venezuela.
52. Draft resolution E/CN.4/1988/L.46 was adopted by 29 votes to 7, with 6 abstentions.

53. Mr. CERDA (Argentina), speaking in explanation of vote, said that, although his delegation had voted in favour of draft resolution E/CN.4/1988/L.46, it would have preferred a more optimistic text in view of the positive developments, including the offer by the Government of the Soviet Union to withdraw its troops, as reflected in the letter from the Permanent Representative of the Union of Soviet Socialist Republics (E/CN.4/1988/56).

Draft resolution E/CN.4/1988/L.74

54. Mr. LOMBIKO (Union of Soviet Socialist Republics), introducing the draft resolution, said that his delegation had voted against draft resolution E/CN.4/1988/L.46 because it was not a balanced text and did not reflect the real human-rights situation in Afghanistan. The draft resolution submitted by his own delegation was a balanced one which reflected the improvements in the human-rights situation in that country.

55. The draft resolution was in keeping with the spirit of Mr. Cordovez, the United Nations mediator who had worked for so many years to bring peace to Afghanistan and with the statement by General-Secretary Gorbachev promising a speedy withdrawal of Soviet troops from that country. In the interests of all Afghan citizens, he hoped that it would find support among the members of the Commission.

56. Mr. BOSSUYT (Belgium) said that, in accordance with rule 65, paragraph 2, of the rules of procedure, he proposed that no decision should be taken on draft resolution E/CN.4/1988/L.74 because the Commission had already adopted draft resolution E/CN.4/1988/L.46 and should not adopt two resolutions on the same question.

57. Mr. MARTIUS (Federal Republic of Germany) said that his delegation strongly supported the proposal by the representative of Belgium. The question was a procedural one: the same subject should not be voted upon twice.

58. At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken by roll-call on the Belgian proposal.

59. Ethiopia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Belgium, Brazil, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of Ireland, Italy, Japan, Mexico, Norway, Pakistan, Philippines, Portugal, Rwanda, Senegal, Somalia, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.
Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, India, Nicaragua, Union of Soviet Socialist Republics.

Abstaining: Botswana, Cyprus, Iraq, Nigeria, Peru, Sri Lanka, Yugoslavia.

60. The Belgian motion not to take a decision on draft resolution E/CN.4/1988/L.74 was adopted by 26 votes to 8, with 7 abstentions.

Draft resolution E/CN.4/1988/L.67

61. Mr. PACE (Secretary of the Commission) said that the delegation of Spain and the observer for Switzerland had become sponsors of the draft resolution.


Draft resolution E/CN.4/1988/L.69

63. Mr. KHAN (Pakistan) said that the Government of the Islamic Republic of Iran had stated that it welcomed an independent and thorough study of the subject, so that the facts regarding all aspects of a very complex situation might be brought out. The best approach to the question would thus be to encourage negotiations, but the draft resolution under consideration included terminology which would prevent that Government from extending its co-operation and would only complicate the issue still further. His delegation therefore proposed, in accordance with rule 65, paragraph 2, of the rules of procedure, that no action should be taken on the draft resolution.

64. Mrs. MUKHERJI (India) said that her delegation supported the Pakistani motion that no action be taken on draft resolution E/CN.4/1988/L.69.

65. Mr. KOLBY (Norway) said that his delegation was opposed to the Pakistani motion. The Commission had before it the report of the Special Representative on the human-rights situation in the Islamic Republic of Iran (E/CN.4/1988/24), which contained a number of recommendations, and it was the Commission's duty to take a decision regarding them. It had also to decide whether or not to extend the Special Representative's mandate.

66. The human-rights situation in the Islamic Republic of Iran still gave cause for concern and required continued monitoring. It was also necessary to appeal once again to the Government of that country to extend full co-operation to the Special Representative. The General Assembly had recently adopted a similar decision, and the Commission should do likewise.

67. Mr. MARTIUS (Federal Republic of Germany) said that it was necessary for the Commission to vote on the draft resolution, since its function was to examine human-rights situations wherever they occurred. Otherwise, the Commission would be failing in its duties. The unending flow of information from Iran gave cause for concern, and the situation there warranted continuous monitoring.

68. At the request of the representative of Pakistan, a vote was taken by roll-call on his delegation's proposal that no decision be taken on draft resolution E/CN.4/1988/L.69.
69. Gambia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, China, Ethiopia, German Democratic Republic, India, Nicaragua, Pakistan, Somalia, Yugoslavia.

Against: Belgium, Colombia, Costa Rica, France, Germany, Federal Republic of, Iraq, Ireland, Italy, Japan, Mexico, Norway, Peru, Philippines, Portugal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Cyprus, Gambia, Nigeria, Rwanda, Senegal, Sri Lanka, Venezuela.

70. The proposal by the delegation of Pakistan not to take a decision on draft resolution E/CN.4/1988/L.69 was rejected by 18 votes to 10, with 9 abstentions.

71. Mr. NASSERI (Observer for Iran) said that draft resolution E/CN.4/1988/L.69 was motivated primarily by political concerns. The whole issue had begun when Iran had become a non-aligned and Islamic country. It was not at all surprising, therefore, that a number of Western States, which advanced unconvincing arguments to justify their refusal to vote for draft resolutions condemning the notorious human rights violations in Israel and South Africa, were the main sponsors of the draft resolution on Iran.

72. According to all the standards and the normal practice of the Commission, the human-rights situation in his country in no way called for continuous consideration. Nearly all the issues raised by the Special Representative in his report were linked, directly or indirectly, to the Iraq-Iran war. Thus, in order to have a balanced and objective picture, the Commission should extend its consideration to include the situation in Iraq.

73. There were many discrepancies between the draft resolution and the conclusions of the report. Whereas the draft resolution expressed deep concern at numerous and detailed allegations of violations, the allegations referred to by the Special Representative were neither numerous nor grave. The draft resolution alleged that the right of religious minorities to profess and practise their own religion was violated in Iran. That was a complete departure from the report, where no such wording was to be found. Indeed, religious minorities enjoyed full freedom to exercise their religion and were even guaranteed seats in the Parliament to ensure that their views were reflected in the decision-making process.

74. Moreover, to refer to the Bahá'ís as a religious minority was wrong and created legal obstacles. Islamic jurisprudence had unanimously rejected Bahá'ísm as a religion. The Bahá'ís were to have their rights protected, therefore, not as a religious minority but as individuals subject to the jurisdiction of the State.

75. The Special Representative had reaffirmed the principle that not only States but also groups and individuals were responsible with regard to the provisions of the Universal Declaration of Human Rights and the International Covenants. However, the draft resolution made no mention of the fact that the
crux of the allegations related to members of groups which took pride in terrorist acts and engaging in military activities in conjunction with Iraq. Such one-sidedness was a further obstacle to a constructive approach.

76. The Special Representative had also underlined the need for co-operation. It was on that basis that the authorities of the Islamic Republic of Iran had engaged in a dialogue with him. They were prepared to co-operate fully; but the sponsor countries must show the same readiness to co-operate if real results were to be achieved.

77. The draft resolution was prejudiced, provocative and went beyond the report of the Special Representative; it would make the latter's mandate more restrictive, thus hampering the necessary target-oriented negotiations and constructive analysis.

78. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1988/L.69.

79. At the request of the representative of Pakistan, the vote was taken by roll-call.

80. France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Belgium, Botswana, Colombia, Costa Rica, France, Germany, Federal Republic of, Iraq, Ireland, Italy, Mexico, Norway, Peru, Philippines, Portugal, Rwanda, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Ethiopia, Pakistan, Somalia, Sri Lanka.

Abstaining: Argentina, Bangladesh, Brazil, China, Cyprus, Gambia, German Democratic Republic, India, Japan, Nicaragua, Nigeria, Sao Tomé and Principe, Senegal, Yugoslavia.

81. Draft resolution E/CN.4/1988/L.69 was adopted by 20 votes to 5, with 14 abstentions.

82. Mr. PIPES (United States of America), speaking in explanation of vote, said that his delegation had supported draft resolution E/CN.4/1988/L.69 because the situation of human-rights violations in the Islamic Republic of Iran, particularly those perpetrated against the members of the Bahá'í faith, warranted constant vigilance.

83. Moreover, the Government of that country had not only prevented a visit by the Special Representative but had put forward the untenable proposition that the provisions of the Universal Declaration of Human Rights and other relevant international instruments did not apply to that country because of its state religion - an argument revealed as specious by the Special Representative in his report (E/CN.4/1988/24).
Draft resolution E/CN.4/1988/L.76

84. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.76 by consensus.

85. It was so decided.

Draft resolution E/CN.4/1988/L.77

86. The CHAIRMAN said that the financial implications of the draft resolution were contained in document E/CN.4/1988/L.87.

87. Mr. ROBERTSON (Observer for Australia), Chairman/Rapporteur of the open-ended working group to draft 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, said, with respect to the draft report of the working group (E/CN.4/1988/WG.6/CRP.1), that the group had been able to adopt the title and some of the provisions of the draft chapter II of the declaration on first reading. It had also accepted a number of paragraphs from the "compendium of elements" (para. 45 of document E/CN.4/1987/38) for insertion in the preamble, chapter I and chapter V of the draft declaration. He mentioned that the participants in the working group had displayed a spirit of good will, co-operation and compromise.

88. Introducing draft resolution E/CN.4/1988/L.77, he said that the working group had recommended that the Commission should consider the question under a separate agenda item at its forty-fifth and subsequent sessions. The agenda item would be entitled "drafting of 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".

89. The delegations of Argentina, Philippines and the United Kingdom and the Observer for the Netherlands had become sponsors of the draft resolution which, he hoped, would be adopted by consensus.

90. The CHAIRMAN, having congratulated the working group on the constructive atmosphere of its deliberations on a matter of great topicality, said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.77 by consensus.

91. It was so decided.

Draft decision E/CN.4/1988/L.103

92. Mr. STIRLING (United States of America) read out, for the information of the Commission the changes which his delegation proposed to make to the text of draft resolution E/CN.4/1988/L.26. */

*/ The revised text of this draft resolution will be issued as document E/CN.4/1988/L.26/Rev.1.
93. Mrs. LOPEZ (Colombia), introducing draft decision E/CN.4/1988/L.103, the text of which had been read out the previous day for the Commission's information, said that the initiative reflected in the text had already received the widest support from the members of the Commission. Its sponsors, requested the Commission, therefore, to take a decision on that text, pursuant to rule 65, paragraph 1 of the rules of procedure.

94. Mr. TAYLHARDAT (Venezuela) said that the Commission had before it two documents, each containing constructive proposals having the same purpose, and each aimed at achieving adoption by consensus. The Commission must take the greatest care in arriving at its decision, bearing in mind its prestige and that its main instrument was negotiation; a rigid adherence to the rules of procedure in such a situation might not be the best approach. His delegation appealed to the Chairman to play a co-ordinating role and use his good offices to the utmost with a view to achieving a satisfactory outcome.

95. The CHAIRMAN suggested that the Commission should postpone consideration of the matter until the next meeting.

96. It was so decided.

Question of human rights in Cyprus: draft decision

97. The CHAIRMAN said that, in accordance with the practice followed by the Commission until its forty-second session, and pursuant to a request from the parties concerned, he suggested that the Commission should adopt the following draft decision:

"Question of human rights in Cyprus

The Commission decides that the discussion under agenda item 12 (a) (Question of human rights in Cyprus) shall be postponed until the forty-fifth session of the Commission and that, at that session, it shall be given an appropriate priority, on the understanding that the measures to be taken pursuant to previous resolutions of the Commission on that subject, including the request to the Secretary-General to provide the Commission with a report on their implementation, shall remain in force."

98. The Observer for Turkey had asked that the Commission take note of the reservations he had expressed in connection with the Commission's previous resolutions on the subject.

99. If he heard no objection, he would take it that the Commission wished to adopt the draft decision without a vote.

100. It was so decided.

Draft resolution E/CN.4/1988/L.16

101. Mr. SUKUL (India) introducing the draft resolution on national institutions for the protection and promotion of human rights, said that the sponsors hoped that the Commission would adopt it by consensus.

E/CN.4/1988/L.43

102. Mr. de SILVA (Sri Lanka), introducing the draft resolution, said that, since it was similar to a previous resolution which the Commission had adopted without a vote, the sponsors hoped that it could likewise be adopted by consensus.

E/CN.4/1988/L.79

103. Mr. HENNESSY (Ireland), introducing the draft resolution on the development of public information activities in the field of human rights, said that the sponsors who had been joined by the delegation of Cyprus, had replaced operative paragraph 12 of the draft resolution by the following text:

"Notes the proposed establishment of a new structure in the Centre for Human Rights designed to enhance awareness of the work of the United Nations in the field of human rights, and urges this new structure to co-ordinate its activities closely with those of the Department of Public Information, having due regard to their respective competences;".

104. The sponsors hoped that that draft resolution would be adopted by consensus.

The meeting rose at 1.15 p.m.