



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) A/36/3/ Chapters II, V, VIII, XIX, XXIII (Parts I and II), XXIV, XXVII, XXVIII, XXXII (Part I and Corr. 1 and 2 and Part II), XXXIV (Parts I and II), XXXVI and XXXVII; A/36/117, 136 and Add.1, 138, 179, 187, 209 and Add.1, 214, 216 and Add.1, 255, 284, 336, 354, 355, 378, 383, 421, 423, 500, 524, 540, 560, 566, 584, 594, 608, 705; A/C.3/36/3, 7 and 10; A/C.3/36/L.5, L.6, L.55, L.59, L.60, L.61, L.62, L.63, L.64, L.66, L.67, L.69, L.70, L.71, L.72.

1. Mr. DYEYE (Special Rapporteur on the situation of human rights in Chile) said that he regretted to inform the Committee that the situation of human rights in Chile had changed little since his previous report. The appeals made by the General Assembly and the Commission on Human Rights to the Government of Chile had not produced any improvements.

2. Despite the urgent appeals of the Commission on Human Rights and the international community in general, it had not been possible to establish any co-operation with the Chilean authorities. One might ask how a report could be prepared on the situation in a given country in the absence of such co-operation.

3. There was no need to go into detail on the reasons invoked by the Chilean Government to justify its lack of co-operation, for those reasons had already been given to the Third Committee and the Commission on Human Rights. They did not, however, seem relevant since they were basically subjective. The Chilean Government believed that it was discriminatory to investigate the human rights situation in Chile, since there were other human rights violations which did not appear to give rise to such investigation. It was true that action must not be taken with regard to some countries and not others but, however valid, that argument was not sufficient. The Commission on Human Rights had appointed Special Rapporteurs only in alarming cases of massive human rights violations. That procedure had been applied to other countries, showing that the reasons given by the Chilean authorities were groundless. The Commission on Human Rights must take decisions in accordance with the principles of the Charter.

4. In accordance with the mandate conferred by the General Assembly and the Commission on Human Rights, he had gathered information from all major sources and had dealt only with facts that were totally irrefutable. He would be grateful if the representatives of the Government of Chile would refute, with convincing evidence, anything in the report that they considered to be erroneous. He wished to reiterate that the report did not reflect any political opinion and had been prepared in a totally independent manner.

5. With regard to the section of the report dealing with constitutional and legal aspects which had a direct bearing on human rights, he believed that there was nothing to indicate any improvement in that area; quite the opposite. The new Chilean Constitution, which replaced the former democratic Constitution, had been

(Mr. Dyeye, Special Rapporteur on the situation of human rights in Chile)

approved by a plebiscite in September 1980. In his report to the thirty-fifth session, he had already described the rather special circumstances in which that plebiscite had been held, which made it difficult to believe that a normal referendum process had taken place and that the result of the plebiscite reflected faithfully the real views of the Chilean people. The essential conclusion that one must draw was that the new Constitution created a situation that was irregular from a legal standpoint and did not conform to a number of rules, in particular those of the International Covenant on Civil and Political Rights, which Chile had signed and ratified. The main feature of the new Constitution was that all power was rested in the President, who exercised executive and legislative powers and a good part of the judicial power. Moreover, such power in no way reflected the wishes of the population, who had no say in the election or appointment of those who ran and administered the country.

6. Earlier reports had emphasized that Chile was in a state of emergency which had been in force without interruption since 1973. The new Constitution also established the concept of the "exceptional state of emergency due to threats to internal peace." By a combination of the state of emergency and the exceptional state of emergency due to threats to internal peace, the President could adopt on a permanent basis measures similar to those normally applicable in states of siege.

7. The report also described specific measures taken against people who did not agree with the Government. The Government itself had justified the continuation of the state of emergency throughout Chilean territory since 1973 by the theory of "latent subversion." That was totally inadmissible, for it was not in line with the provisions of article 4 of the International Covenant on Civil and Political Rights, which allowed rights to be suspended only when there was a grave threat to the life of the nation and, by definition, only on a provisional basis. Chile had signed and ratified the Covenant and must therefore abide by it.

8. With regard to the re-establishment of the military courts and war councils, it could be stated categorically that, according to information gathered by both the Ad Hoc Working Group and himself, defendants who appeared before war councils were unable to defend themselves in a manner guaranteeing their rights. Various personal testimonies had confirmed that the part played by defence counsel in cases before those courts was virtually nil. The General Assembly and the Commission on Human Rights must therefore insist that, whatever the crime of which a defendant was accused, he must be able to defend himself.

9. The problem of torture arose with regard to the right to life and physical and moral integrity and security of person. It was easy for someone to say that he had been tortured simply in order to discredit a given government, but in preparing the report now before the Committee he had scrutinized and analysed all cases closely and could affirm that all the cases included in the report were totally authentic.

10. It was disturbing to note that the barbarous conditions under which torture had been inflicted in the past had evolved and that torturers now seemed to be specialists, almost scientists. No effort must be spared to prevent them from continuing to use those inhuman methods.

(Mr. Dyeye, Special Rapporteur on the situation of human rights in Chile)

11. With regard to prison conditions, during its visit to Chile the Ad Hoc Working Group had interviewed the Minister of Justice and asked him to separate political prisoners from common criminals. The Minister had agreed and given instructions that that be done. Soon afterwards, however, the political prisoners had again been put with common criminals. He had written to the Government of Chile requesting it to honour the promises of the Minister of Justice but had so far received no reply.
12. With regard to the security agencies, the methods used formerly by the DINA were now being used by the National Information Agency (CNI). One could gain an idea of the kind of agents that made up the security forces in Chile from the case in which CNI agents had used the fact that they belonged to that agency in order to rob a bank.
13. Many of the excesses mentioned could have been punished and would not even have been committed if the judiciary in Chile had been truly independent as it had been until 1973.
14. Many of the disappeared persons had not been seen in such a long time that it was almost certain that they had died. There again, the existence of an independent judiciary would have made it possible to solve numerous disappearances and to show that, in most cases, the disappeared persons had been arrested by the security forces. The judiciary at times had been able to identify the persons who were presumed responsible for certain disappearances, but in the cases in which they belonged to the armed forces the civilian judges had been unable to continue the proceedings because the military had jurisdiction. From that time on the investigations had yielded no results at all.
15. Many rights were still being violated in Chile: the right to education, the right to form trade unions, economic and social rights, the right to live in one's own country and to leave that country. An appeal should be made to the Government of Chile to respect those rights. Although it might seem that such appeals were useless, they at least served to demonstrate that attention was being focused on what was happening in that country. The appeal would be made not for political but for fundamentally humanitarian reasons.
16. Mr. THUNBORG (Sweden) said that every State had the obligation to guarantee the civil, political, economic, social and cultural rights of all individuals within its jurisdiction. That was the essential aim of human rights, although it had often been suggested that the concept of human rights should be extended to include various categories of rights which did not concern relations between the individual and the State and that human rights were not only the rights of individuals but also certain rights of States, nations and peoples.
17. There were no effective means to prevent States from violating human rights. Even when States undertook the obligation to respect human rights by becoming parties to the various international agreements in the field, there was no effective control mechanism. For that reason, the United Nations should react when

(Mr. Thunborg, Sweden)

flagrant violations of human rights occurred. His Government noted with concern that although a number of States members of the United Nations did not respect human rights, only some of them were criticized for that reason.

18. The Special Rapporteur had pointed out that not only had there been no improvement in the human rights situation in Chile but that in certain areas the situation had even deteriorated. His Government felt that the world community should continue to focus its attention on the human rights situation in Chile as long as the Chilean authorities did not respect the commitment which that country had undertaken when it had ratified the two International Covenants on Human Rights.

19. The growing tension between the great Powers also caused concern in relation to human rights. The powerful countries tended to allow security considerations to prevail over their obligation to promote respect for human rights. Others justified their actions which were contrary to human rights on the pretext of combating terrorism. Although his Government opposed violence, it felt that oppressive regimes were also responsible for the violence resorted to by those who sought to bring about legitimate changes in the political, social and economic order. The argument put forward by the oppressive regimes of El Salvador and Guatemala that the current state of civil war in El Salvador and the killings, tortures and other acts of violence in El Salvador and Guatemala were due only to terrorism and communist infiltration was not convincing.

20. In El Salvador more than 20,000 persons had been killed in the current civil war. Most of them had been innocent civilians, old people, women and children. The opposition had declared that it was willing to negotiate in order to achieve a settlement which included the establishment of a coalition government. The Government of El Salvador refused to participate in such negotiations and claimed that the situation would resolve itself after the elections which were to be held soon. However, a political settlement through elections was no longer a realistic solution. Only after a cease-fire and through a negotiated settlement with the participation of all parties would it be possible to establish control of the army and the guerrilla forces and organize general elections.

21. The situation in Guatemala had also deteriorated. Justified demands for reforms had been met by repression. In order to avoid developments similar to those in El Salvador, it was urgent that the spiralling violence should be stopped and the political process resumed.

22. The Soviet Union always allowed the security interests of the State to prevail over its obligations to respect human rights. In recent years many people from the Soviet Union and other Eastern European countries had been prosecuted and sentenced to long years of imprisonment simply for demanding that their Governments should honour the pledges made in the Final Act of Helsinki in 1975.

23. The Government of South Africa claimed to be a bulwark against communist expansion in the hope that non-communist countries would therefore be more sympathetic to the apartheid regime.

(Mr. Thunborg, Sweden)

24. So-called "disappearance" were one of the ways in which States violated human rights. Sweden supported the work of the Group of Experts on Disappeared Persons in its humanitarian task of helping relatives of disappeared persons to find out what had happened to their loved ones.

25. Torture was another widespread method of government violation of human rights. The United Nations Commission on Human Rights had for several years been engaged in elaborating a draft convention against torture. His Government hoped that the Working Group to which that task had been assigned would be able to conclude its work as speedily as possible.

26. The Commission on Human Rights had proposed that the United Nations Trust Fund for Chile should be changed into a voluntary fund for the victims of torture. Sweden supported that view. If the General Assembly decided to set up that fund, his Government would pledge an initial contribution of \$150,000.

27. The executions which took place in certain countries without trial or sentencing also constituted grave violations of human rights. It was regrettable that so little had been done to restrict and abolish the death penalty in various parts of the world. In Iran, for example, executions were systematically used as a means of silencing political opponents.

ORGANIZATION OF WORK

28. The CHAIRMAN invited the Committee to continue consideration of the question of requesting the Special Representative appointed by the Commission on Human Rights to investigate the human rights situation in El Salvador to introduce his report in person to the Third Committee.

29. Mrs. WARZAZI (Morocco) said that there were several reasons why her delegation was opposed to inviting the Special Representative of the Commission on Human Rights to appear before the Committee. The mission of Mr. Pastor Ridruejo consisted in investigating reports on serious human rights violations in El Salvador and making recommendations to the Commission on Human Rights so that the latter could take appropriate measures; the report had been presented to the General Assembly through the Secretary-General, and the Commission on Human Rights had never envisaged that the Special Representative would appear personally to present the report. Her delegation had carefully studied the statement of the financial implications of resolution 32 (XXXVII) of the Commission on Human Rights and had noticed that the itinerary planned for the Special Representative consisted of only two cities, Geneva and San Salvador; New York was not included.

30. Moreover, Mr. Pastor Ridruejo's report was only a provisional one, which indicated that his mission had not ended but had just begun. If for the success of his mission it was necessary that the Special Representative should be completely impartial and win the full confidence of the Government of El Salvador, which was his principal interlocutor, she could not understand why he should be interested in presenting personally a report which was only provisional. As the Special

(Mrs. Warzazi, Morocco)

Rapporteur on the human rights situation in Chile had said, whenever there was any violation of human rights in a country, it was essential that the country concerned should co-operate. She therefore wondered how a report could be written on a country which did not want to co-operate and whether, in that case, the existence of special rapporteurs was fully justified.

31. By presenting his report to a committee some of whose members would surely politicize the topic, the Special Representative would be exposing his mission to failure, for it would be very difficult to prevent the intrusion of politics into the discussion, and that should be avoided at all costs. The politicization of the topic was attested by the fact that the Committee already had before it two draft resolutions on El Salvador even though no member of the Committee had yet expressed any views on the subject because the debate on it had not yet begun.

32. The statement made by the Mexican delegation during the previous meeting seemed to imply that the Division of Human Rights had funds which would make it possible to finance trips of the Special Representative which were not envisaged in the statement of financial implications submitted by the Commission on Human Rights. She wondered how it was possible that delegations concerned about human rights problems that were clearly more serious than those of El Salvador, such as those affecting the peoples of Namibia, South Africa or Palestine, were not informed of the existence of such funds. If they had had any knowledge of them, they would also have requested that the ad hoc groups or special rapporteurs responsible for carrying out studies on human rights in certain countries should appear before the Third Committee. It would be interesting to hear the Director of the Division of Human Rights explain why those funds could be used in the case of certain rapporteurs and not of others and why only certain delegations knew about the availability of those funds while others did not.

33. Some delegations seemed to be interested only in the report of the Special Representative on El Salvador and not in other reports concerning problems which were as serious as or worse than those in El Salvador. Therefore, if the Netherlands delegation insisted that the draft decision it had submitted should be put to the vote and if the draft decision was adapted, her delegation would propose that another draft decision should be put to the vote because it would then be necessary to make provision for the personal appearance of all current or future special rapporteurs, especially those preparing reports on countries that were currently being studied by the Commission on Human Rights. The text of the draft decision would be the following:

"The Third Committee decides to invite the Ad Hoc Working Group of Experts to Investigate Human Rights Violations in Southern Africa to attend the current session in order to assist the Committee in its consideration of the item entitled, under the Economic and Social Council, 'Question of Human Rights Violations in Southern Africa.'

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(Mrs. Warzazi, Morocco)

"Further decides to invite the following Groups of Experts and Special Rapporteurs to attend the thirty-seventh session of the General Assembly so that they too may assist it in its consideration of the items on its agenda:

"The Ad Hoc Working Group of Experts to Investigate Human Rights Violations in Southern Africa;

"The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;

"The Special Rapporteur on the further extension and updating of the Report on Slavery;

"The Special Rapporteur on the question of the protection of persons detained on the grounds of mental ill-health;

"The Special Rapporteur on the problem of discrimination against indigenous populations;

"The Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regime in South Africa;

"The Special Rapporteur to study the implications for human rights of recent developments concerning situations known as states of siege emergency;

"The Special Rapporteur to prepare a report on the exploitation of child labour."

34. Mr. URDANETA (Venezuela) said that the Government and people of his country firmly and whole-heartedly supported the exercise of freedoms and enjoyment of human rights and had supported efforts to enable the people of El Salvador themselves, without outside interference, to find a democratic political solution to the problem of El Salvador through elections. His delegation had listened attentively to the delegations that had preceded it and felt that they had not put forward convincing arguments, especially those that were opposed to having the Special Representative appear in person before the Committee. Although it might be necessary to submit new facts which could necessitate amending the report, that could be done in writing. It would not be desirable to put the matter to the vote because it was a procedural matter which could become a highly political one.

35. His delegation proposed that the Committee should submit a motion to the effect that the Chairman, taking into account the various opinions expressed, and especially that of the Secretariat, should himself decide whether the Special Representative should appear before the Committee. That would be a procedural motion which would make a vote on the question unnecessary.

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36. Mr. GONZALEZ DE LEON (Mexico) explained that the manner in which the Moroccan representative had referred to the statement made by his delegation at the previous meeting had given a mistaken impression of the questions that had been asked at that meeting. His delegation had not stated that there were funds available; it had asked whether such funds existed and whether, if that were so, the Division of Human Rights could make use of those funds. Moreover, his delegation had understood that Mr. Pastor Ridruejo might be in the New York area to conduct interviews with various persons or bodies, since his terms of reference required him to investigate all relevant sources of information and not Salvadorian sources alone. In such a case, there would be no financial problem.

37. The delegation of Morocco had expressed surprise at the fact that some delegations were interested in hearing a Special Rapporteur when they came to study a specific situation. In the view of the Mexican delegation, the case of El Salvador was particularly serious and warranted the urgent attention of the international community so that the Salvadorians, and the Salvadorians alone, might solve their problems. If, in future, a group of delegations asked to hear or expressed an interest in hearing other Special Rapporteurs, Mexico would not oppose such an initiative and would respect their interest. His delegation agreed with the proposal by the representative of Venezuela that the Chairman should be asked to consult delegations and then take a decision on the matter.

38. Mr. LAURENZA (Panama) said that it was perfectly reasonable to invite the Special Representative of the Commission on Human Rights to present his report on the situation in El Salvador in person. By its very nature and by the unusual level of violence that characterized it, the Salvadorian tragedy was something which concerned all the members of the Committee and it was thus not only the Committee's right to hear the Special Representative but above all a way of showing delegations' extreme concern at the appalling situation in El Salvador. A handful of delegations were invoking bureaucratic arguments and quibbling about rules and regulations to prevent the Committee from hearing the Special Representative, however. Such arguments and quibbles might be amusing were it not for the fact that the backdrop to the debate was life and death in El Salvador's villages and countryside. The way in which the Secretariat used its resources to carry out any of the tasks entrusted to it by United Nations organs was a matter for other committees to decide.

39. He called on those delegations who were opposed to the presence of the Special Representative to recognize the urgent need to help the Salvadorians resolve their conflict in the most just and democratic manner, with the participation of all interested parties, in order to put an end to their tragedy. The conflicts in Central America were not caused by the importation of the East-West confrontation, they were Central American and could not be resolved by anyone other than the actual protagonists of that economic, social and political drama. It was not outside interference to lament and denounce the genocidal terror and appalling violation of human rights in El Salvador and express an opinion on the causes of the conflict. Foreign intervention consisted in giving one or other of the contenders financial, technical or military support. It was equally damaging to peace and security in the

(Mr. Laurenza, Panama)

entire region to resort to the threat of military reprisals or intervention or to the use of economic reprisals as a means of influencing the decisions of any State in the region.

40. By inviting the Special Representative to speak, the Third Committee would be helping to suggest to the Salvadorians that they should try to agree among themselves, without excluding any political group, on how to resolve the conflict. That was one more way of calling on them to initiate a non-military dialogue and a fruitful discussion. Besides, if the Committee decided not to hear the Special Representative, it would be setting a dangerous precedent of unforeseen consequences.

41. The problems that were feeding the flames of civil war had not been created artificially but were the result of specific socio-economic structures. The debate in the Third Committee had revealed a tremendous ignorance of contemporary history and a deplorable disregard for the tragedy of the Salvadorian nation. Delegations which were opposed to the presence of the Special Representative had other interests and objectives in mind. Some of them were trying indirectly to protect themselves while others were using the opportunity to settle personal scores. There had been talk of budgetary severity and legal discipline but absolutely no evidence of ethical concern or human compassion for the death and destruction in El Salvador. That should convince members of the Committee that they must decide in favour of allowing the Special Representative of the Commission on Human Rights to present his report in person.

42. Miss UMANA (Columbia) emphasized that there was a risk that the defence of something as important as human rights might be used in the Third Committee as a cover for political interests and discriminatory procedures which had nothing to do with the item under consideration.

43. Once again, out of all the cases of human rights violations the world over, a Latin American country had been picked out for discrimination, creating the impression that human rights were violated only in those countries where, as a result of disruptions of public order instigated by outside interference, Governments were forced to defend their countries' institutions.

44. That fact should be drawn to the attention not only of the Latin American countries but also of the European Community which in all good faith and with every good intention felt itself morally bound to support resolutions which, in the final analysis, served interests very different from those that they purported to serve.

45. One effective way of at least making delegations adopt consistent approach to the question would be to compel any country that proposed or sponsored resolutions calling for investigation of the human rights situation in a given place to report to the Committee on how it ensured respect for those rights in its own territory. Her delegation also believed that it was up to the Chairman of the Third Committee to take a balanced decision on the matter.

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46. Mr. CARIAS (Honduras) observed that the Committee was discussing a question of procedure, not substance. His delegation shared the doubts of many Latin American delegations regarding the application of United Nations criteria to situations in Latin America when those criteria had ceased to be universal and impartial.

47. The presence of Professor Pastor Ridruejo had not been provided for in the conclusions and decisions of the Commission on Human Rights and it did not seem necessary for him to participate in the debate in the Third Committee. His delegation would not oppose his appearing in person before the Committee, however, and believed that the proposal of the representative of Venezuela might provide an appropriate solution. He was confident that the Chairman would be able to take the most balanced decision.

48. Mr. van BOVEN (Director of the Division on Human Rights) said that, in preparing the financial implications of a task such as that which the Commission on Human Rights had entrusted to the Special Representative, the Secretariat tried to envisage how that task would be organized and to provide guidelines to that end. In the present case, however, it had not been possible to consult the Special Representative because at that time the latter had still to be appointed. As a result, it had been understood that, in accordance with the resources available, the Special Representative must be allowed the necessary flexibility to perform his task in the most effective manner possible, even if that involved departing from the plan envisaged by the Secretariat.

49. It was also customary that, as a Special Rapporteur's or Special Representative's work progressed, he could decide that he wanted to consult or interview certain individuals and could travel in order to do so. In the present case, the Special Representative had visited El Salvador in September 1981 and had also decided that he wanted to visit certain people in Mexico City, New York and Washington.

50. It should be recalled that, at its previous session, the General Assembly had requested the Commission on Human Rights to examine the situation of human rights in El Salvador. It was therefore perfectly normal that, in order to understand that situation as fully as possible, the Special Representative should want to talk to some members of delegations who were in New York for the General Assembly, and it was at his request that arrangements had been made for him to visit New York and Washington in November, long before the question of the presentation of his report had arisen in the Third Committee.

51. Whenever the Third Committee wished to take advantage of the presence and hear the views of a Special Rapporteur, the Secretariat would try to do all it could to meet the Committee's wishes, using resources saved from the human rights programme.

52. The CHAIRMAN, recalling that the representative of Venezuela and other speakers had requested that no vote be taken on the matter until the Chairman of the Third Committee had ascertained the views of delegations, said that during the informal consultations he had held in the course of the session, he himself had been able to form an opinion, but he did not wish to say what it was for the time being.

(The Chairman)

53. Not only was the question a difficult and controversial one, it had implications that were important for the work of the Committee and of the General Assembly as a whole. While some delegations wished the Special Representative of the Commission on Human Rights to appear before the Committee and introduce the report he had prepared, other delegations felt that that was not appropriate.

54. In response to the representative of Venezuela, he said he was prepared to accept Venezuela's suggestion on the following conditions, namely, that he, the Chairman, would sound out delegations unofficially, consult with the Secretariat and reach a conclusion. It would have to be understood also that the representative of the Netherlands would not press his proposal, which was still before the Committee.

55. Mrs. WARZAZI (Morocco) suggested that, in order to facilitate his task, the Chairman should consult not only with the Secretariat but also with the Special Representative and inform them of the differing reactions to his request to appear before the Committee.

56. Mr. PINES (Spain) said that he wished to make it clear beyond any doubt, since a Spanish national was concerned, that Mr. Pastor Ridruejo had never asked to appear before the Committee. He had done nothing more than prepare the report and write to the representative of El Salvador to thank him for the assistance he had received from the Salvadorian Government in carrying out his task.

57. The CHAIRMAN confirmed that the Special Representative had come to him for information about the views in the Committee, not to request that he be allowed to appear before it.

58. Mr. CORTI (Argentina) pointed out that as the Director of the Division of Human Rights explained, the Special Representative had had to hold consultations in New York. The Spanish representative's clarification showed either that there was a misunderstanding or that the situation was so complex that, in his view, it went beyond a decision by the Chairman.

59. The matter had been discussed sufficiently and no agreement had been reached. Furthermore, the normal work of the Committee was being delayed. Consequently, the Committee should not discuss the matter any further and Mr. Pastor Ridruejo should not be present during the deliberations.

60. The CHAIRMAN, in answer to the representative of Morocco, said that he was aware that the Special Representative had a very difficult and delicate task; he had maintained as much throughout his unofficial consultations with delegations and would continue to do so.

61. Mr. ROSALES (El Salvador) said that his delegation disagreed with some of the ideas expressed by the representative of Panama but he did not wish to start a discussion on them at that time. He wished, however, to state that the Government of El Salvador had no intention of entering into consultations of any kind with Mr. Pastor Ridruejo during the current General Assembly session.

62. After an exchange of views in which the CHAIRMAN, Mrs. WARZAZI (Morocco), Mr. WALKATE (Netherlands) and Mr. CORTI (Argentina) took part, the CHAIRMAN said that if he heard no objection, he would take it, that the Committee wished him, in his capacity as Chairman, to accept the responsibility for determining the views of the delegations on inviting Mr. Pastor Ridruejo to introduce his provisional report on the human rights situation in El Salvador. He added that, if the Committee wished some conclusion to emerge from his consultations with delegations and with the Secretariat, he would proceed accordingly and present a conclusion to the Committee. He would further take it that, if he was to undertake that task, the delegation of the Netherlands would not press its proposal to a vote, even though it was still before the Committee.

63. Mrs. WARZAZI (Morocco) said that since the draft decision she had proposed was a separate proposal and not part of the item under consideration, she wished to press it, so that if her proposal was accepted and the Committee invited one Special Representative to appear, it would have to invite all the others as well.

64. The CHAIRMAN repeated that, if he heard no objections, he would take it that the Committee wished its Chairman to follow the course he had just outlined.

65. It was so decided.

AGENDA ITEM 88: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE
(continued) (A/C.3/36/L.53)

(a) WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL (A/C.3/36/L.47 and L.57)

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AGENDA ITEM 89: STATUS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN: REPORT OF THE SECRETARY-GENERAL (continued)
(A/C.3/36/L.54)

66. Miss FRANCO (Portugal), referring to the statement made by the representative of the German Democratic Republic in introducing the revised text of the draft declaration (A/C.3/36/L.48/Rev.1), said that her delegation welcomed the attention given by that representative to the comments and suggestions transmitted to the Secretary-General by the Portuguese Government (A/36/476/Add.1). It was surprised to note, however, that not only had some of those comments been ignored, but also that those that had been taken up were not always reflected in a way that correspond

(Miss Franco, Portugal)

fully to the spirit and the letter of her Government's formulations. Her delegation therefore reserved its position on the draft declaration (A/C.3/36/L.48/Rev.1) and reiterated its view that the text should be the subject of a General discussion, in accordance with the accepted practice for the formulation of international instruments.

67. Mrs. WARZAZI (Morocco) said that, however good its intentions, the draft declaration submitted to the Committee on the initiative of the German Democratic Republic (A/C.3/36/L.48/Rev.1) did not correspond to the situation of women. The draft declaration before the Committee set forth a series of premises which, in her delegation's opinion, corresponded to neither the current nor the future situation. For example, the seventh preambular paragraph set forth a number of "important and indispensable factors for a world-wide enforcement of full equality of rights for women" which, in her delegation's view, had little to do with the problem concerned; despite what was said in that preambular paragraph, the eleventh preambular paragraph stated that, "despite progress towards the achievement of an equal status for women", considerable discrimination continued to exist which impeded the active participation of women in the solution of vital national and international problems.

68. Her delegation therefore wished to propose the following amendments: firstly, the eleventh preambular paragraph should follow the fourth preambular paragraph and, after the words "considerable discrimination continues to exist", should read: "with respect to equal access to men to education, vocational training, health, employment and positions of political responsibility, which impedes the active participation . . .", the rest of the paragraph remaining unchanged. Secondly, the fifth preambular paragraph should become the seventh preambular paragraph. Thirdly, the existing seventh preambular paragraph should begin: "Noting, therefore, with regret that, despite the fact that women are at present unable to make their due contribution to the maintenance and strengthening of peace, sustained international co-operation . . ."; and the words "important and indispensable factors for a world-wide enforcement of full equality of rights for women," at the end of the paragraph, should be deleted. She also proposed that the words "to solve global problems of mankind and to provide assistance to developing countries", in article 2 of the draft declaration, should be replaced by the words "of the developing countries, and thus to solve the critical problems of mankind".

69. The fourth paragraph of part II of the draft declaration should read: "To promote the exchange of experience at the national and international levels for the purpose of enhancing the involvement of women in the efforts of all peoples for peace and in their struggle for national independence and respect for national sovereignty and against colonialism, apartheid, all forms of racism and racial discrimination, foreign aggression and occupation and all forms of foreign interference;". The word "played" in the fifth paragraph of part II should be replaced by the words "to be played". The words "for the safeguarding of peace and", in the sixth paragraph of part II, should be deleted.

70. Mrs. DOWNING (Secretary of the Committee) drew attention to two matters concerning draft resolution A/C.3/36/L.54. Firstly, the German Democratic Republic, Romania, Rwanda, Uruguay and Viet Nam had joined the sponsors of the draft resolution. Secondly, the Secretariat had prepared a statement which showed that the draft resolution under consideration had no administrative or financial implications, but since the Convention on the Elimination of All Forms of Discrimination against Women had entered into force on 4 September 1981, the Secretary-General would have to assume some additional responsibilities under part V, article 17, of that Convention. Paragraph 3 of that article indicated that, six months after the date of the entry into force of the Convention, it would be necessary to elect 18 members of a Committee on the Elimination of Discrimination against Women.

71. The Secretary-General would propose that a meeting of States Parties to the Convention should be held in 1982 to elect the members of that Committee. The costs of that meeting, and of subsequent meetings to be held by the Committee in question, had been submitted to the General Assembly in document A/C.3/34/L.78 prior to the adoption of General Assembly resolution 34/180 approving the Convention. In any event, the adoption or rejection of draft resolution A/C.3/36/L.54 would have no financial implications.

72. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/36/L.54 without a vote.

73. It was so decided.

74. Mrs. de MALLARINO (Colombia) welcomed the fact that draft resolution A/C.3/36/L.54 had been adopted by consensus. Her country had already ratified the Convention referred to therein.

75. Mrs. WARZAZI (Morocco) said that her delegation did not wish to oppose the consensus reached in adopting draft resolution A/C.3/36/L.54. However, she wished the reservations of the delegations of Saudi Arabia and Morocco with respect to that draft resolution to be recorded.

76. Mr. AL-QAYSI (Iraq) said that the fact that the Committee had adopted draft resolution A/C.3/36/L.54 by consensus showed that there was a convergence of views in defence of the rights of women. His delegation nevertheless had certain reservations on the draft resolution. Iraq had not as yet signed the Convention referred to therein, but it supported all steps to promote the human rights of both men and women.

The meeting rose at 1.20 p.m.