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COMMISSION ON HUMAN RIGHTS

Thirty-fourth session

SUMMARY RECORD OF THE 1470th MEETING

Held at the Palais des Nations, Geneva
on Tuesday, 7 March 1978, at 3.25 p.m.

<u>Chairman:</u>	Mr. M'BAYE	(Senegal)
<u>later:</u>	Mr. IOPATKA	(Poland)

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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) (E/CN.4/923/Add.1, E/CN.4/1261, E/CN.4/1282; E/CN.4/L.1402, E/CN.4/L.1405, E/CN.4/L.1407)

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1275, E/CN.4/L.1406)

1. Mr. MEZVINSKY (United States of America), speaking in exercise of the right of reply, emphasized that the observations he had made with regard to certain countries in his statement at the preceding meeting should be understood to apply irrespective of the size or of the ideology of the State in question in the political scene.
2. Replying to the comment made by the Argentine representative, he said that his statement was known to all United States government officials and was in line with government policy. As for justifying mass abductions by the existence of anti-social elements, the United States Government - whether the President or his representative in the Commission - could never tolerate any such justification, either in Argentina or anywhere else in the world.
3. The United States was certainly not immune from criticism; it accepted criticism and tried to learn from it. The United States press itself published criticisms; he wondered whether such criticism could ever be published in Argentina, the USSR or Cuba. To dispel any possible doubts about the policy of the United States Government, he said that, if Argentina, the USSR or Cuba would allow a working group, a study group or a rapporteur of the Commission to visit their territory, the United States would do the same.
4. He emphasized that his comments were not prompted by a defensive attitude or by any desire for condemnation, but rather by a feeling of concern which had been made ever more acute by the replies which had been given. In conclusion, he emphasized that selective morality was a thing of the past, and that the application of double standards must cease.
5. Mr. SOYER (France), speaking in exercise of the right of reply, said that his delegation would reply with moderation to the moderate statement made by the Argentine representative, who had kindly acknowledged France's good faith and its condemnation of violence and of dominating ideologies of whatever origin.
6. It had been said that acts of terrorism, and of uncontrolled terrorism, were being committed in France as well as in other countries of the European Economic Community. That was unfortunately true, but he emphasized that there was an immeasurable quantitative and qualitative difference between such acts committed in those countries and those committed elsewhere: in some countries, terrorism was a by-product of a régime which strongly encouraged freedom, while in others it was the primary product of a liberticide régime.

7. Replying to the rather more subjective suggestion of the Argentine representative that France was going through a difficult time, he said that he assumed that the reference was to the forthcoming French legislative elections. It was revealing that, in the view of the Argentine representative, free elections could be synonymous with a difficult time; that could be seen as a kind of admission.
8. In a desire to be more positive and constructive, his delegation would take the statement of the Argentine representative as an assurance that the Argentine Government would make every effort to enable a number of missing persons to be found and to allow contacts with detainees. It was in that hope that it took note of the statement and wished to indicate that, as a result of its report to the French Government, the latter would make the best possible use of the opportunities for progress and action offered by the Argentine Government, for which it was grateful.
9. Mr. ERMACORA (Austria) recalled that at an earlier meeting he had cited some reliable sources of information on the situation in Argentina and that the Argentine representative had referred to a letter sent by his Government to the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1977. He regretted that the text of that letter had not been circulated as an official document of the Commission.
10. Replying to the suggestion of the Argentine representative that in countries neighbouring on Switzerland terrorist elements were subject to control, he emphasized that measures taken in that direction in his country were aimed at restricting human rights as little as possible. In any event, Austria adhered to the principle expressed in article 2, paragraph 2, of the draft International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1205) submitted by Sweden, which provided that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, might be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.
11. Mr. MARTINEZ (Observer for Argentina), addressing the French representative, explained that he had stated that France was going through a crucial period domestically. He had, in fact, been referring to the forthcoming French legislative elections which, without necessarily causing any difficulties, made any internal political situation particularly sensitive.
12. Mr. SOYER (France) said that his delegation appreciated the explanation given by the Argentine representative.
13. Mr. TERENCE (Inter-Parliamentary Union), speaking at the invitation of the Chairman in accordance with rules 75 and 76 of the rules of procedure, said that his organization had substantially developed its human rights activities in recent years. In January 1977, a procedure for considering and dealing with communications concerning violations of human rights of which parliamentarians were victims had been established. The scope of the procedure was strictly defined: it applied solely to cases in which parliamentarians had been victims of arbitrary measures during the period of their mandate, whether the parliament in

question was in office or had been dissolved. The application of the procedure had been entrusted to an ad hoc Committee that met twice yearly in closed session and reported to the Inter-Parliamentary Council, which was the plenary organ of the Union. The procedure was strictly confidential up to the point at which the ad hoc Committee decided to submit a case to the Council: it was therefore similar to some procedures followed in the United Nations.

14. In 1977, the Committee had examined some 50 cases; the Inter-Parliamentary Council had unanimously adopted resolutions with regard to nine parliamentarians in five countries, which he would not name because to name three of them would be contrary to the decision taken by the Chairman of the Commission. Three of the parliamentarians in question had since been released and exiled. In its report to the next session of the Council, the ad hoc Committee was furnishing information and recommendations on nine new cases.

15. In its legal analysis of each case, the ad hoc Committee made broad reference to the international legal instruments adopted by the United Nations, in particular to the International Covenants on Human Rights. It should be emphasized that the ad hoc Committee had soon found itself confronted with the problem of emergency legislation, applicable in most of the cases submitted to it. The Committee had observed that in some countries such legislation had been in force for more than ten years, and it had considered what interpretation should be given to the provisions of article 4 of the International Covenant on Civil and Political Rights. In its opinion, the derogatory measures authorized by article 4 could be only of an exceptional and temporary nature. It awaited with interest the conclusions of the study on emergency legislation undertaken under the Sub-Commission's auspices.

16. In conclusion, he pointed out that the action taken by the Inter-Parliamentary Union to protect persecuted parliamentarians was very similar to the Commission's action, and he hoped that it would supplement the latter effectively.

17. Mrs. LEPANY (International Federation for Human Rights), speaking at the invitation of the Chairman under rules 75 and 76 of the rules of procedure, said that she would like to bring to the Commission's attention some practices contrary to human rights that the members of her organization had observed during a mission carried out in a Latin American country. Following a recent military coup d'état, perpetrated on the pretext of establishing a "process of national reorganization", the new masters of the country in question had prolonged the state of siege established by the preceding régime. The violations of human rights and fundamental freedoms already observed before had thus been perpetuated and even made worse, so that the situation at the present time was a matter of the gravest concern.

18. Among the most disquieting practices were the imprisonment of political prisoners, and in particular the large number of kidnappings and disappearances. Political prisoners were imprisoned either in official prisons, where they were recognized as detainees by the Government, or in military or naval bases, police stations, police posts or secret concentration camps, in which case their prisoner status was not even recognized. The conditions under which prisoners recognized by the authorities were detained were inhuman: most of them were imprisoned for an indefinite period - some had been in prison for more than three years - without trial, without any charge being made, and without having the right to legal

assistance. The prisoners who were not recognized suffered cruel and degrading treatment, were frequently tortured and sometimes summarily executed after their interrogation. Those prisoners belonged to all the social categories: intellectuals or trade unionists accused officially of ideological subversion, in other words of offences of opinion, and, most frequently, simple workers arrested for having taken part in a strike in support of a claim concerning their working conditions or their wages.

19. Mr. BEAULNE (Canada), speaking on a point of order, asked which was the country concerned.

20. Mrs. LEPANY (International Federation for Human Rights) said that the case that she was referring to was that of Argentina. Continuing her statement, she said that the problem of persons who had disappeared was even more disturbing. Many victims were kidnapped by main force by gangs of heavily armed individuals, generally in civilian clothes but sometimes in uniform, who presented themselves as members of the security forces and who drove about in cars without number plates but of the kind used by the security forces. The kidnappings often took place in broad daylight, at the home of the victims or at their place of work, before numerous witnesses. The Government recognized those facts and attributed them to "uncontrollable" elements in the security forces, but it took no action to put an end to such activities. It claimed that most of the activists who were advocates of violence had thus been removed, but militants opposed to any form of violence had also been murdered or imprisoned. Furthermore, the victims often had only indirect links - family, friendly or social relations - with accused persons or political prisoners: whole families had disappeared in that way without there being any real grounds for accusing them.

21. It was very difficult to give figures in such a context: the press was muzzled and the prisoners were moved from one prison to another, very far from their near relations, who thus remained without news; lastly, until recently the Government had always refused to provide a list of prisoners whom it was holding. Senator Kennedy, however, had recently given alarming figures to the United States Senate: 12,000 to 17,000 political prisoners, whether recognized or not, 6,000 killed; there was also talk of more than 20,000 persons who had disappeared. The fact that, under the pressure of international public opinion, the Government had recently acknowledged a number of prisoners under 3,500 and had begun to publish the list was not likely to dispel misgivings. For its part, the press had quite recently drawn attention to the case of comparatively well-known persons, so that the injustice of their detention was brought home to international opinion; she mentioned the names of four of those persons and called the Commission's attention to the fact that 16 French nationals, including two nuns, were at present imprisoned or had disappeared.

22. The International Federation for Human Rights earnestly hoped that the Commission would pay all due attention to that serious problem and would try to find ways of protecting, within the limits of its competence, the fundamental rights of the victims of that intolerable situation.

23. Mr. MAIRANA (World Peace Council), speaking at the invitation of the Chairman under rules 75 and 76 of the rules of procedure, referred in a general way to the repeated and mass violations of the human rights enshrined in the Universal Declaration of Human Rights, in particular the right of everyone to life, liberty and security of person and the right not to be subjected to torture, to cruel, inhuman or degrading treatment or punishment or to arbitrary arrest, detention or exile.

24. It was incumbent on the States which were signatories of the Declaration to respect those rights strictly; the permanent maintenance of a state of siege seriously derogated from those rights and encouraged every kind of excess by the police against individuals and political, trade union and popular organizations. The position was the same with regard to emergency legislation, which aimed at the repression of the democratic movement, the daily practice of physical torture which could go as far as sadism, the murder of political prisoners, the disappearance of individuals held by the police or falsely imprisoned by parapolic organizations, the improperly prolonged and indefinite imprisonment of thousands of individuals deprived of safeguards and legal counsel, the imprisonment for political reasons of nursing mothers, and all other repressive acts of a fascist nature. The Commission had before it an impressive amount of information on such barbarous repressive action in South Africa, Namibia and the occupied Arab territories.

25. Mr. BEAULNE (Canada), speaking on a point of order, asked to which country the speaker was referring.

26. Mr. MAIRANA (World Peace Council) said that those acts were made possible by the existence of fascist, pro-fascist and racist régimes which were endeavouring to keep their people in subjection.

27. The CHAIRMAN asked the representative of the World Peace Council to name the country to which he was referring.

28. Mr. ERMACOR (Austria) said that he supported the point of order made by the representative of Canada but pointed out that, according to established practice, non-governmental organizations were not obliged to refer to countries by name. If the point of order made by the representative of Canada was accepted, it would create a precedent by introducing a new procedure and assigning a new role to non-governmental organizations.

29. Mr. IECHUGA HEVIA (Cuba) said that he had no objection to countries being referred to by name, whether they were countries whose situation had been examined under the provisions of Economic and Social Council resolution 1503 (XLVIII) or countries which had not been the subject of an investigation. He would, however, like to know whether the representative of the World Peace Council would be prohibited from continuing his statement should he, being called upon to do so, mention the name of a country which was one of those which had been considered under the confidential procedure.

30. Mr. ZORIN (Union of Soviet Socialist Republics) said that the Commission had heard a large number of statements by countries and non-governmental organizations describing general situations without the name of the country being mentioned; furthermore, at an earlier meeting the Chairman had had occasion to refer to the gentleman's agreement which the Commission had reached. The representative of the World Peace Council was expressing general considerations relating to mass and

brutal violations of human rights. He saw no reason why that representative should necessarily mention a country, especially as he was not obliged to do so, if the Commission wanted to abide by the established procedure, as the representative of Austria had said. If the Commission had to consult non-governmental organizations, it should allow their representatives to speak in order to put forward general considerations on the problems which the Commission was considering.

31. Mr. RIOS (Panama) said that he was awaiting a ruling by the Chairman, which he would support. In his delegation's view, it was not reasonable for a non-governmental organization to make serious accusations before the Commission concerning violations of human rights which should be carefully considered, and not mention the name of the violating country, which the Commission should, if necessary, reprimand.

32. The CHAIRMAN said that he was of the opinion that the danger which threatened a body like the Commission was that of not having any principles. It was a lack of principles to say, for instance, that no one could speak of Uganda again, for the reasons already explained at an earlier meeting, but that it was possible to refer to the situation in Paraguay.

33. It was quite natural and fair to extend the gentleman's agreement which the Commission had reached on a specific case to all the cases which had been considered under the procedure laid down in Economic and Social Council resolution 1503 (XLVIII), on pain of applying a double standard.

34. The Commission was aware of the reasons which had prompted the representative of Canada to introduce his point of order: should the country referred to be one of the nine countries concerning which specific and precise action had been taken, the speaker would be asked to respect the gentleman's agreement.

35. Furthermore, it was easy to resort to subterfuge, to speak of a country and name it only at the end of the statement. That, too, would be a violation of the gentleman's agreement. One of two things: either speakers began by stating clearly and openly what they meant, or they put forward general considerations without referring to a specific situation, only mentioning the name of the country at the end; that would be a policy of self-delusion, which he could not accept.

36. He pointed out that in carrying out his duties he was under the authority of the Commission. It was his understanding that it was the wish of the majority of the Commission's members that the cases considered at the thirty-fourth session under the confidential procedure should not be taken up again at a public meeting. He therefore urged the representatives of Member States, of non-member States, of national liberation movements and of intergovernmental and non-governmental organizations to respect the Commission's wish. He hoped that those representatives, when speaking of human rights, and hence of ethics, would not resort to unethical subterfuge in order to circumvent the Commission's decision and wish.

37. Mr. MAIRANA (World Peace Council) went on to say that he would speak from experience of the systematic violation of human rights, since he had been imprisoned for 19 years under illegal and inhuman conditions, subjected to physical and moral torture in the jails of one of the most appalling fascist-type dictatorships.

38. Mr. CHAVEZ-GODOY (Peru), speaking on a point of order, said it was his understanding that the Chairman had called upon the representative of the World Peace Council to name the country in question. He asked that the speaker should conform to that decision or cease to speak on that subject.
39. Mr. MAIRANA (World Peace Council) said that the country was Paraguay, which had already been mentioned.
40. Mr. CHAVEZ-GODOY (Peru), speaking on a point of order, said that, as Paraguay was one of the nine countries whose situation had been considered by the Commission under the confidential procedure laid down in Economic and Social Council resolution 1503 (XLVIII), the representative of the World Peace Council should not continue his statement.
41. The CHAIRMAN said he very much regretted the incident which had just occurred. He asked the representative of the World Peace Council to respect the Commission's decision and to follow the normal procedure for transmitting to the Commission any documents which he might have.
42. Mr. ZORIN (Union of Soviet Socialist Republics) said that at the preceding meeting the representative of the United States of America had specifically mentioned Paraguay as being one of the countries where flagrant violations of human rights occurred, without his speech being interrupted. On the other hand, the representative of the Peace Council had been speaking in general terms of matters of interest to the Commission. It was quite unfair and unworthy of the Commission that, after obliging the speaker to give the name of the country to which he had referred, it was not allowing him to continue his statement.
43. Mr. CHAVEZ-GODOY (Peru) said that he agreed with the representative of the Soviet Union that it was not right to cut short the speech of a non-governmental organization. It was true, however, that the Commission had taken a decision on the question which the Soviet delegation, unlike the Peruvian delegation, had supported. That decision should be respected.
44. Mr. SUYER (France) said that he approved of the way in which the Chairman had summarized the situation. The Commission had indeed taken a decision which did not affect general principles since it applied only to the current session. There were two eventualities. One of the countries whose situation had already been considered under Economic and Social Council resolution 1503 (XLVIII) might be mentioned in passing in a speech of a general character, in which case he did not think that there was a violation of the Commission's decision, or else a speech might be entirely devoted to one such country. If the speaker named the country, he violated the Committee's decision. If he did not name it, he got round the decision by making his speech in such a way that everybody understood which country was meant. In that case the speaker should not be allowed to continue.
45. Mr. GARVALOV (Bulgaria), speaking on a point of order, said that, before being interrupted, the representative of the World Peace Council had indicated that he wished also to speak of South Africa and of Namibia, two countries whose situation had not been considered by the Commission under the confidential procedure. His delegation thought it outrageous that a speaker should not be allowed to continue his statement after he had been forced, against his will to give the name of the country to which he was referring.

46. The CHAIRMAN requested the representative of the World Peace Council to continue his statement, on condition that he did not refer to a situation which had already been considered by the Commission under the confidential procedure provided for in Economic and Social Council resolution 1503 (XLVIII).

47. Mr. MAIRANA (World Peace Council), continuing his statement, said that the military and economic assistance given to dictatorial regimes served only to strengthen the denial of the human rights declared by the United Nations. It was obvious that some countries could not keep up their powerful military and police systems without external assistance.

48. The World Peace Council was fighting for the defence of human rights and considered that the Commission on Human Rights and the whole United Nations bore the responsibility vis-à-vis world public opinion to denounce all violations of human rights and to help to put a stop to them. The United Nations in particular must continue its efforts to uncover the whole truth about the fate of the political prisoners who had disappeared and to obtain the release of all persons imprisoned because they had fought against colonialism and foreign domination and defended the right of their peoples to self-determination, democracy, peace and social justice.

49. Mr. LECHUGA HEVIA (Cuba) referred to the remarks of the representative of the International Federation for Human Rights about political prisoners in Argentina and said that Cuba was concerned about the situation of one of them, Mr. Juan Martin Guevara, the brother of the great Latin-American hero Che Guevara. The Cuban delegation asked the Argentine delegation for information concerning him.

50. Mr. MARTINEZ (Observer for Argentina) said that, by making accusations against the Argentine Government, a non-governmental organization had violated the provisions of paragraph 3 of Economic and Social Council resolution 1919 (LVIII), according to which non-governmental organizations were required to use the system of confidential communications in making allegations concerning human rights. The Argentine delegation would not therefore reply to the accusations made by the non-governmental organization in question.

51. The person whom the Cuban delegation had just mentioned was at present in prison, having been sentenced by an ordinary court. His state of health was poor but not alarming. The Argentine delegation had asked for further information from its Government and hoped to be able to pass it on to the Commission shortly.

52. The CHAIRMAN asked the members of the Commission to consider the draft resolutions and decisions relating to agenda item 12.

Draft resolution E/CN.4/L.1405

53. Mr. DIEYE (Senegal), introducing draft resolution E/CN.4/L.1405, said that its only purpose was to facilitate the Commission's future work under Economic and Social Council resolution 1503 (XLVIII). The draft resolution should not raise any difficulties and he hoped that it would obtain general assent.

54. Mr. Van BOVEN (Director of the Division of Human Rights) said that the Secretariat might have some difficulties in submitting full quarterly reports to the Commission on the action taken by the Secretary-General to implement its decisions. He asked the sponsors of the draft resolution to specify exactly what they expected from the Secretariat.

55. Mr. DIEYE (Senegal) said that what the sponsors had in mind was a quarterly report from the Secretary-General in the form of a simple summary which would give the Commission an idea of the action undertaken by him and would emphasize the salient points. It would be a strictly confidential document and would be within the framework of the established procedure.

56. The CHAIRMAN said that, as there seemed to be general agreement, he suggested that the Commission should adopt the draft resolution.

57. Draft resolution E/CN.4/L.1405 was adopted.

58. Mr. EL-FATTAL (Syrian Arab Republic) pointed out that the representative of Senegal had spoken of a summary, whereas the resolution that the Commission had just adopted spoke of a full report. In view of what the Director of the Division of Human Rights had just said, the terms of the resolution should be interpreted as meaning that the Secretary-General would report to the Commission each quarter.

59. Mr. ZORIN (Union of Soviet Socialist Republics) said that, if the resolution had been put to the vote, his delegation would have voted against it, as it had voted against the decisions taken by the Commission in accordance with Economic and Social Council resolution 1503 (XLVIII).

Draft decision E/CN.4/L.14C7

60. The CHAIRMAN said that, as there seemed to be general agreement, he suggested that the Commission should adopt the draft decision.

61. Draft decision E/CN.4/L.1407 was adopted.

Draft resolution E/CN.4/L.1410

62. Mr. ERMACOFA (Austria) said that draft resolution E/CN.4/L.1410 was based on a draft decision that had been considered at a closed meeting, with amendments to meet objections from the Soviet delegation. He hoped that the draft resolution would command general agreement.

63. The CHAIRMAN said that, as there seemed to be general agreement, he suggested that the Commission should adopt the draft resolution.

64. Draft resolution E/CN.4/L.1410 was adopted.

Draft resolution E/CN.4/L.1406

65. Mr. CHAREKHAN (India), introducing draft resolution E/CN.4/L.1406, said that he hoped that it would contribute to the search for a peaceful solution to the Cyprus problem. He asked the Commission to adopt the draft resolution without a vote.

66. Mr. YAVUZALP (Turkey) said that he did not intend to start a discussion or to request a formal vote. He wished simply to explain the position of his delegation before the Commission proceeded to adopt draft resolution E/CN.4/L.1406. His delegation considered that there were certain points in the draft resolution which were likely to prejudice the final solution of the Cyprus question, which his country desired with all its heart. Furthermore, the draft resolution referred to resolutions about which Turkey had made reservations or had taken positions which remained valid and which it fully maintained. Consequently, the Turkish Government could not accept the draft resolution as a whole. He requested that his statement should be reproduced in full in the record of the meeting, in the press releases and in the Commission's report.

67. The CHAIRMAN suggested that the Commission should adopt draft resolution E/CN.4/L.1406.

68. Draft resolution E/CN.4/L.1406 was adopted.

69. Mr. SHERIFIS (Cyprus) thanked the Commission for having unanimously adopted draft resolution E/CN.4/L.1406. He expressed his gratitude to the sponsors of the draft resolution and particularly to the Indian delegation, which had introduced it.

70. The Cypriot Government considered it unacceptable that violations of human rights could be condoned for the sake of political expediency. It held that respect for human rights could not be subservient to political considerations. Such interdependence could be accepted only in cases where the restoration of human rights, such as the return of the refugees, could pave the way towards a political settlement. He was confident that no member of the Commission would accept the thesis that human rights should continue to be sacrificed or human suffering prolonged for political considerations. No intellectually valid or morally acceptable argument could be produced in support of such a position, the acceptance of which would undermine the very raison d'être of the Commission.

Draft resolution E/CN.4/L.1402

71. The CHAIRMAN said that the United Kingdom delegation, which was the sponsor of draft resolution E/CN.4/L.1402, had requested the Commission to postpone consideration of it until the next meeting.

72. Mr. DIDINO RIOS (Panama) said that he understood why the United Kingdom delegation had submitted the draft resolution, but he did not think that it had followed the procedures laid down in the relevant resolutions of the Economic and Social Council. It would be dangerous to depart from established practice, since that would create a precedent which might subsequently be advanced against any other State. For that reason, his delegation would prefer not to have to vote on the draft resolution.

73. Mr. van BOVEN (Director, Division of Human Rights) said that the Secretariat proposed, in accordance with the usual practice, to publish those of the Commission's decisions taken in closed meetings under Economic and Social Council resolution 1503 (XLVIII) which did not deal with a specific country. There were four such decisions. Under the first, the Chairman/Rapporteur of the Sub-Commission's Working Group would be invited to attend the meetings of the Commission devoted to consideration of confidential communications. The second decision concerned the setting up, with the approval of the Economic and Social Council, of a working group of the Commission to meet one week before the beginning of the session. The third provided that the Sub-Commission would in future have access to the Commission's documents dealing with the confidential procedure. The fourth provided that Governments against which accusations had been made should be informed sufficiently early to enable them to be represented at the meetings of the Commission at which their situation would be considered.

74. At the 1460th meeting the Panamanian delegation had requested that a statement from the Panamanian Government replying to accusations made against it should be circulated as an official document of the Commission. The financial implications of such a decision would amount to \$759, to cover the cost of translation and reproduction of the statement in the Commission's working languages.

75. The CHAIRMAN said that, if there were no objections, he would take it that the Commission decided to have the statement of the Panamanian Government circulated as an official document.

76. It was so decided.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTIETH SESSION (agenda item 20) (E/CN.4/1261)

77. Mr. ERMACORA (Austria) said that his delegation followed the Sub-Commission's work with interest. His delegation had noted that there was no machinery in the United Nations through which the results of the seminars which took place under the Organization's auspices could be analysed and it suggested that the Sub-Commission should undertake that work with respect to the seminars devoted to prevention of discrimination and protection of minorities, if its time-table allowed it to do so.

78. Mr. MONTGOMERY (Anti-Slavery Society), speaking at the invitation of the Chairman under rules 75 and 76 of the rules of procedure, drew the Commission's attention to the 11 recommendations in the report of the Working Group on Slavery (E/CN.4/Sub.2/389). Until 1966 the question of slavery had formed the subject of a separate item on the agenda, whereas now it was considered only in alternate years and only by the Sub-Commission, with the result that those recommendations would not be considered until August 1978. It was astonishing that so long a time would be allowed to elapse before any steps were taken to deal with the mass of carefully documented evidence which had been submitted by the Anti-Slavery Society, among others. Yet the measures it recommended to put an end to those flagrant violations of human rights were very mild.

79. The Working Group's eighth recommendation was designed to ensure that certain situations would continue to be kept under annual review. In response to a request by the Director of the Division of Human Rights, the Anti-Slavery Society had submitted 12 reports to the Working Group during the three years in which the Group had met. Those reports, which dealt with the most varied problems, ranging from child labour to traffic in persons, arising in a great many countries and which were the result of thorough research, had been submitted in summarized form because that was how non-governmental organizations were required to submit their documentation. Those reports were of much greater value in their complete form, because they set the problems in their historical, cultural, economic demographic and other relevant contexts and hence could be of greater assistance in the search for suitable remedies. The Expert Group for whom they had been prepared had not had time to study those reports; as the officer specializing in slavery whom it had been decided to add to the manning table of the Division of Human Rights had not yet been appointed, there was every reason to believe that the reports had not yet been read. He would like, however, to express his organization's appreciation of the valuable assistance given by the Secretariat within the strict limits prescribed.

80. The Anti-Slavery Society welcomed the proposal that the Commission should meet once a year and hoped that, if that decision was taken, more time could be devoted to the consideration of the research carried out on that complex subject, which was central to the work of the Commission.

81. Mr. ZORIN (Union of Soviet Socialist Republics), commenting on the report of the Sub-Commission (E/CN.4/1261), said that in his view that body had done considerable work on important and urgent questions: the realization of human rights in southern Africa, the role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, implementation of resolutions on apartheid, the rights of peoples under colonial domination, etc. The Sub-Commission's work, as reflected in the report, certainly made a valuable contribution to the solution of those problems.

82. It was to be hoped that in the future the Sub-Commission would give social and economic rights too, an important place in its work, in accordance with the decisions adopted by United Nations bodies on that subject. Some aspects which would be particularly interesting to study in that field were the rights of young people, particularly with respect to employment, the rights of working women, etc. His delegation approved the report (E/CN.4/1261).

83. Sir Keith UNWIN (United Kingdom) expressed his delegation's satisfaction with the Sub-Commission's report; generally speaking, the Sub-Commission was doing excellent work. His delegation awaited with interest the four reports referred to in document E/CN.4/1261 which had been entrusted to special rapporteurs and which should be available shortly.

84. The CHAIRMAN suggested that, in the absence of any objection, the Commission should adopt the following decision: "The Commission takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session."

85. The draft decision was adopted.

86. Mr. Lopatka (Poland), Vice-Chairman, took the Chair.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) THE BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (agenda item 10) (continued) (E/CN.4/1285; E/CN.4/Sub.2/393 and Add.1, E/CN.4/Sub.2/394; E/CN.4/NGC/211, E/CN.4/NGO/213; E/CN.4/L.1400, E/CN.4/L.1408)

87. Mr. ROWE (Canada) introduced draft resolution E/CN.4/L.1408, relating to agenda item 10 (b), of which his delegation was a sponsor together with Australia, Cuba, India, Lesotho, Rwanda and Sweden. After briefly drawing attention to certain features of the draft resolution, he said that he thought it was self-explanatory and hoped that it would be adopted unanimously.

88. Mr. BOTERO (Colombia), referring to agenda item 10 (b), said that although some progress had been made in the penal and criminal legislation of States with regard to the prohibition and repression of torture, that repugnant practice was still widespread; an international convention against torture and other cruel, inhuman or degrading treatment or punishment would certainly be extremely useful. His delegation might have some objections to article 1 of the Swedish draft convention (E/CN.4/1285) but it supported it as a whole.

89. He spoke of the efforts made in his country in that respect and said that recently, in a report on Colombia, Amnesty International had thanked the Colombian Government for its co-operation. He thanked Sweden for its initiative and expressed the hope that its text would be the basis for effective work to curb one of the lowest of human instincts - perhaps the very lowest. Torture should be condemned categorically and its elimination would represent a great step forward in law.

90. Mrs. PANDIT (India), speaking as Chairman Rapporteur of the informal working group on torture and other cruel, inhuman or degrading treatment or punishment, said that the only true criterion of civilized life was the way in which man treated his fellow-man. Judged by that standard, it seemed that mankind had failed miserably. The very content of the Commission's discussions was a sad commentary on the human race, which, in spite of the wisdom which it had accumulated and the wonders of science, seemed to have retrogressed on the moral plane. Like the gods and demons of an old Indian legend, men refused to share the good and the bad: everyone rushed to seize the good things. Man had mastered atomic energy and achieved abundance, but in other matters he displayed madness.

91. In the present age, the list of victims of violations of human dignity, and in particular of torture, grew longer every year, while States, mainly preoccupied with political alignments, looked the other way. In order to put an end to that situation, it was necessary to change priorities and to remove some of the conventional restraints. She hoped that more fruitful decisions would be taken at the next session towards the realization of the noble concepts of the Universal Declaration of Human Rights, so that the Commission could justify the confidence which world public opinion placed in it.

92. Mr. ERMACORA (Austria), referring to agenda items 10 (a) and (b), thanked the Swedish delegation and the International Association of Penal Law for the draft conventions (E/CN.4/1285 and E/CN.4/NGO/213) which they had submitted to the Commission. Thanks were also due to Mr. Nettel for his draft body of principles for the protection of all persons under any form of detention or imprisonment (E/CN.4/Sub.2/395). He stressed in particular the value of article 2 of the Swedish draft convention and of chapter III of the body of principles; on the whole, he considered the approach adopted in those texts excellent. He also thanked the informal working group on torture and other cruel, inhuman or degrading treatment or punishment and Mrs. Pandit, its Chairman/Rapporteur, who had drafted the report (E/CN.4/L.1400).

93. The two types of activity considered under item 10 reflected a new development in the promotion of human rights. Efforts were being made in various directions to amplify the existing texts: the provisions of the two Covenants were interpreted in declarations, attempts were being made to define the concept of religious freedom, article 27 of the International Covenant on Civil and Political Rights was going to be amplified by a declaration on minorities, and Poland was going to submit a draft convention on the rights of the child. The draft convention on torture and the draft body of principles on detention thus constituted two new elements in the development of the system for the promotion of human rights. He concluded by expressing the hope that the two draft resolutions submitted in connexion with those texts (E/CN.4/L.1400, para. 20, and E/CN.4/L.1408), which were on the whole procedural, would be adopted by consensus.

94. Mr. DANELIUS (Sweden) proposed an amendment to operative paragraph 1 of the draft resolution in paragraph 20 of document E/CN.4/L.1400; having noted the interest expressed by the Observer for Switzerland, he would like the words "and other States wishing to express themselves on this subject" to be added after the words "to the Governments of Member States". The comments made during the discussion had seemed to indicate that the first of the two variants proposed for paragraph 2 was preferable; incidentally, it seemed to be accepted that all States would be able to take part in the activities of the working group for which that paragraph made provision.

95. To meet the request made in paragraph 2 of General Assembly resolution 32/62, he suggested the addition to the draft resolution of a fourth paragraph, which would read:

"4. Requests the Secretary-General to transmit to the General Assembly at its thirty-third session this resolution, together with the relevant chapter of the report of the Commission to the Economic and Social Council, as constituting the Commission's progress report requested by General Assembly resolution 32/62."

96. Mr. SHEMIRANI (Iran) stressed the importance for the promotion of human rights of preparing a convention against torture and welcomed the initiative taken by Sweden in the matter. His delegation had not taken part in the work of the Working Group of which Mrs. Pandit had been the Chairman, but it hoped to take part in the working group open to all members of the Commission which it was proposed to establish before the next session.

97. In addition to resolution 32/62, which was the origin of the Swedish initiative, the General Assembly had at its last session adopted resolution 32/64, in paragraph 3 of which it had called upon Member States to deposit unilateral declarations on the question of torture. In response to that request, he read out the following declaration:

"The Imperial Government of Iran hereby declares its intention:

- (a) To comply with the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX), annex);
- (b) To implement, through legislation and other effective measures, the provisions of the said Declaration."

98. His delegation supported draft resolution E/CN.4/L.1408.

99. Mr. BEAULNE (Canada) noted that draft resolution E/CN.4/L.1408, introduced by his delegation, met with the Commission's approval; perhaps it could be adopted forthwith by consensus.

100. Mr. SANON (Deputy Director, Division of Human Rights) informed the Commission of the financial implications of draft resolution E/CN.4/L.1408. The meeting of a working group as requested in that document would entail the following expenditure in 1978: subsistence, \$2,590; conference services, \$9,800, which would be charged to the corresponding item of section 23 of the United Nations budget. There would be no additional travel expenses, as they would be covered by those relating to attendance of members of the Commission.

101. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that, while he was not opposed to the adoption of the draft resolution by consensus, he had some doubts about the desirability of setting up a further working group. It was not a good idea to increase the number of working groups, and in that particular case such action might well create difficulties for the Commission and the Sub-Commission.

102. Draft resolution E/CN.4/L.1408 was adopted.

103. The CHAIRMAN invited the Commission to take a decision on the draft resolution appearing in paragraph 20 of document E/CN.4/1400.

104. Mr. PACE (Secretary of the Commission) read out the amendments proposed by Sweden.

105. Mr. SADI (Jordan) said that he endorsed the amendment to operative paragraph 1 proposed by Sweden. On the other hand, it seemed to him preferable not to take an immediate decision on the setting up of a working group, as called for in operative paragraph 2, in order to allow time to consider the possibility, mentioned at the previous meeting, of entrusting to the same working group the study of the questions which formed the subject matter of agenda items 10 and 11.

106. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that he doubted whether a single working group could deal simultaneously with the questions which formed the subject matter of agenda items 10 and 11. It had been envisaged that a working group should concentrate on drawing up a convention against torture; as far as the body of principles was concerned, perhaps it would be possible to revert to the formula which had been suggested in the first instance and which appeared in the second variant of operative paragraph 2 of the draft resolution, namely, that an open-ended working group could meet during the session. Some delegations had raised objections in that connexion, in particular the delegation of India, which had pointed out that that working group would not have enough time. He had gained the impression, however, that the majority of the members of the Commission could accept that arrangement. His delegation would support it.

The meeting rose at 6.20 p.m.