

UNITED NATIONS
General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Tuesday, 13 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mrs. ZINDOGA (Zimbabwe)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
(continued)

Action on draft resolution A/C.3/44/L.22

AGENDA ITEM 102: FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN TO THE
YEAR 2000 (continued)

Action on draft resolutions A/C.3/45/L.19/Rev.2, L.20, L.21, L.24 and L.25

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

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued)

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD
(continued)

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT (continued)

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

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Distr. GENERAL
A/C.3/45/SR.40
29 November 1990
ENGLISH
ORIGINAL: SPANISH

In the absence of the Chairman, Mrs. Zindoga (Zimbabwe)
Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
(continued) (A/C.3/45/L.22)

Action on draft resolution A/C.3/45/L.22

1. The CHAIRMAN announced that Nigeria, Romania, Senegal and the Ukrainian SSR, had joined the sponsors of draft resolution A/C.3/45/L.22 entitled "Convention on the Elimination of All Forms of Discrimination against Women". The draft resolution had no programme budget implications.

2. Draft resolution A/C.3/45/L.22 was adopted without a vote.

3. The CHAIRMAN announced that the Committee had concluded consideration of agenda item 101.

AGENDA ITEM 102: FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN TO THE YEAR 2000 (continued) (A/C.3/45/L.19/Rev.2, L.20, L.21, L.24 and L.25)

Action on draft resolution A/C.3/45/L.19/Rev.2

4. The CHAIRMAN announced that Benin, Cameroon, Mongolia, Nigeria, Papua New Guinea and Samoa had joined the sponsors of draft resolution A/C.3/45/L.19/Rev.2 entitled "Improvement of the status of women in the Secretariat", and invited the Committee secretariat to explain the programme budget implications of the draft resolution.

5. Ms. KAMAL (Secretary of the Committee) read out operative paragraph 5 and said that, in keeping with General Assembly resolution 43/103, the Secretary-General had appointed a female staff member at the D-1 level in the Office of Human Resources in 1989 as the Principal Officer, Focal Point for Women in the Secretariat. The post, which was being financed from extrabudgetary resources would be maintained throughout 1991. Extension of the post would be considered in the context of proposed programme budget for the biennium 1992-1993. Taking that into account, it was calculated that operative paragraph 5 of draft resolution A/C.3/45/L.19/Rev.2 could, as requested, be financed from existing resources. Furthermore, a female staff member at the D-2 level, who was the Director in the Executive Office of the Secretary-General was responsible for keeping the Secretary-General informed of the progress made in that regard.

6. Draft resolution A/C.3/45/L.19/Rev.2 was adopted without a vote.

7. Mr. RAVEN (United Kingdom), speaking in explanation of the vote, congratulated the drafters of the resolution on their wisdom and skill and requested the Committee, without exceeding its mandate, to send a message to the

(Mr. Raven, United Kingdom)

Secretary-General, concerning the forward-looking strategies, urging him to improve the status of women in the Secretariat. However, in his delegation's opinion, all specific personnel matters fell within the purview of the Fifth Committee and the Committee should not overstep its bounds and adopt decisions that should be taken by the Fifth Committee neither should it make interpretations of the relevant provisions of the Charter that differed from those of the Fifth Committee. Consequently, the sponsors were right in including the words "in accordance with the Charter" in operative paragraph 1 of the draft resolution. He drew particular attention to Article 101, paragraph 3 of the Charter.

8. Ms. EJIRII (Japan), speaking in explanation of the vote, said that her delegation in essence supported the content of the draft resolution just adopted. Her delegation believed that the subject of the draft resolution was being dealt with in the Fifth Committee and therefore, hoped that a further effort would be made during the present session to ensure that the resolution was not at variance with the results of the Fifth Committee's deliberations on the subject. She reiterated that it was important, when the question of improving the status of women in the Secretariat was being discussed, that such improvement should be achieved within the context of the efforts being made to restructure the United Nations Secretariat on the basis of the report of the Group of 18 and of the relevant resolutions.

Action on draft resolution A/C.3/45/L.20

9. The CHAIRMAN announced that Guyana, Niger and Nigeria had joined the sponsors of draft resolution A/C.3/45/L.20 entitled "Women and literacy".

10. Draft resolution A/C.3/45/L.20 was adopted without a vote.

Action on draft resolution A/C.3/45/L.21

11. The CHAIRMAN announced that Bangladesh, Cameroon, New Zealand and Samoa had joined the sponsors of draft resolution A/C.3/45/L.21 entitled "Interregional consultation on women in public life".

12. Draft resolution A/C.3/45/L.21 was adopted without a vote.

Action on draft resolution A/C.3/45/L.24

13. The CHAIRMAN announced that Guyana and Nigeria had joined the sponsors of draft resolution A/C.3/45/L.24 entitled "United Nations Development Fund for Women".

14. Draft resolution A/C.3/45/L.24 was adopted without a vote.

Action on draft resolution A/C.3/45/L.25

15. The CHAIRMAN said that in the first line of operative paragraph 7 of draft resolution A/C.3/45/L.25 entitled "Implementation of the Nairobi forward-looking strategies for the advancement of women", the word "themes" should be replaced by "theme".

16. Mrs. ASHTON (Bolivia) speaking on behalf of the Group of 77, introduced the following amendments to draft resolution A/C.3/45/L.25. The words "on the basis of the objectives of the United Nations Decade for Women: Equality, Development, Peace, and of the sub-item: Employment, health and education and urges all organizations within the United Nations system to co-operate effectively with the Committee in performing that task," should be added at the end of operative paragraph 6. In the second line of operative paragraph 18 the words "Migrant women and refugee women" should be replaced by the words "Migrant women and children and refugee women and children,".

17. Draft resolution A/C.3/45/L.25 was adopted, as orally amended, without a vote.

18. The CHAIRMAN announced that the Committee had concluded consideration of agenda item 102, as well as the third cluster of items as a whole.

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

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

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

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

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/45/205, 222, 225, 256, 270)

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

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

19. Mr. WISNUMURTI (Indonesia), after pointing out the importance both of the work of the United Nations in the sphere of human rights and of universal recognition of human rights norms, said that, in the Declaration of Social Progress and Development and, later, the Declaration on the Right to Development, recognition had been given not only to the integration of human rights in the development process but also the dimensions of the right to development as inalienable human rights. At the conclusion of a decade in which development efforts had been impeded by well-known circumstances, the relationship between development and human rights had become painfully obvious in the poverty, ill health and precarious existence in which millions throughout the world remained. It was clear that only when the most elementary needs and the existence of mankind had been ensured could the other aspects of human rights, which had equal importance, attain their full validity.

20. He drew attention also to the significance of the recent World Summit for Children, which demonstrated the international community's commitment to protect the most vulnerable and ensure sound development so as to strengthen the ethic that had been forged regarding the value of human life.

21. His delegation welcomed the report of the Secretary-General on the Implementation of the Convention on the Rights of the Child (A/45/473) and drew attention to the fact that Indonesia had ratified the Convention and had deposited the instrument of ratification with the Secretariat in New York on 5 September 1990, thus demonstrating its firm commitment to the rights of the child in its own country and throughout the world.

22. With regard to the item on religious intolerance, Indonesia was firmly convinced that freedom of conscience and religion were fundamental for ensuring the most elementary human rights. Religion should become a true source of lasting peace, harmony and conflict resolution.

23. The international community had reached an appropriate point to make a useful review of the achievements gained and problems to be faced with regard to the human rights programme. The convening of a world conference on human rights, which would facilitate that review and appraisal, would make a significant contribution to the effectiveness of the United Nations in the promotion and protection of human rights. Lastly, Indonesia was prepared to contribute to those efforts in its capacity as a new member of the Commission on Human Rights.

24. Mrs. BOUKADOUM (Algeria), speaking on behalf of the Libyan Jamahiriya, Mauritania, Morocco and Tunisia, States members of the Arab Maghreb Union, said that a year earlier the United Nations had observed the thirtieth anniversary of the Declaration on the Rights of the Child and the tenth anniversary of the International Year of the Child. In addition, following long and arduous negotiations, it had adopted the Convention on the Rights of the Child, which undoubtedly represented an important step forward in the work of protection and promotion of children.

(Mrs. Boukadoun, Algeria)

25. The Arab Maghreb countries, convinced that the development and well-being of children were essential conditions for a secure and harmonious future for human society, had always supported the efforts of the international community in that regard and had contributed to those efforts. Those countries had participated, expressed their points of view and made proposals in the working group entrusted with the preparation of the Convention.

26. The establishment of the Arab Maghreb Union in 1989 had strengthened the position of its member countries on the rights of the child and had made it possible to co-ordinate their work better in that area. The meeting of the representatives of those countries held at Tunis in 1989 had been an important milestone at which, while analysing objectively the draft Convention and enriching it in the light of the special characteristics and concerns of those countries, they had also reiterated their support, in principle, for the adoption of the Convention. Those countries collectively welcomed the adoption of the Convention, which complemented existing norms in the field of human rights. Nevertheless, the limitations of the Convention must be borne in mind and an effort made to overcome them, with a view to guaranteeing all children, not only some of them, the possibility of developing in a spirit of peace, dignity, tolerance, freedom, equality and solidarity, in accordance with the United Nations Charter.

27. It should be pointed out that, scarcely 10 months after the adoption of the Convention, it had already been signed by 129 countries and ratified by 54. That showed new awareness of the sufferings of the great majority of children. It also reflected the firm will of the international community to offer them a future in which hunger, disease, abandonment and poverty had been eradicated.

28. The new awareness and firm determination of the international community had been demonstrated, above all, at the recent World Summit for Children. It had been the first meeting of that kind intended to offer to children the hope of a better future. The countries members of the Arab Maghreb Union applauded the adoption of the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for the implementation of the Declaration and were among the signatories to those documents.

29. Clearly, achieving the objectives set forth in those instruments required unfailing solidarity on the part of the international community and a sustained and considerable effort. The Arab Maghreb Union hoped that the high level of political commitment evident at the Summit would lead to the efforts and resources necessary to achieve those objectives. To that end, the relevant United Nations bodies and agencies, particularly the United Nations Children's Fund (UNICEF), must have the necessary means to carry out their tasks. Furthermore, it was essential to set up a committee on the implementation of the Convention on the Rights of the Child with the sufficient means to carry out its work.

30. At the regional level, the countries of the Arab Maghreb were seeking to ensure that the Union had the necessary institutions and mechanisms to achieve its objectives and increase the protection of children and promote their well-being. Accordingly, the Maghreb Supreme Council for the child had been established, one of

(Mrs. Boukadoum, Algeria)

whose immediate tasks was to set up a data bank on the children in the Maghreb in order to facilitate research and the taking of decisions concerning children. Similarly, the Union of Maghreb Associations for the Protection of Children had recently been established, which would strive to defend the rights of children, particularly sick, handicapped and poor children, and to promote and strengthen the associations' activities concerning children, the conducting of studies and enhance the complementary nature of measures adopted by member countries, particularly in the sectors of health and education.

31. In Palestine, many children continued to wage an unequal struggle for survival and the exercise of their most basic rights. The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People on the situation of Palestinian children in the occupied Arab territories gave an idea of the tragic conditions in which they lived. Since the beginning of the military occupation 20 years earlier, two generations of Palestinian children had seen their basic rights severely restricted and had endured violent death and wounds and had been subjected to collective punishment and acts of cruelty, such as the destruction of their homes, and a general atmosphere of oppression, suspicion and fear. There were similar reports from South Africa, where children, from an early age, were victims of the inhuman practices perpetrated by the horrible apartheid régime. A struggle must be waged to restore the national rights of the Palestinian people and, as a matter of priority, to respond to the cries for justice by the children of the intifadah. Likewise, it was necessary to continue to exert international pressure in order to eliminate the apartheid system.

32. Mr. RALEBITSO (Lesotho), addressing agenda item 97, said that the adoption of the historic Convention on the Rights of the Child in 1989 had been one of the outstanding achievements of the forty-fourth session of the General Assembly. Lesotho, which had signed the Convention on 21 August 1990, noted with satisfaction the increasing number of States that had signed, ratified or acceded to it. His country commended the United Nations for establishing a set of useful standards for the protection of children, which the World Declaration and Plan of Action adopted at the World Summit for Children had recently further strengthened.

33. As an indication of the importance of child-related issues, African leaders had kept their attention focused on those questions despite many political and economic difficulties. Such concern had helped keep those questions on the public agenda. Likewise, it had led to advocacy and fund-raising activities on behalf of children at the global level. The Meeting of Heads of State and Government of the Organization of African Unity (OAU) held in 1990 in Addis Ababa had adopted seven landmark resolutions reiterating and reaffirming Africa's concern for its children and women.

34. It was the duty of Governments and the international community to ensure that the rights set forth in the Convention were implemented and incorporated into national legislation in order to achieve the desired objectives. It was a well-known fact that the quality of life of children, particularly those in the developing countries, was far from satisfactory and, in spite of the efforts made,

(Mr. Ralebitso, Lesotho)

continued to deteriorate in some countries where the level of infant mortality, disease, malnutrition and literacy still left much to be desired.

35. In accordance with international standards for the protection of children, including those set forth in the World Declaration, Lesotho, through its Ministries of Social Welfare, Education and Health as well as local child-care organizations, UNICEF and non-governmental organizations, had endeavoured to make progress in ensuring the survival, production and development of children. In particular, Lesotho had given its utmost attention to the question of the right to life.

36. The Ministry of Health, in close collaboration with UNICEF and the World Health Organization (WHO), had strengthened the immunization campaign to prevent communicable diseases among infants from birth to 10 months of age. The campaign was designed to combat tuberculosis, tetanus, poliomyelitis, measles and whooping cough. Rural clinics had been constructed and through the press and radio broadcasts mothers had been made aware of the need for child immunization. A record immunization of 70 per cent to 80 per cent of all newborn children had been achieved between 1989 and 1990.

37. The Family Health Division of the Ministry of Health, in close co-operation with the Ministry of Agriculture and UNICEF, had carried out programmes to combat malnutrition, diarrhoea and acute respiratory infections.

38. In order to promote and maintain the living standards necessary for a healthy life, Lesotho, which was a low per capita income country, had concluded agreements with a number of international organizations in order to set up food programmes at primary schools. His delegation expressed appreciation to the World Food Programme (WFP), the Save the Children Fund (United Kingdom) and other organizations.

39. Lesotho, which did not want the 1990s to become another decade of lost opportunities, expressed its commitment to working with the international community in order to make a solid effort to enhance the health, education, growth and development of children.

40. Mrs. DAN NANA (Niger) said that one could not consider agenda item 97 without taking account of all those who formed the environment in which children lived, namely women (mothers, sisters, aunts and grandmothers) who were in contact with them; the family; young people, of whom they were a part; elderly persons, to whom they provided company; narcotic drugs, which constituted a threat to them; and, lastly, the economic, social and cultural milieu in which they would spend their adult lives.

41. The world was currently undergoing a process of change and should welcome the end of the cold war and the understanding that had finally been achieved. Nevertheless, the gap separating the North from the South continued to grow and social differences were becoming more noticeable between the children of the two regions, where in one well-being prevailed, while in the other impoverishment predominated.

(Mrs. Dan Nana, Niger)

42. Some members of the United Nations were violating the international covenants on human rights. The Convention on the Rights of the Child might also suffer a similar fate in the future. Accordingly, the United Nations must henceforth be provided with better means and resources for the protection of children.

43. Children, who were the focus of concern in Africa, had become a problem with the onset of the conflict between modern values and the economic crisis which cruelly affected that continent. The situation of mothers and children was so tragic that the survival of 50 per cent of them could hardly be assumed because of numerous childhood diseases, armed conflicts and an unhealthy environment, all of which was aggravated by inhuman structural adjustment programmes and the debt burden.

44. The World Summit for Children had demonstrated the commitment of the international community to protecting children and ensuring their survival and development. In view of the role played by mothers in children's lives, achieving that objective depended on guaranteeing the protection, survival, development and rights of women. The implementation of the Convention of the Rights of the Child should include the progressive incorporation of its provisions into national legislation, a more dynamic press campaign, a greater effort to promote public awareness and the exercise of all the rights of the child without distinction as to sex. The principle of equality must be inculcated in children from an early age in order to change the situation of the women of tomorrow.

45. The obligations of States parties to the Convention on the Rights of the Child included the obligation to guarantee the full development of mothers and children by ensuring that mothers had time to care for their children, particularly poor mothers in rural areas, who needed access to credit in order to feed and to look after their children as well as their own health. It was also essential to ensure that children grew up surrounded by a physical, moral and economically sound family in order to ensure their proper development.

46. One of the ills that threatened young people was alcohol and drug use. The Expert Meeting on the Negative Social Consequences of Alcohol Use, held in Oslo in August 1990 (A/C.3/45/3), had concluded, inter alia, that alcohol-related problems affected family relations, the status of women and the welfare of children and young people. It had recommended the inclusion of the topic of the negative social consequences of alcohol use in the follow-up of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, as well as its incorporation in the preparatory work for the International Year of the Family.

47. AIDS was another frightening ill that affected children and young people. Immediate support should be given to the World Health Organization and research institutions for the purpose of eradicating it.

48. The deterioration of the environment also had negative consequences on efforts to help children. Taken together with the aforementioned problems, it pointed to a need to redefine current priorities, redistribute resources more equitably,

(Mrs. Dan Nana, Niger)

transfer technology in a more suitable fashion and adopt more flexible structural adjustment measures in order to improve the world social situation, including the plight of children. Despite its many economic problems, her country was waging a war on the illnesses that affected children. In 1979, the International Year of the Child, it had begun the process of integrating activities aimed at improving maternal and child health at all levels. With the material, financial and logistical support of the United Nations Children's Fund (UNICEF), the expanded programme of immunization had been organized; it had resulted in a significant improvement in immunization rates for such diseases as tuberculosis, diphtheria, whooping cough, tetanus, poliomyelitis and measles.

49. Furthermore, in the context of the policy goal of health for all by the year 2000, health activities aimed at providing safe drinking water and improving general sanitation were being carried out with the support of UNICEF and UNDP. National programmes in the areas of health, education and the advancement of women were being implemented with the help of UNICEF. At the latter's initiative, provisions had been made to establish a children's support committee, and a code of the family was being drafted.

50. Her country had ratified the Convention on the Rights of the Child and was pleased that the first State to ratify it had been an African country, Ghana. As a member of the Organization of African Unity (OAU), Niger had demonstrated its unflinching support for all initiatives that would benefit African children, and it welcomed the proclamation of the 1990s as the Decade for the African Child. It also welcomed the adoption of the African Charter on the Rights and Welfare of the Child at the most recent OAU Assembly of Heads of State and Government (A/45/482).

51. Mrs. MOLATLHWA (Botswana), speaking in reference to agenda item 97, welcomed the adoption of the World Declaration on the Survival, Protection and Development of Children. Despite the long-standing efforts of the United Nations, tens of thousands of children were dying each day from malnutrition and preventable diseases. Some of those who survived ended up in the streets. Some worked as child labourers, and some were abandoned, butchered in civil strife and armed conflict or even recruited for military service.

52. Her country was pleased that the Convention had been signed by 130 countries, and that 55 countries had already ratified or acceded to it. Botswana placed the plight of children at the top of its development policy agenda, and education was free up to the university level.

53. Advances in the health field had brought about a considerable reduction in the child mortality rate in Botswana between 1960 and 1988, even during the years in which the country had suffered from severe drought. The drought relief programme had greatly reduced the malnutrition rate and had virtually eliminated severe cases of malnutrition.

(Mrs. Molatliwa, Botswana)

54. The Children's Act of 1981, which provided for the establishment of special children's and juvenile courts, had recently been updated. The proposed five-year development plan for 1992-1997 provided for the expansion of social services in order to combat the problem of juvenile delinquency and meet the needs of abandoned children.

55. Her country had addressed the social problem of teenage pregnancy by including instruction on family life in the primary and secondary school curriculums.

56. Improving the legal and social status of women was a prerequisite to effective implementation of the Convention on the Rights of the Child. The participation of women in the development process should be facilitated by establishing pre-school or day-care facilities.

57. Her delegation took note of the report of the Secretary-General on implementation of the Convention on the Rights of the Child (A/45/473) and welcomed the unanimous adoption of the African Charter on the Rights and Welfare of the Child.

58. Mention should also be made of the outstanding role that had been played by non-governmental organizations in the implementation of the Convention on the Rights of the Child.

59. Mr. DEVANT (Haiti) said that despite the great support for various resolutions adopted by the General Assembly in the field of human rights, the desired results had, unfortunately, not always been achieved.

60. Haiti was a party to many international human rights instruments and intended to do its utmost to contribute to the attainment of the objectives of the Universal Declaration on Human Rights. It had signed the Convention on the Rights of the Child and would soon be acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

61. The Government of his country had resolutely undertaken the task of restoring the rule of law, establishing a representative democracy and promoting political pluralism. Free elections would soon be held there at all levels of government, and the new Government would take office in February 1991. He hoped that the international community would once again provide the people of his country with the support needed for the success of that process of transformation.

62. Mr. SKIBSTED (Denmark), speaking on behalf of the Nordic countries in reference to agenda items 89 and 105, said that one of the most impressive achievements of the United Nations had been the extensive codification of human rights, the corner-stone of which was the International Bill of Human Rights.

(Mr. Skibsted, Denmark)

63. On 16 December 1991, it would be 25 years since the adoption of the Covenants, and the Nordic countries would be proposing that the General Assembly should commemorate that day by dedicating a meeting in their honour. They urged all Member States that had not yet become parties to the Covenants to take appropriate measures to remove obstacles to ratification or accession.

64. Respect for the rights of the individual was the principle underlying the approach of the Nordic countries to international issues, and they believed that States should respect those rights scrupulously. By accepting the Charter of the United Nations, Member States also accepted the Organization's authority to denounce human rights violations, and they could not reject such accusations as interference in their internal affairs.

65. In the communiqué following their September 1990 meeting, the Nordic Ministers of Development Co-operation had stated that the connection between democracy, human rights and sustainable development had become more and more evident.

66. The Nordic countries welcomed the General Assembly's adoption of the Convention on the Rights of the Child, as well as of the Second Optional Protocol to the International Covenant on Civil and Political Rights, which was aimed at the abolition of the death penalty. The United Nations should now concentrate its efforts on implementation of the provisions of existing instruments. That issue should be the main objective of the envisaged world conference on human rights.

67. With respect to the serious problems relating to the reporting systems established under the various human rights instruments, the Nordic countries stressed the usefulness of meetings of the persons chairing the human rights treaty bodies. They welcomed the report of the third such meeting (A/45/636) and shared many of the concerns expressed therein. They also welcomed the report of Mr. Phillip Alston (A/44/668), which had been submitted to the General Assembly.

68. Perhaps the best way of reducing the overall reporting burden on States was to reduce overlapping. Each State party should identify the instances in which cross-referencing could be used effectively and appropriately in preparing its reports. If necessary, and if resources were available, the States concerned should be assisted in the preparation of their reports through the Advisory Services Programme. Each of the treaty bodies might also consider providing some guidance to States parties in this respect.

69. The problem of financing should be resolved, in particular for the Centre for Human Rights in Geneva. In the past decade the Centre's activities had almost doubled, while resources had failed to keep pace. The expenses of the treaty bodies should be covered from the regular budget of the United Nations. Experience had shown that any other solution would hamper their work.

(Mr. Skibsted, Denmark)

70. The Nordic countries urged that States should contribute to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, since the strengthening of national institutions, including NGOs, was among the most efficient means of helping to promote the practical implementation of human rights standards.

71. Mr. DLAMINI (Swaziland) said that the belief that all men were created equal regardless of race, religion or sex had been the corner-stone of Swaziland's culture and legislation for many years. The Government of Swaziland would continue to seek ways and means to ensure that every individual living in or visiting the country did not suffer any personal abuse, and could seek a remedy if abused by anybody, including the State. Swaziland fully supported the efforts of the United Nations to attempt to address the problem on a world-wide scale.

72. The delegation of Swaziland noted with satisfaction the number of States that had acted with the right sense of urgency in ratifying or acceding to the Convention on the Rights of the Child. Swaziland fully supported all child-related development goals, had signed the World Declaration and Plan of Action, and had become a signatory to the Convention on the Rights of the Child.

73. Mr. PETERS (Netherlands) said that he would concentrate on the improvements in the treaty-based procedures, which had been gradually developed by the Commission on Human Rights and would be dealt with by the Third Committee under agenda item 12.

74. The Economic and Social Council had approved the new rules of procedure of the Committee on Economic, Social and Cultural Rights, that would govern the Committee's future conduct of work. The Netherlands drew attention to the content of the second general comment of the Committee entitled "International technical assistance measures", which was contained in the Committee's report on its work during its fourth session.

75. Although, in accordance with its mandate, the Committee's work was essentially legal and analytical, it had political impact. The Committee's decisions on individual communications also served to build up the body of authoritative interpretation of the Covenant on Civil and Political Rights. The Netherlands considered it very useful that some of the decisions of the Committee had been published in document CCPR/C/OP/2.

76. Turning to the report of the Human Rights Committee (A/45/40), the delegation of the Netherlands wished to emphasize the importance of the general comment on discrimination, since it explicitly included some cases where discrimination was not the purpose of an act by a public authority but certainly was its effect. The comments of the Committee served as a source of inspiration for the courts of the Netherlands in their implementation of the Covenant. The second comment adopted during the reporting period was devoted to the family. The present general comment reflected the Committee's decision to respect the content given to the concept of the family in different cultures and different States. All groups of people regarded as a family by a particular State must be given the protection referred to in article 23.

(Mr. Peters, Netherlands)

77. In the field of reporting, the Committee had asked many pertinent questions on human rights practices. The report indicated once again that States parties frequently did not describe the obstacles and difficulties they encountered. The Netherlands urged States to enter into a frank dialogue with the Committee in order to benefit to the maximum extent from the reporting system.

78. The Committee was empowered to ask for follow-up reports and interim reports. Paragraph 6 of General Assembly resolution 44/129 urged those States parties to the International Covenant on Civil and Political Rights that had been requested by the Human Rights Committee to provide additional information to comply with that request. Article 40 of the Covenant on Civil and Political Rights stipulated that States parties undertook to submit reports whenever the Committee so requested. Perhaps it would be appropriate for the Committee to invoke that provision in order to be able to start a dialogue regarding allegations of a sudden deterioration of the situation in a country from which, according to the timetable for the presentation of reports, a periodic report was not yet due.

79. The Netherlands noted the concern voiced by members of the Committee regarding the compatibility of certain laws with the Covenant (A/45/40, paras. 217 and 241). As that was a matter of wider concern, the Committee might see fit to draft a general comment on the question.

80. The report of the Committee against Torture indicated that that matter was very relevant also to the implementation of the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment. On a number of occasions the Committee against Torture had been called upon to express an opinion on certain legal measures taken on the issue of human rights violations. The Committee had concluded that a number of individual communications were inadmissible since the laws concerned had been promulgated before the Convention came into force. Some lawyers were of the opinion that a similar communication introduced under the first Optional Protocol to the Covenant on Civil and Political Rights would, however, be acceptable.

81. The Netherlands had been actively involved in all United Nations efforts to outlaw and to prevent torture, and would be introducing a draft resolution on the work of the Committee and the status of the Convention.

82. Courses were given in the Netherlands to medical personnel destined to be sent abroad, and had included information on the United Nations principles of medical ethics (General Assembly resolution 37/194 of 18 December 1982). The Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment had been translated into Dutch for the use of that medical personnel.

83. The work performed by the institutions benefiting from the United Nations Voluntary Fund for Victims of Torture was very useful. The Netherlands felt that the Board of Trustees was selecting the proper education and rehabilitation projects. The Secretary-General should prepare a fact sheet on the Fund and indicate in it how individuals could contribute financially to that most laudable form of international co-operation.

(Mr. Peters, Netherlands)

84. The adoption of the Convention on the Rights of the Child had responded to a need felt by many States to guarantee the rights of children. The Netherlands had been one of the first countries to sign the Convention and the competent authorities were currently studying the impact of ratification on the national legal system.

85. The Netherlands looked back with great satisfaction at the World Summit for Children, at which new goals had been set to guide domestic and international policy on children in the years to come. What would really improve the situation of children, in particular in the developing countries, was the implementation of the World Declaration.

86. Article 32 of the Convention was of great importance as it recognized the right of the child to be protected against economic exploitation and from performing any work likely to be hazardous, to interfere with the child's education or be harmful to its health or development. At the session of the United Nations Working Group on Contemporary Forms of Slavery, a unit of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the main theme was the eradication of the exploitation of child labour. Some useful recommendations had been made, and now needed further follow-up. In general, the issue of child labour did receive the attention it deserved from the United Nations. The work of the Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes, also constituted a major contribution to United Nations efforts to promote respect for the rights of the child.

87. Governments, particularly those with few resources, should consider acceding to instruments, such as those dealing with child adoption and custody, which had been adopted over the past 40 years under the auspices of the Hague Conference on Private International Law.

88. The report of the meeting of persons chairing the human rights treaty bodies represented a very valuable contribution to efforts to monitor the implementation of the international human rights instruments. His Government shared most of the concerns expressed in the report. Technical problems were being remedied in a satisfactory way with the issuing of the consolidated guidelines for reporting, and the reporting manual, the extension of advisory services and the introduction of various forms of dialogue. Yet, in view of the enormous backlog of overdue reports (767), problems could be expected to persist for some time. All treaty bodies should be funded from the United Nations regular budget.

89. The Netherlands would support any draft resolution on finances that would speed the day when treaty bodies no longer suffered from a constant lack of funds.

90. Mr. MATELA (Poland) said that, in striving to restore the full spectrum of human rights, Poland had found the task of harmonizing its national legislation with international human rights instruments to be arduous but viable. The full enjoyment of those rights presented challenges which his country could only meet with the assistance of the international community. It was easier to resolve on a

(Mr. Matela, Poland)

multilateral rather than a bilateral basis many of the issues arising from the application of the letter and the spirit of the International Covenants on Human Rights.

91. Since the forty-fourth session of the General Assembly, his country had re-established the system of independent courts and had restored freedom of expression, including freedom of the press and freedom of assembly. Free local elections had been held in June 1990. Constitutional reforms and new electoral regulations had been instituted with a view to ensuring free and fully democratic parliamentary elections.

92. Prisoners sentenced to death had had their sentences commuted to prison terms and thousands of minor offenders had been released from prison. The Government had also amended the law relating to the structure of the courts to ensure autonomy in the appointment and promotion of judges. It had abolished censorship and had closed the Office for Religious Affairs. It had taken steps to accede to the International Covenant on Civil and Political Rights and to make a declaration recognizing the competence of the Human Rights Committee, as provided under article 41 of the Covenant.

93. New organizations and social movements had emerged in Poland and taken on the task of verifying compliance with human rights obligations, preventing violations of those obligations and strengthening the guarantees for the observance of human rights. Both the Civic Committee on Human Rights and the Polish Helsinki Committee had conducted extensive and effective campaigns designed to promote human rights.

94. With respect to reporting obligations, he noted that in 1989 Poland had completed its second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights. There had been a delay in the submission of Poland's third periodic report pending its examination by the Polish Senate and a parliamentary committee; it was however now ready for consideration by the Human Rights Committee.

95. Having recently ratified the Convention on the Rights of the Child, Poland could apply the Convention's provisions directly without the need to promulgate special legislation on the subject. Poland's new Constitution would probably contain provisions enabling the authorities and the State to apply all the international human rights instruments directly. In 1989, Poland had ratified without reservation the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

96. With regard to the draft international convention on the protection of the rights of all migrant workers and their families, on which extensive preparatory work had been done under the auspices of the United Nations, his country provided a good example of how a sense of responsibility precluded making any distinction between the countries of origin and destination of immigrants and refugees. In his opinion, the draft convention was of particular importance because it set forth the rights of all migrant workers and defined the main worker categories.

(Mr. Matela, Poland)

97. A rational and humanitarian response from the international community was needed to ensure the full enjoyment of human rights by all citizens: there were States which did not respect the rights of individuals to freedom of movement, to choose freely their place of residence, to leave their own country or to maintain unrestricted contacts with other persons. Since September 1989, when the Polish Government had made special efforts to apply the provisions of the international human rights instruments and had provided greater opportunities for its citizens to travel abroad, it had been unable to guarantee that right owing to such problems as refusal of entry visas, the imposition of various restrictions, including the necessity for applicants for visas to submit to hearings, and the application of the inadmissible principle of "collective responsibility". At the Human Dimension Conference, held recently, the Polish Minister for Foreign Affairs had said that, in Poland's experience, several States had not been respecting some of their obligations, particularly those set forth in the Concluding Document of the Vienna Follow-up Meeting. While the arrival of large groups of immigrants strained the resources and good will of countries, the problem was not a new one and should be addressed through concerted action by States at the bilateral and multilateral levels. It was important to arrive at a balance between individual rights and the preservation of States' interests. His delegation was convinced that its request for assistance in that area would be received favourably by the international community since it was a human rights question that could not be resolved with Poland's modest resources owing to regional and global circumstances, in spite of the enormous efforts it was making.

98. Mr. MEZZALAMA (Italy), speaking on agenda item 106, said that as the tenth anniversary of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief drew near, the link between freedom of religion and fundamental freedoms was being strengthened, as could be seen from the more liberal and democratic policies being adopted by many Governments. Although freedom of conscience and religion was proclaimed in unequivocal terms in the Charter of the United Nations and in other international human rights instruments, States frequently disregarded or violated those obligations, as was clear from the relevant reports of the Special Rapporteur of the Commission on Human Rights.

99. Recent events appeared to be creating conditions favourable to religious freedom. However, that did not mean favouring one faith at the expense of another but rather guaranteeing pluralism within the framework of a genuine democracy. Italy therefore found disturbing the emergence in various countries of religious absolutism which could degenerate into fanaticism and even religious persecution.

100. The Italian Government had recently approved the submission to Parliament of a bill recognizing the right to freedom of conscience, religion or belief, thus completing its extensive reform of legislation dealing with religious freedom and the relationship between the State and religion. The bill provided for the repeal of all national legislation incompatible with international human rights instruments and was designed to ensure the full implementation of constitutional precepts on the basis of the provisions contained in those instruments. The first

(Mr. Mezzalana, Italy)

article of the bill was not confined to guaranteeing freedom of religion; it also provided for the automatic application of that guarantee to every principle of international law in that field. Such a binding provision provided a definite and precise response to the invitation set forth in article 4 of the Declaration contained in General Assembly resolution 36/55 of 25 November 1981. The bill was designed to safeguard the interests of religious communities and minorities with respect to their right to organize freely and independently and to define the procedure for agreements between the State and the various religions in order to make existing legal provisions consistent with the principles of protecting the religious beliefs of all individuals and the free expression of every faith or belief.

ORGANIZATION OF WORK

101. The CHAIRMAN said that, if there were no objections, he would take it that the Committee agreed that the deadline for the submission of draft resolutions concerning the sixth cluster of items would be extended to Thursday, 15 November, as requested by a number of delegations.

102. It was so decided.

The meeting rose at 6.10 p.m.