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New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. CHAVANAVIRAJ (Thailand)

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The meeting was called to order at 6.15 p.m.

AGENDA ITEM 94: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/38/3 (Part I), A/38/195, A/38/325; A/C.3/38/L.29, L.38, L.40)

- Mr. FURSLAND (United Kingdom), introducing draft resolution A/C.3/38/L.29, 1. said that Cyprus and Norway had become sponsors. The draft resolution concerned the protection of individuals detained on the grounds of mental ill-health. It was straightforward, procedural and closely based on previous consensus texts. preamble set forth the background: in 1978, the General Assembly had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study with a view to formulating guidelines. The Special Rapporteur appointed by the Sub-Commission had submitted a final report including a draft body of guidelines, principles and guarantees, which the Sub-Commission had now been considering and hoped to finalize at its next session. The draft resolution simply urged the Commission on Human Rights and the Sub-Commission to get on with the work in which they were engaged. It was not controversial, and the sponsors therefore hoped that it would be adopted without a vote, as had its predecessors in 1981 and 1982.
- 2. Mr. BYKOV (Union of Soviet Socialist Republics), introducing draft resolution A/C.3/38/L.38, said that the delegation of Mali had joined the sponsors. resolution had been prepared in the hope of intensifying efforts to preserve peace and to secure the foremost inalienable human right - the right to life. six preambular paragraphs contained references to well-known and fundamental United Nations documents directly related to the question and reaffirmed the inherent right to life of all peoples and individuals. The seventh, eighth and ninth preambular paragraphs expressed a perfectly understandable concern about the arms race, particularly the nuclear arms race, which was threatening international peace and security and could even destroy life on earth, and drew attention to the pressing need for urgent measures towards general and complete disarmament. eleventh and twelfth preambular paragraphs recalled the historic responsibility of all Governments to preserve civilization and ensure everyone's enjoyment of his inherent right to life and indicated that there was no question more important today than that of the preservation of peace and of ensuring the right to life.
- 3. Paragraph 3 referred to the important fact that practical measures of disarmament would release substantial additional resources for social and economic development, particularly for the benefit of developing countries. Paragraph 5 called upon all States that had not yet done so to take effective measures with a view to prohibiting by law any propaganda for war. Paragraph 6 expressed the hope that the Commission on Human Rights would make further efforts to protect the right to life, while paragraph 7 would place the matter on the agenda of the thirty-ninth session of the General Assembly.
- 4. Scientific and technological progress could significantly improve the living conditions of people throughout the world and solve such basic human problems as hunger, disease, poverty, illiteracy and economic backwardness; in order to use its

(Mr. Bykov, USSR)

potential to the fullest, the fruits of human genius must be applied to achieving disarmament. The current world situation was a cause for great concern throughout the international community. It was therefore especially important to intensify efforts to preserve peace and safeguard the right to life. The organizations of the United Nations system, including those concerned with human rights, could make a great contribution to that effort, and the adoption of the draft resolution would be a major step in that direction.

- 5. The draft was based on General Assembly resolution 37/189 and on resolutions 1982/7 and 1983/43 of the Commission on Human Rights, which had been adopted by consensus. It should create no problems for any delegations, and the sponsors hoped that it would be adopted by consensus.
- 6. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing draft resolution A/C.3/38/L.40, said that Mali had joined the sponsors. The aim of the draft resolution was to alert Member States and specialized agencies to the importance of implementing the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. The draft conceived of scientific and technological progress as a precondition for the acceleration of the social and economic development of all countries. In the fourth preambular paragraph it expressed serious concern that the results of scientific and technological progress could be used to the detriment of human rights and of the human person. Paragraph 2 called upon all States to make every effort to use the achievements of science and technology to promote human rights and fundamental freedoms. Paragraph 4 invited those Member States, specialized agencies and other organizations of the United Nations system that had not yet done so to submit their information pursuant to General Assembly resolution 35/130 A.
- 7. The draft resolution was straightforward and reflected the views of many delegations; it was balanced and pursued a noble objective. His delegation hoped that the Committee would endorse it.

AGENDA ITEM 96: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
(A/38/3 (Part I), A/38/40, A/38/88, A/38/203, A/38/392, A/38/529; A/C.3/38/L.35,
L.39, L.41)

- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE
- (b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF THE SECRETARY-GENERAL
- 8. Mr. AL-HADDAWI (Iraq), introducing draft resolution A/C.3/38/L.35, said that the first preambular paragraph referred to the need to achieve greater international co-operation in the field of human rights, while the second mentioned the General Assembly resolutions on the introduction of Arabic as an official and working language in the General Assembly and its main committees.

(Mr. Al-Haddawi, Iraq)

- 9. Arabic was an official and working language of many organizations of the United Nations system, including the Security Council and the specialized agencies. It was used by 21 Member States and one observer delegation, and the Arab States members of the Human Rights Committee submitted their reports in Arabic. Since Arabic was spoken by 175 million people, its use was important for the dissemination of information about human rights and for enabling Arabs to express their views on decisions concerning violations of human rights in areas which were still under foreign occupation or colonialism. According to the sole operative paragraph, therefore, the United Nations would include Arabic among the official and working languages of the meetings of the States Parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well as the Human Rights Committee and the Sessional Working Group of the Economic and Social Council. His delegation hoped that the draft resolution would be adopted without a vote.
- Mr. RUSI (Finland), introducing draft resolution A/C.3/38/L.39, said that Costa Rica had joined the sponsors, which believed that the international protection of human rights could best be achieved by the adoption of legally binding treaties and the establishment of suitable forms of international supervision and control. Universal application of the International Covenants on Human Rights must remain a major objective, and the draft resolution therefore invited all States that had not yet done so to become parties to them. However, without effective implementation machinery their provisions would be of little value. It was therefore vital that the Centre for Human Rights should be given sufficient resources to assist the Human Rights Committee and the Economic and Social Council effectively in fulfilling their functions under the Covenants. The Human Rights Committee played a key role in assisting States parties in their efforts to promote the enjoyment of human rights. Paragraph 5 expressed satisfaction that the majority of States parties had been represented by experts for the presentation of their reports, a practice which would certainly strengthen the Committee's effectiveness. Paragraph 8 emphasized the importance of the strictest compliance by States parties with their obligations under the Covenants and, where applicable, the Optional Protocol. Since the International Covenants and the Optional Protocol dealt with the rights of individuals, public awareness of their provisions was important. Paragraphs 11 and 12 drew attention to that fact.
- 11. The draft resolution followed the line of previous resolutions on the same subject but also took account of relevant decisions and the experience that had been gained since 1982. The sponsors hoped that it would be adopted by consensus.
- 12. Miss CAO-PINNA (Italy) introducing draft resolution A/C.3/38/L.41, announced that Australia had joined the sponsors. The draft resolution, like General Assembly resolution 38/20, recently adopted by consensus, was a follow-up of General Assembly resolution 37/44, which had originated from the concern felt by the Committee on the Elimination of Racial Discrimination at the delay in the submission of the reports due by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. The same situation existed with respect to the reporting system for the International Covenant on Economic,

(Miss Cao-Pinna, Italy)

Social and Cultural Rights, for which, at the end of 1982, 97 reports had been overdue. The General Assembly could not remain indifferent to that situation, since the reporting obligations of States parties to the Covenants and other human rights instruments were not purely formal and failure by States parties to comply with them could undermine the implementation of the provisions of the instruments in question. Those considerations were covered in the four preambular paragraphs of the draft resolution.

- 13. In drafting the operative part of the draft resolution, the sponsors had been guided by two concerns: firstly, the need to improve the reporting situation and, secondly, the need to involve all bodies concerned, including the General Assembly, without interfering with the prerogatives of the States parties to the Covenants and other instruments. The first objective was covered in paragraphs 3 and 4. The consideration of the Secretary-General's reports by both the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the Covenant might help to achieve as high a level of compliance with the reporting obligations as for the International Covenant on Civil and Political Rights. That was reasonable, since the two Covenants had been adopted jointly by the General Assembly and were mutually complementary.
- 14. The proposal made in paragraph 5 had arisen from the need, recognized in General Assembly resolution 37/44, to consider the situation of each reporting system in the overall framework of the obligations undertaken by States parties under various human rights instruments. The importance of co-ordination among United Nations organs responsible for considering the reports due under various human rights instruments had been emphasized by the Human Rights Committee in its report to the current session (A/38/40, para. 30), which stated that the best way to achieve such co-ordination was for the Centre for Human Rights to bring together representatives of those organs with a view to considering the matter in the light of their respective experience.
- 15. Before submitting the draft resolution, the sponsors had consulted other delegations and incorporated almost all of their suggestions. They therefore hoped that the draft resolution could be adopted without a vote.
- AGENDA 97: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/38/L.31 and L.32)
- 16. Mr. HAMER (Netherlands), introducing draft resolution A/C.3/38/L.31, announced that the delegations of Belgium, Canada, Fiji, Italy, New Zealand, Norway, Samoa and the United States had joined the sponsors.
- 17. The draft resolution was intended as a follow-up to General Assembly resolution 37/194, on the Principles of Medical Ethics, which had been adopted without a vote. Over the past year, there had been further reports of alleged involvement of the medical profession in active contravention of the Principles of Medical Ethics. Such abuse might be countered by the drafting of a set of standards in that field, and there was consequently an urgent need for the widest

(Mr. Hamer, Netherlands)

possible dissemination of the text of those Principles, especially to medical and para-medical personnel. The aim of the draft resolution was to ensure such dissemination, both nationally and internationally. The sponsors earnestly hoped that the draft resolution would be adopted without a vote, as the similar resolution had been at the thirty-seventh session.

18. Mr. SALAND (Sweden), introducing draft resolution A/C.3/38/L.32, informed the Committee that the delegations of Bolivia and Senegal had asked to join the sponsors. Ways of preventing torture and other cruel, inhuman or degrading treatment or punishment had always been of great concern to the Committee. Significant steps in that direction had been taken by the adoption of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1975 and the request by the General Assembly in 1977 that the Commission on Human Rights should draw up a draft convention on the subject. Since then, the Commission's working group on that draft convention had prepared agreed provisions covering most of the draft convention. Some divergent opinions, however, remained with regard to the so-called universal jurisdiction and the implementation provisions. The draft resolution expressed the hope that the working group could solve those problems and complete its work at the next session of the Commission, and the sponsors hoped that it could be adopted by consensus.

AGENDA ITEM 98: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

- (a) REPORT OF THE HIGH COMMISSIONER (continued) (A/C.3/38/L.34)
- (b) ASSISTANCE TO REFUGEES IN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued)
 (A/C.3/38/L.24)
- 19. Mr. COLE (Sierra Leone), introducing draft resolution A/C.3/38/L.24 on behalf of the African Group of States said that during the discussion on the question of refugees in Africa, reference had been constantly made to one central issue, namely the second International Conference on Assistance to Refugees in Africa (ICARA II). Encouraged by the deep feeling expressed in the Committee about the plight of refugees in Africa, and in the light of previous decisions, the African Group in the Third Committee, in full consultation and co-operation with the African Group as a whole and the secretariat of the Organization of African Unity, had proposed the draft resolution for adoption. In view of the humanitarian nature of the subject, due attention had been paid to the need to reflect in clear terms the Group's desire to attract the undivided support of all nations and organizations for the African refugees. For that reason, the preambular paragraphs mentioned not only the report of the Secretary-General and the United Nations High Commissioner for Refugees but also previous resolutions of the General Assembly, of OAU and of all bodies which recognized the need for collective action in alleviating the human problems of the African refugees and providing lasting solutions.

(Mr. Cole, Sierra Leone)

- 20. On behalf of the African Group, he commended the draft resolution to the Committee for unanimous adoption.
- Mr. HOPPE (Denmark), introducing draft resolution A/C.3/38/L.34 on behalf of the sponsors, announced that the delegations of Bolivia, the Federal Republic of Germany and Zaire also wished to join the sponsors. During the general debate on the item, his delegation had been pleased to note the support for and the appreciation of the important task performed by the Office of the High Commissioner that was expressed in statements by delegations from all regional groups. differing views on the causes of particular refugee problems, all had agreed on the need to provide the refugees with assistance and protection. The sponsors had attempted to reflect that agreement in the text of the draft resolution, which sought above all to emphasize the need for finding durable solutions to the problems of refugees, displaced persons and returnees and to stress the respective roles and responsibilities of UNHCR and of States and the essential need for co-operation and co-ordination between them. The draft resolution spoke for itself, and the sponsors hoped it would provide further impetus for the eminently humanitarian and non-political task of helping and protecting millions of people all over the world. In view of the constructive contributions made by many delegations from various regional groups in the preparation of the draft resolution, he hoped that, as in the past, the draft resolution on the report of the High Commissioner would be adopted without a vote.

AGENDA ITEM 99: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/38/L.33)

- 22. Mrs. SHERMAN-PETER (Bahamas), introducing draft resolution A/C.3/38/L.33, announced that the delegations of Colombia, Malaysia, the Philippines, and Trinidad and Tobago had asked to join the sponsors.
- 23. During the discussion on the agenda item, all delegations had agreed that the deteriorating world situation with regard to the illicit production of, demand for, and traffic in narcotic drugs and psychotropic substances was cause for grave international concern. It was not enough, however, to voice concern. An understanding of the magnitude of the problem should encourage co-operative multilateral efforts, with complementary bilateral and national endeavours. The actual movement of illicit drugs could affect any country through illicit production, demand or transit and constituted a serious threat to the stability, development and security of many States, particularly developing States. The draft resolution attempted to consolidate and advance recent activities undertaken with regard to drug trafficking and to encourage continued attention to that problem within the context of the International Drug Abuse Control Strategy.
- 24. The preambular paragraphs of the draft resolution, in addition to alluding to some of the serious social, economic and security problems associated with drug trafficking and drug abuse, acknowledged the importance of regional and interregional co-operation and co-ordination, particularly in the field of law enforcement, and also referred to the role of international drug-control treaties and the United Nations Fund for Drug Abuse Control.

(Mrs. Sherman-Peter, Bahamas)

- 25. The operative paragraphs concentrated on various approaches and activities which merited continued consideration in efforts to solve the problems of drug trafficking and drug abuse. They also expressed appreciation to Governments which had acted as hosts to regional or interregional meetings during 1983, and they stressed the importance of the international community's regular review and evaluation of efforts in that connection and the need for appropriate and timely feedback.
- 26. The sponsors therefore hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 100: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/38/L.25, L.26)

- (a) STUDY ON INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL
- 27. Mrs. FLOREZ PRIDA (Cuba), introducing draft resolution A/C.3/38/L.25 said that Bolivia, Guinea-Bissau and Guyana had joined the sponsors. The draft resolution had been the fruit of intense consultations among the traditional sponsors of the draft and other interested delegations, which had expressed the desire that the Committee should consider only one draft resolution under that item at the current session, in order to secure the maximum convergence of views on a subject of great interest to many delegations.
- 28. The preliminary draft had been distributed to all delegations in order to obtain their comments and views. Extensive consultations had been held with representatives of other groups, and she was pleased to state that the discussion had been frank and that a large measure of co-operation had been displayed. The resulting draft resolution therefore reflected the major concerns of the developing countries and of a majority of developed countries.
- 29. In her view, the objective of the draft resolution had been basically achieved, although some delegations were not altogether pleased with the text, since not all their suggestions had been included and not enough emphasis had been placed on some of the issues which were of greatest interest to them. Similarly, not all the ideas of the sponsors themselves were reflected in the draft text, which was essentially a compromise reflecting the main concerns of the delegations that had participated in its drafting.
- 30. As an indication of the spirit of understanding displayed by the sponsors, she said that the draft text had incorporated proposals submitted by delegations which had not participated in the drafting, particularly Australia, Ireland, Italy, the Netherlands and the United Kingdom. A proposal by the Soviet Union had been noted, but it had not been possible to incorporate it.

(Mrs. Florez Prida, Cuba)

- 31. Three new preambular paragraphs and five new operative paragraphs had been introduced into draft resolution A/C.3/38/L.25 on the basis of proposals from other delegations; they were the sixth, tenth and seventeenth preambular paragraphs and in paragraphs 2, 4, 6, 10 and 12. In addition, another series of proposals which had required modifications in existing paragraphs of the preliminary draft had been taken into account in the eleventh, fifteenth and sixteenth preambular paragraphs and in paragraphs 1 and 11.
- 32. The final draft represented a balance which the sponsors felt should be preserved.
- 33. The fundamental idea behind the draft was the recognition that the right to development was an inalienable right of peoples. That concept had been affirmed at summit conferences of the Non-Aligned Movement and had been recognized by the General Assembly itself in resolution 34/46 and subsequent resolutions. The ideas of the right to development and the right to a new international economic order were significant elements of the right of peoples to the full enjoyment of human rights and fundamental freedoms, which were of particular significance to developing countries. Of equal importance was the need to protect, implement and promote the civil, political, social and economic rights of peoples. Cuba recognized and promoted those basic concepts as they related to development and repeated its call for international co-operation among all countries, on the basis of respect for independence and sovereignty, non-interference in the internal affairs of other States and, in particular, the right of peoples to choose their own social and economic systems in order to promote peace and development.
- 34. Earlier that day, the sponsors had received new proposals from delegations which had not directly participated in the drafting. It had been too late to examine those proposals, and they would be examined by the sponsors the following day, after which the Committee would be informed of any amendments.
- 35. She hoped that the resolution would be adopted without a vote.
- 36. Mr. RATHORE (India), introducing draft resolution A/C.3/38/L.26, said that Ecuador, New Zealand and Peru had joined the sponsors. It was the sponsors' belief that national institutions had a very important role to play in the promotion and protection of human rights. Several of the concepts in the draft resolution were drawn from previous resolutions of the General Assembly, particularly resolution 36/134.
- 37. The report of the Secretary-General contained in document A/38/416 had been very useful, and the main thrust of the draft resolution was to elicit additional information from member Governments with a view to enabling the Secretary-General to develop further the various types of national institutions for the protection and promotion of human rights. He recalled the suggestion that the provisional agenda of the thirty-ninth session should contain a sub-item on national institutions. That was mainly to ensure that the updated report of the Secretary-General on the

(Mr. Rathore, India)

experiences of Member States could be disseminated to all Member States without much delay, in order to assist them in establishing or strengthening their national institutions.

- 38. He said that the word "useful" in the first line of paragraph 1 of the draft resolution should be deleted.
- 39. The sponsors hoped that the draft resolution would be adopted without a vote.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/38/L.36, L.37)

- 40. Mr. RIACHE (Algeria), introducing draft resolution A/C.3/38/L.36 said that Bolivia, Colombia, Greece, Mali and Mauritania, had become sponsors. The main objective of the General Assembly when it had approved resolution 34/172, containing the decision to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families, had been to supplement the international legal régime designed to safeguard the rights of migrant workers everywhere.
- 41. Migrant workers were vulnerable in the face of difficulties caused by the lack of comprehension due to cultural differences and their social and economic marginalization. The migrant movement had always had a human face, which it was important to protect and preserve.
- 42. A draft convention was an effective and timely initiative by the United Nations and should be encouraged and supported.
- 43. The sponsors of the draft resolution had two objectives: firstly, to bring to the attention of the General Assembly the good results accomplished so far by the Working Group, as described in its report to the General Assembly; secondly, to enable the Working Group to pursue its work in the elaboration of the draft convention.
- 44. In paragraphs 2 and 5 of the draft resolution, the sponsors had recommended that the General Assembly should authorize two further sessions of the Working Group.
- 45. The sponsors hoped that the draft resolution would be adopted without a vote.
- 46. Mr. AL-HADDAWI (Iraq) announced that Turkey had joined the sponsors of draft resolution A/C.3/38/L.35.

The meeting rose at 7.45 p.m.