ECONOMIC AND SOCIAL COUNCIL

COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva, on Tuesday, 8 March 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)
later: Mr. DELGADO BARRETO (Peru)

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Commemoration of International Women's Day

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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.
The meeting was called to order at 10:30 a.m.


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

1. Mr. TROUVEROY (Belgium) said that his delegation was deeply concerned at the continuing violence and harsh repression in the occupied Arab territories. A political solution acceptable to all must be urgently sought but, in the meantime, the Government of Israel must cease its brutal acts, which disgraced its democratic traditions.

2. His delegation could not accept the recent decision by the Government of South Africa to ban a number of anti-apartheid organizations and to restrict the activities of the country's largest trade union. It wished to pay tribute to the religious leaders who had demonstrated in opposition to that ban and who had been briefly detained. It also deplored the hideous massacres committed by guerrilla forces in the past year in Mozambique.

3. His delegation was pleased that the Committee on Missing Persons in Cyprus (CMP) had been reactivated, following recent contacts between the Prime Ministers of Greece and Turkey. The official meeting of the two Prime Ministers, scheduled for June 1988 at Athens, gave cause for great hope.

4. As could be seen from the human-rights situation in the Soviet Union and other countries of Eastern Europe, drafting a constitution, passing national legislation and ratifying international instruments did not suffice to ensure their implementation. The recent movement in the Soviet Union, commonly referred to as glasnost and perestroika, had, however, made Soviet society more open to the outside world and could not fail to have a positive impact on the human-rights situation there.

5. In the past year, a number of prisoners of conscience had been released, exit visas had been granted more generously, and legislative and administrative measures had been taken to correct past errors. His delegation wished to single out the recent measures regarding the placement of dissidents in psychiatric institutions. It was to be hoped that the grave and chronic abuses associated with that practice would soon be a thing of the past. His delegation was concerned, however, at the harsh means employed to disperse peaceful demonstrations and at the arrest and intimidation of demonstrators in the Baltic countries.

6. Most recently, a number of human-rights advocates had been imprisoned in the German Democratic Republic. After their release, some of them had been expelled. Those who wished to express openly a diverging opinion in the German Democratic Republic appeared to have the choice of going to prison or packing their bags.
7. His delegation appealed to the Government of Czechoslovakia to guarantee freedom of thought and to cease the harassment of those who wished to speak their minds freely.

8. His Government welcomed the recent signing at Belgrade of a protocol between the People's Republic of Bulgaria and the Republic of Turkey, which, it was to be hoped, would improve the lot of the Turkish minority in Bulgaria.

9. His Government was deeply concerned at the human-rights situation in Albania, particularly with regard to the religious persecution reigning there, every expression of religious convictions being severely punished.

10. As pointed out in a recent appeal to the Government of Romania by Eastern European intellectuals, every aspect of daily life in that country was subject to police surveillance, no deviation from the official line was tolerated, and Romanians did not enjoy any freedom of opinion or of speech. They had to endure great economic privations, and their standard of living had dropped considerably. In central Bucharest, churches and other historical monuments had been razed to make room for monuments glorifying the régime.

11. Although the excellent report on the human-rights situation in Afghanistan (E/CN.4/1988/25) pointed out that the International Committee of the Red Cross had been able to carry out its missions and that the Afghan authorities were co-operating satisfactorily with the Special Rapporteur, the devastating conflict still continued, as did the flight of refugees. More than 10 per cent of the Afghan population had been killed and more than one third had sought refuge in neighbouring countries.

12. His delegation welcomed the various announcements of the withdrawal of Soviet forces from Afghanistan, which was a prerequisite to restoring respect for human rights. Other measures had also to be taken immediately, however, particularly to enable the refugees to return to their country safely and with dignity. To that end, the Commission, the international community and, most of all, the aggressor must make every effort to promote the reconstruction of Afghanistan.

13. His delegation thanked the Special Representative for his report on the human-rights situation in the Islamic Republic of Iran (E/CN.4/1988/24) and commended, in particular, his replies to the legal objections raised by the Iranian Government. His Government endorsed the report's conclusion that acts still occurred in the Islamic Republic of Iran which were inconsistent with the international human-rights instruments and that the situation in that country justified continued monitoring by the competent United Nations organs. There were some welcome improvements, such as the announcement of pardons and the release of five Bahá'í leaders, and it urged the Iranian Government to co-operate fully with the Special Representative.

14. Although, in the past year, a number of political prisoners had been released in Viet Nam, there were many others still in detention without trial, some of them since 1975. All those prisoners must be brought before a court or released.

15. His delegation was following with great interest the contacts that had been established between Portugal and Indonesia through the good offices of the Secretary-General, and it hoped that the people of East Timor would soon be able fully to enjoy their rights and restore their cultural identity.
16. The European Community had begun a political dialogue with the countries of Central America to emphasize its support for the peace process there. The Esquipulas II Agreement was an important step towards establishing the climate of mutual confidence needed for a peaceful development of the region and for the protection of political liberty, social justice and human rights.

17. The human-rights situation in Guatemala gave cause for deep concern. His delegation was conscious of the difficulties facing the Government of that country, but more needed to be done. The international community was duty-bound to back up the efforts of the Government of Guatemala.

18. His delegation commended the work of the Special Rapporteur on the human-rights situation in El Salvador (E/CN.4/1988/23), a situation that was still unsatisfactory. His delegation was aware of the problems confronting the Government of El Salvador and realized that the restoration of democracy was not easy after so many years of authoritarian régime. However, the courts had not punished grave violations of human rights as they should have done, and the recent amnesty had absolved the murderers of innocent civilians.

19. The task of the Government would be greatly facilitated if the guerrillas would lay down their arms and join in the democratic process. Although the number of summary executions of civilians by the armed forces had diminished, they continued to give cause for concern, as did the summary executions perpetrated by the "death squads" and the guerrillas, the latter being also responsible for kidnappings and the planting of contact mines which were responsible for the highest number of non-combatant casualties.

20. The great hopes raised in Haiti by the collapse of the Duvalier régime had been disappointed by the wave of murders that had accompanied the attempt to hold free elections, the security forces present at the massacres having refused to intervene.

21. His delegation urged the Government of Cuba to provide the Commission with all the information it needed to meet its concern about the human-rights situation in that country.

22. The Belgian delegation commended the Special Rapporteur on his report on the question of human rights in Chile (E/CN.4/1988/7) and was pleased that the Government of Chile has co-operated with the Commission. It regretted, however, that the Special Rapporteur seemed to have been regarded as an intruder in certain quarters and failed to understand the unco-operative attitude of the Minister for Justice.

23. It welcomed the return of a large number of exiled Chilean citizens, the measures taken to combat torture, the various agreements reached with the International Committee of the Red Cross and the positive attitude of certain sections of the police force.

24. The states of emergency persisted, however, and his delegation wished to emphasize the danger of abuses connected with long periods of incommunicado detention. The attitude of the military courts and the practice of intimidating citizens also gave cause for concern. His delegation also called for a full inquiry into the massacres of 15 and 16 June 1987, in which the National Information Agency (CNI) was apparently implicated.
25. As pointed out in the excellent report on summary or arbitrary executions (E/CN.4/1988/22), requests for information had been sent by the Special Rapporteur to 27 Governments, but only seven had replied. His Government urged those Governments that had not yet done so to reply as soon as possible and hoped that the Special Rapporteur would continue to use the procedure of urgent appeals to Governments whenever he received information indicating imminent or threatened summary executions.

26. His delegation welcomed the recent political developments in Suriname and hoped that the Government of that country would do its utmost to put an end to the domestic armed conflict and would make use of the Special Rapporteur's conclusions to restore respect for human rights.

27. Mr. ARTACHO (Spain) said that his delegation, which had made a close examination of the report on summary or arbitrary executions (E/CN.4/1988/22), was particularly concerned that many cases of such executions went unnoticed, a fact which underscored the need for all Governments to co-operate with the Special Rapporteur. The Spanish Government fully shared concern voiced by the Special Rapporteur, whose mandate should be renewed, in his conclusions and fully supported his recommendations.

28. If the mass movements of refugees were to be halted, it was essential to eliminate the systematic violations of human rights, which drove entire communities from their homes, and also the recent economic difficulties which had led to a flight of poor people to wealthier countries. The establishment of more equitable international economic relations would greatly help to put an end to the phenomenon. In the meantime, the adoption of a convention on migrant workers would provide the international community with an appropriate instrument to protect the human rights of such workers and their families.

29. It was important to avoid, as much as possible, the tendency to place special emphasis on allegations of human-rights violations in the countries of Latin America, since that could give rise to the erroneous idea that such violations were more frequent and more serious there than in other continents.

30. The Special Rapporteur on the human-rights situation in the Islamic Republic of Iran (E/CN.4/1988/24) had noted a slight improvement in the very limited co-operation extended by the Iranian authorities, but he should continue to monitor closely the allegations of grave human-rights violations in that country. The Government of the Islamic Republic of Iran should comply with the international legal instruments to which it was party, implementation of which could not be selective. Denial of accusations did not suffice; the Iranian Government must give proof that the accusations were false. Hence the importance of in situ verification and the need for the full co-operation of the Iranian authorities.

31. The Special Rapporteur had referred to several positive developments, such as the pardons granted to many prisoners, and his delegation hoped that that would be a first step towards a general amnesty for all political prisoners. It was deeply concerned at allegations of torture and of numerous violations of the right to life and to the liberty and safety of the individual and of freedom of thought, speech, conscience and religion. Such accusations must be investigated and those responsible punished, in accordance with Iran's own legislation and the international instruments to which Iran had freely acceded.
32. His delegation agreed with the conclusions of the Special Rapporteur on the human-rights situation in Afghanistan (E/CN.4/1988/25). Although the Special Rapporteur had finally been able to visit that country, and despite the new readiness shown by the Afghan authorities to co-operate with the Special Rapporteur and with the International Committee of the Red Cross and the progress made in human rights in a number of areas, reports persisted of cases of ill-treatment, torture, the murder of political prisoners, the indiscriminate slaughter of civilians and the destruction of the economic infrastructure and historical and cultural legacy of the country.

33. The grave problem of the five million Afghan refugees still persisted. The Afghan Government must attempt to respect and to ensure respect by foreign troops for its obligations under the international human-rights instruments, put an end to the plight of the political prisoners, give adequate protection to the civilian population and ensure the return of the refugees.

34. The human-rights situation in Afghanistan was due primarily to foreign intervention and an end to that intervention was a prerequisite for the achievement of national reconciliation, the self-determination of the Afghan people and the creation of an independent and non-aligned Afghanistan. It was a hopeful sign that the Soviet authorities should have announced a withdrawal of their troops from Afghanistan and the opening of a new and, perhaps, decisive phase in the negotiations at Geneva.

35. His delegation, which considered that the machinery created to find missing persons in Cyprus must function effectively, hoped that all the parties concerned would comply with their commitment to respect the mandate of the Committee on Missing Persons in Cyprus. The new climate existing between Greece and Turkey would, it hoped, help to restore respect for the human rights of all the inhabitants of Cyprus.

36. With respect to the report on the human-rights situation in El Salvador (E/CN.4/1988/23), his delegation welcomed the fact that there had been a drop in the numbers of murders, summary executions and political prisoners. The army was conducting the war in a more humanitarian way and, although there had still been a few unjustified deaths among the civilian population, there had been no new cases of mass killings. However, the "death squads" had stepped up their activities, disappearances and summary executions persisted, the planting of mines had caused numerous victims in the civilian population and there had been systematic attacks against the economic infrastructure of a poor country.

37. His delegation was concerned at the unsatisfactory functioning of the Salvadorian criminal courts. Although the penal situation had improved slightly, it could not be said that detainees enjoyed due process. Legal detention without trial sometimes exceeded two weeks. The recent amnesty was, in principle, a positive sign, but it should not preclude the investigation of human-rights violations perpetrated before its promulgation and it should not enable those responsible for such violations to go unpunished.

38. His delegation endorsed the Special Rapporteur's recommendations particularly those relating to the repeal of legislation incompatible with international human-rights standards, increased monitoring of police interrogations, judicial reform, and the appeal to the FMLN-FDR to refrain
from planting contact mines or attacking the economic infrastructure of the country. It was also of overriding importance that the dialogue between the Government and the FMLN-FDR should be resumed.

39. The United Nations should continue to monitor the human-rights situation in El Salvador. To that end, his delegation supported the renewal of the Special Representative's mandate, in the conviction that the Salvadorean Government would maintain its firm commitment to a policy of respect for human rights and democratization and that it would continue to co-operate with the Special Representative.

40. His delegation, which appreciated the work of the Expert on Guatemala and welcomed the Guatemalan Government's efforts to promote and protect human rights, noted that violations of those rights, particularly killings and disappearances, were still however occurring, reflecting a disquieting climate of violence which the Government was still unable to control. Little had been done to investigate and punish past violations and respect for economic, social and cultural rights was gravely lacking, particularly in the case of the indigenous communities and refugees.

41. Only an enhancement of the democratic process, free from extra-legal interference, could lead to a lasting solution. To that end, not only political will on the part of the authorities but also continued international assistance and support were required, as the Expert had noted. The Esquipulas II Agreement contained a specific political undertaking with regard to human rights. The procedure for peace in the region - a continuation of the efforts of the Contadora Group and Support Group and of the personal efforts of President Arias of Costa Rica - could give an impetus to the consolidation of democracy and full respect for human rights and fundamental freedoms in the region.

42. Mr. LEPRETTE (France) said that, despite doubts that might occasionally arise in view of the reports of human-rights violations year after year, the Commission's deliberations under agenda item 12 were not in vain; they upheld the cause of the victims and served as a reminder of the unceasing obligation to protect human rights. While information, as exhaustive and objective as possible, should constantly be brought before the Commission, there were two pitfalls to be avoided: over-politicization and selective indignation. Some violations, such as those perpetrated in Uganda or against the Miskito Indians in Nicaragua, had never been discussed anywhere in the United Nations system. In giving certain situations particular attention because of their gravity, the Commission should not overlook the need to uphold respect for human rights everywhere.

43. The most fundamental right was the right to life and to integrity of the person. Violations of that right did not occur solely in time of war - although war often provided a false excuse. A corollary of the right to life was that to freedom of movement. Some Governments had made little progress in that regard. Many Soviet citizens were not allowed to live where they chose; the Group Areas Act in South Africa, forced black communities to live in fixed areas; some exiles were still denied the right to return to Chile; villages in East Africa had been resettled without consultation; and in South-East Asia, many hundreds of people still sought, despite the risk, to flee their homelands.
44. The right to assistance likewise deserved consideration. Natural disasters anywhere in the world aroused an unflailing response from individuals, Governments, non-governmental organizations and international bodies. The problems encountered by the concerted efforts were in most cases due to natural obstacles or organizational difficulties; at times, however, there was obstruction by Governments or armed forces, usually amid recriminations between opposing camps. Such situations were often difficult to deal with, the more so since a sovereign Government was usually involved. Solutions were none the less urgent, and it was all the more necessary for the international community to consider, according to the most suitable procedure, the question of the rights of the victims of natural disasters and the provision of humanitarian relief.

45. The right to the exercise of religion or belief was restricted by some States on ideological grounds. Amnesty International had an impressive list of such cases. Certain Powers, moreover, even tried to withhold information from their citizens regarding the possession of such rights. Those who struggled to uphold those rights - such as those in some eastern European countries who dared to invoke the provisions of the Final Act of the Conference on Security and Co-operation in Europe - were to be commended. The widest possible dissemination of information, particularly in relation to the Commission's work, was the best way to support them.

46. His delegation thanked the special rapporteurs and special representatives for their work on specific situations. That in Afghanistan had worsened, and the Afghans were increasingly suffering from the mass reprisals waged by the foreign occupation forces; the scale and frequency of the events was such that world public opinion was in danger of becoming inured to the suffering. Although some signs of a settlement might be discernible, human-rights violations continued. Only a withdrawal of Soviet troops and a political settlement in keeping with the relevant General Assembly resolutions could ensure respect for human rights in Afghanistan.

47. His Government regretted the failure of the negotiations aimed at freeing Mr. Allain Guillo held in Afghanistan, and hoped that the Afghan and Soviet authorities would take the necessary steps for his speedy release.

48. In the Islamic Republic of Iran, summary executions and the persecution of the Bahá'ís and other minorities had not ceased. It was regrettable that the Government of that country had not only failed to reply to communications but had also refused to allow the special rapporteur to enter its territory.

49. In Kampuchea, human rights continued to be violated daily; his Government had long hoped to see a negotiated settlement, involving all the parties concerned, so that the Kampuchean people's rights could be restored in full. With regard to Sri Lanka, his Government welcomed the agreement aimed at ending the conflict, and hoped that it would enable the various communities to live together once more in peace.

50. The report of the Special Rapporteur on the situation in Chile (E/CN.4/1988/7) showed a contradictory picture. On the one hand, it reported a lessening of repression, greater press freedom, arrangements between the forces of law and order and ICRC concerning inspections, and the return of
most exiles while, on the other, there was a resurgence of the prosecution of journalists, a broadening of military jurisdiction and continued violence, including the persistence of torture.

51. The picture in Central America showed some encouraging features, although grounds for concern remained. His Government paid tribute to the perseverance of President Arias of Costa Rica in his efforts to achieve a balanced and lasting peace in the subregion - although the actual situation had not always lived up to expectations.

52. Undeniable progress had been made in the efforts to strengthen respect for human rights in El Salvador, as noted in the Special Representative's report (E/CN.4/1988/23), including the return of some exiles. As the report clearly showed, however, violence was still being perpetrated against innocent civilians by "death squads", units of the armed forces or guerrilla groups, and a number of human-rights activists had been murdered. His delegation earnestly hoped that the authorities' efforts would be sustained and lead to an early improvement in the human-rights situation.

53. It also appreciated the efforts of President Cerezo aimed at restoring freedom and respect for human rights in Guatemala. Success had been only partial, however; during the latter part of 1987 there had been 113 killings and 39 abductions. Although much remained to be done, his delegation had faith that the Guatemalan authorities would be able to carry out their task.

54. His delegation deplored the violence perpetrated in Haiti, with the complicity of members of the forces of law and order, during the abortive elections of 29 November 1987. He commended the non-governmental organizations which, at great risk to their members, had monitored the situation. Although much tension remained, it was to be hoped that the new authorities would soon be able to turn the page on the tragic events of the past.

55. His delegation also hoped that the recent meeting in Switzerland between the Prime Ministers of Greece and Turkey would lead to improved relations between those countries and thus further progress in Cyprus, particularly with regard to the question of missing persons.

56. The Commission had a primary duty to report on, and if necessary denounce, human-rights violations on the basis of the information received. That was only the first step, however. Many Governments, including his own, were taking specific measures, confidentially or openly, to deal with particular situations. His Government did so in conjunction with its European Community partners or non-governmental organizations. Since, in many cases, the efforts were not entirely in vain, it was work that must be continued.

57. Mr. Heller (Mexico) said that his Government's approach to human-rights questions abroad was consistent with its domestic policy, based on the rights enshrined in the 1917 Political Constitution of his country, and its accession to the major multilateral human-rights instruments. Mexico's participation in the work of the Commission reflected its adherence to the provisions of the Charter and its support for the relevant multilateral forums.
58. The Commission was not a court but a forum, whose main purpose was to promote universal respect for human rights and fundamental freedoms and to examine cases in which violations were so systematic and large-scale that regional and world peace might even be threatened. It was important, therefore, in considering situations under agenda item 12, to examine situations objectively, eschewing preconceptions and prejudices of a political or ideological nature.

59. Using human-rights questions for purposes of self-interest, or discussing bilateral or regional conflicts for which the Commission was not the proper forum, weakened the international system for the promotion and protection of human rights. There had been a disquieting tendency, over the previous five years, to distort the mandates conferred by the international community on the relevant forums, and to regionalize human-rights issues. Latin America and the Caribbean continued to be the main focus for allegations of human-rights violations - an understandable concentration if all were in order elsewhere, but that was not so, as members of the Commission were all too well aware.

60. In Central America, not only the consolidation of democracy and development but also the preservation of the vital interests of Latin America and the Caribbean were at stake. The Esquipulas II Agreement demonstrated the political will to establish the basis for a firm and lasting peace in the subregion; compliance with the undertakings assumed required the international community's support and respect for the independence and self-determination of the Central American peoples.

61. In the case of El Salvador, the Commission had had the opportunity to hear at first hand, from the Minister for Foreign Affairs of that country, of his Government's efforts to promote human rights and comply with the undertakings assumed pursuant to the Esquipulas II Agreement. However, as could be seen from the Special Representative's report (E/CN.4/1988/23), serious human-rights violations continued to occur, including a resurgence of "death squad" activities.

62. A draft resolution on the situation, to be tabled by a group of Latin American countries, was designed to reflect the true situation and the regional efforts being made to protect the rights of the Salvadorian people. It was necessary to extend the Special Representative's mandate by one more year, in the hope that the situation would, by then, have substantially improved.

63. With regard to the situation in Guatemala, the constitutional Government was striving to establish a juridical and institutional framework to protect human rights. As part of the democratization process, the Guatemalan and Mexican Governments had maintained constant links for over a year, with a view to improving the machinery for the voluntary repatriation of refugees. In 1987 some 800 persons of Guatemalan nationality had opted to return from Mexico under a programme of assistance for voluntary repatriation supported by the United Nations High Commissioner for Refugees.

64. The human-rights situation in other regions was also disquieting. His Government reiterated its concern about the grave violations in Afghanistan, which had driven more than 5 million Afghans to seek refuge in neighbouring countries. Despite some signs of improvement in the areas under Government
control, the continuation of serious violations could not be ignored. His delegation upheld the right of the Afghan people to self-determination and was convinced that only a negotiated political settlement could put an end to the armed conflict and safeguard the people's human rights. One highly positive step was the announcement that foreign troops were shortly to be withdrawn from that country, but the protection of human rights in the subsequent phase would require particular attention.

65. Reports of constant human-rights violations in the Islamic Republic of Iran, according to the Special Representative's report (E/CN.4/1988/24) were a source of grave concern. It was a positive sign, however, that the Government of that country had decided to co-operate with the Special Representative. His delegation supported the General Assembly's request, in its resolution 42/136, that the Government of Iran, as a State party to the International Covenant on Civil and Political Rights, should respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant.

66. Lastly, his delegation reiterated its deep concern about the plight of the Cypriot people. It supported the Secretary-General's efforts to reactivate the negotiation process and find a just solution to the problem. The respect for the independence, sovereignty and territorial integrity of Cyprus was an essential prerequisite for the restoration of human rights in that country.

67. Mr. Delgado Barreto (Peru) took the Chair.

68. Mr. DITCHEV (Bulgaria) said that the fortieth anniversary of the adoption of the Universal Declaration of Human Rights and the signing of the Intermediate-range Nuclear Forces (INF) treaty should give significant impetus to the universal promotion of civil, political, economic, social and cultural rights in their indivisibility and entirety. The Commission should try to contribute to the solution of the most flagrant cases of human-rights violations in places such as southern Africa, the occupied Arab territories, Chile and El Salvador.

69. It should adopt strong consensus resolutions thereon and not make mere verbal declarations, as some delegations did in order to present themselves as being objective while actually having political motivations. The main criteria for the consideration of human-rights violations should be those contained in General Assembly resolution 32/130. Only such a businesslike and constructive approach could lead to the elimination of flagrant human-rights violations.

70. Another important task of the Commission was its work on thematic issues, which was conducive to the further elaboration of international instruments for the promotion of human rights. At the same time, such work played a preventive role and had educational value for Governments, peoples, individuals and non-governmental organizations. His delegation noted with satisfaction that most members, observers and non-governmental organizations shared those views.
71. It was high time that the division of human rights into "ours" and "theirs" were ended, and that the Commission was regarded primarily as a forum for co-operation. The so-called "classical" human rights were inseparable from economic, social and cultural rights. Those delegations that had expressed concern about human-rights violations wherever they might occur should have spoken of the fate of millions of individuals who were not enjoying their right to work, to education, to adequate housing, to equal pay for equal work and to social security and social justice. They should have spoken out about the plight of the migrant workers and the widespread racist attitudes in their own and allied countries. They should have admitted that the right to freedom of opinion without social justice would hardly help the disadvantaged. They should have spoken about global problems such as illiteracy and hunger, particularly in the developing countries. In their world-wide survey of the human-rights situation, they had excluded the human-rights problems in their own and allied countries as if they enjoyed a kind of diplomatic immunity.

72. His delegation by no means objected to the moral duty of those delegations not to be silent. It should be exercised, however, after a thorough evaluation based on the criteria established by General Assembly resolution 32/130 and on the whole complex of human rights and fundamental freedoms.

73. As for the situation in Afghanistan, certain delegations tried repeatedly to ignore the significance of the major events occurring in that country as a result of the policy of national reconciliation. His delegation expressed its full support for the statement delivered by the Minister for Foreign Affairs of Afghanistan and welcomed the adoption of the new Constitution of Afghanistan, which was in full accordance with international human-rights instruments and provided a solid basis for the further implementation of the policy of national reconciliation.

74. Afghanistan's considerable economic achievements were commendable, especially in view of the sabotage and undeclared war being waged by the opposition. His delegation also commended the Government's readiness to take advantage of all possibilities for solving the external aspects of the problem through negotiations. An ample proof in that regard was the Government's readiness to accept the United Nations mediator's proposal for a peaceful settlement. His delegation welcomed the Soviet Union's decision to start withdrawing its forces on 15 May, if the Geneva negotiations resulted in the signing of an agreement on a political solution.

75. His delegation was seriously concerned at the United States' attempts to push the Commission into taking action on a draft resolution against Cuba, the only purpose of which was to discredit the achievements of the Cuban Government and people in all socio-economic spheres. Those achievements were exemplary ones, not only for Latin American countries but also for other developing countries. Despite the pressure exerted by a super-Power, Cuba had implemented its freely chosen socio-economic system of development. That was precisely the reason for the draft resolution against Cuba, since the system was not to the liking of the United States Government. His delegation hoped that the Commission would stand up to the pressure and reject the draft resolution.
76. **Mr. TREJOS** (Costa Rica) said, with reference to the report on the question of human rights in Chile (E/CN.4/1988/7), that the Special Rapporteur's third visit to Chile had had the full co-operation of the Chilean Government. He noted the broad scope of the Special Rapporteur's visit, not only because of the number of his contacts with governmental and non-governmental authorities, but also because of his many interviews with individuals, representing a broad social spectrum. For the first time, the Special Rapporteur had had direct access to the news media, which had publicized his presence in Chile.

77. The plebiscite scheduled for 1988, although in itself democratic, was not the appropriate way to choose a Government. The Special Rapporteur had referred to the use of a plebiscite to choose the President as sui generis, and, according to the Minister for Foreign Affairs (para. 38 of the report), its aim was that the majority of the population should support a candidate to be chosen by the Commanders-in-Chief, and that in any event, the population would be able to reject by a majority the plebiscite formula or the person nominated. Given the current state of the law in Chile, it would be difficult to expect any winner other than the candidate chosen by the Commanders-in-Chief.

78. In addition, it was difficult for political parties, although they were allowed to function, to become well organized and publicize their campaigns if the state of emergency continued. In particular, Supreme Decree No. 6289 stipulated that the media might not report the activities of persons and organizations referred to in article 8 of the Constitution, an article which the Special Rapporteur had recommended should be revised. Despite the foregoing reservations, his delegation hoped that the plebiscite would mark a significant step towards a democratic opening in Chile.

79. Other negative factors pointed out by the Special Rapporteur were the persistence of torture, the continued violation of the human rights of prisoners and detainees as a result of the subordination of the civil courts to the military courts (paras. 105-107), the intimidation of citizens, including judges - which had become more selective, articulate, blatant and general (para. 103) - and the recurrence of disappearances. Although the situation of the press had improved, the mass media lived under the constant threat that the laws enacted to enforce the states of emergency would be applied to them. The Special Rapporteur had recommended that such laws be revoked.

80. Although the human-rights situation in Chile was not a favourable one, it would not be correct to say that the situation was the same as 13 years previously, when the Commission first took up the question. The Government had decided to put an end to exile and the ban on political parties. A number of human-rights organizations were working actively within Chile. More important still, there were individuals and sectors within the Government working towards better respect for human rights.

81. Those positive changes should be reflected in any decision taken in connection with the Special Rapporteur's report, thereby encouraging such individuals and organizations to continue their positive activities in Chile. Otherwise, they might become discouraged, and the Special Rapporteur's future
work might be hampered. His delegation hoped that the draft resolution to be adopted by the Commission would reflect as accurately as possible the actual human rights situation in Chile.

82. With regard to the question of human rights in Cyprus, the Secretary-General's report (E/CN.4/1988/27) showed that there had been no improvement with regard to the full restoration of human rights to the population of Cyprus, and more especially to the refugees. His delegation expressed concern that the status of the settlements in Varosha remained unchanged, and that recent events had occurred which were a breach of the status quo.

83. Since the problem of human rights in Cyprus had resulted from a political conflict, a solution must be based on a political understanding between the Greek Cypriot and Turkish Cypriot communities, in which an important role must be played by the Governments of Greece and Turkey. It was encouraging that some friendly contacts had been made between those two Governments, and that new procedures were being tried to break the deadlock, with the help of the new Special Representative appointed by the Secretary-General.

84. Mr. DIMKA (Nigeria) said that the appointment of special rapporteurs on thematic issues and country situations could not but benefit the work of the Commission. It was unfortunate, however, that the selective political considerations invoked in some of the statements under the current agenda item would serve only to weaken the Commission's credibility. No country was completely free of human-rights violations; the participants in the current session were not there to condemn any one country, but to call upon all countries in which flagrant violations of human rights occurred to change their ways.

85. While his delegation had noted with satisfaction the efforts of the Government of El Salvador to co-operate with the Special Rapporteur, it was concerned to learn that there were still cases of politically motivated summary execution of civilians by members of the armed forces and the civil defence force. He hoped that the new Attorney-General would make greater efforts to punish those responsible.

86. Human-rights violations were still on the increase in Guatemala, and his delegation supported the recommendation that human-rights training should be provided in schools and vocational institutes.

87. The Government of Chile had continued to co-operate with the Special Rapporteur and had begun to prepare the machinery which would return the country to democratic rule. He supported the Special Rapporteur's recommendation that the Government and ordinary citizens should fight bravely and firmly against terrorism.

88. His delegation called for the complete withdrawal of foreign troops from Afghanistan, and endorsed the recommendation of the Special Rapporteur that the parties should move towards dialogue and unity by peaceful means.

89. The Special Representative on the situation of human rights in the Islamic Republic of Iran had noted the incompatibility between Islamic law and the provisions of international human-rights instruments. His delegation called for a further dialogue between the Special Representative and the
Iranian Government with a view to bringing those aspects of Islamic law inconsistent with the international human-rights instruments into line with the internationally accepted standards.

90. Several statements under the current agenda item had made no reference at all to the situation in Israel and South Africa, which surely amounted to a very selective consideration of the item. The recent killings of Palestinians by Israeli soldiers should be condemned by the international community, as should the recent clampdown on the activities of South African organizations, including the United Democratic Front (UDF) and the Congress of South African Trade Unions (COSATU). That was yet one more proof that the only peaceful way of putting an end to apartheid was to apply comprehensive and mandatory economic sanctions against South Africa.

91. His delegation supported the unity, independence and territorial integrity of Cyprus. Cypriot refugees would be unable to return to their homes until all foreign troops had been withdrawn. His delegation believed that the appointment of a Special Representative of the Secretary-General in Cyprus would create an appropriate avenue for dialogue and would, he hoped, hasten the solution of the problem.

92. Mr. PATIL (India) said that the human-rights situation in Sri Lanka had changed as a result of the agreement signed between the Governments of India and Sri Lanka in July 1987. That agreement was designed to satisfy the legitimate demands and aspirations of the Tamil minority in Sri Lanka by means of a devolution of power. The Sri Lankan Government had passed legislation to establish provincial councils, which would guarantee provincial autonomy while preserving the unity of the country. The legislation did not satisfy all the Tamils' demands, but it was a landmark in the constitutional history of the country and could be adapted in the future to deal with any problems which arose. The provincial councils would give the Tamils a major say in the government of the provinces in which they lived and allow them to preserve their language and other cultural characteristics.

93. Regrettably, despite the sincere and determined efforts of the Indian and Sri Lankan Governments to implement the agreement, there had been opposition on the part of some extremist elements. The Indian peace-keeping force had been obliged to disarm such extremists in northern and eastern Sri Lanka, and that had led to, totally unfounded, allegations of human-rights violations.

94. The peace-keeping force had entered Sri Lanka at the request of the President of that country in order to supervise the cessation of hostilities and ensure that the militants handed over their arms. In September 1987, an agreement had been reached whereby the main Tamil separatist organization, the LTTE, had been promised a majority in the interim administration, but that organization had deliberately set out to wreck the agreement, murdering almost 100 Tamils from rival militant groups and more than 200 civilians, as well as attacking units of the peace-keeping force, leaving the latter with no alternative but to disarm them forcibly.

95. The allegations of atrocities against civilians by Indian troops were completely unfounded and designed to divert attention from the tactics adopted by the LTTE, which had chosen to fight in densely populated areas where civilian casualties would be unavoidable, using civilians as human shields and booby-trapping houses. In the circumstances, the Indian Army had eschewed the
use of heavy weapons and used as little force as possible, and had, consequently, suffered extremely heavy casualties. In February 1988, however, the peace-keeping force had undertaken a large-scale operation in which the LTTE had been unable to hide behind the civilian population and, on that occasion, there had been negligible civilian casualties or damage to property.

96. All specific complaints about the behaviour of Indian troops were thoroughly investigated, and quick and salutary action was taken where necessary. There was no question of his Government tolerating any action by its soldiers which might violate the rights of the people they had gone to Sri Lanka to protect. He appealed to the LTTE to co-operate in the democratic process and submit its claim to be the sole representative of the Tamil people in Sri Lanka to the judgement of the ballot box.

97. Mr. JAEGER (Federal Republic of Germany) said that there had been much progress in human rights over recent years, including the return to democracy of several important countries and the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Nevertheless, the obligations assumed by States parties to the human-rights conventions were still being ignored in many parts of the world, and any appeal for respect for human rights was rejected as an unlawful interference in internal affairs.

98. Rather than producing still more agreements, the international community had to improve the implementation and monitoring of those that already existed, particularly the International Covenants on Human Rights. To begin with, all States that had not already done so should accede to the Covenants forthwith. All States must also establish an independent judiciary to enable any individual to challenge acts of State power which infringed his rights.

99. His Government considered that the existing system for monitoring the implementation of international human-rights instruments should be extended by appointing more special rapporteurs and strengthening their position, so that they could operate wherever they were needed. It would continue to devote attention to the possibility of appointing a United Nations high commissioner for human rights and setting up an international court of human rights.

100. Turning to the human-rights situation in individual countries, he said that the system of apartheid and racism in South Africa could not be reformed and must, consequently, be abolished. South Africa needed a political and social system which would enable the black population to have a say in the country's political future, and his Government appealed to all those involved to take the peaceful road of dialogue.

101. His country had a long tradition of friendly relations with Chile, and his Government was thus particularly concerned about human-rights abuses in that country. There had been some positive developments, such as the visit by the Commission's Special Rapporteur, the prison inspections by the International Committee of the Red Cross, and the accession of Chile to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but there were still numerous complaints that people had been imprisoned for more than five years without trial and that torture was a frequent practice.
102. The Chilean Government was duty-bound to comply with the provisions of the Convention and to stop the use of torture by its agents. In the last analysis, the protection of human rights depended upon finding a lasting political solution to the country's problems, and that could only come about through a dialogue between the Government and the democratic opposition.

103. The Central American peace plan showed the commitment of the Central American Governments to peace, democracy and respect for human rights, but they had still to work to achieve its objectives by ending hostilities and increasing pluralism and democracy. That would have a direct and beneficial effect on the human-rights situation in the subregion.

104. His Government welcomed the recently announced lifting of the state of emergency in Nicaragua, the amnesty for political prisoners announced in January 1988 and the reappearance of the newspaper La Prensa and the radio station Radio Católica. It was to be hoped that all parties would have an equal opportunity to campaign for the elections to the Central American Parliament in 1988 and that the electorate would be allowed to express its will freely. Those elections would be a major test of the Nicaraguan Government's commitment to the Central American peace plan.

105. Despite the progress achieved in El Salvador, the assassination of Mr. Anaya Sanabria, co-ordinator of the Salvadorian Human Rights Commission (non-governmental), showed that much remained to be done. His Government also continued to be concerned about the human-rights situation in Cuba. The Government there had had some success in reducing illiteracy and encouraging racial harmony, but its people were still denied individual and political rights. He also hoped that the Cuban Government would play its part in the endeavours to achieve peace in Central America.

106. His Government had been dismayed by the recent setbacks to democracy and human rights in Haiti. The transitional Government had been directly or indirectly responsible for many major human-rights violations, and it was to be hoped that the new President would improve the situation.

107. The continuing war in Afghanistan had produced many serious human-rights violations, and his Government supported the recommendations in the report of the Commission's Special Rapporteur (E/CN.4/1988/25). Soviet troops must be withdrawn if the Afghan people was to shape its own political and social future, and he thus welcomed the announcement by General-Secretary Gorbachev that the troops would begin to withdraw in May 1988. It was to be hoped that the indirect talks currently taking place at Geneva under United Nations auspices would lead to a political solution to the conflict satisfactory to all the parties concerned.

108. The human-rights situation in the Islamic Republic of Iran, particularly the treatment of the Bahá'í community, still gave considerable cause for concern, and he called upon the Iranian Government to co-operate with the Commission. Iraq, too, should respect unconditionally the human dignity of all the people within its territory, even in a difficult political situation.

109. While his Government welcomed the amnesties declared by the Government of Viet Nam in September 1987 and February 1988 and the announcement that the "re-education" camps were to be closed, it was still concerned, about the fate
of almost 300,000 Kampuchean refugees. A political solution must be found which would guarantee the withdrawal of occupation forces from Kampuchea, while preventing the reinstallation of the Khmer Rouge régime.

110. His Government welcomed the contacts established between Indonesia and Portugal with a view to securing the rights and cultural autonomy of the people of East Timor.

111. The number of people allowed to leave the Soviet Union to rejoin their families abroad had increased in 1987, the number of ethnic German emigrants being higher than ever before, and the Soviet authorities had assured his Government that the trend would continue. There had been some other positive signs, such as the release from imprisonment or detention in psychiatric institutions of a number of civil-rights activists and a less repressive attitude towards public civil-rights protests. He called upon the Soviet leadership to continue in its new policy.

112. The human rights of Germans and persons of German descent in Central, Eastern and South-Eastern Europe were naturally a matter of particular concern to his Government. The official visit to the Federal Republic of Germany of General-Secretary Honecker in September 1987 had raised new hopes in the people of the German Democratic Republic; unfortunately, the measures recently employed by the Government of that country had been a considerable setback. One of his Government's main aims was to ensure that all Germans had the right to travel freely and meet one another whenever and wherever they wished but the Berlin Wall, the fortified border between the two countries and the orders to shoot anyone who tried to cross were prejudicial to that aim.

113. Although the breathtaking technological developments of recent years were generally beneficial to mankind, they entailed many dangers for human dignity. As long as the science of genetic engineering was used in the service of medicine, it benefited mankind, but the manipulation of human genes could easily overstep the bounds of human dignity. Modern information and communication systems had helped to promote peace and comprehension and the publicization of human-rights violations wherever they occurred, but the Orwellian nightmare of the constant surveillance of an entire people had become a real possibility. The duty of countering those dangers rested mainly not on the scientists and technologists but on the politicians, who must focus their attention on the maintenance of ethical standards and the responsibility of the individual.

COMMEMORATION OF INTERNATIONAL WOMEN'S DAY

114. The CHAIRMAN said that, on the occasion of International Women's Day, the Commission should recognize the major role which women must play in the development process. By adopting the Nairobi Forward-looking Strategies for the Advancement of Women, the international community had shown its unanimous desire to improve the status of women throughout the world.

115. He called upon all the Governments that had not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination Against Women and to give women equal opportunities and equal treatment.

The meeting rose at 1.15 p.m.