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New York

SUMMARY RECORD OF THE 35th MEETING

Chairman:

Mr. SOMAVIA

(Chile)

later:

Ms. ZINDOGA (Vice-Chairman)

(Zimbabwe)

later:

Mrs. COOMBS

(New Zealand)

(Vice-Chairman)

CONTENTS

AGENDA ITEM 119: PROGRAMME PLANNING

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR

PUNISHMENT

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 119: PROGRAMME PLANNING (A/C.3/45/6)

- 1. The CHAIRMAN drew attention to the letter from the Chairman of the Fifth Committee contained in document A/C.3/45/6 and recalled that the views of the Committee requested therein should be communicated to the Fifth Committee by 9 November 1990 at the latest.
- 2. Mr. BLANCA (Director-General for Development and International Economic Co-operation) said that the draft medium-term plan was being introduced at a time of particular importance for the Organization, in view of the long and arduous reform process which it had tried, and should be considered bearing in mind the ever-increasing responsibilities assigned to the United Nations, for example, in the sphere of illicit drug traffic control.
- 3. On the one hand, United Nations activities over the period 1992-1997 would be governed by two general priorities, the establishment and maintenance of peace and the improvement of the well-being of the "peoples of the United Nations". In addition, the priorities proposed by the Secretary-General in the proposed programme budget outline for the biennium 1992-1993 (A/45/369), which reflected broad sectoral trends, namely, the establishment of peace, Africa, the international combating of drugs, the environment and development, as well as the question of the economic development of the developing countries, added by the Committee for Programme and Co-ordination. In addition to those priorities, which were set forth in the draft programme budget for the coming biennium, in the introduction to the medium-term plan, the Secretary-General had drawn attention to various concrete priorities of special interest for the members of the Third Committee, such as those relating to human rights, population questions, the elaboration of a world social strategy, the role to be played by women in economic and social development and the development of human resources.
- 4. The multidisciplinary and multisectoral character of a large portion of those questions would require active co-ordination between intergovernmental organs and the relevant secretariats. Mention should be made in that regard of the Department of International Economic and Social Affairs at Headquarters and the Centre for Social Development and Humanitarian Affairs at Vienna.
- 5. It should be pointed out that it had been recognized that respect for human rights was inseparable from the development process and that, reciprocally, the right to development was a fundamental right, as had been demonstrated by many forums, including, in particular, the International Conference on Popular Participation in Development and Transformation in Africa (A/45/427). It should be said that the effectiveness of the combating of illicit drug traffic had been brought out in the Political Declaration and World Plan of Action adopted by the General Assembly at its seventeenth special session, and in the global plan of action for the United Nations system on control of drug abuse, which the Secretary-General had introduced in the current year to the Economic and Social

(Mr. Blanca)

Council and the Committee for Programme and Co-ordination. That plan had a biennial basic and would be revised each year.

- 6. It went without saying that, during the six-year period covered by the draft medium-term plan, profound changes would take place in the world and, ultimately, in the United Nations. New problems would have to be resolved and, consequently, priorities would have to be modified. Flexibility would be required in order to keep United Nations activities up to date. Various conferences that would be held during that period would probably make it necessary to re-examine priorities, particularly the first session of UNCTAD, the Conference on the Environment and Development in 1992, the international meeting on population in 1994 and the World Conference on Women in 1995. The first reviews of the plan would be made in 1992, bearing in mind the decisions adopted recently by intergovernmental organs, in particular, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, recently held at Havana, whose decisions would be transmitted to the Third Committee for consideration and whose financial consequences would be considered by the Fifth Committee in the near future.
- 7. It was now for the Third Committee to transmit to the General Assembly its views and recommendations on the basis and structure of the medium-term plan. The social and humanitarian perspective of the Third Committee would be particularly useful to the Fifth Committee, which would be considering the plan from the pragmatic and budgetary viewpoint. The Third Committee should indicate whether the plan reflected contemporary realities or whether it should be modified in the light of recent events.
- Mr. DUHS (Sweden), speaking also on behalf of Denmark, Finland, Iceland and 8. Norway, said that the Nordic countries had always given firm support to the work of the United Nations in the promotion and protection of human rights, which had gradually passed from the elaboration of instruments to supervision of their implementation. He referred to the compendious work of the Centre for Human Rights, whose technical support was essential for the effective functioning of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In the near future, the activities of the Centre would be considerably expanded and would include the supply of Secretariat personnel to the treaty bodies established under the various human rights conventions, advisory services, technical assistance and public information. It would also have to collaborate with other organs of the United Nations system in matters relating to popular participation in the decision-making process, as a part of the promotion of the democratization process. Consequently, the imbalance caused by the reduction of the financial resources and the staff of the Centre, as set forth in the report of the Secretary-General to the Economic and Social Council (E/1990/50), was disturbing. The enlargement of the Commission on Human Rights. which would have 10 additional member States as from 1992, would certainly increase the work-load of the Centre.
- 9. In resolution 1990/47, adopted by the Economic and Social Council on 25 May 1990, the Secretary-General was requested to include in the draft programme

(Mr. Duhs, Sweden)

budget for the biennium 1992-1993 proposals for the long-term solution of those problems, and it was important that those proposals should be reflected in the budgetary decisions to be adopted shortly.

10. The Nordic countries supported the decision that the activities of the Committee on the Implementation of the Convention on the Rights of the Child should be financed from the regular budget, and they supported the same principle with regard to the committee on the implementation of the proposed international convention on the protection of the rights of all migrant workers and their families, which the Nordic countries hoped would be adopted at the current session of the General Assembly. The establishment of those new treaty bodies would make it necessary to appropriate additional resources for human rights programmes, and it would have to be ensured that the United Nations had the necessary capacity to deal properly with that question, which was one of the main purposes of the Charter.

11. Ms. Zindoga (Zimbabwe), Vice-Chairman, took the Chair.

- 12. Mr. KESSEL (Canada), speaking also on behalf of Australia and New Zealand and responding to the invitation of the Chairman of the Fifth Committee contained in document A/C.3/45/6, said that, in the introduction to the draft medium-term plan for the period 1992-1997 (A/45/6), the main programmes relating to the advancement of women, the international combating of drugs, the prevention of crime and criminal justice and the protection and promotion of human rights were marked as priority areas, thus appropriately highlighting the role of the Organization in the social sphere. He emphasized that the human rights programme should continue to receive special attention in the revision of the medium-term plan, in view of the concepts expressed in paragraph 31 of the introduction referred to with regard to the special responsibility of the United Nations for promotion of respect for human rights, and, in paragraph 39, to the fact that the Organization's priorities should derive naturally from the ideals set forth in the Charter and other fundamental instruments.
- 13. In the introduction to the draft medium-term plan, the Secretary-General affirmed that an ongoing effort was required that should not be influenced by short-term practical considerations. Some delegations had expressed their concern, also reflected in Economic and Social Council resolution 1990/47, about the limited resources devoted to the Centre for Human Rights at a time when its work-load was increasing and would, undoubtedly, continue to increase. It was necessary to continue careful examination of the financing problems of the other treaty organs, to make tremendous efforts to provide technical assistance and advisory services and to attend to individual communications, a task which, in itself, imposed a large work-load and required qualified personnel. The delegations of Australia, Canada and New Zealand therefore considered that, in the conclusions and recommendations of the report of the Committee for Programme and Co-ordination on the first part of its thirtieth session (A/46/16 (Part I)), the importance of the human rights programme was not properly reflected.

- 14. Mrs. ASHTON (Bolivia), speaking on behalf of the Group of 77 and referring to document A/C.3/45/6 and, in particular, programmes 12, 13 and 25 to 36, contained in the proposed medium-term plan for the period 1992-1997, said that the programmes did not properly reflect several of the mandates adopted by the bodies concerned. There were also some discrepancies in others with regard to concepts and strategies. She therefore requested more time so that she could state her final position on the matter in more detail.
- 15. Mr. KHODAKOV (Union of Soviet Socialist Republics) said that, in formulating a plan, it was most important to establish appropriate priorities, especially when, as in the case of the United Nations, the resources were limited. At a time when mankind was abandoning confrontation, one of the top United Nations priorities, as reflected in the report of the Secretary-General on the work of the Organization, concerned activities in the human rights sector. In recent years many important instruments had been drawn up and measures were being taken to ensure that the provisions set forth in those instruments were properly implemented.
- 16. The work of the United Nations bodies and Secretariat divisions concerned with human rights had grown enormously, inter alia, because the Third Committee assigned new mandates to the Commission on Human Rights and the Centre for Human Rights, whose resources and staffing had nevertheless diminished. Sufficient resources ought to be allocated for human rights activities, not only for the medium term but also for the short-term. He hoped that that concern, also voiced by other delegations, would be duly addressed in the decisions of the Fifth Committee on the budget and planning.
- 17. The United Nations organizations participating in international action to combat drug abuse and illicit trafficking should also be provided with the requisite financial support, precisely at a time when the United Nations had solemnly decided that the international community must co-ordinate its action to eradicate that scourge. Close attention would therefore have to be given to ways of economizing and redistributing resources so as to raise the requisite finance for those activities.
- 18. Mrs. DL XONG (China) said that the introduction to the proposed medium-term plan for the period 1992-1997, recently discussed in the Fifth Committee, was much more accurate than the introduction discussed two years before in the Third Committee, especially with regard to certain topics of interest to the Third Committee.
- 19. Although programme 27, entitled "Advancement of women", was well formulated and gave top priority to addressing the basic needs of women in the developing countries, it did not sufficiently express the deep concern felt by the Committee with regard to the fate of women under the <u>apartheid</u> régime of South Africa and of those living in occupied territories.
- 20. Programme 36, entitled "International protection of and assistance to refugees", was practical and basically viable. It did not, however, mention the serious problem of the increase in refugees precisely at a time when the financial contributions had decreased.

(Mrs. Du Yong, China)

- 21. Programme 28, entitled "International drug control", dealt with the most important problems of drug control and reflected the facts appropriately.

 Nevertheless, it did not take up the question of structural adjustment in that sector. It was to be hoped that the problem would be addressed when a decision was taken on the programme.
- 22. Paragraph 35, entitled "Promotion and protection of human rights", had some defects. It did not recognize the different interpretations of human rights in terms of the various political, economic, social and legal régimes and the various cultural traditions and religious creeds existing in the world. On the contrary, it singled out only one of them and referred to it as "universally recognized".
- 23. The statement, in paragraph 3 of the general orientation, that "the interrelationship between human rights, peace and development will continue to guide the United Nations in its approach to human rights in the decade of the 1990s" was inaccurate. The Charter spoke of human rights, peace and development in different chapters and did not establish an interrelationship between them. The assertion that "the international community can be expected to turn increasingly to United Nations human rights organs ... for peaceful and constructive solutions to human rights problems" did not take into account the fact that such problems existing in a given country could be solved only by the Government and population of that country and not by external entities, including the United Nations.
- 24. The phrase "universal culture of human rights", in the last paragraph of the Strategy, might give rise to confusion unless it was clarified.
- 25. Reference was made in the subprogrammes only to the need to give priority to international instruments, but no mention was made to specific priority human rights although they were clearly expressed in paragraphs (e) and (f) of General Assembly resolution 32/130 of 16 December 1977.
- 26. The Convention on the Elimination of All Forms of Discrimination against Women was not included in paragraph 35.14. In subprogramme (iv) priority was given not to the most pressing and universal questions but to new subjects, even though human rights problems affecting a large proportion of humanity were, in particular, problems which affected one fifth of the world's population, i.e. one third of the population of the developing countries who lived below the poverty line, and tens of millions of people who were unemployed and, therefore, deprived of the right to work.
- 27. In conclusion, she entered reservations on a proposal to establish a United Nations computerized database on human rights. While it was useful to apply certain modern technologies which, for example, improved the work of the Centre for Human Rights, a project on that enormous scale would be too costly and unjustifiable given the current financial crisis of the United Nations.

- 28. Mr. MEZZALAMA (Italy), speaking on bohalf of the 12 member States of the European Community, said that two principles should be taken into account when formulating the United Nations medium-term plan. First, thought must be given to assigning priority to a subject if it could be proved that multilateral United Nations measures were important for achieving its purposes. Secondly, the medium-term plan should deal with questions of permanent concern to the international community.
- The member States of the European Community endorsed the Secretary-General's opinions, expressed in his introduction to the proposed medium-term plan and his report on the work of the Organization, relating to the importance of universal respect for human rights in international affairs and to the link between total protection of the individual, his human rights and fundamental freedoms and the maintenance of world peace. The Twelve took the view that, at a time when the international political situation was undergoing such profound transformations, the resources for implementing the specific mandate assigned by the Charter to the United Nations for the promotion and protection of human rights (programme 35) should be redistributed. The funds earmarked for such activities, amounting to less than 1 per cent of the total budget, should be increased. In particular, the financial problems of the Centre for Human Rights should be addressed, because its commitments and work-load had become heavier, while its resources had not risen in proportion. The Twelve hoped that the medium-term plan would take into account the need to strengthen the Centre and that the necessary resources would be provided as from the first year of its implementation.
- 30. The Twelve were gratified that the Committee for Programme and Co-ordination had recommended adoption of draft programme 35. It was, however, unfortunate that agreement had not been reached on a balanced set of amendments to the Secretary-General's proposals on the medium-term plan.
- 31. Finally, emphasis should be laid on two current priority commitments of the United Nations: action to combat drug abuse and illicit trafficking, on which there seemed to be an increasingly broader consensus in the international community, and the protection of and assistance to refugees, which was essential in a world which was aware of large population movements and becoming smaller day by day.
- 32. Mrs. McLENNAN (United States of America) said that implementation of the objectives established by the Secretary-General would promote the kind of world community envisaged by the drafters of the United Nations Charter 45 years ago. Her delegation endorsed the conceptualization and formulation of long-term policies with respect to recruitment and placement put forward in programme 41 (A/45/6), as well as the concern for the advancement of the legal and social status of women in the Secretariat. It also agreed that ways and means should be found for maintaining all Member States within their desirable ranges in posts subject to geographical distribution.
- 33. Her delegation also supported the Secretary-General's concept of implementing wider and more aggressive campaigns to identify recruitment sources and qualified

(Mrs. McLennan, United States)

candidates, especially female candidates, as well as the goal of attracting and retaining staff of the highest calibre in order to carry out the Organization's programmes successfully. To that end, it fully supported increasing the percentage of women in the Professional category and above in posts subject to geographical distribution by at least 1 per cent each year beyond the target of 30 per cent set for 1990, bringing the percentage to 37 per cent by the end of the medium-term plan period.

- 34. Her delegation was encouraged that there was increased understanding that respect for human rights was closely linked with a number of factors related to a society's overall welfare and growth, i.e., security, social progress, economic development and appropriate treatment of racial, ethnic and national minorities. It also considered highly significant the increased willingness of the international community to treat respect for human rights as an intrinsic and essential nature of civilized society and not as an isolated topic.
- 35. In her delegation's view, effective implementation of existing commitments should be the predominent focus of the Organization's human rights activities. The effectiveness of those human rights activities could be increased through intensified efforts to share information and other resources and to pursue common goals by means of joint activity.
- 36. Mr. KRENKEL (Austria) repeated the comment made by his delegation at the thirtieth session of the Committee for Programme and Co-ordination that the current human rights programme did not refer to all international human rights instruments and the Universal Declaration of Human Rights in a comprehensive manner. His delegation agreed in principle with the priority established among the four subprogrammes (programme 35, A/45/6) in giving highest priority to the implementation of international instruments and procedures. However, it missed the reference to the implementation of international standards contained in the current medium-term plan.
- 37. With respect to subprogramme 2, his delegation would again note that the rights of migrant workers were of a different nature from those of minorities, and that a clear distinction and separation should therefore be made between the activities envisaged in those fields.
- 38. Subprogramme 4, dealing with research, studies and standard-setting, contained a wide range of subjects unrelated to the issue of human rights. For that reason, it should be dealt with in other programmes.
- 39. His delegation shared the view of the Nordic countries that the increasing demands on the Centre for Human Rights required adequate staffing and financial resources out of the regular budget.

40. The CHAIRMAN informed the Committee that a letter would be sent to the Chairman of the Fifth Committee in conjunction with the summary record of the 35th meeting, drawing attention to the statement made by the Bolivian representative on behalf of the Group of 77 and summarizing the views expressed by representatives with respect to the 1992-1997 medium-term plan.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTALION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (A/45/3, chap. V, sect. A, A/45/707, A/45/636, A/45/205, A/45/207, A/45/216, A/45/222, A/45/227, A/45/230, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/280, A/45/668)

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (A/45/3, chap. V, sect. A, A/45/580)

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (A/45/473, A/45/202, A/45/222, A/45/265, A/45/269)

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (A/45/3, chap. V, sect. A, A/45/40, A/45/403, A/45/174, A/45/178, A/45/597, A/45/598, A/45/657; E/1990/23)

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (A/45/205, A/45/222, A/45/225, A/45/265, A/45/270; E/1990/22)

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/45/44 and Corr.1, A/45/615, A/45/405, A/45/633, A/45/189, A/45/205, A/45/207, A/45/216, A/45/225, A/45/227, A/45/230, A/45/254, A/45/264, A/45/266, A/45/280)

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (A/45/202, A/45/203, A/45/205, A/45/207, A/45/225, A/45/227, A/45/230, A/45/254, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/280, A/45/626; E/1990/22)

Introduction and general debate

- 41. Mr. HOUSHMAND (Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights) introduced the group of human rights themes relating to the human rights treaty régime and other related themes.
- 42. Introducing item 89, he drew attention to the relevant documents and announced that, pursuant to paragraph 7 (b) of General Assembly resolution 44/135 of 15 December 1989, a brief report by the Secretary-General relating to financial and staffing resources needed for the operations of the treaty bodies was being prepared and would be available shortly. The international human rights treaty system was at the core of the work of the United Nations in the human rights field and its role continued to increase in importance as the number of ratifications to the existing treaties grew and as new instruments such as the Convention on the

(Mr. Houshmand)

Rights of the Child and the Convention on the Rights of Migrant Workers were adopted and entered into force. That justified the long-standing interest of the General Assembly in the effective implementation of the various instruments and the effective functioning of the treaty bodies.

- 43. The preparation of consolidated reporting guidelines for the initial part of State party reports had been successfully completed. The persons chairing the treaty bodies had recommended that they be added to the relevant guidelines adopted by each of the treaty bodies as soon as possible. The preparation of those consolidated guidelines clearly represented an important step forward in rationalizing the reporting system and would lessen the reporting burdens of States parties.
- 44. The work of the task force on computerization had also been completed. The task force had recommended that an appropriate data base for storing and processing information relating to the reporting system should be established at the Centre for Human Rights in Geneva. That recommendation had since been endorsed by the Commission on Human Rights and the Economic and Social Council. He was hopeful that the Assembly would take positive action on the recommendation and, if it did so, the Secretary-General would seek voluntary contributions from United Nations Member States, covering installation costs. The system could be made operational within two years. The Secretary-General believed that the introduction of a modern data processing and retrieval system would facilitate the work of the treaty bodies and the Centre for Human Rights to a considerable extent in the near term. Over the long term it would probe prove indispensable in ensuring that they could discharge their monitoring functions effectively.
- 45. Another important mark of progress had been the completion of the Manual on Reporting compiled by UNITAR in co-operation with the Centre for Human Rights.
- 46. Continuing attention must be devoted to the effective functioning of the treaty system. At a recent meeting the persons chairing the various human rights treaty bodies had considered the independent expert's conclusions and the recommendations concerning long-term approaches to enhancing the effectiveness of the treaty system. He wished to draw attention to some of those conclusions and recommendations, inter alia, that steps should be taken to promote greater interaction among the treaty bodies as a means of contributing to the effective development of the human rights treaty system as a whole; that each United Nations Information Office should make available to countries, particularly to those sectors directly responsible for the implementation of human rights, copies of reports submitted by the State concerned, together with the summary records relating to the consideration of those reports; and that the programme of the proposed world conference on human rights should fully reflect the work of the treaty bodies and that they could be consulted, in so far as possible, concerning preparations for such a conference.
- 47. The General Assembly should take appropriate action to institutionalize the meeting of persons chairing treaty bodies and ensure that it was held at least once

(Mr. Houshmand)

every two years. The Secretary-General and the General Assembly should ensure that the Secretariat had more resources, so that treaty bodies could function effectively. Although the increased work-load and responsibilities of the Centre for Human Rights had increased, the resources allocated to it had not increased proportionately. He drew attention to paragraph 7 of General Assembly resolution 44/135 of 15 December 1989, which endorsed the recommendation on the need to ensure adequate financing and staffing resources for the operations of treaty bodies and requested the Secretary-General to report on that question to the Commission on Human Rights at its forty-sixth session and to the General Assembly at its current session. He referred to the reports prepared on the Centre's resource problems.

- 48. Referring to agenda item 97 entitled "Implementation of the Convention on the Rights of the Child", he said that thus far, 130 States had signed the Convention. The international community's willingness to act so rapidly on the matter demonstrated its resolve to improve the lot of children and to safeguard their fundamental rights. The Committee on the Rights of the Child would be established under the Convention in order to co-ordinate international efforts to incorporate the rights set forth in the Convention in national law and practice. It was to be hoped that the Committee, in co-operation with the States parties to the Convention and the assistance of institutions such as UNICEF, the specialized agencies and the community of non-governmental organizations, would be able not only to identify problems which prevented children from fully enjoying their rights, but also to indicate out possible solutions and mobilize the necessary resources.
- 49. The first meeting of States parties, at which members of the Committee would be elected, was scheduled to be held at Headquarters on 27 February 1991. Nominations must be received no later than 12 December 1990. The Committee on the Rights of the Child was expected to be in a position to hold its first session by mid-1991 at the latest.
- 50. Referring to agenda item 105 on the International Covenants on Human Rights, he said that the Third Committee had before it the report of the Human Rights Committee (A/45/40), the report of the Committee on Economic, Social and Cultural Rights (E/1990/23), and the report of the Secretary-General on the status of the International Covenants on Human Rights and the two Optional Protocols (A/45/403).
- 51. Since the publication of the report of the Secretary-General, Malta had ratified both Covenants. In the past year, Ireland, Malta, the Republic of Korea and Somalia had joined the States parties to the Optional Protocol to the International Covenant on Civil and Political Rights. Australia, New Zealand, Portugal and Sweden had joined the States parties to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. Similarly, Chile, Ireland. Malta, Poland and the Republic of Korea had made the declaration provided for in article 41 of the Covenant, as 25 other States had done previously.
- 52. The Human Rights Committee had achieved significant progress in carrying out its work under article 40 of the Covenant and the Optional Protocol. During the three sessions covered by its report, the Committee had considered 14 reports from

(Mr. Houshmand)

States parties and received many communications under the Optional Protocol. It had also formulated 11 final views. In order to keep informed more systematically of the action taken in response to such views, the Committee, at its thirty-ninth session, had amended its guidelines for the submission of reports and requested States parties to include appropriate information in their reports. It had also appointed a Special Rapporteur for the follow-up of views under the Optional Protocol.

- 53. The Committee had welcomed the adoption by the General Assembly of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. It had observed that the new Protocol would serve as a complement to article 6 of the Covenant and that, when it entered into force, those States which had ratified it would have to include information regarding their compliance with its provisions in their reports under article 40 of the Covenant.
- 54. The Committee had continued preparing further general comments concerning various provisions of the Covenant and had adopted two general comments relating to the provisions of the Covenant on non-discrimination and article 23 of the Covenant.
- 55. The Committee on Economic, Social and Cultural Rights, in the four sessions it had held thus far, had considered a total of 49 reports from 35 States parties to the International Covenant on Economic, Social and Cultural Rights. One important measure for the improvement of its work methods had been the preparation of its rules of procedure, which had already been approved by the Economic and Social Council. The Committee had revised the arrangements for the submission of reports and, as a result, the earlier sectional reports would be replaced by a unified global report and reporting obligations under the Covenant would be consistent with those under other human rights instruments.
- 56. The Committee, in a mutually beneficial dialogue with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had invited two special rapporteurs of the Sub-Commission to participate in the Committee's proceedings in 1989 and 1990.
- 57. The Committee, in its second general comment, which primarily concerned the role of human rights in development, had called on the United Nations development agencies to avoid involvement in projects which were not fully consistent with the exercise of civil and political rights and to promote projects and approaches which contributed not only to economic growth, but also to the enjoyment of the full range of human rights.
- 58. The Committee had recommended that, in order to prevent activities undertaken in the name of development from having counterproductive effects on human rights, as had been the case in the past, United Nations development agencies and organs should recognize the existence of an intimate relationship between development activities and respect for human rights. They should also require the preparation of a statement on the human rights impact of major development co-operation activities; provide information on human rights principles and standards to

(Mr. Houshmand)

personnel employed by United Nations development projects; and ascertain that the rights provided for in the International Covenants were taken into account at each phase of development projects.

- 59. The views reflected in the general comment, contained in annex III of the Committee's report, had been brought to the attention of the Ad Hoc Committee of the Whole for the Preparation of the International Development Strategy for the Fourth United Nations Development Decade.
- 60. Referring to agenda item 109 on torture and other cruel, inhuman or degrading treatment or punishment, he said that the Third Committee had before it, inter alia, the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/45/405) and the third annual report of the Committee against Torture (A/45/44). As of 1 November 1990, 53 States had ratified or acceded to the Convention, 21 States had signed the Convention but had not yet ratified it. Twenty-four States parties to the Convention had made the declarations provided for in articles 21 and 22 of the Convention; one State party had made the declaration provided for in article 21 only.
- 61. The Committee against Torture had held its third and fourth sessions at the United Nations Office at Geneva in November 1989 and April 1990, respectively. It had considered initial reports submitted by 16 States parties. The Committee had revised its guidelines for the submission of initial reports under article 19 of the Convention and had designated from among its members country rapporteurs for the reports of States parties to be considered at its fifth session in November 1990. At its fourth session, the Committee had considered, for the first time, information submitted under article 20 of the Convention and concluded its consideration of three communications submitted under article 22. Its decisions on those communications were contained in the annual report.
- 62. The General Assembly had before it the Secretary-General's report on the Voluntary Fund for Victims of Torture (A/45/633). The recommendations of the Board of Trustees of the Fund to the Secretary-General at its ninth session in 1990 involved a total funding of approximately \$US 2 million, which was not sufficient to meet the increasing requests for aid or to combat the often long-lasting consequences of acts of torture. Further contributions from Governments were required to meet those needs.
- 63. At its forty-fourth session the Ceneral Assembly had continued its consideration of reports of the torture and inhuman treatment of children in detention in South Africa. The Assembly had requested the Commission on Human Rights to continue to pay special attention to the question of detention, torture and other forms of inhuman treatment of children in South Africa and had requested the Secretary-General to submit a report on the topic at its forty-fifth session. At its current session the General Assembly had before it a report on the topic in A/45/615.

(Mr. Houshmand)

- 64. With regard to agenda item 93 on human rights and scientific and technological developments, the General Assembly had, at its two previous sessions, considered the issues of the right to life, the regulation of computerized personal data files, the implementation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and the protection of persons suffering from mental disorder. The United Nations respected the inherent right to life of all people, as reaffirmed by the General Assembly in 1988, through the adoption of practical measures and the establishment of principles and procedures to protect that right. Mention should be made of the adoption in 1989 of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and of the two general comments on the right to life adopted by the Human Rights Committee.
- 65. The Third Committee had before it document E/CN.4/1990/72, containing a revised version of the guidelines on the use of computerized personal files, adopted by the Economic and Social Council in its resolution 1990/38, on the recommendation of the Commission on Human Rights.
- 66. At its forty-sixth session, and in accordance with General Assembly resolution 44/133 requesting it to continue to give attention to the implementation of the provisions of the Declaration on the Use of Scientific and Technological Progress, the Commission on Human Rights had invited the United Nations University, in co-operation with other interested academic research institutions, to submit to it at its forty-seventh session a final report on the positive and negative impacts of scientific and technological developments on human rights. At the same time the Commission called upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and to ensure that their results were used for the benefit of humankind and for promoting and encouraging universal respect for human rights and fundamental freedoms.
- 67. The Commission on Human Rights, at its forty-sixth session, had decided to make appropriate meeting time available to its working group, prior to the forty-seventh session of the Commission, for it to continue to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care. The working group was currently meeting in Geneva.
- 68. With regard to agenda item 106, on the elimination of all forms of religious intolerance, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was continuing to consider whether the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief should be supplemented with a further international instrument. At the request of the Committee, a member of the Sub-Commission had prepared a working paper comprising a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, and enumerating the issues and factors to be considered before any drafting of a further binding international instrument.

(Mr. Houshmand)

- 69. With regard to agenda item 110, he cited article 21 of the Universal Declaration of Human Rights, as well as General Assembly resolution 43/157 of 8 December 1988. The latter stated that periodic and genuine elections were a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that determining the will of the people required an electoral process which accommodated distinct alternatives and provided an equal opportunity for all citizens to become candidates, and called upon the Commission on Human Rights, at its forty-fifth session, to consider appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States.
- 70. The Commission on Human Rights had examined the issue in 1989 and had adopted resolution 1989/51, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". At its forty-fourth session, the General Assembly had adopted resolutions 44/146 and 44/147 in which it had called upon the Commission on Human Rights, at its forty-sixth session, to continue its consideration of appropriate ways and means of enhancing the effectiveness of that principle and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council, and also, at its forty-sixth session, to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes, and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council.
- 71. Popular participation, one of the questions examined by the Commission on Human Rights, was of vital importance to the protection of all human rights and fundamental freedoms. It covered a wide area of human activity and could therefore be the subject of an in-depth expert study, especially in the light of recent democratic developments.
- 72. Mr. TRAXLER (Italy), speaking on behalf of the 12 States members of the European Community, noted the priority accorded by the United Nations to the promotion and protection of human rights and to the framework which had been established by various international instruments in that field, starting with the Universal Declaration of Human Rights. That framework had been extended by the adoption by the General Assembly of the Convention on the Rights of the Child and of the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- 73. The European Community and its member States believed that, in the future, particular attention should be given to securing universal adherence to, and monitoring compliance with, the existing instruments. That did not exclude the possible adoption of further instruments, provided that the need for them was clearly established and that the guidelines approved by the General Assembly by its resolution 41/120 of 4 December 1986 were followed. With regard to those quidelines, the subject-matter of any new international standards should be of a fundamental character, consistent with the existing instruments for the protection

(Mr. Traxler, Italy)

of international rights and drafted in a way that clearly defined the rights and ensured their effective implementation. It was fitting to record those provisions, adopted by the General Assembly in 1986, since in 1990 it was examining the international convention on the protection of the rights of all migrant workers and their families. The Twelve recognized the extensive work undertaken by the working group responsible for its elaboration and welcomed the practice whereby the Centre for Human Rights reviewed the drafts of international instruments, a practice which should be applied whenever necessary, in accordance with General Assembly resolution 41/120.

- 74. The Twelve believed that, in order to prevent the universal principles on which human rights were based from being weakened by the proliferation of standards, that practice should, in the future, be restricted to those cases where there was a broad international consensus in favour of the drafting of a new instrument. While the collective aspects of human rights should be recognized, the international community should strongly emphasize the individual nature of those rights. The Twelve reaffirmed the need for full implementation of economic, social and cultural rights, and also the obligation to respect civil and political rights, without in any way subordinating that obligation to their implementation. Both categories of rights were of equal importance and all Governments were obliged to promote, respect and implement them. The European Community and its member States believed that, when drafting resolutions which could affect the interpretation of international instruments, delegations should bear in mind the principles of logical and textual consistency established by General Assembly resolution 41/120 on standard-setting activities.
- 75. The Twelve welcomed the ratifications and accessions registered for the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. They encouraged countries having difficulties in introducing in their legislation the changes necessary for their ratification to request the appropriate support from the Centre for Human Rights under the advisory services and technical assistance programme. They also recommended that States parties to human rights instruments should periodically review any reservations on the provisions of the Conventions so as to ascertain whether they should be maintained.
- 76. Concerning the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Twelve noted with concern the deterioration in that situation, according to the reports on torture submitted by the Special Rapporteur to the Commission on Human Rights, and invited the States which had not fully co-operated with the Special Rapporteur to begin giving him the necessary assistance.
- 77. The Twelve favoured close contact and exchange of information between the Special Rapporteur and the Committee against Torture and supported his recommendations, particularly those contributing to prevention of torture and those relating to provision of advisory services to assist certain Governments in their efforts to remedy existing situations. In particular, the Twelve were alarmed at

(Mr. Traxler, Italy)

reports of torture of children and young people, as well as the participation, direct or indirect, of medical doctors and health personnel in such practices. The medical ethics principles adopted by the General Assembly in resolution 37/194 of 18 December 1982 must be strictly observed.

- 78. Particular attention should be drawn to the situation caused by the Iraqi invasion of Kuwaic. There had been numerous instances of torture and other human rights violations which, in the opinion of the Twelve, merited outright condemnation.
- 79. As for agenda item 105, the United Nations had taken a decisive step towards recognition of the need to protect and care for children by adopting a legally binding instrument. The Convention on the Rights of the Child provided, inter alia, for the establishment of a committee of experts to monitor its implementation. Moreover, at its last session, the Commission on Human Rights had decided to appoint a new Special Rapporteur to consider specific matters relating to the protection of children.
- 80. Mrs. Coombs (New Zealand), Vice-Chairman, took the Chair.
- 81. In re-examining the principles incorporated in the Declaration on the Right to Development, adopted by the General Assembly in 1986, it was possible to see elements of the relationship between economic development and respect for human rights. The integration of human rights concepts into economic development, occasionally mentioned in the Declaration, placed the individual human being at the centre of the development process. That interpretation reflected a general trend towards a relationship of democracy, human rights and sustainable development. In the context of international development co-operation it had been recognized recently that open democratic systems and respect for human right, strengthened efforts to achieve development, economic efficiency and equitable income distribution.
- 82. The international community was indebted to those individuals and non-governmental organizations who had dedicated themselves to exposing violations of human rights often at grave risk to themselves and to assisting victims, including representatives of the communications media, who had exposed such acts. The Twelve were encouraged by the progress made by the Working Group of the Commission on Human Rights in preparing a draft declaration on the rights and responsibilities of individuals, groups and institutions in society, for the promotion and protection of rights and fundamental freedoms. They expressed their satisfaction that the Commission, in its resolution 1990/42, had decided to transmit to the General Assembly, through the Economic and Social Council, draft guidelines on the use of computerized personal files. Such guidelines were necessary to protect individuals from the abuse of new technologies.
- 83. The Twelve attached great importance to the role of human rights treaty bodies in promoting human rights and protecting their enjoyment by such means as the examination of periodic reports submitted by States parties, the formulation of

(Mr. Traxler, Italy)

general recommendations, the formulation of general comments and the examination of individual complaints. They welcomed the meeting of the chairmen of those bodies, held at Geneva in October for the purpose of exchanging information and making recommendations.

- 84. Mr. KONKOBO (Burkina Faso) said that, 30 years after adoption of the Declaration on the Rights of the Child, the international community had, at the recent World Summit for Children, provided itself with the first legal instrument for defining the status and guaranteeing the rights of children in society: the Convention on the Rights of the Child. That Convention was the fruit of the labours of the Commission on Human Rights, and Burkina Faso was gratified by the unusual speed with which States, itself among them, had signed and ratified it.
- 85. Burkina Faso was one of the African countries where children under 15 years of age represented almost 50 per cent of the total population. For that reason, they were constantly working on programmes and adopting strategies for promoting children, a vulnerable social sector, by solving such problems as the low rate of school enrolment, precarious health conditions characterized by high child morbidity and mortality rates, unfavourable social and economic conditions and mutilation practices affecting the health of mothers and children. In particular, the entry into force, in August, of the Code on Individuals and the Family was noteworthy. It included many provisions for the benefit of children, such as the principle of equality of all children, establishing a minimum age for marriage, the principle of the best interest of the child in the event of parental separation, and priority given to child care by the mother or responsibility shaled by the mother and father.
- 86. Ms. GRES (Byelorussian Soviet Socialist Republic) said that there was an evident need to adopt effective and immediate measures at the national and international levels for improving the status of children. The States parties to the Convention on the Rights of the Child recognized the right of each child to a standard of living conducive to his or her social and physical development. However, current living conditions were impeding the harmonious development of society, owing to the terrible state of the environment polluted by chemical discharges, irrational use of chemicals in agriculture and nuclear-weapon tests. An increase in allergies was apparent everywhere, and genetic deformities and diseases of the immune system had raised the level of cancer by some 5 per cent. The AIDS problem had been a major preoccupation of the entire world.
- 87. Child health was a major concern for the medical community in the Byelorussian SSR. Four years after the Chernobyl accident, it had been found that 24 per cent of the children suffered from chronic illnesses, only one or two children in a hundred enjoyed good health and the rest had some disease. Four thousand children died each day in the world from hunger and illness. Alcoholism, drug addiction and delinquency were only some of the ills afflicting the planet. In those circumstances, it was impossible to speak of spiritual divelopment.

(Ms. Gres, Byelorussian SSR)

The Convention recognized the child's need to grow up in a family environment in an atmosphere of happiness, love and understanding, yet the percentage of divorces and children born out of wedlock was constantly increasing. In the Byelorussian SSR, the number of detention and other homes for young people was constantly rising, and in many other countries the number of homeless children was growing. Solving that problem in one country alone would be a mere drop in an immense bucket so far as the needs of children were concerned. Her Government welcomed the establishment of UNICEF offices in all countries and was ready to open one in Minsk very soon. Regrettably, not all States parties to the Convention on the Rights of the Child had legislation for the protection of children. Byelorussia called on States which still had not done so to sign and ratify the Convention in order to ensure special protection and continued improvement of the status of children. Ratification would contribute not only towards the achievement of national, regional and global child-protection objectives, but also towards spreading awareness in the international community that the rights of the child were not a matter of generosity, but an integral part of human rights.

The meeting rose at 5.55 p.m.