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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Report of the Third Committee

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, 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 Third Committee considered this item jointly with items 89, 97, 105, 106, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th, 59th, 61st and 62nd meetings, on 7 to 9, 12 to 14, 21, 23 and 28 to 30 November, and 3 and 4 December 1990. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.3/45/SR.35-42).
3. For its consideration of the item, the Committee had before it a note by the Secretary-General transmitting the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) (A/45/580).
4. At the 35th meeting, on 7 November, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made an introductory statement on the item (see A/C.3/45/SR.35).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/45/L.47

5. At the 49th meeting, on 21 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Australia, Belgium, Bolivia, the Byelorussian Soviet Socialist Republic, Costa Rica, France, Germany, Guatemala, Italy, Luxembourg, Morocco, the Netherlands, Norway, Peru, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.47) entitled "Human rights and scientific and technological developments". Subsequently, Greece, Saint Kitts and Nevis and Samoa joined in sponsoring the draft resolution.

6. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 19, draft resolution I).

### B. Draft resolution A/C.3/45/L.48

7. At the 49th meeting, on 21 November, the representative of the Byelorussian Soviet Socialist Republic, on behalf of Afghanistan, Algeria, Angola, Argentina, Bangladesh, Benin, Bolivia, Burkina Faso, the Byelorussian Soviet Socialist Republic, Cameroon, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Honduras, the Lao People's Democratic Republic, Madagascar, Mali, Morocco, 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.3/45/L.48) entitled "Human rights and scientific and technological developments". Subsequently, Togo joined in sponsoring the draft resolution.

8. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 19, draft resolution II).

### C. Draft resolution A/C.3/45/L.57 and Rev.1

9. At the 51st meeting, on 23 November, the representative of Mongolia, on behalf of Algeria, Burkina Faso, Guatemala, Guinea, Indonesia, Madagascar, Mali, Mongolia, Morocco, Myanmar, Nigeria, Papua New Guinea, Saint Kitts and Nevis, Samoa, the Solomon Islands, the Ukrainian Soviet Socialist Republic, Viet Nam and Zimbabwe, introduced a draft resolution (A/C.3/45/L.57) entitled "Need to ensure a healthy environment for the well-being of individuals".

10. At the 57th meeting, on 29 November, the representative of Mongolia, on behalf of the sponsors as well as Mali and Nigeria, introduced a revised draft resolution (A/C.3/45/L.57/Rev.1). Subsequently, the Byelorussian Soviet Socialist Republic and Vanuatu joined in sponsoring the revised draft resolution. The changes in the revised draft resolution were as follows:

(a) The ninth and tenth preambular paragraphs, which read:

**"Stressing the need for just burden sharing between developed and developing countries and their responsibility for the preservation and improvement of the environment,**

**"Welcoming the decision of the Commission on Human Rights and its Sub-Commission on Prevention and Discrimination and Protection of Minorities to study the problems of the environment and its relation to human rights,"**

were replaced by the following paragraphs:

**"Stressing the importance for all countries to take effective actions for the protection and enhancement of the environment in accordance with their respective capacities and responsibilities and taking into account the specific needs of developing countries, and that, as the major sources of pollution, the developed countries have the main responsibility for taking appropriate measures urgently,";**

**"Welcoming Commission on Human Rights resolution 1990/41 of 6 March 1990 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/7, in which they decided to study the problems of the environment and its relation to human rights,";**

(b) Operative paragraph 3, which read:

**"Encourages the Commission on Human Rights, with the assistance of its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to continue studying the problems of the environment and its relation to human rights, with a view to submitting the progress made on the matter to the United Nations Conference on Environment and Development;"**

was replaced by the following text:

**"Encourages the Commission on Human Rights, with the assistance of its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to continue studying the problems of the environment and its relation to human rights, with a view to submitting to the Preparatory Committee of the United Nations Conference on Environment and Development, through the Economic and Social Council, a report on the progress made on the matter;"**.

11. At the same meeting, the representative of Mongolia, on behalf of the sponsors, further orally revised operative paragraph 4 of the draft resolution, which read:

**"Decides to consider this question at its forty-sixth session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms."**

by replacing it with the following text:

**"Believes** that appropriate organs of the United Nations should pursue active efforts in seeking to promote a better and healthier environment."

12. At the same meeting, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and Mongolia.

13. At the 59th meeting, on 30 November, the representative of Mongolia, on behalf of the sponsors, further orally revised operative paragraph 4 of the revised draft resolution (A/C.3/45/L.57/Rev.1, to read as follows:

**"Believes** that appropriate organs of the United Nations, within their respective competences, should pursue active efforts in seeking to promote a better and healthier environment."

14. At the same meeting, the Committee adopted the revised draft resolution, as further orally revised without a vote (see para. 19, draft resolution III).

15. After the adoption of the revised draft resolution, the representatives of Bolivia, New Zealand, the United States of America, Brazil, Malaysia, Peru, Singapore, Colombia, Cuba, Barbados, Egypt and Pakistan made statements (see A/C.3/45/SR.59).

#### D. Draft resolution A/C.3/45/L.66

16. At the 51st meeting, on 23 November, the representative of France, on behalf of France, Italy, Luxembourg and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.66) entitled "Guidelines for the regulation of computerized personal data files".

17. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 19, draft resolution IV).

18. After the adoption of the draft resolution, the representative of Germany made a statement.

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

DRAFT RESOLUTION I

Human rights and scientific and technological developments

The General Assembly,

Mindful of the provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights 2/ and of other relevant instruments, such as the Declaration on the Rights of Disabled Persons 3/ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 4/

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 detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 44/134 of 15 November 1989, in which it welcomed the establishment of an open-ended Working Group of the Commission on Human Rights to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission,

Taking note of Commission on Human Rights resolution 1990/38 of 6 March 1990 5/ and Economic and Social Council resolution 1990/37 of 25 May 1990, by which the Council authorized the Working Group to continue its work with a view to submitting the draft principles and guidelines to the Commission at its forty-seventh session,

1. Welcomes the significant progress made by the Working Group in the elaboration of a body of principles for the protection of persons with mental illness and for the improvement of mental health care, and urges the Group to complete its work expeditiously for submission to the Commission on Human Rights;

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 3447 (XXX).

4/ See resolution 43/173, annex.

5/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

2. Requests the Commission on Human Rights to consider the subject at its forty-seventh session, in the light of the report and recommendations of the Working Group, with a view to submitting the draft principles to the General Assembly at its forty-sixth session, through the Economic and Social Council.

## 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,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, 6/ the International Covenant on Economic, Social and Cultural Rights, 7/ the International Covenant on Civil and Political Rights 7/ and the Declaration on Social Progress and Development, 8/

Conscious that it is only the creative genius of humankind that makes progress and the development of civilization possible in a peaceful environment and that human life must be recognized as supreme,

Recalling the fundamental importance of the right to life,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of the developing countries,

1. Calls 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 progress;

2. Recalls the historic responsibility of the Governments of all countries of the world to preserve civilization and to ensure that everyone enjoys his or her inherent right to life, and calls upon them to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international levels;

3. Calls upon all States, appropriate United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations concerned to take

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6/ Resolution 217 A (III).

7/ See resolution 2200 A (XXI), annex.

8/ Resolution 2542 (XXIV).

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;

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

### DRAFT RESOLUTION III

#### Need to ensure a healthy environment for the well-being of individuals

##### The General Assembly,

Recalling that, in accordance with the provisions of the Universal Declaration of Human Rights 9/ and the International Covenant on Economic, Social and Cultural Rights, 10/ everyone has the right to an adequate standard of living for their own health and well-being and that of their family and to the continuous improvement of living conditions,

Recognizing the need to promote universal respect for, and observance of, human rights and fundamental freedoms in all their aspects,

Considering that a better and healthier environment can help contribute to the full enjoyment of human rights by all,

Reaffirming that in accordance with the Declaration of the United Nations Conference on the Human Environment, 11/ men and women have the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and that they bear a solemn responsibility to protect and improve the environment for present and future generations,

Bearing in mind the fact that increasing environmental degradation could endanger the very basis of life,

Bearing in mind also that the economic growth and development of the developing countries are essential in order to address the problems of the degradation and protection of the environment,

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9/ Resolution 217 A (III).

10/ See resolution 2200 A (XXI), annex.

11/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 (United Nations publication, Sales No. E.73.II.A.14 and corrigendum), chap. I.

Emphasizing the increasing role of the United Nations in addressing global environmental problems,

Recalling that the United Nations Conference on Environment and Development, to be held in Brazil in 1992, will elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of strengthened national and international efforts to promote sustainable and environmentally sound development in all countries,

Stressing the importance for all countries to take effective actions for the protection and enhancement of the environment in accordance with their respective capacities and responsibilities and taking into account the specific needs of developing countries and that, as the major sources of pollution, the developed countries have the main responsibility for taking appropriate measures urgently,

Welcoming Commission on Human Rights resolution 1990/41 of 6 March 1990 12/ and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/7, in which they decided to study the problems of the environment and its relation to human rights,

1. Recognizes that all individuals are entitled to live in an environment adequate for their health and well-being;
2. Calls upon Member States and intergovernmental and non-governmental organizations dealing with environmental questions to enhance their efforts towards ensuring a better and healthier environment;
3. Encourages the Commission on Human Rights, with the assistance of its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to continue studying the problems of the environment and its relation to human rights, with a view to submitting to the Preparatory Committee of the United Nations Conference on Environment and Development, through the Economic and Social Council, a report on the progress made on the matter;
4. Believes that appropriate organs of the United Nations, within their respective competences, should pursue active efforts in seeking to promote a better and healthier environment.



DRAFT RESOLUTION IV

Guidelines for the regulation of computerized  
personal data files

The General Assembly,

Recalling its resolution 44/132 of 15 December 1989,

Bearing in mind Commission on Human Rights resolution 1990/42 of 6 March 1990 13/ and Economic and Social Council resolution 1990/38 of 25 May 1990, entitled "Guidelines on the use of computerized personal files",

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet, for his report containing a revised version of the draft guidelines for the regulation of computerized personal data files; 14/

2. Conveys its thanks to the Governments that have communicated to the Secretary-General their comments and suggestions 15/ concerning the previous version of the draft guidelines; 16/

3. Adopts the draft guidelines in their revised version;

4. Requests Governments to take into account those guidelines in their legislation and administrative regulations;

5. Also requests governmental, intergovernmental and non-governmental organizations to respect those guidelines in carrying out the activities within their field of competence.

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13/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

14/ E/CN.4/1990/72.

15/ See A/44/606 and Add.1.

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