

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1984/SR.46
16 March 1984

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 46TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 March 1984, at 3 p.m.

Chairman: Mr. KOUIJMANS (Netherlands)

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GE.84-15931

The meeting was called to order at 3.25 p.m.

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 13)
(E/CN.4/1984/L.1; L.68; L.75)

1. Mr. LOPATKA (Poland), Chairman-Rapporteur of the Working Group, introducing the report of the Working Group on a convention on the rights of the child (E/CN.4/1984/L.1), said that the Group had met from 30 January to 3 February, and on 2 March 1984. Although it had unfortunately not been able to complete its work on the draft convention, considerable progress had been made and the Group had adopted articles 7 bis, 8 bis, 9 and 13, which had created difficulties the previous year, by consensus. Despite some divergencies of view, a spirit of understanding and co-operation had enabled the Group to accomplish fruitful work, the results of which were contained in the report.
2. Mr. KHMEL (Ukrainian Soviet Socialist Republic), speaking on behalf of the sponsors, introduced draft resolution E/CN.4/1984/L.68 on the question of a convention on the rights of the child.
3. The Working Group had done a great deal of work and had succeeded in making considerable progress in preparing an important document that would lay down international standards designed to promote the welfare of the child. The problem to which draft resolution E/CN.4/1984/L.68 was directed was how to speed up the completion of the work on the convention. He expressed the hope that the draft resolution would be adopted by consensus.
4. Mr. THWAITES (Australia) said that his delegation endorsed the Working Group's report and also supported draft resolution E/CN.4/1984/L.68. As in previous years, his delegation had participated actively in the work of the Group, in which a most constructive atmosphere had prevailed, enabling it to adopt several important articles of the draft convention. His delegation would continue to approach the Commission's work on the subject with all seriousness and was confident that it could be brought to a successful conclusion in due course.
5. Mr. COLLIARD (France) said that his delegation welcomed the work done by the Working Group and appreciated the spirit of co-operation which had prevailed.
6. Miss CAMBY (France), continuing the French delegation's statement, said that France had always been keenly interested in the deliberations of the Working Group and considered that the Group had achieved fruitful results.
7. At the current session, her delegation had drawn particular attention to the serious problem of transferring children from one place to another and the need to ensure effective protection in that field. The subjects considered by the Group in 1984 - the right to freedom of religion and freedom of information, and the right to receive social benefits and protection against maltreatment - were of primary importance. Her delegation was pleased to note that progress had been made in those areas and welcomed the fact that the discussions had made it possible to bring the views of delegations closer, thus enabling States to define the minimum common principles which would place them in a better position in the future to ensure respect for the rights of the child. By giving those rights the character of fundamental principles and by placing them in an international framework, the future convention should promote co-operation among States, without which protection of the rights of the child could not be fully effective. To that end, her delegation endorsed the general recommendation in the draft convention that States should conclude international conventions on the subject.

8. Mr. BUCKINGHAM (Canada) said that his delegation would support draft resolution E/CN.4/1984/L.68. He expressed his delegation's appreciation of the excellent quality of the Working Group's report.
9. Mr. ADAMS (United Kingdom) noted that several important articles had been adopted by the Working Group and said that a major reason was probably the spirit of co-operation and compromise which had prevailed. His delegation welcomed the report of the Working Group and assured the Commission of its continued interest in the subject. It looked forward to participating in the work of the Group in 1985.
10. Mr. KUMAR (India) congratulated the Working Group on the considerable progress it had made towards the completion of work on the draft convention, and urged all delegations to make every effort to finalize the text. India supported draft resolution E/CN.4/1984/L.68.
11. Mr. RICHTER (German Democratic Republic) said that his delegation joined others which had stressed the successful results achieved by the Working Group. It endorsed the Working Group's report and hoped that draft resolution E/CN.4/1984/L.68 would be adopted by consensus.
12. The CHAIRMAN said that if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.68 without a vote.
13. It was so decided.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1984/10, 18, 25 and Corr.1, 26, 27-30, 32, 49, 50, 54, 57, 63, 67, 68; E/CN.4/1984/NGO/1, 3, 6, 7, 9, 16, 17, 25, 27, 29 and Add.1, 30, 38; A/38/538; E/CN.4/1984/L.66, L.74)

14. Mr. DHANAPALA (Observer for Sri Lanka) said it was a strange irony that the Commission should be requested to consider the situation in Sri Lanka, particularly when a democratically elected Government had done everything within its power not only to quell the disturbances that had taken place in July 1983 but also to set in motion a delicate political process at several levels, with a view to achieving a permanent political solution acceptable to all the people of Sri Lanka.
15. Sri Lanka was a functioning democracy with respect for the rule of law and a commendable human rights record. It had consistently co-operated with the United Nations bodies concerned with human rights and had subscribed to 10 instruments on the promotion and protection of human rights, including the International Covenant on Civil and Political Rights. In October 1983, the Human Rights Committee had welcomed the legal, administrative and other measures adopted by the Government to give effect to its obligations under the Covenant as a constructive endeavour by Sri Lanka to fulfil its obligations as a State party to the Covenant, especially so soon after the disturbances. That Committee had comprehensively examined the consistency of the laws and practices of Sri Lanka with the International Covenant.
16. The Government of Sri Lanka was actively engaged in the promotion of human rights at the regional and international levels. The Human Rights Centre established in Sri Lanka, which disseminated material in all the languages spoken in Sri Lanka, had been internationally recognized as an important focal point in the region for human rights activities. His Government, in co-operation with the Centre, had

hosted several widely-publicized seminars, including the United Nations Regional Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region. Following that seminar, his Government had submitted a proposal to the General Assembly to set up a regional institute for the promotion of human rights in the ESCAP region.

17. His Government had introduced human rights into school curricula at all levels and had established human rights programmes for schoolchildren, including a poster competition. The prize-winning posters had been displayed in the Human Rights Committee at Geneva.

18. The Sri Lankan Government's positive attitude to and co-operation with United Nations bodies in the human rights field could be seen in the fact that the Working Group on Enforced or Involuntary Disappearances had welcomed Sri Lanka's efforts to make independent inquiries about allegations of disappearances through a Select Committee of Parliament. Those inquiries, which the Chairman of that Working Group had commended as an example of a serious investigation which had produced a firm result, represented the honest endeavour of an open democratic society to root out the canker of ethnic prejudice.

19. The 1978 Constitution guaranteed every person fundamental rights, including freedom of religion, equality before the law, freedom from arbitrary arrest, and freedom of speech, assembly, association, occupation and movement; it also contained safeguards against discrimination based on race, religion and other grounds. For the first time, the Constitution had made those rights justiciable in a court of law and provided for legal relief in respect of the infringement of fundamental rights by executive or administrative action. So far 83 cases alleging violation of fundamental rights had been filed in Sri Lankan courts: relief had been granted in respect of seven and about 50 cases had been dismissed. Furthermore, his Government had established a Parliamentary Commissioner for Administration, or Ombudsman, empowered to investigate public complaints, including allegations of violation of human rights.

20. The Constitution had for the first time recognized both Sinhala and Tamil as national languages, while Sinhala continued to be the official language. Any person could be educated at all levels in either of the national languages. In predominantly Tamil-speaking areas, Tamil was the language of administration and of the courts. In Parliament, a member could speak in Tamil and simultaneous translation was made available from other languages into Tamil. All legislative enactments, proclamations, rules and regulations also had to be published in Tamil.

21. In 1981, the administration of Sri Lanka had been decentralized through the establishment of District Development Councils. That step, supported by the Tamil United Liberation Front, had enabled the people to participate more fully in the administration of each district and to give expression to their particular social or cultural needs. The leader of the Ceylon Workers' Congress - the major political party of the Indian Tamil community - was one of three Tamil Ministers in the Government, which had continued its dialogue with leaders of the Tamil community in order to deal with issues of importance to them.

22. Despite those measures to promote the welfare of all communities in Sri Lanka, a minority within the Tamil community committed to the establishment of a separate State based on racist lines had persisted in a growing campaign of terror and violence directed against those who opposed them, including members of the Tamil community itself. On 23 July 1983, a routine army patrol had been ambushed, causing the death of 13 soldiers. Uma Maheswaran, a terrorist leader, had said that the ambush had been carried out in retaliation for the death of another terrorist during a confrontation with the army. That had triggered off the sad events of July 1983.

23. In the immediate aftermath of those disturbances, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had requested the Commission to examine the situation in Sri Lanka, despite the efforts made by the Government to foster national harmony. The position of the Sri Lankan Government had been clearly stated by the Foreign Minister in his address to the General Assembly on 26 September 1983, when he had noted that there had been virtually no acknowledgement of the fact that President Jayewardene had been able to bring a difficult and delicate situation under control within a week and that a Government which had taken into custody over 5,000 people suspected of rioting, looting and breaking the law could hardly be accused of condoning or being a party to the violence. He had gone on to say that the Government, while endeavouring to accommodate the claims of the minority Tamil community, had been both balanced and impartial in protecting civil and human rights. Cases had been filed against 325 of the 400 suspects apprehended following the disturbances; there had been 28 indictments against 74 persons on charges of murder, and over 70 people had been charged with arson and looting. Many cases had been forwarded to the Attorney-General for the purpose of indictments. The Government was thus striving to bring to trial and punish all those suspected of violating the law during the events of July 1983, and it was hard to see what more could be expected of it.

24. His delegation had voluntarily made available to the Commission a memorandum (E/CN.4/1984/10) on the human rights situation in Sri Lanka, with particular regard to the Tamil minority. There had been no gross violations of human rights, nor anything to suggest a consistent pattern of such violations. The situation, therefore, did not come within the Sub-Commission's mandate under Commission resolution 8 (XXIII). It arose from political problems, which the country was trying to solve by itself, including assassinations and acts of violence against police and other public servants, carried out by terrorists in an effort to destabilize the lawfully elected Government. To plead the cause of a few terrorists in disregard of the human rights, including the right to life, of the vast majority of citizens was dangerously misleading and prompted the question whether the Commission should investigate the impact of terrorism on the protection of human rights in democratic societies.

25. During discussion of the situation in Sri Lanka, the delegation of India, a country having close historical, cultural, economic and political ties with Sri Lanka and a shared commitment to respect full sovereignty and territorial integrity, had been among those expressing appreciation of the positive developments in Sri Lanka. India, with its own experience of social and ethnic diversity, readily understood the needs and problems of its smaller neighbours. Following the July 1983 disturbances, Sri Lanka had accepted India's good offices and its generous assistance for the rehabilitation of displaced persons. In that context, some of the observations made about refugees to India from Sri Lanka

were surprising. Those who had left Sri Lanka after the July 1983 disturbances had been mainly Indian citizens and persons entitled to Indian citizenship under bilateral agreements, and had neither been refugees nor constituted a mass influx. Indeed, the number of persons leaving Sri Lanka for India between 1 August and 31 October 1983 had been 8,027 - 3,870 less than the number for the same period in 1982, reflecting the constant flow between the two countries. As the Executive Committee of the Office of the United Nations High Commissioner for Refugees had noted, there had been no recent large-scale refugee outflows. As a result of the Sri Lankan Government's rehabilitation and reconciliation measures, there remained only 1,000 families, comprising 5,000 persons, in the rehabilitation centres at Colombo and 1,000 families, comprising 4,500 persons, at Jaffna; they were expected to be rehabilitated by the end of March 1984. Those housed in the rehabilitation centres after the disturbances had included persons of Indian origin whose national status remained undetermined. The Government was making every effort, by means of jobs, housing and other incentives, to enable all persons to resume a normal life.

26. The events of July 1983 and their background had been dealt with in the memorandum voluntarily submitted by the Sri Lankan Government. The terrorist violence had been the work of small groups which did not represent the Tamil community any more than they did the Sinhalese. The great majority of Sri Lankans of all communities wished to live in peace and harmony, as had been shown by the spontaneous protection of Tamils by Sinhalese families during the disturbances - an action which, sadly, had received little publicity.

27. The President of Sri Lanka, addressing Parliament on 23 February 1984, had noted the opportunity which the all-party conference currently in session presented for peaceful means to ease tension and solve problems. Sri Lanka was a country with a consistent pattern of defence of human rights, and there were no grounds whatsoever for examining the situation there in the context of human rights violations or for keeping the subject under review. Sri Lanka, though not a perfect society, was civilized and democratic, upholding the rule of law and the human rights of all, irrespective of community or creed.

28. Mr. NGUYEN THUONG (Observer for Viet Nam) said that his delegation welcomed the new democratic rule in Argentina, which marked a profound change in that country's political life and human rights situation.

29. Human rights were still being systematically violated in many countries. In El Salvador, such violations were as serious as ever. Power had been concentrated even more strongly in the hands of right-wing elements, backed by terrorist groups, and testimony from various sources showed that death squads and terrorist groups, with the collaboration of high-ranking army officers, were carrying out clandestine murders of progressive public figures and intimidating the public. There was specific evidence of bombardments of inhabited areas, and even indications that Government forces had used chemical and biological weapons. The assassination of the President of that country's Commission of Human Rights had typified the military's ruthless and indiscriminate repression of the civilian population. The cosmetic efforts of the Salvadorian Government and its protectors could not disguise the true facts, all those who cherished freedom and democracy would

support the struggle against institutionalized tyranny being waged with increasing success under the direction of the FDR-FMLN;

30. In Guatemala, too, the human rights situation had not improved. The army and paramilitary groups, acting on the orders or with the connivance of the authorities, continued their flagrant and systematic violations of human rights against all social strata. The magazine Harper's Review, in its September 1983 issue, had rightly noted that Guatemala was the most explosive country of Central America and that the campaign of terror waged in that country during 1983 had claimed thousands of victims.

31. Such systematic violation of human rights represented a crime against humanity and often led to the crime of genocide. It could not have continued for so long without the support given to the authorities by the United States of America, which gave similar support to Israel, South Africa and a certain ASEAN State in which human rights violations were among the worst anywhere. Yet the United States persisted in levelling imperialist and hegemonist slanders in a hypocritical and vain attempt to denigrate Viet Nam.

32. The United States intervention in the small State of Grenada typified its present policy, allegedly for the establishment or restoration of democracy. Another example was Nicaragua, which the United States was exposing to terrorist attacks and all sorts of political, economic and other unacceptable pressures in an attempt to destabilize the country. As the magazine US News and World Report of 17 October 1983 had noted, in Latin America and the Caribbean alone the United States had used force at least 60 times to overthrow Governments, install friendly regimes, put down revolutions and buttress United States business interests. The Reagan administration increasingly invoked alleged Soviet penetration to justify its actions; but in southern Africa and the Middle East the peoples had firmly rejected such claims.

33. As the General Assembly had more than once clearly stated, the situation in Central America was due to internal oppression and the political opposition there sought a return to democracy of the Western European kind rather than the establishment of socialism. The fact that representatives of the world's most populous State had toed the line of United States propaganda in viewing those situations as "super-Power rivalry" and had abstained from voting on resolutions condemning tyrannical regimes only served to reveal the opportunism prevalent in certain quarters. The international community was rightly concerned about the flagrant and systematic human rights violations being committed against oppressed and exploited peoples, which gravely threatened regional peace and security. The imperialist forces which had ravaged the south of Viet Nam during the 1950s and early 1960s were still supporting tyrannical regimes and practising neo-colonialism. The type of colonial warfare which had ended so ingloriously for the United States in Viet Nam was being repeated in Central America, posing an obvious threat to peace and security and with no greater prospect of success.

34. The international community must firmly condemn, before it was too late, the gross and systematic human rights violations being committed by the Governments of El Salvador and Guatemala with the help of the United States. It should demand the immediate and unconditional withdrawal of occupation forces from Grenada, and an end to the threat and use of force against Nicaragua. Viet Nam consistently supported the just struggle of the peoples of Central America,

particularly in Grenada, Nicaragua, El Salvador and Guatemala, for national independence and for enjoyment of their human rights, including the right to peace and democracy. In that spirit, his delegation would co-sponsor the relevant draft resolutions in the Commission. His delegation also reiterated its support for the people of Cyprus in their struggle against foreign intervention.

35. The Commission was still facing attempts to divert it from its tasks by reference to the so-called situation in Poland. His delegation shared the view that to discuss and adopt a resolution on that contrived topic was illegal, immoral and harmful to peace and understanding among States; it violated the provisions of Article 2, paragraph 7, of the Charter and damaged the authority of the Commission and the United Nations. Foremost among those who sought discussion of the matter was the United States, which was waging a crusade against communism, using the pretext of "liberating" peoples in countries outside its sphere of exploitation. Raising the so-called question of Poland, which lay quite beyond the scope of the Commission's work, was part of such efforts. It created a dangerous precedent and a threat to all States anxious to preserve their national independence and self-determination. The instigators had taken no account of the fact that the Secretary-General, at a press conference held in Warsaw on 20 February 1984, had recognized the Polish authorities' readiness to co-operate with the United Nations and had acknowledged the wealth of information and encouraging proposals provided by the Polish authorities. The encouraging process noted by the Secretary-General would be welcomed by all people of goodwill, but would in no way be helped by the adoption of an intemperate and ill-founded resolution.

36. Mr. ROBEL (World Confederation of Labour) said that disturbing information about the torture, murder, and arbitrary arrest of large numbers of workers showed that human rights continued to be violated, invariably because of Government oppression. Thirty-nine years after the adoption of the Charter, one third of the world's Government ruled by means of terrorism, deprivation and oppression. The armaments race, moreover, increased the risk of conflict, widened the gap between nations and fostered human rights violations. Experience had shown that those violations could occur anywhere, regardless of the prevailing political or ideological system.

37. In Iran, the violation of the right to life had assumed frightening proportions. Thousands had been executed without trial since the February 1979 revolution, thousands more had been imprisoned because of their opinions or ethnic origins, and many had been tortured. Trials were often conducted in camera, without due process. The constant human rights violations of the Khomeiny regime had included the use of children in battle, press restrictions and growing discrimination against women. In Afghanistan there were thousands of political prisoners, most of whom suffered torture and other forms of ill-treatment. They included not only resistance fighters but many people, such as students, teachers and civil servants, arrested simply on suspicion of opposing the regime. There had been cases of summary executions, and reports that Government forces had killed hundreds of unarmed civilians. The Commission should dispatch a mission to investigate human rights violations in both those countries.

38. In Morocco, the Government had created a society consisting of a privileged minority and an oppressed majority. The recent disturbances, caused by hunger and resulting in many deaths, injuries and arrests, had shown the violence with which the authorities suppressed popular feeling. Dozens of people had disappeared, and there were hundreds of political prisoners, suffering torture and other forms of ill-treatment.

39. In Equatorial Guinea, the 1982 Constitution gave the President a seven-year term of office and powers to appoint all the members of the State Council as well as candidates for the presidency. Such candidates had to have been resident in the country for 10 years - thus disqualifying the thousands of citizens who had been forced into exile. The Constitution not only gave the President immense power but enabled the executive even to review the Supreme Court's findings. The Government continued to commit human rights violations, including execution and imprisonment of political opponents. It had sought membership of ILO in 1981, but had never sent workers' or employers' representatives to the International Labour Conference.

40. Prison conditions in Turkey were among the world's worst, with many prisoners suffering torture and other forms of ill-treatment. Despite the Government's pretence of democracy, it was able to rule by means of decree-laws which, inter alia, violated civil and trade union rights.

41. In Poland, the lifting of the state of siege had not ended the restrictions on civil liberties, which could still be infringed in practice. Citizens who demanded freedom were subjected to imprisonment, ill-treatment and pressure to leave the country. In recent months many members of the Solidarity trade union had been arrested, released and rearrested as a means of intimidation. The Government had refused to co-operate with any international body seeking to shed light on alleged human rights violations: a commission of inquiry set up by ILO had been unable to visit Poland, and the Commission, too, had been rebuffed. The report contained in document E/CN.4/1984/26 was disappointing; it reflected only the Government's position and not the true situation of Polish workers, the majority of whom had described the situation as far from encouraging.

42. Mr. GOLEMANOV (Bulgaria), speaking on a point of order, asked whether it was proper for the representative of a non-governmental organization to question the quality of an official United Nations document.

43. The CHAIRMAN said that references to United Nations documents were quite acceptable if they were businesslike.

44. Mr. ROBEL (World Confederation of Labour) said that human rights were constantly being violated in Albania also, particularly those of the ethnic Greek minority. In Paraguay a state of siege had existed for 30 years, allowing the executive a free hand and enabling due process to be denied. The powers granted under the state of siege were used to oppress the population while at the same time providing ample opportunity for foreign investment, often in land expropriated from evicted indigenous citizens.

45. At an earlier meeting of the Commission, the representative of Senegal had deplored the efforts of some of its members to defend political and ideological positions and economic interests in a body whose aims called for universality. As the representative of Canada had said, there were times when silence about crimes was tantamount to complicity.

46. Mr. SZELEI (Observer for Hungary) said that the attempts of a few Western delegations to divert the Commission's attention from the most acute sources of mass and flagrant violations of human rights, and the hasty submission of a draft resolution by those countries, were harmful to the Commission's work. Such ill-advised, politically motivated and hypocritical efforts should not be allowed to cast a shadow over the Commission's discussions, as they were doing in the case of the so-called "question of Poland".

47. Hungary's position of principle on the matter, clearly stated from the outset, was based on three basic criteria: firstly, any attempt to force the question on the Commission was illegal, at variance with the basic principles of the Charter and an unwarranted interference in the internal affairs of a founder member of the Organization; secondly, the subject was not within the Commission's sphere of competence; and thirdly, discussion, inspired by political motives served only those who were trying to divert the Commission's attention from gross and mass violations of human rights and fundamental freedoms such as apartheid, social discrimination, racism, colonialism, neo-colonialism, violation of the right to self-determination or the right to life, and institutionalized terror.

48. His delegation, which had been deeply impressed by the sober and eloquent portrayal of the real situation in Poland given by the representative of that country, wished to express the appreciation of the Hungarian people and Government for the efforts of the Polish people to build their future in their own way. It was highly regrettable that yet another report on the situation in Poland had been presented to the Commission. The report was the illegal product of an unlawful resolution, and the inclusion of a questionnaire set an alarming and inadmissible precedent.

49. His Government firmly believed that the time had come for the Commission to decide not to discuss the so-called "question of Poland" and to concentrate instead on the real issues challenging the international community in the field of human rights, fulfilling the high expectations which peoples and Governments had of it. Discussions, decisions or resolutions based on biased political concerns and hypocritical approaches only threatened the Commission's integrity.

50. Mr. TURKMEN (Observer for Turkey) said that his delegation wished to express its approval of the objective assessment of the true situation in Cyprus made by the Secretary-General in his report (E/CN.4/1984/31). Although the traumatic developments in the island were well known, he wished to emphasize a few points, since the representative of a non-governmental organization and some other speakers had made statements distorting the reality of the situation.

51. The question of missing persons in Cyprus was currently being dealt with by a committee composed of representatives of the two communities and the representative of the Secretary-General of the United Nations. The Committee, which would deal both with Greek Cypriot and Turkish Cypriot missing persons, was about to meet, and anything said on the subject in the Commission could therefore only be rhetorical or irrelevant. On the broader question of Cyprus, the Secretary-General was currently engaged in consultations with the two communities with a view to reviving the negotiating process. There was no reason why the Commission should embark on a discussion that could only hamper the Secretary-General's efforts in a delicate task.

52. In view of the allegations made by some speakers, he wished to recall briefly the main chapters in the tormented history of the island of Cyprus.

53. The inter-communal conflict and fighting had begun almost 20 years before the Turkish military intervention, when the island had still been under British rule. The reason for the clashes between the two communities had been the attempt by the larger Greek community to impose its will on the smaller Turkish community and reduce it to the status of an oppressed and powerless minority. In 1960, the Cypriot State, an internationally guaranteed bi-communal federation, had come into being as a result of the separate exercise of self-determination by the two communities. The international guarantees had provided that the guaranteeing powers could intervene collectively or, if required, individually, to protect the situation created by the Constitution and the international treaties. In 1963, the Greek community had launched a savage attack on the Turkish community in order to compel it to accept a constitutional change that would have deprived Turkish Cypriots of all their rights under the Constitution. A de facto situation had then prevailed in the island, in which the Turks had been deprived of all their rights and subjected to constant attacks, humiliation and political and economic pressure. Since that time, the Greek Cypriot administration had ceased, legally and politically, to represent the population of the island as a whole. Thus, for 20 years, anything said by representatives of the Greek Cypriots had represented their own views only, and that was still the case.

54. In 1974, an attempt had been made to annex the island to Greece. The late Archbishop Makarios, the Greek Cypriot leader at the time, had been forced to flee the island, and it was he who had stated in the Security Council on 19 July 1974 that Cyprus had been invaded by Greece. The Turkish military intervention had therefore been designed to prevent the annexation of Cyprus and to protect the Turkish community from the threat of wholesale massacre. Since 1980, inter-communal negotiations between the two communities had been proceeding under the auspices of the Secretary-General of the United Nations. The fact that no progress had been made was due to Greek intransigence and the Greek policy of undermining the talks by bringing the issue before international forums in which the Turkish Cypriot community was not represented. That was why his delegation had indicated reservations, which it maintained, with regard to resolutions adopted by the Commission on earlier occasions. The Turkish community had had no choice but to declare, in November 1983, a State of its own, based on its inherent right to self-determination. The Turkish community had nevertheless indicated publicly that its aim continued to be to reach an agreed settlement of the Cyprus problem, and had confirmed its readiness to resume the inter-communal talks. It had also put forward specific proposals for normalizing the situation and creating a better atmosphere between the two communities. The Greek Cypriot leadership had, however, rejected the Turkish community's conciliatory proposals. Perusal of the contemporary Greek Cypriot press would suffice to show the degree of controversy to which the attitude of the Greek Cypriot leadership had given rise, and the despair felt at the tendency to move away from negotiations and towards confrontation. He hoped the outcry from Greek Cypriot public opinion would at last convince the Greek Cypriot leadership of the urgent need for sensible policies.

55. Mr. HAYES (Ireland) said that agenda item 12 was deliberately framed to enable the Commission to consider the regrettably wide range of human rights violations in many countries of the world. He would refer only to some of the cases on which his delegation had received what it believed to be reliable reports, since the situation in some countries had been adequately dealt with under the confidential procedure.

56. Four years after the assassination of the Archbishop of San Salvador, the facts of the human rights situation in El Salvador were still appalling, and murders remained a totally inexcusable feature of political life. Those violations of the right to life continued to be perpetrated mainly by members of the State apparatus or by groups acting in collusion with or tolerated by it. According to Christian Legal Aid, persons surviving abduction by the security forces had invariably been tortured. Disappearances had also continued throughout 1983.

57. The continuation of those abuses was largely due to the inadequacy of the Salvadorian judicial system, and his delegation shared the Special Representative's hope that the steps taken by the Salvadorian authorities to institute a rapid and effective system of criminal justice would eventually ensure that criminal violations of human rights in El Salvador did not go unpunished.

58. It was heartening to learn that 1,137 persons had benefited under the Amnesty and Rehabilitation of Citizens Act since its entry into force on 16 May 1983 and that the number of political prisoners had fallen. However, the fact that it had been felt necessary to issue to the armed forces an operational handbook based on the principle of the inviolability of human rights and specifying the correct procedure to be followed in making arrests was in itself eloquent. Despite the modest achievements of the Governmental Human Rights Commission in arranging for amnestied persons to be received by foreign Governments and in mitigating the ill-treatment of persons abducted by the security forces, there appeared to be a wide gap between the Government's avowed intention to improve the human rights situation and its ability to achieve results.

59. Economic, social and cultural rights, the enjoyment of which was already at a low level, were further threatened by the systematic sabotage by the guerrilla forces of the country's economic infrastructure. It was regrettable that decrees on agrarian reform had not been upheld by the Constitution which had entered into force on 20 December 1983, since reform of the land tenure system was clearly of fundamental importance to the peacemaking process.

60. One aspect of the situation which should be kept under review was the record of observance of the norms of international humanitarian law in armed conflicts by security forces and guerrilla groups, which had been uneven. In that connection, his delegation noted that the Special Representative was inclined to believe that Marianela Garcia Villas, former President of the Non-Governmental Commission on Human Rights of El Salvador, had been killed when army units had fired indiscriminately at a group of peasants. That courageous woman's death had saddened individuals and groups in his country, some of whom had met her and had come to appreciate her qualities. His delegation endorsed the Special Representative's recommendation that both sides should endeavour to ensure that political dialogue would shortly culminate in a negotiated peace in which a peaceful, democratic and pluralist co-existence could be established.

61. In the case of Guatemala, the Special Rapporteur had looked into the action taken by successive Governments since 1982 to rectify social and racial inequalities and economic injustice. In the list of 11 recommendations made by the Special Rapporteur, pride of place was given to support for the Government's plans for rural development, with special stress on rights to land, while the recommendation that disappearances, killings and kidnappings must be cleared up was eleventh on the list. The impression given was that initiatives for progress and development should be pursued and that a modest improvement in the behaviour of the security forces would then quickly render the objectionable aspects of the situation less controversial. Others, however, did not share that approach. The Commission on Human Rights of Guatemala considered that the measures used for population control were harmful, since they prevented peasants from freely cultivating the land, created dependency and aggravated poverty. Despite any advantages for the indigenous populations relocated in the "model villages", the fact was that they were denied freedom of choice of residence and of movement.

62. Some 700,000 people had been formed into civilian patrols under military orders and were compelled to perform unpaid counter-insurgency services for the army, during which they might have to inform on their neighbours or risk being regarded as guerrilla collaborators. In 1982, the Rios Montt Government had rejected an official request by the Guatemalan Conference of Catholic Bishops to abandon the use of civilian patrols, on the grounds that the Government considered those patrols to be the most effective instrument for controlling the rural population. A fact-finding mission sent to Guatemala in August 1983 by Trócaire, the Irish Catholic Agency for World Development, had been greatly disturbed at the increased use of civilian patrols throughout the countryside, noting that, in addition to being compulsory, unpaid and onerous, patrol duty fell almost exclusively on the indigenous population.

63. By forcing rural communities into "model villages" and by conscripting men into civilian defence patrols, the Rios Montt Government had largely succeeded in disrupting the guerrilla links with the population, and suppression of insurgency by the same methods remained the essential policy of General Mejía Victores. Amnesty International had noted that there had been fewer reports of extra-judicial executions by the regular military and civil defence patrols in areas where the Government's control had been strengthened, and an increased number concerning region in which the guerrillas remained active. It was particularly shocking to note that, in three of the four cases of extra-judicial execution reported to Amnesty International since the accession to power of General Mejía Victores, the responsibility appeared to rest with civil defence patrols. His delegation shared the view of Amnesty International that the regular army, which formed and supervised those civil defence patrols, was responsible for the human rights abuses committed by them.

64. The lifting of the state of siege and the abolition of special tribunals in August 1983, when General Mejía Victores had assumed power, had not led to the expected improvements. While welcoming the abolition of the special tribunals, his delegation shared the Special Rapporteur's view that technical obstacles to reconsideration by the Supreme Court of the cases of persons convicted by the special tribunals should be removed by legislation. It urged the Government of Guatemala to give serious consideration to the recommendation for the establishment of an impartial and authoritative body, to investigate alleged violations of human rights, and hoped the Commission would be able to record real improvements when it reconsidered the situation at its next session.

65. Until the overthrow of the Somoza regime in 1979, Nicaragua had displayed features similar to those currently prevailing in El Salvador and Guatemala, including the concentration of political power in the hands of army officers, manipulation of elections, extreme concentration of land ownership and repression of any attempts to organize the poor. On assuming power, the Sandinista Government had pledged itself to establish a democratic, pluralistic and non-aligned regime. Despite its problems, the Nicaraguan Government was, in his delegation's view, trying to offer its people a modicum of justice for all rather than a society founded on privilege for the few. It was pertinent to note that legal guarantees of the fundamental rights and freedoms of the Nicaraguan people had been the policy of the Sandinista Government from the outset. Nicaragua had quickly become a party to the Covenants and other legal instruments in the field of human rights. His delegation regretted, however, that the Government had subsequently found it necessary to declare a state of emergency, limiting the exercise of civil and political rights and providing for a form of press censorship. It urged the Government to limit any restrictions on the exercise of those rights to the absolute minimum and to lift them as soon as possible. The recent submission of a draft law providing for elections by proportional representation on a regional basis in November 1984 was a hopeful sign. Given the necessary conditions for valid elections - particularly the enjoyment of the right to freedom of association and expression - those elections should be conducive to the ideal of democratic pluralism espoused by the Sandinista Government in 1979. There had recently been other hopeful signs, particularly concerning the right to freedom of religion and the improved treatment of the Miskito Indians, and his delegation would watch developments during the coming year with interest.

66. His delegation had been greatly heartened by the address given to the Commission by the Minister for Foreign Affairs of Argentina. Recent political developments in that country, particularly the strenuous efforts of the new Government to identify and punish those guilty of human rights violations, including members of the security forces were encouraging. He hoped Argentina's example would be followed by other countries, since such action was essential to remove the sinister cloak of secrecy which facilitated torture, disappearances and killings. His delegation also welcomed the fact that the Minister for Foreign Affairs had endorsed the view that human rights violations were of concern to the international community, and had commended the Commission's work. It hoped that that example, too, would be heeded by Governments which claimed that inquiries into allegations of human rights violations were unwarranted interference in the internal affairs of States. Argentina's experience had exposed the fallacy that allegations of violations could be disproved by mere reference to legal provisions prohibiting such actions: such provisions were effective only if they were backed by serious and determined efforts to enforce them.

67. The Irish delegation was aware of the need to assess whether action by the Commission on a particular situation would benefit those whose rights had been abused and help to solve the problem. In addition, there must be an assessment of the objective facts of the situation. Ireland had co-sponsored a draft resolution on Poland in 1983 mainly because of the exceptional legislative measures that had accompanied the suspension of martial law in that country, because of the large number

of prisoners convicted under martial law procedures and because of the delegalization of Solidarity. During the past year there had been certain developments, notably the lifting of martial law and the granting of amnesty and clemency measures to a large number of political detainees, which indicated a move towards liberalization by the Polish authorities. His delegation had also taken account of the conclusion in the report on the situation in Poland submitted by Mr. Patricio Ruedas that a number of the measures adopted by the Polish authorities had produced conditions favourable to a reconciliation between various sectors of Polish society. However, his delegation must continue to express its concern about the human rights situation in Poland, the repressive legislation available to the Polish authorities, the fact that Solidarity was still illegal, and the attitude of the Polish Government to the Commission. Polish Government representatives maintained that any Commission resolution on Poland constituted interference in that country's internal affairs. His delegation continued to reject that assertion and to maintain that violations of human rights, wherever they occurred, were of concern to the United Nations. The Government of Poland would be well advised to take account of the concern expressed by the Commission and to co-operate fully with the Secretary-General and his representative. His delegation interpreted the Commission's action as a means of assisting in the process of healing and reconciliation in Poland, and it urged the Government to reconsider its position on that important issue.

68. At the Commission's thirty-ninth session, he had expressed the hope that the Government of the Philippines would take steps to improve the human rights situation in that country. It was therefore disturbing that the situation had, in some respect worsened since then. His delegation was particularly concerned at the increase in summary executions and other illegal killings, which it condemned unreservedly, irrespective of the political ideology or motives of the perpetrators. Although a number of the killings were the work of persons and groups opposed to the Government, reliable sources indicated that most of the summary executions were carried out by members of the security forces or by para-military supporters of the Government. It had been said in mitigation that violations of human rights had been perpetrated by ill-disciplined military personnel in the lower echelons, but in his delegation's view it was the Government, which employed, trained and deployed the troops, that was responsible for their behaviour.

69. His delegation was also concerned at numerous reports of violations of human rights of persons in detention, including allegations of torture and ill-treatment of detainees, intimidation of defendants and their lawyers, denial of the right to counsel and arbitrary arrest. The use of preventive detention orders, which allowed persons to be held without bail until their release was ordered by the President, was also disturbing. Habeas corpus did not apply in such cases, and the order might continue in force even after acquittal by a court or the serving of a sentence. In many cases, the human rights abuses violated the Philippine Constitution and legislation. He appealed to the Government to stamp out those abuses by ensuring that all allegations of human rights violations were fully, impartially and swiftly investigated, that proceedings were instituted against the alleged perpetrators and that the severity of sentences matched the gravity of offences.

70. His delegation was also concerned about the continued violations of fundamental human rights in Iran - in many cases, of rights from which no derogation was permitted. It was disturbing that the violations had been publicly condoned by persons at all levels of authority. The evidence indicated that arbitrary or summary executions, torture of detainees and the denial of a fair trial continued to be widespread, and in particular that a concerted campaign was being waged against the members of one group, the Baha'i community. His delegation appealed to the Iranian authorities to end that persecution and secure the freedom of the Baha'is to practice their religion without discrimination.

71. In 1983, his delegation had welcomed the avowed readiness of the Iranian Government to receive an envoy of the Secretary-General as a sign of that Government's determination to improve the human rights situation in Iran. It had therefore been dismayed to learn that the attitude of the Iranian authorities had prevented the mission from taking place. It urged the Government of Iran to reconsider its attitude and co-operate with the United Nations to safeguard the rights of all persons in the country.

72. The serious human rights violations occurring in many other countries were also a matter of concern to his delegation, which urged the Governments involved to take steps to improve the human rights situations in their countries.

73. A particularly heinous form of violation of human rights that came annually to the Commission's attention was that of summary or arbitrary executions. His delegation welcomed the review of relevant national legislation and analysis of situations in which arbitrary and summary executions generally took place, given in the latest report of Mr. Amos Wako (E/CN.4/1984/29), which should greatly facilitate the international community's efforts to tackle the problem. It was horrifying to read that there had been thousands of cases of summary execution in 1983. The report deserved close study and the Commission should give urgent consideration at its next session to the measures that should be taken to end the practice.

74. Another matter of concern was the phenomenon of mass exodus. Prince Sadruddin Aga Khan had submitted a report on the subject to the Commission at its thirty-eighth session and had made an impressive statement at the thirty-ninth session. His delegation hoped the well-thought-out report, which dealt with the many aspects of the complex problem, would have a significant influence on future developments. The number of people affected was staggering, and early remedial action was called for. His delegation hoped the Commission would be able to give closer attention to the matter at its forty-first session.

75. Although reports of human rights infringements were distressing, they offered some hope by lifting the veil of secrecy behind which violations were committed. His delegation supported the proposal made by the Director of the Centre for Human Rights to establish a United Nations presence in various regions of the world to provide information to human rights' bodies. Such a proposal could be inexpensively implemented by assigning human rights officers to existing United Nations offices.

76. Mr. ABELLAN (Pax Romana) said that there were daily reports of summary executions often preceded by torture, carried out by State forces in countries such as Guatemala, El Salvador, Honduras, Paraguay, Brazil, the Philippines and Sri Lanka. Such violations took place in countries with an unequal distribution of wealth where local oligarchies or transnational corporations were fighting for control of the land and its wealth. The victims, who used only passive means of resistance, were usually poor peasants who opposed the expropriation of their plots, leaders of agricultural co-operatives and their advisers. The regimes in those countries made a mockery of the law, which had to be observed if greater justice and respect for fundamental freedoms and dignity were to be secured. It was particularly regrettable that Government actions were often justified by plebiscites organized by the regime.

77. Another characteristic of those countries was unequal land distribution. In Guatemala, the United Fruit Company owned more than 120,000 hectares. Some 60 per cent of the arable land in Guatemala was owned by 2 per cent of the population. In El Salvador, 40 per cent of farmland was controlled by 0.2 per cent of the population. In Paraguay, more than half of all families had had an annual income of less than \$US 150 in 1981, while there had been 100 families with an annual income of more than \$8 million. Some 80 per cent of the land in Paraguay was owned by only 850 major land owners, and repression in that country had been centred on those who promoted agrarian co-operatives.

78. Brazil offered an alarming catalogue of assassinations carried out in cold blood. Not only had the Brazilian Government not taken any steps to investigate such crimes, but there had been new victims. Once again financial interests were involved: large companies were endeavouring to alter the country's agricultural structure by introducing crops which were more profitable for them, but which did not benefit the peasants.

79. The Philippines offered a further example of lack of respect for the most basic human rights. There was great suspicion of Government implication in the assassination of the opposition leader Mr. Aquino, while the ending of martial law had seen the introduction of preventive detention legislation, which continued the de facto suspension of rights and freedoms.

80. There had also been some alarming examples of indifference for human rights in Sri Lanka. The dispute between the two major population groups had been exploited by the mainly Sinhalese Government as a means of covering up the country's problems and dominating the Tamil minority. There had been religious agitation, while the Tamil language and culture had been suppressed. Anti-terrorist legislation had been introduced, involving a suspension of fundamental rights and freedoms.

81. Those situations clearly showed that there could be no genuine peace - the fruit of justice - until there was an end to endemic social inequality.

82. Mr. DE SILVA (Sri Lanka), speaking in exercise of the right of reply, said that the representative of the International Commission of Jurists had been quite wrong to assert that voting patterns in Sri Lanka demonstrated that the Tamil population had overwhelmingly rejected the Government party. In the last general election, held in 1977, only some 32 per cent of Tamils had voted for the Tamil United Liberation Front. In districts with a Tamil population, demands for a separate Tamil State had been overwhelmingly rejected. Furthermore, it would be naive to presume that every vote cast for the Tamil United Liberation Front represented a vote for separatism.

83. The International Commission of Jurists had also claimed that the sixth amendment to the Sri Lankan constitution violated Sri Lanka's international obligations. In fact the provision was designed to safeguard the independence, sovereignty, unity and territorial integrity of the country, by prohibiting any advocacy of the establishment of a separate State. Sri Lanka, like any other sovereign State, considered dismemberment of its territory a treasonable offence.

84. It had been alleged that the explanation provided by Sri Lanka of the incidents which had taken place in July 1983 had been misleading. Special legislative provisions had become necessary in Sri Lanka to deal with groups of terrorists and extremists, who had already caused the loss of almost 100 lives, including civilians and members of the Tamil community who disagreed with their views. Many other democratic countries facing the threat of organized terrorism had also enacted special laws to deal with specific threats against State security. The legislation introduced by Sri Lanka did not violate its international obligations. The implication that acts of torture and extra-judicial killings of persons in detention were common under the special provisions was unfortunate. There had been one incident in which 53 Tamil prisoners had been killed during a prison riot, but a full independent judicial inquiry had been held.

85. Mr. JOUNDI (Syrian Arab Republic), speaking in exercise of the right of reply, said that the Commission could expect distortion of the facts from the representative of the Zionist entity. Israeli representatives always sought to champion the human rights of Jewish citizens of the Soviet Union, but if they were genuinely concerned to promote respect for human rights throughout the world, he wondered why they remained silent when Israel's ally, South Africa, flouted human rights and discriminated against people simply because they were black. South Africa, the United States and Israel formed a tripartite axis against the peoples of the third world.

86. When the Israeli Prime Minister had suggested organizing Jewish groups in France to defend French Jews, the reaction in France had been one of disdain and disgust that any group of French citizens should seek primacy over others. In the United States the Zionists were organizing a campaign against the Soviet Union: some Soviet Jews had responded to it and gone to Israel, only to find that they had been misled. Some had tried to return to the Soviet Union.

87. Jews in the Syrian Arab Republic were full citizens with freedom in every sphere, including business and education. Some Syrian Jews who had gone to the United States had decided to return to Syria. When a United States television crew had filmed the life of Jews in Syria, in complete freedom, and had found that there was no repression, its work had been condemned by Zionist organizations. Before criticizing Syria, the representatives of the Zionist entity should consider the activities of terrorist groups in the occupied Arab territories, where there had been instances of innocent civilians being mown down by machine-gun fire. Those and other criminal acts had not been investigated by the Israeli authorities. The truth of the matter was that Syrian Jews lived a better life than Jews in Israel.

88. Mr. DUBEY (India), speaking in exercise of the right of reply, said that 24,000 Tamils from Sri Lanka had sought refuge in India since July 1983. In his delegation's previous statement, reference had been made only to a situation which had prevailed at one time, when a large-scale influx of Tamil refugees from Sri Lanka had taken place. Since then, measures had been adopted with a view to achieving reconciliation between the communities in Sri Lanka. His Government sincerely hoped that those efforts would succeed.

The meeting rose at 6.15 p.m.