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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Report of the Third Committee

Rapporteur: Mr. Wilfried GROLIG (Federal Republic of Germany)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Human rights and scientific and technological developments" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 95, 98, 106, 108, 112, 114 and 115 at its 36th to 43rd, 50th and 52nd meetings, held on 8 to 10, 13 to 15, 21 and 22 November 1989. An account of the **Committee's** discussion is contained in the relevant summary records (**A/C.3/44/SR.36-43**, 50 and 52).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the guidelines for the regulation of **computerized** personal data files (A/44/606);

(b) Letter dated 19 July 1989 from the Charge d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General (A/44/409 and **Corr.1** and 2);

(c) Letter dated 22 September 1989 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General (**A/44/551-S/20870**);

(d) Letter dated 19 October 1989 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General (A/44/666-S/20912).

4. At the 36th meeting, on 8 November, the Under-Secretary-General for Human Rights made an introductory statement (see A/C.3/44/SR.36).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/44/L.54

5. At the 50th meeting, on 21 November, the representative of France, on behalf of France, Germany, Federal Republic of, Japan, Luxembourg, Morocco and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/44/L.54) entitled "Guidelines for the regulation of computerised personal data files". Subsequently, Guatemala joined in sponsoring the draft resolution.

6. At its 52nd meeting, on 22 November, following statements by the representative of Egypt and by the Secretary, the Committee adopted draft resolution A/C.3/44/L.54 without a vote (see para. 11, draft resolution I),

B. Draft resolution A/C.3/44/L.55

7. At the 50th meeting, on 21 November, the representative of the Byelorussian Soviet Socialist Republic, on behalf of Afghanistan, Algeria, Angola, Argentina, Benin, Bolivia, Bulgaria, Burkina Faso, the Byelorussian Soviet Socialist Republic, Cameroon, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Madagascar, Mali, Mongolia, Morocco, Nicaragua, Panama, Peru, Poland, Romania, Sierra Leone, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Viet Nam, introduced a draft resolution (A/C.3/44/L.55) entitled "Human rights, and scientific and technological developments". Subsequently, Guatemala joined in sponsoring the draft resolution.

8. At its 52nd meeting, on 22 November, the Committee adopted draft resolution A/C.3/44/L.55 without a vote (see para. 11, draft resolution II).

C. Draft resolution A/C.3/44/L.56

9. At the 50th meeting, on 21 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Belgium, the Byelorussian Soviet Socialist Republic, Colombia, Costa Rica, France, Germany, Federal Republic of, Italy, Luxembourg, Morocco, the Netherlands, Norway, Samoa, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/44/L.56) entitled "Human rights and scientific and technological developments". Subsequently, Bolivia, Guatemala, and Peru joined in sponsoring the draft resolution.

10. At its 52nd meeting, on 22 November, the Committee adopted draft resolution A/C.3/44/L.56 without a vote (see para. 11, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

11. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Guidelines for the regulation of computerized personal data files

The General Assembly,

Bearing in mind resolution 1989/43 of the Commission on Human Rights of 6 March 1989, and Economic and Social Council resolution 1989/78 of 24 May 1989, entitled "Guidelines on the use of computerized personal data files",

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. L. Joinet, for his report on the draft guidelines for the regulation of computerized personal data files) 1/
2. Conveys its thanks to the Governments that have communicated to the Secretary-General their comments and suggestions on the draft guidelines;
3. Invites the Special Rapporteur to submit to the Commission on Human Rights at its forty-sixth session a revised version of the draft guidelines, taking into account, inter alia, those comments and suggestions;
4. Requests the Commission on Human Rights to examine the revised draft guidelines and, *once* it has examined and modified them if necessary, to transmit them, through the Economic and Social Council, to the General Assembly at its forty-fifth session for final adoption.

DRAFT RESOLUTION II

Human rights and scientific and technological developments

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

1/ E/CN.4/Sub.2/1988/22.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 3/ and the Declaration on the Rights of the Child, 4/

Taking note of the report of the Secretary-General 5/ and in particular its conclusion that torture and other **forms** of inhuman and degrading treatment of children and young people have continued unabated during the period under review,

1. Expresses its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa:

2. Vigorously condemns the apartheid racist **régime** for the increasing detention, torture and inhuman treatment of children in South Africa:

3. Reiterates its demand for the immediate and unconditional release of children held in detention by the apartheid regime in South Africa:

4. Demands the immediate dismantlement of the so-called "rehabilitation camps" and "re-education centres" in South Africa, since they only serve the racist régime's strategy of physically and mentally abusing black South African children:

5. Reiterates its appeal to all relevant United Nations bodies, specialised agencies and non-governmental organisations to intensify the world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

6. Requests the Commission on Human Rights to continue to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa:

7. Also requests the Commission on Human Rights to pay special attention to the children of Namibia who have been victims of torture, detention and other inhuman treatment by the apartheid regime, with a view to rehabilitating them:

8. Requests the Secretary-General to submit a report to the General Assembly at its forty-fifth session on the implementation of the present resolution:

9. Decides to consider this question at its forty-fifth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

3/ Resolution 39/46, annex.

4/ Resolution 1386 (XIV).

5/ A/44/623.

concerned to take the **necessary measures to ensure** that the **results of scientific and technological progress and the material and intellectual potential of mankind are used for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;**

5. **Requests** the Commission on Human Rights to continue to give attention, in its consideration of the item entitled "Human rights and scientific and technological developments", to the **question of the implementation of the provisions of the Declaration)**

6. **Invites** the Commission on Human Rights to **assist** the Sub-Commission on Prevention of Discrimination and Protection of Minorities in **preparing the study requested by the Commission in its resolution 1982/4 of 19 February 1982, 1984/29 of 12 March 1984, 1986/11 of 10 March 1986 and 1988/61 of 9 March 1988;**

7. **Decides** to include in the **provisional agenda of its forty-fifth session** the item entitled "Human rights and scientific and technological developments".

DRAFT RESOLUTION III

Human rights and scientific and technological developments

The General Assembly,

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to **urge** the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a **study of the question of the protection of those persons detained on the grounds of mental ill-health, with a view to formulating guidelines,**

Noting the obligations of all States to promote and respect the human rights and fundamental freedoms of everyone, including disadvantaged people such as those **suffering** from mental illness,

Mindful of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of **prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 5/**

Recalling also its resolution 43/109 of 8 December 1988, in which it welcomed the **progress** made by the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and invited the Commission on Human Rights to consider the subject, at its forty-fifth session, in the light of the Sub-Commission's recommendations,

Taking note of Commission on Human Rights resolution 1989/140 of 6 March 1989, and Economic and Social Council resolution 1989/176 of 24 May 1989, by which the Council authorized an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of principle!! and guarantees submitted by the Sub-Commission, 6/ with a view to submitting it to the Commission at its forty-ninth session,

Expressing its belief that all mentally ill persons should be treated with humanity and respect for the inherent *dignity* of the human person,

Reaffirming its conviction that the misuse of psychiatry to detain persons in mental institutions on account of their political views or on other non-medical grounds, as reflected in the report of the Special Rapporteur of the Sub-Commission, 7/ is a violation of their human rights,

1. **Reiterates** the urgent need for principles and guarantees to protect persons suffering from mental disorder or detained on the grounds of mental ill-health)

2. **Welcomes** the establishment of the open-ended Working Group of the Commission on Human Rights, and urges that Group to examine the draft principles and guarantees expeditiously;

3. **Requests** the Commission on Human Rights to consider the subject at its forty-ninth session, in the light of the deliberations and recommendations of the open-ended Working Group, with a view to submitting the draft principles and guarantees to the General Assembly at its forty-fifth session, through the Economic and Social Council.

6/ See E/CN.4/Sub.2/1989/23, sect. IV.

7/ E/CN.4/Sub.2/1983/17 and Add.1.