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THIRD COMMITTEE  
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at 10 a.m.  
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SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. RITTER (Panama)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/42/3, A/42/67, A/42/121; A/42/296-S/18873; A/42/391; A/42/402-S/18979; A/42/488, A/42/496, A/42/497, A/42/498 and Add.1, A/42/499, A/42/504, A/42/506, A/42/556 and Corr.1, A/42/568, A/42/612 and Add.1, A/42/641 and Corr.1, A/42/645, A/42/646, A/42/648, A/42/658, A/42/661, A/42/667 and Corr.1, A/42/677, A/42/685, A/42/690, A/42/725, A/42/734-S/19262; A/C.3/42/1, A/C.3/42/6; A/C.3/42/L.2, L.5 and L.8)

1. Mr. RICHTER (German Democratic Republic) said that where co-operation in the field of human rights was concerned his country was guided by the concept embodied in General Assembly resolution 32/130. The report of the Economic and Social Council (A/42/3) once again cited a great number of mass violations of human rights throughout the world and referred specifically to violations perpetrated by the apartheid régime in southern Africa and by Israel in the occupied Arab territories. As a matter of principle the German Democratic Republic maintained a position of solidarity with the oppressed peoples of those regions.

2. The situation of human rights in Latin America was influenced by the hegemonistic aspirations of a major imperialist Power in the region. His country fully endorsed the procedure for the establishment of a firm and lasting peace signed by the Central American Presidents in August 1987, the main aim of which was to preserve the norms of international law, notably the principles of sovereignty, self-determination and non-interference in the internal affairs of States. All parties should now translate the Guatemala Agreement into reality.

3. It was a matter for regret that there had been no improvements in Chile in the recent past. On the contrary, a statement by the World Council of Churches in March 1986 spoke of hunger, unemployment, violence and fear characterizing everyday life in Chile. In 1986 more people had been arrested by the police and the army than in the previous 10 years and, according to the World Council of Churches, as many as 109 persons working in church institutions had been tortured.

4. Under the state of emergency, the régime used in its policy of terror both the executive branch of Government and paramilitary commandos. More than 33,000 arrests had been made in 1986 and more than 1,000 persons tortured or maltreated. Among those arrested was Clodomiro Almeyda, the former Vice-President and Foreign Minister of the Allende Government and Secretary-General of the Socialist Party of Chile; his delegation demanded his immediate release.

5. In the light of those alarming reports, his country supported the recommendation that the mandate of the Special Rapporteur of the Commission on Human Rights should be extended for another year, on the understanding that his report should reflect the human rights situation as it really was and should contain proposals for effective measures against the dictatorship.

6. El Salvador too was far from being a democracy, as was evident from the strikes and mass demonstrations which had taken place in the first half of 1987 in support of political and economic changes, and from the assassination of

(Mr. Richter, German  
Democratic Republic)

Herbert Anaya, the President of the Human Rights Commission of El Salvador. In contrast, the readiness for dialogue of the popular forces united in the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario (FMLN-FDR) to find a political solution to the conflict was a very positive factor.

7. The German Democratic Republic reiterated its solidarity with the struggle of the Korean people. The constructive proposals submitted by the Democratic People's Republic of Korea could facilitate a reduction of tensions in the peninsula.

8. The phenomenon of unemployment in several industrialized capitalist countries could not be overlooked in any consideration of violations of human rights. According to the forecasts of the Organization for Economic Co-operation and Development (OECD), the number of officially registered unemployed persons was expected to rise to 19.75 million by 1988, the highest figure recorded since the end of the Second World War. If to that figure were added the numbers of family members affected, some 80 million people were afflicted by the scourge of unemployment. The situation was further aggravated by what was called "chronic unemployment" and "new poverty".

9. The imperialist arms drive not only absorbed enormous material and scientific resources for non-productive purposes but also aggravated the financial crisis. As to the enjoyment of human rights, the right to work was not guaranteed and the exercise of all other rights - economic, social, cultural, civil and political - was also jeopardized. It was highly revealing that the representatives of countries which disparaged the values and achievements of other States remained unwilling to list those inhuman practices in their catalogue of human rights violations.

10. Accordingly, the indivisibility and interdependence of all human rights must cease to be a mere proclamation in the human rights documents of the United Nations and become a reality.

11. Mr. Tobar ZALDUMBIDE (Ecuador) noted with satisfaction the adoption in 1986 of the Declaration on the Right to Development (General Assembly resolution 41/128) and the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been approved by his country's Congress. In a broader context, the Commission's normative activities were a reason for satisfaction and had his country's general support.

12. Ecuador did not accept that human dignity should be used for merely political or propagandistic purposes. The sterile process of accusing some countries of violating human rights and remaining silent about one's own sometimes serious violations undermined the desired universal observance. His country therefore reiterated once again its view that the United Nations Secretariat should draw up an annual report on the observance of human rights in each and every Member State. The format of such a report might well be based on that of the reports on the world social and economic situation.

(Mr. Tobar Zaldumbide, Ecuador)

13. Constructive contributions to that same end could be made by regional intergovernmental forums and the monitoring bodies set up under existing international instruments on human rights, and by the information furnished by non-governmental organizations. The contributions must in all cases be objective and well founded, for vague and inaccurate assertions impaired the calm, impartial and apolitical consideration of human rights.
14. With that objective in view, Ecuador had also proposed that in the debates on human rights States should inform world public opinion about the observance of human rights in their own territories. Human rights were fully respected in Ecuador and any rare exceptions to that rule were investigated and punished.
15. His country renewed its urgent appeal for the restoration of the observance of human rights in the countries dealt with in the reports submitted by the Commission's Special Rapporteurs or by the Special Representatives of the Secretary-General. At the same time, the progress achieved in those cases in which the situation had continued to improve should be recognized and encouraged, and support should be given in particular to the efforts to bring peace to whole regions. The attainment of that objective would depend to a large extent on the full observance of human rights.
16. Mrs. MARCOULLIS (Cyprus) said that the question of missing persons was an international problem which had preoccupied the international community and several bodies concerned with human rights, as shown by the various international conventions in that sphere.
17. In recent years, various United Nations bodies had expressed the concern of the international community about persons missing in Cyprus as a result of armed conflict. For its part, the General Assembly, in several resolutions on the issue, had expressed its grave concern about the fate of a considerable number of Cypriots who were missing, and had requested the Secretary-General, in co-operation with the International Committee of the Red Cross (ICRC), to assist in tracing the missing persons.
18. In order to carry out that task, the Assembly had decided to establish a Committee on Missing Persons in Cyprus, including a representative of each community and a third member appointed by the Secretary-General and designated by ICRC. The Committee, which initially had encountered procedural difficulties, had finally been able to begin its work on 2 May 1984. Since then, it had had before it 169 cases which were being investigated.
19. So far, however, the Committee had not reached a finding or decision on a single case, which was a source of serious concern to the Government of Cyprus, and especially to the relatives of the missing persons, who, after 13 years, still did not know what had become of their loved ones.
20. In such a tragic situation, it was imperative to find an early solution to the problem. That meant tracing those who were still living and accounting for those

(Mrs. Marcoullis, Cyprus)

who had perished. There was evidence - based on ICRC reports, photographs published in the press, films taken by correspondents and radio programmes - that a number of those missing had been alive long after the cease-fire in July-August 1974. It might perhaps be appropriate for the Committee on Missing Persons in Cyprus to adopt a new methodology which would make its work more effective.

21. It was not her delegation's intention to engage in any polemics, as it considered the problem to be a purely humanitarian one. The Committee on Missing Persons had no mandate to apportion blame for any deaths which were ascertained. Its purpose was to inform the families of those missing about their fate.

22. Her Government was unreservedly committed to the full protection and guarantee of human rights, and strongly condemned the involuntary disappearance of any of its citizens. It would continue to support all efforts to ascertain the fate of all the citizens of the Republic of Cyprus, regardless of their ethnic origin.

23. Mr. FERM (Sweden) said that the protection and promotion of human rights was an unequivocal responsibility of the United Nations. The results obtained by the Organization in setting standards in the field of human rights constituted one of its most significant achievements. Its efforts should now focus on the monitoring and implementation of the norms and principles which had been laid down.

24. In that respect, the efforts of the various working groups and special rapporteurs or representatives had proven to be particularly important, especially the work carried out by the Working Group on Forced or Involuntary Disappearances, which in 1986 had considered almost 2,000 new cases. It was necessary for the Working Group to be able to fulfill its mandate in a pragmatic way without limitations of any kind.

25. His delegation believed that the work of the United Nations in the field of human rights should be based increasingly on dialogue, awareness of where the problems originated, and recommendations by independent experts on how to solve them. The Commission on Human Rights and the Centre for Human Rights should play an extended role in that regard.

26. It was regrettable that no progress had been registered with regard to the abolition of the death penalty, an inhuman and irreversible punishment. He hoped that the proposal for an optional protocol aimed at the abolition of the death penalty could be considered by the Commission on Human Rights without further delay.

27. The appalling phenomenon of making children the targets of human rights violations was becoming more and more frequent. An example of that was the apartheid régime's brutal war against children, who had become the target of barbaric repression since they had gone on strike all over South Africa to demand a better educational system and better school facilities. Since the emergency regulations had been introduced in June 1986, the police had detained about 25,000 persons, 10,000 of whom were children under 18 years of age. The number of children awaiting trial was much larger, perhaps as many as 60,000.

(Mr. Ferm, Sweden)

28. Severe human rights abuses were not exclusive to South Africa. At a hearing organized in Sweden on children in Chile, several children had testified that their parents, relatives or friends had been shot before their eyes. In other instances, children had had to endure forced labour.

29. According to reports, in territories occupied by Israel, children no more than 10 or 11 years old had been detained and subjected to physical and psychological maltreatment during interrogation and imprisonment. There was also a case involving 300 Kurdish children and adolescents who had been arrested and had disappeared in Iraq in 1985; the execution of children in Iran; and the use in Afghanistan of booby-trapped toys which exploded upon being touched. Another alarming fact was the number of children who had been recruited in recent years as soldiers in the war zones of Asia, Africa and Central America.

30. With respect to the human rights situation in Afghanistan, he welcomed the fact that the Afghan authorities had allowed the Special Rapporteur to visit the country. The war in Afghanistan had lasted almost eight years and had entailed incalculable losses of life and material resources. During those years, the Soviet troops had committed serious violations of international law, and according to reports, there had been many gross violations of human rights, including torture and summary or arbitrary executions. The most important prerequisite for enabling the Afghan people freely to determine their own future was the prompt withdrawal of Soviet forces from Afghan territory.

31. With respect to the situation in Iran, the number of violations of the right to life seemed to have continued to decrease, while on the other hand, the treatment of prisoners and the violations of the principle of fair trial continued to be matters of concern to his delegation.

32. In Chile, there had also been some positive developments, but the situation of human rights and fundamental freedoms continued to be very grave. The same could be said of El Salvador, where the judiciary did not function independently, human rights violations were not investigated and torture and disappearances still occurred.

33. With respect to the human rights situation in Guatemala, it was necessary to state that, despite some achievements, reports of murders and the illegal detention and maltreatment of prisoners were abundant, especially concerning trade union leaders. Although it was clear that the human rights violations were contrary to the intentions of the Government, the fact that army and security forces were involved demonstrated that those forces were not subject to full and effective government control.

34. Thus, in his Government's opinion, there were strong reasons for the international community to continue to follow the developments in Guatemala. Sweden was looking forward to the report that would be submitted to the Committee in 1988 by the recently appointed expert.

(Mr. Ferm, Sweden)

35. Universal respect for human rights must not be only a distant goal referred to on solemn occasions. It was essential that all States should respect in practice the principles laid down by the United Nations concerning human rights and fundamental freedoms.

36. Mr. BUZO (Byelorussian Soviet Socialist Republic) said that the debate on human rights in the Third Committee demonstrated that the States Members of the United Nations utilized different criteria in applying the norms contained in the relevant covenants and conventions, which seemed natural, given the diversity of social and political systems and levels of development in the contemporary world. Nevertheless, such differences should not become motives for groundless controversies, nor should they give rise to accusations or divide the delegations into teachers and students.

37. The Byelorussian SSR had reviewed the measures it had adopted to strengthen the legal and material guarantees that ensured the full exercise of human rights in its territory. Unfortunately, many Western countries had not followed its example. It could therefore be asked what policies the Governments of those countries applied in order to eliminate hunger, housing shortages, illiteracy and unemployment among tens of millions of their citizens.

38. At the Committee's previous meeting, the United States representative had referred to several matters, but had carefully avoided making any comment regarding the exercise of human rights in his own country, where discrimination against blacks and other minorities, persecution of political dissidents who were considered dangerous, and arbitrary and unlawful acts by the police and the Ku Klux Klan constituted a cruel affront to the freedom that the country's founders had promised future generations.

39. In the United States freedom meant that 20 million citizens of the richest capitalist country in the world were free to die of hunger, some 3 million were free to be homeless, and 14 million children were free to be undernourished. In the United States freedom was synonymous with money and money was synonymous with power.

40. According to an article by Cyrus Vance, a former United States Secretary of State, published in the journal Foreign Policy in late 1986, the definition of human rights had been distorted to the point where it was unrecognizable. In that context, it should be added that political rights should also include the right to food, housing and health care.

41. Consequently, the Byelorussian SSR supported the resolutions and decisions of the Economic and Social Council aimed at promoting the right to housing, as well as the protection of children, youth, the elderly and the handicapped, and was prepared to co-operate in their future implementation.

42. His delegation had also joined the majority of States Members of the United Nations in calling for an end to South Africa's criminal policy of apartheid, which

(Mr. Buzo, Byelorussian SSR)

constituted a direct contradiction of the purposes and principles embodied in the Charter and a crime against humanity. It also called for an end to the violation of the human rights of the Namibian people and the immediate recognition of the inalienable right of the Namibian and Palestinian peoples to self-determination.

43. During the forty-third session of the Commission on Human Rights, the Byelorussian SSR had supported the resolutions and decisions on the human rights situations in Chile and El Salvador, as well as the extension of the mandates of the respective Special Rapporteurs.

44. The report on the human rights situation in El Salvador (A/42/641) had mentioned serious human rights violations in that country, including the death of Mr. Anaya, President of the Human Rights Commission of El Salvador. His delegation considered that the conflict in El Salvador could only be resolved through cessation of outside interference, implementation of the Esquipulas II Agreement, introduction of profound economic and social reforms and recognition of the legitimacy of the demands of the FMLN patriots.

45. The Byelorussian SSR also supported decision 1987/149 of the Economic and Social Council on the appointment of an expert from the Commission on Human Rights to assist the Government of Guatemala in taking the necessary action to guarantee respect for human rights in that country.

46. The "question of human rights in Afghanistan", had been raised with clearly political motives. The Afghan representative to the Committee had described on several occasions how the young Republic of Afghanistan, in order to defend itself against the counter-revolution supported by imperialist forces and their mercenaries, and in exercise of its legitimate rights in accordance with the Charter of the United Nations and bilateral agreements, had requested assistance from the Soviet Union.

47. As had been reiterated on various occasions, Soviet armed forces would withdraw from Afghanistan through a decision of the Afghan Government, when imperialist intervention ceased. It should be emphasized that the national reconciliation policy adopted by the Afghan Government offered refugees the opportunity to return to their country with dignity.

48. The Byelorussian SSR considered that the report on the situation of human rights in Afghanistan (A/42/667) was not objective and reflected a total lack of understanding regarding the goals of the "April revolution" and the national reconciliation policy. The draft resolution on Afghanistan sponsored by the Western countries was also not objective. The continuous, unfounded attacks by Turkey against Bulgaria were also clearly politically motivated.

49. His delegation welcomed the appointment of a Special Rapporteur from the Commission on Human Rights to study the question of mercenaries, and hoped that his report would make a positive contribution to the work of the Sixth Committee.



50. Mr. GUTIERREZ (Costa Rica) said that Costa Rica's concern for human rights was born of its long democratic tradition and its conviction that the protection of human rights was, together with the maintenance of international peace and security, one of the basic reasons for the existence of the United Nations. Costa Rica therefore enthusiastically welcomed the advances made in that regard, including the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, which Costa Rica had signed and ratified. He hoped that an increasing number of States would sign and ratify the Convention each year, until eventually all Members of the Organization had done so.

51. The conventions on human rights developed and broadened the general concepts contained in the Charter; the latter, however, should always be considered the basis for the jurisdiction of the United Nations over each and every one of its States Members, empowering it to act in cases of serious human rights violations. Hence, Costa Rica was pleased that the four States to which Special Rapporteurs had been sent had recognized the jurisdiction of the United Nations and had co-operated with the respective Special Rapporteurs.

52. Nevertheless, it was undeniable that there had been different degrees of co-operation, and the United Nations should not be satisfied with minimum co-operation. The fact that, for the first time, there had been no absolute rejection of the activities of the Special Rapporteurs did, however, constitute a noteworthy advance for international jurisdiction in the area of human rights.

53. The Special Rapporteur system, the advantages of which were undeniable, was characterized by one problem: the impossibility of avoiding selectivity with regard to the cases to which a Special Rapporteur would be assigned. Costa Rica had therefore supported the proposal to create the post of United Nations High Commissioner for Human Rights, similar to the post of the United Nations High Commissioner for Refugees, whose usefulness had been amply demonstrated. Only through creation of such a post would it be possible to complete the task of equipping the Organization with all the elements necessary for the universal promotion of respect for and effective exercise of human rights.

54. With respect to the report on human rights in the Islamic Republic of Iran (A/42/648), while welcoming the fact that the Iranian Government had increased the partial co-operation it extended to the Special Representative through both written material and personal contacts, he regretted that such co-operation had not attained the level repeatedly requested by both the General Assembly and the Commission on Human Rights in their resolutions on that matter.

55. His delegation supported the conclusion of the Special Representative to the effect that acts continued to occur in Iran which were inconsistent with the international instruments to which that country was bound. Furthermore, his Government was astonished that the Iranian Government did not consider the Baha'i community as a religious minority, whereas in Costa Rica, a country with a Catholic majority, that community was recognized as a religious minority, in spite of the fact that its population was obviously much smaller than in the country of its origin.

(Mr. Gutierrez, Costa Rica)

56. With respect to Afghanistan, he wished to stress, among the positive aspects, the wide co-operation extended by the Government to the Special Rapporteur, as well as the policy of national reconciliation declared by the Afghan authorities, which had resulted in some improvement in the human rights situation.

57. Nevertheless, the following facts, cited by the Special Rapporteur in his report (A/42/667), were not to be forgotten: serious contraventions of humanitarian law and human rights continued to occur in combat areas; there were still many political detainees; brutality in prisons continued to be commonplace; and treatment of prisoners was not in conformity with humanitarian law. Furthermore, there had been an increase in terrorist acts against Afghans within and outside Afghanistan, and the new draft constitution contained no real guarantees for the effective realization of the entire range of human rights.

58. With respect to the human rights situation in Chile, his delegation was pleased that the Government of Chile had provided ample facilities to the Special Rapporteur for the accomplishment of his mandate, that it had decided not to allow the National Information Agency to continue to hold detainees on its premises and that it had authorized the International Committee of the Red Cross (ICRC) to make periodic inspections of the detention centres, particularly preventive-detention centres.

59. In contrast, Costa Rica was concerned that the Chilean judiciary continued to be severely restricted and conditioned by the extraordinary and excessive powers conferred on the executive branch by the Constitution. Other alarming facts were the various examples of violence cited by the Special Rapporteur, the precarious situation of the Chilean press, the number of allegations received by the Special Rapporteur regarding very serious violations of human rights, and the fact that the application of the two states of emergency (state of emergency and state of danger of disturbance of law and order) were sources of frequent infringements on the exercise of human rights.

60. His delegation believed that the plebiscite of 1989 would serve to demonstrate conclusively, whether the Chilean people could freely express their opinion regarding the current Government and to determine whether the country was actually in transition towards a representative democracy like that which, in the past, had made that country an example of liberty for Latin America and the world.

61. With respect to the report on the situation of human rights in El Salvador (A/42/641), it was worth noting on the positive side, the concern of the constitutional powers with the respect for human rights and the creation of the International Verification and Follow-up Commission in accordance with the Esquipulas commitments. Regrettably, those advances were tarnished by conditions which were of intense concern to Costa Rica, namely, the deterioration of economic, social and cultural rights owing to various factors, the occurrence of inhuman or degrading treatment during police interrogations of political prisoners, the unsatisfactory nature of the criminal-justice system, and the abductions and summary executions, including in particular that of Mr. Anaya, Chairman of the Salvadorian Human Rights Commission.

(Mr. Gutierrez, Costa Rica)

62. Finally, Costa Rica applauded the brave and encouraging return to El Salvador of the leaders of the civilian, left-wing opposition of that country in order to participate in the political process. The fate of not only the implementation of human rights in El Salvador but also the Central American peace process depended on the results of the actions of those leaders.

63. Mr. MOUNKHOU (Mongolia) said that the Commission on Human Rights and the Economic and Social Council had done praiseworthy work with regard to the serious human rights violations caused by racism, discrimination, apartheid and the anti-popular and aggressive policies of some Governments.

64. Among those situations, the United Nations had to give priority attention to the elimination of apartheid. The situation in South Africa demanded the adoption of immediate and effective measures, in the form of comprehensive and mandatory sanctions.

65. In Chile, El Salvador, South Korea and Guatemala, there continued to be serious human rights violations. Notwithstanding, the Third Committee, instead of concentrating its attention on those situations, wasted time slandering countries which, like Afghanistan, were attempting to achieve better living conditions for their peoples.

66. Mongolia assigned the highest priority to international co-operation in the humanitarian and human rights fields, aimed at promoting the well-being of individuals and their full development. Such co-operation must be based on the observance of the principles of the Charter of the United Nations and other instruments of international law, in particular the principle of non-interference in the internal affairs of other States.

67. He was referring, in particular, to the double standard which some countries applied to the subject of human rights. Such countries demanded that other countries respect human rights while they themselves tolerated discrimination and violated the rights to employment, housing, education and health. Those countries called themselves democracies, while the true democracies were those which fought for national liberation and self-determination.

68. With reference to international co-operation in the field of human rights, he said that such co-operation promoted peace and the well-being of peoples. For their part, the socialist countries had taken the initiative to promote an international order of security and co-operation based on human rights and the elimination of discrimination and apartheid. Nevertheless, they believed that the defence of human rights could not be used as an excuse for interference in the internal affairs of sovereign States.

69. In that connection, the report on the situation of human rights in Afghanistan (A/42/667), although different from the previous ones on that subject, shared their lack of impartiality. It did not explain that the difficulties facing Afghanistan originated in the war being waged against that country.

(Mr. Mounkhou, Mongolia)

70. The Afghanistan Government had set itself the objective of reconciliation and peace in order to ensure respect for human rights. Nevertheless, the draft resolution concerning the situation in Afghanistan (A/C.3/42/L.40) was not designed to promote that objective. Consequently, his delegation was unable to support it.

71. Mr. MEZA (El Salvador) said that the historic agreement signed by the five Central American Presidents in Esquipulas gave hope of a solution to the crisis in Central America. The Central American Governments were fulfilling the commitments they had assumed on behalf of their peoples.

72. In that connection, the award of the 1987 Nobel Peace Prize to President Oscar Arias Sánchez of Costa Rica as the originator of the agreement showed that the whole world realized Central America constituted a threat to world peace and that the best way to solve the crisis was for the Central American peoples themselves to take a hand.

73. In every one of the Central American countries, the political and even the armed opposition had sensed that the will for peace was serious, clear and determined and that the time had come to reconcile differences through democratic political compromise.

74. In fulfilment of its undertakings, the Government of El Salvador had set up national commissions to handle the various stages in the procedures provided for in the Esquipulas Agreement and had tried to secure the support of all sectors for the cause of national reconciliation, despite obstacles put in its way by the ultra-right minorities and the violent action by the ultra-left minorities.

75. The people of El Salvador, like all the Central American peoples, longed for peace, an end to internal violence and the removal of all the obstacles to peaceful and friendly coexistence in Central America.

76. To that end the Government of El Salvador had taken a number of measures to end military operations, which had been respected by the civil defence and armed forces. Arrangements had also been made for humanitarian and material assistance to be given to the armed rebels - members of FMLN-FDR - who took advantage of the amnesty that had been declared and for their sick and wounded to be cared for in public hospitals.

77. Yet the rebel forces had responded to the cease-fire order by a show of force and belligerency that was very different from their protestations of peace in international circles. The Special Representative of the Commission on Human Rights for El Salvador had himself witnessed the acts of provocation by sectors of the far left while the Government had been engaged in talks with the opposition.

78. The Government of El Salvador shared the concern aroused by the death of Mr. Anaya Sanabria, which the extreme left had hastened to attribute to government forces. The assassination had also been laid at the door of sectors of the extreme right, and the extreme-left organizations themselves were not beyond suspicion.

(Mr. Meza, El Salvador)

79. Central America deserved a breathing-space, and the Government of El Salvador deserved recognition of its supreme efforts to bring about democracy, justice and peace in the country. It would be discouraging if the Assembly adopted a resolution on the lines of those adopted in the past four years, disregarding the steady improvement in the situation in El Salvador, which the Special Representative of the Commission on Human Rights had described in his report, and the Government's adherence to international humanitarian instruments.

80. He welcomed the statement by the representative of Denmark on behalf of the member countries of the European Economic Community, putting the Government's actions in their proper perspective in relation to the subject under discussion, and the statement by the representative of Brazil, urging that no one should prejudice the results of the broad programme of co-operation for peace and justice under way in Central America, in which the question of human rights was one of the principal elements. He therefore urged the Committee to support draft resolution A/C.3/42/L.62.

81. Mr. KIVIMÄKI (Finland) expressed great concern at the massive human rights violations that persisted in many States. The principles of the United Nations Charter, the Universal Declaration of Human Rights and the other human rights instruments were still far from being generally implemented, although all Member States, including those which were not parties to the International Covenants on Human Rights, had pledged themselves to promote the enjoyment of human rights and fundamental freedoms.

82. The codification of human rights norms undertaken since the Second World War had produced impressive results. There were still, however, tasks to be done, in particular the drafting of a convention on the rights of the child, which should cover crisis and war situations. Finland was also participating in the preparation of a second optional protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty.

83. Other important questions included the drafting of an international convention on the protection of the rights of all migrant workers and their families, the protection of the human rights of minorities and the drafting of a declaration on the right and responsibility of individuals, groups and organs to promote and protect human rights.

84. The United Nations should strive for impartiality in its response to allegations of human rights violations in Member States. In recent years, however, the subject of human rights had taken on distinct political and selective overtones which weakened the impact of the United Nations and the co-operation between Governments which was essential in promoting human rights.

85. Finland had emphasized the responsibility of States in improving the implementation of human rights and fundamental freedoms. What was needed now was for the Governments concerned, the United Nations Secretary-General, the Commission on Human Rights and the special representatives and rapporteurs to join forces to make the United Nations human rights machinery produce more effective results.

(Mr. Kivimäki, Finland)

86. The system of special rapporteurs was one of the major achievements within that machinery. Although reports varied in quality and approach, they contained condensed and substantiated information not available from other sources. It was therefore regrettable that some Governments did not co-operate fully with the special rapporteurs. Finland considered that once Governments had ratified the International Covenants on Human Rights they were under an obligation to co-operate with the United Nations in implementing them.

87. Ms. CLARK (New Zealand) said that, as a result of the work of the United Nations, it was now clearly established that international law concerned not only relations between States, but also the standards to be followed by each State in the treatment of its own citizens. At the current stage in the work of the Organization, it was necessary, first, to decide how the further elaboration of human rights standards should proceed and, second, to consider the best way to ensure the implementation of existing norms.

88. Any new standard should represent a high degree of international consensus. New definitions should be subject to precise criteria. Repetition and duplication of material in different instruments might create uncertainty about the application and interpretation of the instruments and reduce their effectiveness. In that context, New Zealand referred to the work of the Working Group on Indigenous Populations. That was a case where the existing provisions of international instruments were not always being fully taken into account.

89. Another factor which frequently complicated standard-setting work was the ill-defined relationship of group rights to individual rights. The Charter of the United Nations did not state exactly what a human right was. The Universal Declaration of Human Rights and the International Covenants on Human Rights could serve as a guide in that regard. They, like other United Nations instruments, emphasized the rights of the individual citizen.

90. On that basis, certain delegations argued that group or collective rights could not be considered human rights. New Zealand felt that, although group rights were not "classical" or "traditional" human rights, it was logically necessary to recognize that international law was evolving. Furthermore, it might be argued that it was not strictly true that collective rights were not recognized under existing instruments.

91. As examples in that regard, mention should be made of article 1 (2) of the two International Covenants on Human Rights, article 25 of the Covenant on Economic, Social and Cultural Rights and article 27 of the International Covenant on Civil and Political Rights. It should also be pointed out that the right of minorities was a well-established concept (the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been set up in 1946).

92. New Zealand, moreover, did not accept the view that support for collective rights would necessarily lead to a weakening of respect for individual rights. Her country did not support collective rights simply for reasons of utility. Although

(Ms. Clark, New Zealand)

the process of standard-setting was continuous, a proliferation of instruments might ultimately do more harm than good for the protection of human rights.

93. New instruments should be developed only where there was a proven need to protect rights not already protected. Otherwise, that would lead only to inconsistency, imprecision or ambiguity, which was not desirable.

94. The Working Group on Indigenous Populations, therefore, might do better to concentrate on clearly defining the rights already provided for under international law and the ways to monitor and improve their implementation, and should add new rights only where they were unique to the situation of indigenous groups.

95. Standard-setting was a crucial function of the United Nations. The monitoring of the implementation of such standards was no less important. The reporting procedures were a fundamental aspect of that process. The supervisory mechanisms were facing major difficulties owing to overdue reports, budgetary problems and the failure of some States parties to comply with their financial obligations. It was imperative that solutions should be sought in relation to those difficulties.

96. New Zealand supported any sensible rationalization of the reporting procedures, including lengthening of reporting cycles, consolidation of overdue reports or provision of technical assistance to Governments, although she suspected that the only realistic solution was the first one.

97. Her country attached particular importance to the work carried out by the Ad Hoc Working Group of Experts on human rights in southern Africa, which investigated charges of torture and ill-treatment of prisoners and persons in police custody in South Africa, and also allegations of violations of trade union rights in South Africa. That country was the worst example of the denial of rights to a large group on racial grounds. The international community, therefore, should categorically condemn that inhuman system.

98. Referring to the position to be taken by the international community concerning specific cases of serious violations of human rights, she said that measures based on political factors should not be adopted. Nor should anything be done without first establishing the facts. That gave rise to the importance of appointing special rapporteurs or representatives. Furthermore, it was essential that the Governments concerned should co-operate with them. Otherwise, they would only be prejudicing their own cases.

99. Mr. ORAMAS OLIVA (Cuba) said that, in order to arrive at a just and comprehensive approach to human rights questions, it was not enough to eliminate the causes of the violations of those rights. Rather it was necessary to strive to achieve international co-operation based on mutual respect and non-interference in the internal affairs of States, always bearing in mind the indivisibility and interdependence of the various rights. Making the exercise of one type of rights subject to the enjoyment of others would limit and undermine the concept and scope of human rights under current conditions.

(Mr. Oramas Oliva, Cuba)

100. The existence of social structures which intrinsically gave rise to inequality and the international conditions which impeded, and, in many cases, prevented in the most brutal manner the development of peoples underscored the importance of analysing the relationship between the different types of rights. The millions of persons who died of hunger, malnutrition and epidemics in Asia, Africa and Latin America could not consider the so-called formal rights their first priority. It was a question of guaranteeing the right to life, and that right was the primary one, the crucial and most important one.

101. Although it was true that development was essential in order to achieve the full exercise of economic, social and cultural rights, it was also a fact that the redistribution of the income and resources accumulated through the development process constituted the basis for achieving a certain degree of justice at the domestic level which would enable all sectors of society, without distinction or discrimination, to attain a quality of life in keeping with the desired objectives.

102. In that context, one could not maintain either that the societies which were divided into classes, where a few had access to all the goods and services and the rest had access to nothing, were the most capable of progressing towards the achievement of such objectives.

103. Human rights should not be used to divert attention from the real objectives. The defence of the "formal rights" to the detriment of the genuine purposes was a position which must be opposed.

104. In that regard, the Commission on Human Rights continued to promote a fair and commendable approach to the question. The appointing of special rapporteurs was a positive practice in that field, although Cuba considered that the number of such rapporteurs should not be increased indiscriminately.

105. The reappearance or increase of certain racist and Fascist tendencies in some Western countries, based on racial intolerance, the false superiority of one race over another, hatred and terror, were an alarming phenomenon. It should not be forgotten that over 50 years earlier, similar situations had given rise to fascism and nazism which had led to the greatest holocaust ever witnessed or endured in the history of mankind. The violations of human rights in South Africa and Namibia and in the occupied Arab territories also caused Cuba deep concern.

106. Despite the Guatemalan Government's desire for peace, the Esquipulas II Agreement had been ignored in word and deed by the Guatemalan army, which maintained that it was not applicable to that country and hampered the civilian Government's efforts to achieve a cease-fire, as well as to further progress in putting an end to violations of human rights.

107. There continued to be numerous reports of murders for political motives, cases of torture and disappearances, the vast majority of which were attributed to the security forces and the army. All that, unfortunately, restricted the opportunities for bringing genuine democracy to Guatemala.



(Mr. Oramas Oliva, Cuba)

108. Various parts of the Special Representative's report on the situation of human rights and fundamental freedoms in El Salvador (A/42/641) were biased especially with respect to sources of information.

109. Moreover, the Special Representative had failed to perform the specific task entrusted to him by the General Assembly and the Commission on Human Rights to report on government attacks on hospitals and wounded and disabled persons although there had been rather alarming occurrences of that kind.

110. In that connection, mention should be made of the destruction of an FMLN military clinic on 13 June 1987 by troops of the Ramón Bellosó battalion. In the clinic were four wounded soldiers, being looked after by two auxiliary health workers. The wounded and one of the health workers were murdered by the soldiers near the village of San Fernando; the other health worker was still missing. That and other cases of abuse against those wounded by the war and the health personnel and military hospitals of the FMLN constituted violations of the Geneva Conventions.

111. The Special Representative's report also tried to justify political detentions with misleading arguments. The alarming figures published by the Government itself, according to which those detentions numbered 253 a month, were also omitted.

112. All the above showed clearly that the human rights situation in El Salvador was still very worrying and called for continued study by the United Nations and other specialized international organizations. To that end, the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights had adopted a resolution requesting the Special Representative to include in his next report the information submitted by humanitarian organizations on the alarming magnitude of the serious and brutal violations of human rights in El Salvador.

113. New facts had confirmed the concern expressed by the Sub-Commission, including the murder of Mr. Anaya, Chairman of the Commission on Human Rights of El Salvador, and the promulgation of the amnesty law, which had eliminated the possibility of arresting officials responsible for violations of human rights, so that the armed forces, which were accused of serious violations, would remain unpunished and unpergured. The military must respect the rule of law.

114. The situation of human rights in Chile, far from improving, continued to deteriorate. The violence characteristic of the Pinochet régime had increased to such a point that barbarous acts were committed, such as burning alive defenceless citizens. The situation was so clear and obvious that there could be no possible doubts of any kind.

115. It was therefore incomprehensible and lamentable that the Special Rapporteur in his report (A/42/556) had again failed to study with sufficient rigour all the factors which made up the sad reality of Chilean life. The report was at times extremely ambiguous, and at other times superficial.

(Mr. Oramas Oliva, Cuba)

116. Consequently, Cuba felt bound to repeat that serious violations of human rights continued to be committed in Chile; torture, ill-treatment of detainees, searches, raids, individual and mass arrests, murders of political opponents, disappearances and banishment of opponents of the régime to towns in the interior of the country.

117. All that constituted an affront to human dignity and was made possible, by the continued economic and military support which the Pinochet régime had been receiving from the United States Government, which defended it, as it defended the racist régime in South Africa and so many other repressive, dictatorial régimes throughout the world.

118. Yet, in such circumstances, the Pinochet régime had the effrontery to submit a draft resolution attacking Mexico, one of the most democratic countries in the continent. That was an insult to the Mexican people and was merely a clumsy attempt to intimidate a Government which throughout history had resisted pressure, ignored threats, had been consistent in the positions it adopted at the international level and at the same time had maintained a resolute, praiseworthy and courageous policy in defence of the most noble causes.

119. To attack Mexico, as the preceding day it had attacked Cuba, was to use human rights as a crude political weapon against any country with which it disagreed or which was intent on holding firm, independent positions. One day it was Mexico, the next it could be any other State represented in the Committee.

120. He reminded the Committee that, at the preceding meeting, the author of the book Silent Missions had delivered a statement 28 paragraphs in length, with four paragraphs devoted to Cuba, in which he accused that country of crimes, torture and violations of human rights. The former deputy head of the CIA, who had been responsible for several bloody coup d'état in Latin America, seemed to forget that, when the dictator Batista was committing murder in Cuba, the United States had supplied him with arms and police advisers.

121. The "champion" of human rights also forgot that the North American specialized agencies, in the name of democracy or the Pax Americana, sent their advisers to any vile dictatorship to teach the most brutal and cruel methods of torture for use against those who dared to rebel against the current régime.

122. Nor had the United States representative in the Committee, brandishing the banner of human rights, refrained from criticizing Cuba, apparently forgetting that the records of the United States Congress contained evidence of the attacks organized by the CIA against Cuban leaders. It would be better for the United States if it joined the fight against apartheid and the dictatorships in Chile and Paraguay, instead of attacking Cuba and supporting the counter-revolutionary forces of Nicaragua.

123. The United States representative attached no importance to the measures being adopted in Cuba because they did not satisfy the wishes of his country. But lies

(Mr. Oramas Oliva, Cuba)

and calumnies harmed the cause of human rights. Reason and prudence must prevail, campaigns of misrepresentation must cease and the principles for which so much blood had been shed must be respected.

124. Mr. AMSELEM (United States of America), speaking on a point of order, said that the tradition of freedom of expression which ruled in the Main Committees of the General Assembly made it permissible to attack the Governments of Member States or their policies. However, personal attacks on those representing their countries were not to be tolerated. It would be easy to comment on members of the Cuban delegation. He would, however, refrain from yielding to the temptation of doing so, since it would in no way contribute to the Committee's work.

The meeting rose at 1.15 p.m.