



SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. RITTER (Panama)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 12: **REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)** (A/42/3, 67, 121; A/42/296-5/18873; A/42/391; **A/42/402-S/18979**; A/42/488, 496, 497, 498 and **Add.1**, 499, 504, 506, 556 and **Corr.1**, 568, 612 and **Add.1**, 641 and **Corr.1**, 645, 646, 648, 658, 661, 667 and **Corr.1**, 677, 685, **690**, 725; **A/42/734-S/19262**; **A/C.3/42/1**, 6; **A/C.3/42/L.2**, L.5, L.8, **L.40**, **L.48**, **L.50**, L.61, L.62)

1. **Mr. Bernales EALLESTEROS (Peru)**, Special Rapporteur appointed to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination, said that the mandate received by the Commission on Human Rights and the guidelines contained in the relevant General Assembly resolutions were the frame of reference for his work, the first stage of which would culminate in the submission of his report to the forty-fourth session of the Commission on Human Rights. He was fully aware of the threat that the activities of mercenaries represented for all States, as noted in Commission on Human Rights resolution **1987/16**. His initial consultations had confirmed the particular urgency of dealing with the sensitive situation in southern Africa with regard to the recruitment, financing, training, assembly, transit and use of mercenaries, the short- and long-term negative effects on the economies of the countries concerned and on their independence and territorial integrity, and the human rights violations which resulted from the **use** of mercenaries. He requested the co-operation of all Member States, especially those **most** directly concerned, in identifying the characteristics of mercenarism and the ways in which it was used to violate human rights and impede the exercise of the right of peoples to self-determination.

2. **Mr. BIERRING** (Denmark), speaking on behalf of the twelve States members of the European Community, said that, by accepting the Charter, States assumed an obligation to promote human rights, and that violations of those rights were therefore a legitimate concern of the United Nations. That concern **must** extend **to** all violations, wherever and whenever they occurred and under whatever political or social system. In recent years, the representatives of a number of States which had fortunately returned to the **values** of human rights, democracy and pluralism had stressed the importance of United Nations involvement in the protection of human rights in their countries during the time when those rights were being seriously violated. The testimony of such countries was further evidence that United Nations examination of the human rights situation in individual countries could not be regarded as interference in their internal affairs.

3. The concept of human rights denoted, first and foremost, protection of the individual against the State - not the reverse. The concept of human rights should not **be** diluted or distorted by confusing it with other categories of rights. Although the rights of States were an important area of international law, they obviously did not belong under the heading of human rights. If the individual human being was not the principal object of concern, the way lay open to totalitarian regimes. Whatever ideological banner **such régimes** went under - of left or of right - they displayed contempt for the individual and a denial of the inherent dignity and equality of all human beings.

(Mr. Bierring, Denmark)

4. The proclamation of universally accepted human rights standards had been a signal achievement of the United Nations. Implementation was now the essential task, in which the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the machinery for monitoring the implementation of the International Covenants on Human Rights and other human rights instruments had a crucial role to play. The Twelve considered it essential that the necessary resources continue to be made available to maintain and strengthen that machinery. Human rights programmes accounted for less than 1 per cent of overall United Nations expenditures and any cut back risked causing disproportionate harm to their objectives. It was incumbent on all Governments to extend their full co-operation to the special rapporteurs and special representatives. It was important to recall, however, that a Government's co-operation did not in itself mean that the situation of human rights in its country had improved.

5. The documents prepared for the forty-third session of the Commission on Human Rights concerning torture, forced or involuntary disappearances, summary or arbitrary executions and intolerance or discrimination based on religion or belief had been of great benefit to the Commission's work. In future, it would be appropriate to make those reports available to the General Assembly as well.

6. The adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been a major advance in the codification of universal human rights standards. The extension of the mandate of the Special Rapporteur on torture testified to the determination of the Commission to take an active part in efforts to eradicate that evil practice. In that connection, the Twelve appealed to all Governments, non-governmental organisations and individuals to contribute to the United Nations Voluntary Fund for Victims of Torture.

7. The appointment of a Special Rapporteur on religious intolerance had added an important new mechanism to the Commission's thematic approach. The Twelve welcomed the Special Rapporteur's first report, which included an excellent analysis of the problem.

8. The urgency of the problem of summary or arbitrary executions required that the international community continue to monitor the situation in that regard. Since all Member States supported the annual resolution on that issue, the Twelve called on them in good faith to implement what they had freely accepted, by bringing an end to summary or arbitrary executions.

9. The Twelve commended the responsible approach taken to its mandate by the Working Group on Enforced or Involuntary Disappearances. The Twelve urged all Governments concerned to respond favourably to the Group's request for visits and called on the Secretariat to ensure that the Group was able to maintain its normal schedule of work.

10. The Governments of the Twelve were all parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was far-reaching not

(Mr. Bierring, Denmark)

only in its Scope but 8180 in its enforcement machinery. Experience with that Convention had strengthened the Twelve's conviction that ratification of human rights instruments was not enough; they must be implemented.

11. In the Soviet Union and other Eastern European States, although human rights were guaranteed in theory in their constitutions, fundamental rights and freedoms were not being duly respected in practice. Some progress had been made, but many situations continued to give rise to grave concern, notably the situation in Romania, which had recently been the subject of a number of disturbing reports.

12. The Twelve continued to call for the implementation of the right to be reunited with one's family, for freedom of movement within each country, for freedom to leave and return to one's own country, for the right freely to profess and practise a religion, the right freely to receive and disseminate information and the right to exercise and defend human rights without harassment or persecution.

13. The Twelve underlined the particular importance they attached to the right to set up free and democratic trade unions. In many countries, trade unionists were particularly vulnerable because they defended not only their own rights but also those of others. The international community must see to it that they were protected against harassment, detention or worse.

14. With regard to the violation of human rights in South Africa, the Twelve had on several occasions expressed their revulsion at apartheid and their conviction that it must be abolished. They had made their views clear to the South African Government and had worked to promote a genuine national dialogue, conducive to the achievement of liberty and social justice for all. The recent release of some political prisoners might indicate that the South African Government was beginning to see that its repressive policies could only lead to further tragedy for all South Africans. Fundamental change was also inevitable in Namibia, where the people must be allowed to exercise their right of self-determination in accordance with the United Nations plan contained in Security Council resolution 435 (1978).

15. The Twelve were deeply concerned at the many reports on the increasing climate of tension in the Arab territories occupied by Israel since 1967. The Twelve had followed with particular attention the tragic events at Bir Zeit University and Bethlehem University. The methods used to control demonstrations staged by students and other groups, the increasing frequency and duration of university closures and the disturbing reports on interrogation methods and unsatisfactory prison conditions were of particular concern. Although the Twelve deplored all acts of violence, they could not fail to note that the unrest was to a large extent due to spontaneous reactions arising from legitimate sentiments among the Palestinians.

16. With regard to the human rights situation in Afghanistan, the Twelve welcomed the fact that the Afghan authorities had, for the first time, begun to extend co-operation to the Special Representative by inviting him to visit the country. Nevertheless, that step, together with the reported reduction in the number of political prisoners, did not alter the fundamentally horrifying picture of the

(Mr. Biering, Denmark)

continued denial of the sights of the Afghan people, both by the authorities in Kabul and by the occupying forces. Millions of Afghans had fled the country, torture continued to be practised systematically, and severe suffering had been caused to the civilian population through indiscriminate bombardment. The use of certain incendiary weapons and booby-trap toys were all reported to continue, and there were reports of the destruction of cultural property. There was no doubt that the General Assembly should retain the item on its agenda. Even more critical was the need for the Soviet occupying forces to withdraw immediately.

17. Concerning the situation in Kampuchea, the Twelve shared the abhorrence felt by the world community at the terrible abuses inflicted in the past by Pol Pot and the Khmer Rouge. That was no justification, however, for Viet Nam's illegal occupation of Kampuchea or its imposition of an illegitimate régime. The Twelve were also concerned about human rights violations in Viet Nam, where thousands of people had been detained without trial since 1975 and were being subjected to harsh treatment. The Twelve welcomed the recent amnesty and hoped that all political prisoners would be released.

18. With regard to the situation in Iran, the Twelve noted that the Government had entered into limited contact with the Special Representative⁷ that had not entailed any real co-operation on human rights issues, however. Such de facto lack of co-operation was regrettable, as was the refusal to allow the Special Representative to visit Iran. The Twelve reiterated their view that Iran was legally bound to respect all provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and the other human rights instruments to which it was a party. Unfortunately, there continued to be reports of summary and arbitrary executions and the use of torture and arbitrary detention in Iran. In particular, there was persecution of minority groups, such as the Bahá'ís, who were being subjected to systematic and harsh discrimination solely because of their faith. The situation was further aggravated by the lack of an independent judiciary and the fact that children were being conscripted and sent into battle. The Twelve once again urged the Iranian Government to extend its full co-operation to the Special Representative and, in particular, to invite him to visit Iran.

19. The Twelve were also concerned about human rights violations in certain other countries in the same region. The absence of reports on those situations did not mean that human rights and fundamental freedoms were being fully respected.

20. With regard to Central America, the European Community and its member States had established a political dialogue with the countries of the region in order to underline their support for the peace process, in the interests of stability, pluralist democracy and human rights. The Twelve believed that the Esquipulas II agreement signed by the five Central American Presidents on 7 August 1987 was a very important step towards the establishment of a climate of mutual trust, and urged the five Central American countries and all countries with links to and interests in the region to co-operate constructively in translating the agreement into lasting peace and pluralist democracy, with full respect for human rights and fundamental freedoms.

(Mr. Bierring, Denmark)

21. He expressed the Twelve's appreciation for the co-operation which the Government of El Salvador had continued to extend to the Special Representative, whose report had concluded that the constitutional authorities of El Salvador, under the process of democratic normalisation, remained firmly committed to a policy of respect for human rights. The number of assassinations had decreased and the regular army was endeavouring to apply humanitarian standards in the conduct of hostilities. However, that had not prevented unjustifiable cases of civilian casualties. There were, regrettably, indications of a resurgence of "death squad" activities and, in that connection, the Twelve urged the Government of El Salvador to spare no efforts to apprehend and prosecute the perpetrators of the recent assassination of the leader of the non-governmental Human Rights Commission.

22. Although the number of political prisoners in El Salvador had decreased, there were reports of extreme psychological pressure on some of those prisoners. Moreover, the criminal justice system remained highly unsatisfactory. The Twelve welcomed the recent release of political prisoners under the amnesty, but urged the Government to implement the amnesty in a way which guaranteed that all past human rights violations were investigated and the perpetrators brought to justice.

23. The Special Representative's report noted that the guerrilla forces were responsible for acts, such as the laying of mines, which seriously contravened the norms of humanitarian law. The Twelve called upon both sides to observe scrupulously the relevant international norms of humanitarian treatment as set forth in the Geneva Conventions and the Additional Protocols thereto. They welcomed the resumption in October 1987 of the dialogue between the Government and opposition forces within the framework of the Equipulas II agreement, and hoped that the recent suspension of that dialogue was only temporary.

24. With regard to the situation in Guatemala, the Twelve acknowledged the good intentions of and the efforts so far made by the Government but were concerned at reports submitted to the Commission on Human Rights which indicated that serious violations of human rights, although fewer in number, continued to occur. They urged the Guatemalan Government to spare no effort to implement fully the commitments it had assumed in the field of human rights and hoped that all sectors of Guatemalan society would play their part in those efforts.

25. The Twelve welcomed the Chilean Government's co-operation with the Special Rapporteur on Chile and hoped that it would continue. Nevertheless, the Special Rapporteur's report bore testimony to the fact that the human rights situation in Chile remained a matter for deep concern. There continued to be many allegations of human rights violations and there had been no significant change in the basic political or legal structures in Chile. Significant numbers of political prisoners remained in detention and there were continued reports of torture and ill-treatment of detainees. The re-emergence of right-wing death squads was also an alarming development.

26. The Twelve believed that the Chilean Government's actions were intended to harass and intimidate its democratic opponents, something that would only intensify political polarization and increase the risk of further violence. They reiterated

(Mr. Bierring, Denmark)

their hope that the Government would charge or release all those who had been arbitrarily detained. In particular, they called on the Chilean authorities to establish and publish forthwith the full facts about the cases of Rodrigo Rojas and Carmen Quintana, who had allegedly been burned by an army patrol in July 1986. The Twelve also underlined the need for the Chilean judicial system to regain its independence.

27. It was a fact that systematic violations of individual liberties, tyranny, oppression and indiscriminate violence persisted in many countries. It was therefore essential to intensify efforts to improve the capacity of the United Nations to respond promptly and effectively to all violations of human rights, wherever they occurred. Such an undertaking required political will and, above all, full compliance by Governments with their obligations under the Charter to protect and promote human rights.

28. Mr. MALHURET (France) said that his delegation supported fully the positions expressed by the representative of Denmark in his statement. On the eve of the fortieth anniversary of the Universal Declaration of Human Rights, it was appropriate to consider what progress had been made towards achievement of the universality of human rights. Underlying that and other declarations was the idea that individuals must be protected against the excesses of Governments. In recent years, a theory had been advanced according to which civil and political rights could not exist if elementary freedoms, such as the right to housing, work and health, had not been attained. In other words, it was more urgent to feed a starving man than to give him the right to vote. Reality, however, had shown that argument to be fallacious. In fact, civil and political rights represented imperatives imposed on States and could be proclaimed regardless of the economic development of a society. Civil and political rights and economic, social and cultural rights were inseparably linked and any attempt to pit one set of rights against the other must be rejected.

29. Most countries of the world currently subscribed to the value embodied in the Universal Declaration of Human Rights, but there was still considerable disparity between what was acknowledged at the international level, including the United Nations, and the corresponding progress with regard to actual respect for human rights in the world. All too often at the United Nations the language of human rights was constructed in such a way as to conceal or justify human rights violations. The practice of selective indignation, which consisted of singling out only the most visible human rights violations, was not unknown within the Organization either. There was also the danger that the issue might become politicized, something which was particularly risky in the area of human rights. France believed that it was urgent to reaffirm the importance of the universality of human rights and was resolved to support all efforts to promote those rights, particularly within the framework of the United Nations.

30. Efforts should be made to increase implementation both of international human rights instruments and of the resolutions adopted by the United Nations concerning the most intolerable human rights violations. Foremost among those violations was torture which, according to certain reports, was practised in almost one third of

(Mr. Malhuret, France)

the States Members of the United Nations. Mass imprisonments, the use of psychiatry for repressive ends, deportation of individuals and populations, summary or arbitrary executions and forced or involuntary disappearances constituted other serious assaults on human rights. France supported fully the resolutions condemning those practices. Other practices, such as totalitarianism and oppression of the individual by the State, which were less visible than the egregious violations denounced by special rapporteurs, constituted equally serious threats to human rights and should be condemned.

31. The most basic human rights were the right to life and the right to security. The means of evaluating the degree to which those rights were being respected was tragically simple and consisted of measuring the number of deaths due to repression, the number of political prisoners and the number of refugees forced to flee their country in order to escape oppression. Afghanistan currently ranked first by number of victims, followed by Ethiopia, Viet Nam, Kampuchea and others. The situation in South Africa was equally alarming. France condemned unequivocally all violations of human rights in South Africa and reiterated its abhorrence of apartheid. Together with its European partners, it had stepped up political measures and economic pressures aimed at forcing the South African Government to put an end to its racist régime. France was also concerned at the situations in Chile and Iran. It deeply regretted Iran's continued reluctance to co-operate with the Special Representative.

32. The organizations which worked to promote respect for human rights and to aid victims of violations were one of the most encouraging signs of the international community's desire to bring about greater respect for human rights in the world. Unfortunately, in many regions of the world, volunteers who worked for those organizations were prevented from doing their jobs by States which tried to divert assistance or by groups which did not hesitate to resort to measures such as kidnapping or blackmail. Such practices must be condemned, by the United Nations in particular. The disappearance of international civil servants was another human rights abuse which affected the United Nations directly and which it should condemn as a grave assault on the basic rules governing international institutions.

33. With respect to the draft convention on the rights of the child, which had been under consideration by the Commission on Human Rights for the past eight years, his delegation hoped that the General Assembly would call on the Commission to conclude its work on that question and adopt the draft convention at its next session.

34. Mr. DE AZAMBUJA (Brazil) said that, of all the activities carried out by the United Nations, those in the sphere of human rights were not only among its noblest but also among its most successful. Although progress might seem slow to the casual observer, the Universal Declaration of Human Rights and other instruments and undertakings represented impressive accomplishments in setting standards for respect for human rights. Although some of those instruments required further refinement, in their current form they constituted a comprehensive and time-tested body of legal doctrine.

(Mr. De Asambuja, Brazil)

35. In his capacity as Brazil's representative on the Commission on Human Rights, he stressed his Government's full recognition of the competence of multilateral international bodies in the defence and promotion of human rights. Although the fundamental role of guarantor and defender of human rights belonged to each State, international co-operation in that area could and should make an important contribution. As long as ethical considerations and objective procedures prevailed over propagandistic aims and narrow tactical objectives, Brazil recognised fully the competence of the United Nations and its representatives to monitor and consider violations of human rights.

36. Brazil maintained that the appointment of special rapporteurs or special representatives should not be viewed as a weapon of the international community against certain Governments and their policies. It was, however, important for the international community to avoid politicisation when determining the mandate of a special rapporteur or representative.

37. Brazil commended the work of the special rapporteurs and representatives on Iran, Afghanistan, Chile and El Salvador. Their reports were balanced and objective and the sobriety and pertinence of their conclusions and recommendations testified eloquently to the fact that their mandates in no way ran counter to the sovereignty of any given State. The report on Iran brought to light not only concerns but also some positive developments in the country's internal situation that would otherwise have gone unnoticed by the international community. He hoped that, in future, the Iranian Government would co-operate more fully with the Special Representative. The report on Afghanistan differed substantially from those submitted in previous years because the Special Rapporteur had been allowed to visit the country. Brazil shared his grave concern regarding the human rights situation in Afghanistan, but commended the Afghan Government for its co-operation with the Special Rapporteur. Brazil also shared the concerns of the Special Rapporteur regarding the persistence of grave irregularities in Chile and hoped that complete restoration of a pluralistic democracy in that country would guarantee full enjoyment of human rights.

38. With regard to the report on El Salvador, his delegation had particularly appreciated the attention devoted by the Special Representative to the Esquipulas II agreement aimed at establishing a firm and lasting peace in Central America. His delegation believed that the situation in El Salvador should be viewed within the broader context of the pursuit of peace, freedom, self-determination and human rights in Central America. It hoped that the Third Committee would examine the situation in El Salvador in such a manner as to avoid undermining or partially prejudging the outcome of the vast co-operative programme for peace and justice currently under way in Central America.

39. Mr. NOWORYTA (Poland) drew attention to Economic and Social Council resolution 1987/42, entitled "Need to enhance international co-operation in the field of the protection of and assistance to the family". Among other things, it requested the Secretary-General to prepare a report for the forty-third session of the General Assembly with a view to the possible proclamation of an international year of the family. Poland had been one of the co-sponsors of that resolution.

(Mr. Nowocyta, Poland)

40. The family was a basic social unit that varied from one society to another according to culture, religion and socio-economic development. It performed many functions and assured the biological future of society.

41. One of the basic functions of the family was the maintenance of cultural continuity. Much of a child's learning occurred within that context and it was there that the processes of socialization and personality formation took place. The family also provided emotional support and security and the fact that most juvenile delinquents came from broken homes or from unstable families indicated that a cohesive and balanced family also prevented behavioural deviations.

42. The economic functions of families were linked to a large extent with their productive functions, which were related in turn to national economic processes and, therefore, to international economic co-operation. The family was thus linked with many current world problems, such as the imbalance between economic development and nutritional needs, population growth disproportionate to economic capacity, health problems and the enormous disparity between the cost of meeting families' material needs and the enormous expenditure on arms.

43. Rapid changes in the form of the family, determined by social, economic, cultural and other processes, often gave rise to talk of a crisis in marriage and the family. However, in spite of divorce, illegitimate births and the increasing trend towards cohabitation, marriage continued to be the universal basis of the family and an increasing trend towards equality was reflected, especially among younger people, in a genuine partnership between parents with regard to the educational and economic functions of the family.

44. Bearing in mind Poland's own interest in the family and its Government's activities in that respect, his delegation called for a sustained, comprehensive investigation to pinpoint the needs of the family and the possible dangers to which it was exposed. An exchange of experience could lead to draft proposals for practical action on behalf of families.

45. Proclamation of an international year of the family would serve to upgrade its social status, while promoting activities to ensure basic material conditions and more effective caring and educative functions. It might also help to reduce crime, drug addiction and prostitution, among other things.

46. The arguments in favour of an international year of the family were consistent with recent UNESCO resolutions and would provide an opportunity to assess implementation of the resolutions adopted so far with regard to women, young people, children and the disabled.

47. Mr. HAMER (Netherlands) said that the situation with regard to children detained under the state of emergency in South Africa merited special attention. There was overwhelming evidence to counteract the suggestion by the South African government that reports were false, biased or merely exaggerated. Although some child detainees had been released in 1986 and 1987, others had been arrested in their place or taken into detention for a second time. His delegation called upon

(Mr. Hamer, Nether lands)

the South African authorities to bring an immediate end to the random arrest, detention and mistreatment of children and to take steps to control and discipline the security forces.

48. His delegation expressed particular concern at the continued campaign of persecution directed against the Baha'i community in Iran. The report on Iran by the Special Representative testified to the absence of redress or protection for Baha'i citizens against discrimination, violence and murder. Such grave violations of fundamental rights were generated by a climate of violent religious intolerance. Accordingly, all delegations should support the draft resolution on Iran, regardless of religion or politics.

49. With regard to the scarce respect for human rights world wide, he said that the fortieth anniversary of the Universal Declaration would be an appropriate time to assess practical achievements and to consider possible ways of enhancing the effectiveness of existing mechanisms to deal with the most obnoxious forms of human rights abuser torture, summary or arbitrary executions and disappearances. The urgent appeals procedures could be expanded.

50. Attention should also be focused on a number of problems connected with the grey area between individual human rights and the power of the State over the individual. Those included capital punishment, corporal punishment, conscientious objection and the right to leave one's country and to return to it.

51. The Commission on Human Rights in 1987 had appealed to States to recognise the legitimacy of conscientious objection, to introduce various forms of alternative service and to stop imprisoning conscientious objectors.

52. Less encouraging was the lack of progress with regard to capital and corporal punishment. The Sub-Commission had decided not to act upon the proposal to draft a second optional protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty. It was regrettable that even a protocol that bound only like-minded States seemed to constitute a threat as far as the retentionists were concerned. However, an optional protocol might not go far enough. A new, additional standard might be worked out, whereby no State should take the lives of its citizens. There was overwhelming evidence that the death penalty did not have a special deterrent effect on violent crime.

53. With regard to corporal punishment, he said that even 40 years after the adoption of the Universal Declaration, there was still no definition of such punishment in international law. There was also some doubt as to whether lawful sanctions could include corporal punishment, despite the fact that such sanctions contravened article 4 of the Universal Declaration. Although any discussion of the matter had delicate religious implications, it was important not to assume that the demands of international law and those of religion were necessarily incompatible.

54. He paid special tribute to the non-governmental organisations working in the field of human rights. Their special role reflected the increasing weight of world public opinion in human rights issues. The accuracy of their factual material was

(Mr. Hamer, Netherlands)

remarkable since Governments were usually very secretive about their human rights abuses. He also praised writers and journalists as defenders of human rights; their cultural prominence often made them the first to suffer the repressive reflexes of undemocratic States.

55. He expressed concern with regard to reports of summary executions in Suriname and hoped that the forthcoming general elections would lead to a return to democracy and respect for human rights in that country.

56. Mr. DOST (Afghanistan) said that Afghanistan was a party to all the international human rights instruments, except those which conflicted with the tenets of the shariah. Afghanistan's own laws provided for strict observance of national, historical, cultural and religious traditions, the free establishment and activities of political parties and a free press. The right to life, right to free speech and other democratic rights were all enshrined in various laws and scrupulously observed in practice. Although Islam was the official religion of Afghanistan, the followers of other religions enjoyed full freedom of worship. The democratisation process was continuing and elections were currently being held for the Grand Assembly, which would approve the new Constitution and elect the President.

57. Under the policy of national reconciliation, normal, stable conditions were returning. However, a cease-fire declared by the Government had been violated repeatedly by a number of extremist groups, despite being strictly observed by Government forces throughout the country. A general amnesty had been proclaimed for prisoners accused or convicted of crimes against public security, as a result of which over 6,000 prisoners had been released.

58. With a view to achieving a peaceful settlement of internal problems, Afghanistan was committed to establishing a coalition Government with members of the opposition, and to that end, the current Government had made a number of cabinet posts available.

59. Almost 90,000 refugees had returned to Afghanistan, a special ministerial department having been set up to administer their affairs. Their property was being returned to them and they were exempt from payment of debts or taxes from previous years. No group or individual would be prosecuted for earlier activities. Over 30,000 former armed opponents had joined the process of national reconciliation and four former leaders had been appointed governors of provinces.

60. The Government had made every effort to expedite the successful conclusion of the Geneva talks between Afghanistan and Pakistan with a view to achieving a political solution to the current situation. Significant progress had been made and the basis for a comprehensive political settlement was nearing completion. There were realistic hopes of an early achievement of such a settlement, which would bring peace and tranquillity to the Afghan people.

61. The latest report on Afghanistan by the Special Rapporteur (A/42/667) had reflected some of his delegation's observations. Nevertheless, the objective

(Mr. Dost, Afghanistan)

realities and the steps taken by the Government to safeguard human rights had not been fully reported. Above all, the root cause of the threat to human rights, namely, interference from abroad, including organised acts of violence, was ignored.

62. The draft resolution on the so-called situation of human rights in Afghanistan disregarded the effective policy adopted by the Afghan Government, including the policy of national reconciliation. It also disregarded the fact that religion and religious practices were in no way restricted, as was clearly shown in paragraphs 67 and 68 of the report. An attempt was again being made to divert attention from the gross violations of human rights, including the right to life, caused by groups armed and financed from abroad. The text was politically motivated and did nothing to help resolve the situation. His delegation could not support it, although it was ready, as in the past, to co-operate with the United Nations and with the Special Rapporteur.

63. The Government and the People's Democratic Party of Afghanistan were earnestly striving to create peaceful conditions for the Afghan people, in which the welfare of the individual and society could be pursued with freedom, equality and justice. The programme for national reconciliation was the only realistic means to that end.

64. Mr. VREEDZAAM (Suriname), speaking in exercise of the right of reply, said that the Special Rapporteur referred to by the representative of the Netherlands was required to report first of all to the Commission on Human Rights. It was astonishing, therefore, that the Netherlands delegation should imply that it was already aware of the report's contents. While Suriname was always prepared to observe the norms of international human rights instruments, it rejected any comments by the delegations of countries which adopted double standards, particularly those of former colonial Powers who ipso facto had blood on their hands.

65. Mr. HAMER (Netherlands) explained that he had said merely that reports of the events in Suriname had aroused concern in the Netherlands.

66. Mr. VREEDZAAM (Suriname) said that his delegation rejected all observations made by representatives of a former colonial Power which saw fit to lecture others on the very rights that it had been violating for some 300 years.

AGENDA ITEM 91: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS; REPORTS OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.15/Rev.2 and Rev.3, L.69)

Draft resolution A/C.3/42/L.15/Rev.3

67. Mr. STIRLING (United States of America), introducing draft resolution A/C.3/42/L.15/Rev.3, said that, following the suspension of consideration of draft resolution A/C.3/42/L.15/Rev.2, the sponsors had held further intensive informal consultations and had taken note of many suggestions and proposals. The outcome was a text different in many respects from the previous versions. It included references to apartheid and to General Assembly resolution 1514 (XV). Operative

(Mr. Stirling, United States)

paragraphs 10 and 1.4 had been amended in the light of observations by the delegation of Cameroon) and a reference was made, in operative paragraph 11, to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

68. The sponsors hoped that, as a result of the textual revisions and the spirit of understanding they had shown, draft resolution A/C.3/42/L.15/Rev.3 could be adopted by consensus.

**AGENDA ITEM 99: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS:
REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.58, L.59)**

Draft resolution A/C.3/42/L.58

69. Mr. YAKOVLEV (Union of Soviet Socialist Republics), introducing draft resolution A/C.3/42/L.58, said that the sponsors were grateful for all the views expressed during the drafting of the text, which was aimed at achieving adoption by consensus. But they viewed with deep regret the attitude of certain delegations which, for political motives, had taken a negative stance in that regard, particularly since the text focused primarily on the most fundamental human right, the right to life. The sponsors, joined by the delegations of Afghanistan, Angola, Democratic Yemen, Nicaragua, Nigeria, Romania and the Syrian Arab Republic, hoped nevertheless that the draft resolution could be adopted by consensus.

Draft resolution A/C.3/42/L.59

70. Mr. DGURTSOV (Byelorussian Soviet Socialist Republic), introducing draft resolution A/C.3/42/L.59, said that the text was straightforward and conformed fully to the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind; it took into account the interests of all countries, whatever their geographical situation or political system. The list of sponsors, to which had been added the delegations of Costa Rica, Hungary, Nigeria and Peru, was more broadly representative than for previous drafts on the topic - a sign, it was hoped, that draft resolution A/C.3/42/L.59 could be adopted by consensus.

**AGENDA ITEM 1001 QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
(A/C.3/42/L.45)**

Draft resolution A/C.3/42/L.45

71. Mr. NOWORYTA (Poland), introducing draft resolution A/C.3/42/L.45, said that it conformed to texts adopted by the Commission, the Council and the Assembly, and was aimed at the adoption of a convention on the rights of the child in time to coincide with the thirtieth anniversary of the Declaration on the Rights of the Child and the tenth anniversary of the International Year of the Child. The delegation of Austria had joined the sponsors, who hoped that the text would be approved by the Committee.

AGENDA ITEM 101: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
(A/C.3/42/L.47, L.49/Rev.1, L.51, L.55)

Draft decision A/C.3/42/L.47

72. Mr. SCHWANDT (Federal Republic of Germany), introducing draft decision A/C.3/42/L.47, said that the text was of a purely procedural nature; since the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been unable to take action on the report of its Special Rapporteur on the subject, the aim was to allow the General Assembly, at its forty-fourth session, to have before it the recommendations of the Sub-Commission and the Commission. In view of the text's procedural nature, it was hoped that the Committee would adopt it without a vote.

Draft resolution A/C.3/42/L.49/Rev.1

73. Mr. FRAMBACH (German Democratic Republic), introducing draft resolution A/C.3/42/L.49/Rev.1, said that the text conformed broadly to Assembly resolution 41/117; the new elements related chiefly to the wish of many delegations to take the International Covenants on human rights more into account. The draft was the outcome of intensive discussions involving many delegations; the contributions of the Australian and Tunisian delegations were particularly appreciated.

Draft resolution A/C.3/42/L.51

74. Mr. HOPPE (Denmark), introducing draft resolution A/C.3/42/L.51, drew attention to an editorial correction in operative paragraph 14; the phrase "the new Committee on Torture" should read "the new Committee against Torture". The sponsors hoped that the text, in view of its nature, would be adopted without a vote.

Draft resolution A/C.3/42/L.55

75. Mr. BOLD (Mongolia), introducing draft resolution A/C.3/42/L.55, said that the proclaiming of 1990 as International Literacy Year would provide a unique opportunity for concerted world-wide action against the problem of illiteracy. Adoption of the text would also acknowledge the work already carried out by UNESCO in preparing a suitable programme. The delegation of Madagascar had joined the sponsors, who hoped that, in view of the support shown for similar proposals at the Assembly's previous session, draft resolution A/C.3/42/L.55 would be adopted.

AGENDA ITEM 102: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS (continued) (A/C.3/42/L.54)

Draft resolution A/C.3/42/L.54

76. Mr. QUINN (Australia), introducing draft resolution A/C.3/42/L.54, said that the text was a development of General Assembly resolution 41/121; its purpose was to help States parties who faced difficulties in meeting their reporting obligations and to assist treaty-monitoring bodies in dealing with periodic

(Mr. Quinn, Australia)

reports, as well as to draw conclusions from the common experience of such bodies. Operative paragraph 8 underlined the relevance of such experience for the Committee against Torture. Also included, in operative paragraph 4, was a proposal about a draft agenda for the meeting of the persons chairing the treaty bodies to be held in New York in October 1988; the sponsors felt that the modest costs involved could be covered by the regular budget. The text also reflected some innovative proposals on reporting systems made by the Committee on Economic, Social and Cultural Rights at its first session, some of which had been taken up in Council resolution 1987/5. The sponsors had taken account of a number of suggestions, including, in operative paragraph 9, one by the delegation of Poland regarding the periodicity of reporting pursuant to the International Covenant on Economic, Social and Cultural Rights. Draft resolution A/C.3/42/L.54 was aimed at practical improvements in the reporting process; the sponsors hoped, therefore, that the text would be adopted by consensus.

AGENDA ITEM 106: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/C.3/42/L.57 and L.63)

Draft resolution A/C.3/42/L.57

77. Mr. EL-FAWWAZ (Jordan), introducing draft resolution A/C.3/42/L.57, said that Australia, Iraq, Lesotho and Mauritania had become sponsors. The draft resolution was the product of consultations with many delegations and the sponsors hoped that, as in previous years, it would be adopted by consensus.

Draft resolution A/C.3/42/L.63

78. Mr. YAKOVLEV (Union of Soviet Socialist Republics), introducing draft resolution A/C.3/42/L.63, said that consultations had been held with various groups of States and the delegation of Austria, in particular, had provided some valuable ideas. The purpose of the draft resolution was to draw attention to a central task entrusted to the United Nations under its Charter, that of promoting international humanitarian co-operation. The draft resolution contained no provisions which were political in nature; there should be full consensus among all delegations about co-operation in the humanitarian field.

AGENDA ITEM 107: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/42/L.56, L.60 and L.66)

Draft resolution A/C.3/42/L.56

79. Mr. LINDHOLM (Sweden), introducing draft resolution A/C.3/42/L.56, recalled that the United Nations Voluntary Fund for Victims of Torture had been established in 1981 under General Assembly resolution 36/151. The purpose was to receive voluntary contributions which were then distributed through established channels in the form of humanitarian, legal and financial aid to victims of torture and their relatives. The practice of torture left victims in need of a wide range of assistance; the large number of requests far exceeded the funds available. It was therefore necessary to appeal for increased contributions and to make the Fund and

(Mr. Lindholm, Sweden)

its humanitarian work better known. There were two new elements in the draft resolution, the third preambular paragraph, referring to the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and operative paragraph 3, which reflected a plea made by the Chairman of the Board of Trustees. The sponsors hoped that, as in previous years, the draft resolution would be adopted without a vote.

Draft resolution A/C.3/42/L.60

80. Ms. TEEKAMP (Netherlands), introducing draft resolution A/C.3/42/L.60, said that Ecuador, Guinea, Nicaragua, Peru, Uruguay and Venezuela had become sponsors. The draft resolution followed closely General Assembly resolution 41/134, which had been adopted without a vote, but had been updated to reflect the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/42/L.66

81. Ms. FUNDAFUUDA (Zambia), introducing draft resolution A/C.3/42/L.66, said that Denmark, Greece, Morocco and Sudan had become sponsors. The aim of the draft resolution was to draw the attention of the international community to the continued oppression of children in South Africa. The international community owed it to the children of South Africa to promote a speedy end to the racial tyranny in South Africa through the establishment of the non-racial, democratic society. The sponsors hoped that the draft resolution would be adopted without a vote.

AGENDA ITEM 103: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued) (A/C.3/42/L.67 and L.68)

Draft resolutions A/C.3/42/L.67 and L.68

82. Mr. LY (Senegal), introducing draft resolutions A/C.3/42/L.67 and L.68 on behalf of the Group of African States, said that apartheid was the source of all the evils afflicting the southern part of the African continent and was the main cause of the flow of refugees and displaced persons in southern Africa. The Assembly of Heads of State and Government of the Organization of African Unity, at its most recent session, had decided to convene an International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa. The Executive Committee of UNHCR had expressed support for the Conference. The sponsors hoped that the international community would once again reaffirm its responsibilities and international solidarity in providing economic, material and humanitarian assistance to the independent States of southern Africa to enable them to cope with the acts of aggression and destabilization by the South African régime. It was hoped that Member States, specialized agencies and regional, intergovernmental and non-governmental organizations would provide the necessary support and resources to the OAU for the preparation and organization of the Conference. The draft resolution was a result of consultations with UNHCR, the Department of Political Affairs, Trusteeship and Decolonization and the secretariat of the OAU.

(Mr. Ly, Senegal)

03. The purpose of draft resolution A/C.3/42/L.68 was to draw attention to the Second International Conference on Assistance to Refugees in Africa, held in 1984 to launch collective action by the international community to provide lasting solutions to the refugee problem. The sponsors noted with great concern that many projects approved by the Conference had been neither financed nor implemented. The sponsors were grateful to donor countries and to UNHCR and UNDP for the action taken to revitalize the mechanisms for implementation of the projects, and noted the vital importance of complementarity between assistance to refugees and development assistance. They hoped that the Committee would be able to acknowledge the essentially humanitarian, non-political nature of assistance to refugees by adopting the draft resolution without a vote.

The meeting rose at 6.50 p.m.