



SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. ZADOR (Hungary)

CONTENTS

AGENDA ITEM 107: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL

AGENDA ITEM 92: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued)

- (a) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND HALF OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL
- (b) WORLD CONFERENCE TO REVIEW AND APPRAISE THE ACHIEVEMENTS OF THE UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE
- (c) VOLUNTARY FUND FOR THE UNITED NATIONS DECADE FOR WOMEN: REPORTS OF THE SECRETARY-GENERAL
- (d) PREVENTION OF PROSTITUTION

AGENDA ITEM 99: INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 100: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
- (b) STATUS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN: REPORT OF THE SECRETARY-GENERAL

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 107: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (A/40/3, A/40/160; A/40/277-E/1985/70; A/40/469, A/40/677)

1. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs) gave a review of agenda item 107 and introduced the documents which the Third Committee would consider under that item. He recalled that, in its 40 years of existence, the United Nations had achieved some great successes in the field of human rights. There now existed universal standards which were invoked throughout the world by individuals and groups as well as by States. Governments came to the United Nations to explain their laws and institutions, their successes and their difficulties in the field of human rights. The United Nations responded to cases of gross violation by debating them in public, examining written complaints, holding inquiries into specific situations and condemning outright certain violations such as those practised in South Africa. The Secretary-General sought to use his good offices, displaying his constant concern over respect for human rights and the well-being of every individual.

2. If the international community was to help the individual to enjoy the rights proclaimed on his behalf by the United Nations, it would need a primarily practical and realistic approach. One might wonder whether the steadily increasing number of standards was too cumbersome for Governments and individuals, who found it difficult to understand and implement them fully. The application of the standards raised further questions: How could more States be persuaded to ratify the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination? What could be done when the States parties to such instruments failed to submit their reports? What was the solution to the difficulties encountered by some Governments because of the many types of reporting systems? What measures could be taken to ensure that the dialogue between Governments and United Nations supervisory bodies was translated into practical results of direct benefit to the individual? All those questions required thorough consideration.

3. In respect of gross violations of human rights, it was a fact that there were cases and situations which did not come before United Nations bodies or which provoked no reaction from them. Why was that so? The choice of situations to be considered was influenced by individual and national judgement as well as by political considerations. Which standards were applied, and who applied them? Perhaps there should be an attempt to devise a method of considering human rights violations with greater impartiality. Such questions could not be evaded while, throughout the world, individuals turned to the United Nations for aid and assistance. They could not understand why they were not given the attention they deserved. Public opinion also expected the Organization to relieve the suffering of the victims of human rights violations, wherever they occurred.

(Mr. Buffum)

4. How could the Secretariat give better service to the international community in the human rights field? Despite the importance of the Organization's activities, its financial and human resources had remained at the same level. A zero-growth policy had been applied to the Centre for Human Rights, as to all other branches of the Secretariat. If there was no increase in resources, programme priorities would have to be readjusted. The Secretariat would welcome the advice of the Third Committee on those issues. In any event, if no further resources were forthcoming, any decisions entailing new studies, research or reports would have to be carefully considered.

5. Mr. QUINN (Australia) said that the debate on agenda item 107 would determine the future orientation of United Nations activities in the field of human rights and make it possible to evaluate the results of the activities of the United Nations system, determine its deficiencies and find ways to adapt it to developments in the human rights situation.

6. The United Nations had begun by emphasizing the establishment of international standards, passing, not without difficulty, from the 1948 Universal Declaration of Human Rights to mandatory international instruments. The Organization had then set up committees to monitor the implementation of those instruments, whose independent and expert character provided an opportunity for dialogue between international bodies and Governments, and helped to resolve practical questions. There were problems with the system, however. The committees had difficulty in assimilating the wealth of documentation submitted by States parties, which, in their turn, had difficulty in producing the reports. Perhaps the time had come to rationalize the system and avoid repetition. It might be useful, as some had suggested, if the Secretariat were to prepare brief country profiles providing demographic and other information for use by the various expert bodies, whose work, incidentally, deserved more publicity. The Human Rights Committee's pioneering analytical work on the articles of the International Covenant on Civil and Political Rights was of interest, and it was to be hoped that, with the conversion of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights into an expert committee, the debate on those rights would become more vigorous and fruitful. Since the 1970s, ad hoc committees had been set up and special rapporteurs appointed to investigate allegations of human rights violations and recommend remedial action. If they were to act effectively, however, the special rapporteurs should be able to rely on adequate Secretariat support. The establishment of the programme of advisory services in the field of human rights was the result of a constructive, rather than an aggressive, approach to human rights problems and the willingness to resolve them by means of practical programmes. Although they were still on a small scale, the advisory services were an interesting innovation.

7. Having established an elaborate machinery and obtained wide-ranging support for the international principles underlying them, the United Nations was now at a crossroads. It was regrettable that some Governments continued their refusal to co-operate with the Organization in its efforts to promote respect for human rights. It was alarming that some Governments thought they could flout the basic

(Mr. Quinn, Australia)

standards of international law with impunity. The United Nations had various methods of bringing human rights violations to an end; it could adopt resolutions on the situation in certain countries, study problems from a thematic point of view, offer advisory services and, through its expert bodies, monitor the implementation of the main international instruments.

8. In the attempt to protect and promote human rights, it was essential to keep to certain principles: the International Covenants on Human Rights should remain the basis of all international action in that field. It was essential to avoid ethnocentrism and the temptation to impose one's own values on others. Above all, there was the need for a commitment to defend the practical interests and welfare of persons affected or threatened by violations of their rights, to the exclusion of all other considerations. The dignity and worth of the human person was central to the concept of human rights. Although the lack of results might sometimes be frustrating, debates within the United Nations had the effect of discouraging human rights violations. They also offered the opportunity to explore the relationship between human rights and other major world problems, such as mass exoduses of refugees or development projects.

9. Once machinery had been established, there might be a tendency towards rigidity and conservatism. It was necessary to resist the temptation to feel complacency or resignation in the face of persisting serious violations of human rights in many parts of the world. It would be useful to make further appeals to the good offices of the Secretary-General, to give serious consideration to a possible inter-sessional role of the Bureau of the Commission on Human Rights, and to develop advisory services which would encourage co-operation rather than criticism. As a general rule, there should be more emphasis on early detection and prevention of human rights violations and more attempts to co-ordinate United Nations activities with regional and unilateral initiatives, as the Commission on Human Rights had suggested to the Economic and Social Commission for Asia and the Pacific.

10. National bodies, non-governmental organizations, judges, lawyers and other interested individuals had been inspired by the United Nations to act for human rights. It was axiomatic that full enjoyment of human rights depended on public awareness and understanding of what they were. The resolution proposed by Australia on the subject at the forty-first session of the Commission on Human Rights, which had been adopted by consensus, emphasized the role of the Commission as a clearing-house for materials designed for the teaching of human rights in schools. Australia would propose at the fortieth session of the General Assembly a resolution highlighting key United Nations public information activities in the field of human rights and suggesting several areas for priority attention. At the thirty-ninth session, Australia had been a sponsor of a resolution calling for the preparation by the Secretariat of a handbook of national human rights institutions.

11. In recent years there had been a proliferation of new human rights instruments. When a problem was identified, the instinct of diplomats and international lawyers was to draft a convention, declaration or set of principles

(Mr. Quinn, Australia)

to codify international consensus on a subject. That process could of course be valuable, as shown by the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the adoption by the Milan Congress of the Declaration of Basic Principles of Justice relating to victims of crime and victims of abuses of power and the Standard Minimum Rules for the Administration of Juvenile Justice. There was, however, a need for care in defining new human rights clearly and not undercutting existing internationally recognized standards. Unwarranted use of the term "human rights" should be avoided, as should its application to untested or inappropriate concepts. New definitions should be subject to precise and consistent criteria. Care should be taken, for example, to ensure that a fundamental human right of real value was concerned, that it was applicable to different value systems and that it was consistent with and not merely repetitive of the existing body of international law. It should be sufficiently precise to give rise to identifiable and practicable rights and obligations. Finally, any new right must represent a very high degree of international consensus.

12. Potential problems were not confined exclusively to new rights, as shown by the difficulties encountered in the preparation of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families and the draft declaration on the human rights of individuals who are not citizens of the country in which they live. It might be well to work towards more condensed instruments on the premise that they would be read with other international human rights instruments. The short declaration adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in relation to enforced or involuntary disappearances was an interesting precedent. Experience had shown the need to involve as many Governments as possible in the preparation of international instruments. Although working groups meeting during the General Assembly theoretically made such participation possible, the work-load during the Assembly prevented many delegations from becoming involved. It would be preferable to follow the example of the Commission on Human Rights, whose working groups met before sessions of the Commission. That arrangement had the advantage of offering an appropriate mix of expertise, time for reflection and political realism. While not excluding the work done in certain areas by bodies such as ILO, the Commission on Human Rights should remain the first choice for future major law-making activities in the field of human rights. More should also be done to harmonize the standard-setting activities carried out in various parts of the United Nations system, to improve Secretariat servicing and, above all, to find consensus on standards, especially if new rights were at issue.

13. Mr. HAMER (Netherlands) said that the title of agenda item 107 reflected a serious discrepancy between the standards established by the United Nations after 40 years of effort and the effective enjoyment of human rights. It was undeniable that despite a number of positive developments, the world human rights situation remained depressing. The positive developments included the return to democracy and the respect for human rights and fundamental freedoms in several Latin American countries, which confirmed the close connection between the concept and practice of pluralistic democracy and respect for human rights. Freedom of thought, conscience

(Mr. Hamer, Netherlands)

and religion, freedom of opinion and expression were prerequisites for meaningful popular participation. Various representatives of those new democratic Governments had emphasized the importance and legitimacy of United Nations involvement in the human rights situation in their countries during the years of repression. The message was clear: the Organization should not shrink from the implementation of the standards it had adopted.

14. The adoption by consensus of the Convention against Torture was an important new step. Its significance lay in the specific provisions it made to ensure respect for the existing prohibition of torture. The appointment of a special rapporteur to examine questions relevant to torture should strengthen the work of the Commission on Human Rights in the field. His delegation hoped that the effectiveness of the Working Group on enforced or involuntary disappearances and the Special Rapporteur on summary or arbitrary executions would be enhanced. It was difficult to imagine the international community's involvement in human rights without the Human Rights Committee. It was its experience with the Human Rights Committee that had inspired his delegation to promote the conversion of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights into a committee of independent experts on economic, social and cultural rights, modelled on the Human Rights Committee.

15. His Government subscribed to the notion that human rights and fundamental freedoms were indivisible and that the realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible. The problem was that unlike the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights was rather vague with regard to the precise nature of those rights and the obligations they implied for States parties. Most rights defined in the latter Covenant could only be achieved progressively. The new Committee on Economic, Social and Cultural Rights would therefore, when considering the reports submitted by States parties, need to take account of each country's level of development. It would need to bear in mind, however, that shortfalls in development could not exempt a State from its obligation to ensure respect for all human rights and fundamental freedoms.

16. Since the adoption of General Assembly resolution 32/130, the United Nations had been engaged in an effort to define the right to development as a human right. The Netherlands had taken a constructive approach to that exercise both in the General Assembly and in the Working Group of Governmental Experts on the Right to Development established by the Commission on Human Rights. Human rights could not be unilaterally proclaimed. Any declaration on the right to development could be meaningful only if developing and developed countries came to an agreement on the meaning and content of the concept. His Government therefore regretted the break with the consensus approach on the matter constituted by Commission resolution 1985/43. The right to development was commonly described as a collective right. That notion was fully acceptable, provided the "collectivity" was recognized as made up of individuals. In other words, the right to development should pertain to individuals as well as to peoples. The human person should be the central subject

(Mr. Hamer, Netherlands)

of development, and should be an active participant and beneficiary. Any declaration on the matter should recognize the indivisibility and interdependence of all human rights. Development included the promotion and protection of civil and political as well as economic, social and cultural rights. The draft declaration submitted by the delegation of Yugoslavia (A/40/277) largely met those criteria.

17. The Assembly could maintain its authority as a standard-setter in international law only if it retained its credibility as a responsible and discerning arbiter. The enjoyment of human rights depended ultimately on action at a local level. Hence it was important that public information activities in the field of human rights should be developed further. Human rights violations resulted not only from sadism or deliberate government policies. Too often they were the result of ignorance. Each individual was entitled to know his rights and each victim should know what remedy was available to him. The United Nations had been remarkably slow in developing information, teaching and education programmes designed to promote knowledge of and respect for human rights. At its forty-first session, the Commission on Human Rights had adopted resolution 1985/49, which requested the Secretary-General to take steps to develop United Nations public information activities in the field of human rights, issue a personalized version of the Universal Declaration in the six official languages and in other national and local languages, make greater use of audio-visual techniques and prepare a basic human rights teaching booklet. It was high time that more initiatives in that field were developed.

18. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said that all the provisions of the Charter of the United Nations relating to human rights depended on strengthening peace and friendly relations between nations and could therefore in no way be interpreted as capable of justifying intrusion into the internal affairs of States. Therefore, those who under the pretext of defending human rights carried out actions which poisoned the international atmosphere, were going against the basic principles of the Charter. Only bodies created in pursuance of the many international instruments on human rights were qualified to examine the way in which States in practice fulfilled their obligations in the area, on the basis of periodic reports submitted to them by those States. States which refused to fulfil the obligations set down in those instruments showed that they were not ready to take part in the concrete implementation of human rights and fundamental freedoms. They were therefore in no position to judge the manner in which those rights were respected in other States.

19. United Nations agencies and Member States, in order to improve their activities in the area of human rights, should base themselves on the provisions of General Assembly resolution 32/130. Among those agencies, the Commission on Human Rights did a remarkable job and his country, as a member, expected to actively participate in its work.

20. With regard to the present complex system of agencies and procedures, proposals to establish various supra-national bodies or positions, as for example, the position of United Nations High Commissioner for Human Rights, were totally

(Mr. Komissarov, Byelorussian SSR)

unjustified. Apart from the fact that they were politically motivated, such proposals had nothing to do with humanitarian affairs; they contravened the Charter and undermined international co-operation in that field. There was every indication that that was their underlying aim.

21. With regard to the United Nations Centre for Human Rights, it had to be said that, despite the changes effected in its statutes, its activities were not above criticism: the points of view of different groups of States were not taken into account as they should have been, and certain documents did not meet guarantees of quality and objectivity. There had never been a balanced division of posts between States with different political and social systems. The management of the Centre should therefore continue its efforts to increase the effectiveness of its activities.

22. His country hoped that the detailed information which it had submitted to the Secretariat on its national institutions for the promotion and protection of human rights would be duly taken into account when drawing up the summary report mentioned in document A/40/469. With regard to the report of the Secretary-General on the international situation and human rights (A/40/677), it should be stressed that international co-operation could only bear fruit if international peace and security were solidly based. On the other hand, the draft declaration on the right to development (A/40/277) constituted, in the view of his country, a basis for agreement on a definitive text. That declaration should stipulate in particular that the exercise by all States of the right to development in peace and freedom was a necessary condition for the effective realization of all human rights and fundamental freedoms.

23. Mr. HOPPE (Denmark) said that the expression "alternative approaches and ways and means" in the title of agenda item 107 had to be interpreted as referring to the need to improve the system by developing new methods of action. His delegation would be opposed to any interpretation tending to minimize the standard established in the area of human rights since the beginning of the United Nations. It would be opposed to any attempt to replace the hallowed and codified principles by new principles, which would place more emphasis on collective rights to the detriment of individual rights. His delegation suspected however that many delegations participating in the debate had exactly that objective in mind, perhaps in the hope of elaborating new principles which could be invoked by States as grounds for not respecting internationally agreed rights of the individual. If that were so, the expression "alternative approaches and ways and means" would mean that the result of four decades of effort to protect the rights of the individual would be in jeopardy. If, however, the expression referred to the need to improve the United Nations system of monitoring and implementing human rights, his delegation would welcome that approach. Much remained to be done to rectify the deplorable situation of human rights in many parts of the world, which was after all, one of the foremost objectives of the United Nations.

24. The existing machinery had often been quite effective in bringing to light violations of human rights and in bringing pressure to bear on those responsible to

(Mr. Hoppe, Denmark)

stop such practices. That machinery should however be widened and strengthened. In that regard, the 1965 Costa Rican proposal to establish a post of United Nations High Commissioner for Human Rights would favour what everyone ostensibly agreed upon: the protection of the rights of the individual. In previous debates on the issue, seven countries had expressed reservations. As those very States usually refuted any allegations about human rights violations in their own territories, they should have nothing to worry about. If their record was clean, their hesitations were not well-founded. Since everyone agreed that the issue of human rights was not only a matter of domestic concern for each State, but a question with which the international community, including the United Nations, might legitimately concern itself, the creation of a High Commission for Human Rights would be an appropriate way for translating that apparent consensus into action.

25. While the individual undeniably formed part of a larger community, the United Nations should not concern itself with the rights of the collectivity. Those rights were dealt with elsewhere. It was the individual human being who was the sole object of concern. Collectivities usually possessed means of coercion to a larger or smaller degree. When dealing with human rights, attention should be directed towards the protection of the individual person against the often brutal and arbitrary coercion of the State. Suggestions had often been made to extend the concept of human rights to various categories of rights which did not concern the relations between the individual and the State. It was sometimes suggested for example that human rights did not only include the rights of individuals but also those of States, nations or peoples. It was also sometimes said that human rights included the rights of individuals in their relations with other individuals. Both cases concerned important categories of rights; however, diluting or distorting the concept of human rights by introducing the rights of different subject areas, should be guarded against. The rights of States were, and had always been, an important field of international law, but they obviously did not belong under the label of human rights.

26. Since the adoption of General Assembly resolution 32/130, there had been a gradual erosion of the very concept of human rights as just outlined. Incongruous concepts such as "the human rights of peoples" had been introduced. Such a concept was a contradiction in terms. Nor could his delegation concur with the notion that the attainment of a certain degree of development or the establishment of a new international economic order were a pre-condition for the promotion and protection of the rights of the individual. The concept could only serve as a pretext for the State's failure to respect the rights of its citizens. In extreme situations, it left the individual at the mercy of the despot. In recent years, discussion of the item had concentrated on the "right to development" as a human right. Numerous resolutions had noted that every State had the right to development. Again, that confused the issue. The right of a State could not, and therefore should not, be classified as a human right. That did not mean denying the right to development of every person. The human being was at the centre of the development process. Everyone had the right to participate in and benefit from development, whether of a political, economic, social, religious or other nature. The Working Group of Governmental Experts on the Right to Development of the Commission on Human Rights had for some time been engaged in defining the "right to development", without

(Mr. Hoppe, Denmark)

reaching a commonly agreed definition. None the less, a group of delegations had forced the issue at the most recent session of the Commission, resulting in a virtual request to the General Assembly to adopt a declaration on the question. Denmark was not currently a member of the Commission; if it had been, it would have expressed its reservations on that approach. The General Assembly was now in danger of having to adopt a declaration on a questionable concept. That would be treading on dangerous ground. His delegation assumed that those delegations that had displayed the strongest interest in the issue would make every effort to draft a text that could gain the support of all. Only a declaration backed by all Member States would be meaningful. A divisive declaration would serve no useful purpose. Care should therefore be taken to avoid not only creating confusion but also compromising the edifice of human rights, of the rights of the individual, that had been defined with such difficulty over the past 40 years.

27. Ms. ILIC (Yugoslavia) said that the close relationship between development and social progress had been constantly reiterated in many different forums and had been reflected in a large number of documents, including those of the General Assembly. For her delegation, the right to development was a human right. Social progress and development were founded on respect for the dignity and value of the human person, the ultimate aim of development being the constant improvement of the well-being of the entire population on the basis of its participation in the development process.

28. That right had its legal basis in the basic human rights instruments, for example in the provisions of article 1 of both International Covenants on Human Rights and article 28 of the Universal Declaration of Human Rights which stipulated that everyone was entitled to a social and international order in which all human rights could be fully realized.

29. The right to development facilitated a more comprehensive interpretation of the whole set of civil, political, economic, social and cultural rights and the indivisibility and interdependence of all human rights was underscored in that context.

30. The exercise of the right to development involved the elimination of racism and flagrant violations of human rights and the full realization of the right of all peoples to self-determination.

31. All of those elements, which constituted the concept of the right to development, were embodied in the draft declaration contained in document A/40/277, which her delegation considered should be adopted by the General Assembly by consensus.

32. Mr. VARKONYI (Hungary) said that a long list of rights, such as the right to life, the right of peoples to self-determination, the right to development and the right to live in peace and security, were recognized in the relevant United Nations instruments. Often, however, those rights were not respected in reality and it was particularly timely, with violence on the increase in the world, to emphasize the

(Mr. Varkonyi, Hungary)

pressing need to ensure the realization of those basic rights. Respect for such rights and trust among nations, and consequently the cause of peace, would not be advanced if some countries claimed the right to prescribe the human rights policies of others and to determine what constituted democracy. While significant progress had been made in the human rights field, the international community had not always been able to halt massive and flagrant violations of human rights. The United Nations therefore had a duty to rise to the challenge of effectively implementing the well-established principles in that sensitive field. Unfortunately, human rights were often misused for political purposes and were seriously jeopardized by the deterioration of international relations. A general improvement in international conditions and the elimination of the threat of nuclear war would contribute to genuine international co-operation in the field of human rights.

33. Beyond the traditional civil and political rights, there was increasing discussion of the right to development, representing a synthesis of almost all the other rights of peoples and individuals. The exercise of all those interrelated rights was the sine qua non of development. The International Covenants on Human Rights provided the international community with powerful instruments for promoting national development and international co-operation and for enabling it to foster and maintain an open political climate favourable to economic development. One priority task should be to secure the universal ratification of those Covenants, to which a number of States represented in the Committee had not yet acceded.

34. His delegation would be failing in its duty if it did not convey the Hungarian Government's concern about the arms race, poverty, illiteracy, terrorism and other issues detrimental to the progress of all mankind. The increase in indiscriminate violence and the violation of basic humanitarian principles were assuming most distressing proportions. It was most important to ensure the universality of, and strict compliance with, the instruments developed by the United Nations. States must therefore display a highly developed sense of responsibility and a firm political will to co-operate, as requested by the Charter, in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all. It was also necessary to update and improve from time to time international humanitarian law and the associated institutional arrangements. However, his delegation was convinced that such an endeavour should consist in increasing the effectiveness of the existing arrangements and supplementing them, rather than in creating new ones. Their efficacy should be increased through the support of the international community and the co-operation of the Governments concerned. New positive legal standards must be developed and constructive new ideas and principles promoted through a constant dialogue between Governments, international organizations and the academic world. Changes in the organization of the system, by creating a post of United Nations High Commissioner for Human Rights for example, would not automatically have the anticipated results and might, on the contrary, lead to increased bureaucratization of the system. The best way of promoting the effective enjoyment of human rights was to strengthen and improve the existing system, which had the support of most of the international community. His delegation was willing to co-operate with all delegations on future activities in the field of human rights and to contribute to the full implementation of the existing human rights conventions.

35. Mr. SABOIA (Brazil) said that the United Nations had made an outstanding contribution in the field of human rights, mainly through the work of the Commission on Human Rights. The Universal Declaration of Human Rights, adopted nearly 40 years ago, had served as the foundation for a whole series of instruments for the definition and protection of specific human rights. As new countries had gained their independence, the international community had become more deeply conscious of the historical and collective aspects of human rights which, until then, had been considered mainly from the standpoint of the individual. That change could be clearly seen in the process of the definition of the right to self-determination. Although self-determination, like all other rights, had an individual dimension, it had been the collective and international aspects that had been emphasized by United Nations declarations and resolutions because of their decisive importance for the full exercise of that right. It was for that reason that article 1 of both International Covenants on Human Rights spoke of the right to self-determination as a right of peoples.

36. Economic, social and cultural rights had initially been considered individual rights. In the Covenants, however, they had not received the same treatment as their civil and political counterparts. Since States were subjected to economic constraints, the Covenants had established a different system of implementation for economic, social and cultural rights as compared with civil and political rights. While the latter set of rights had been conceived as enforceable and not subject to derogation, economic, social and cultural rights had been treated rather as aims to be realized whenever historical conditions permitted. Thus, there was a clear difference between the two sets of rights, and while that was understandable, there nevertheless remained a serious imbalance in their implementation which seemed incompatible with the indivisible and interdependent nature of human rights. It was in order to compensate for that imbalance that a new concept, that of the right to development, had been created in order to provide a wider scope and a dynamic content for economic, social and cultural rights, the realization of which was the purpose of development. The new concept was also necessary in order to establish the essential links between national and international responsibilities in the fulfilment of those rights. In assessing the impact of present international conditions upon the effective enjoyment of economic, social and cultural rights, the Secretary-General called attention in his report (A/40/677) to the inhuman conditions prevailing in many parts of the developing world. The adverse consequences of the unjust international economic order for the enjoyment of economic, social and cultural rights were clearly apparent from that and other equally eloquent reports, and from daily observation of living conditions in the developing countries. However, those consequences might spill over, threatening the whole spectrum of civil and political rights; the democratic and pluralistic societies which many countries, including Brazil, were patiently and courageously trying to strengthen could not grow amidst hunger and poverty. The General Assembly had already affirmed the right to development to be an inalienable human right. The Group of Governmental Experts established by the Commission on Human Rights had produced a set of useful elements for a draft declaration that would define the nature and content of the right to development. It had not, unfortunately, been able to reach consensus on the text. His delegation welcomed the decision of the Commission on Human Rights in resolution 1985/43 to transmit to

(Mr. Saboia, Brazil)

the General Assembly all the documents pertaining to the debate on that item. Having carefully examined the draft declaration proposed by Yugoslavia, his delegation had concluded that the draft accommodated the wide range of positions expressed on the subject. It presented a balanced definition of the complex nature of the right to development and of its individual and collective dimensions, and contained all the necessary elements covering national and international responsibilities in the promotion of the right to development. His delegation would therefore support the draft declaration and appealed to all other delegations to reconcile their differences so that the General Assembly might adopt, at the current session, a declaration on the right to development.

37. Mrs. UMAÑA (Colombia) said that the right to development was the only means of forming an integrated and dignified human being for whom the Universal Declaration of Human Rights had been elaborated. The right to development therefore took precedence over all other rights; it was the refusal to recognize that fact which had led Member States to resort to abstract and increasingly political demands dangerously linked with ideologies, making it impossible to transform the International Covenants and the Universal Declaration into mandatory rules forming an integral part of contemporary international law.

38. Interdependence was perhaps the most characteristic phenomenon of modern times. Incidents which had formerly seemed isolated, such as barbarous terrorist attacks, subversion and the inexorable growth in drug trafficking now endangered not only the democratic life of peoples but the very foundations of civilization. The structures of international organizations, envisaged at a time when relations of dependence still existed, had not been changed so as to reflect the trend towards interdependence. However, the urgency of such a change was obvious, given the current economic situation. As the well-known economist William Cline had noted in his book on the international debt, Latin America was passing through an economic depression the proportions of which resembled those of the great depression of 1930. The debt problem not only limited the growth of Latin American countries and of the developing countries in general and threatened the international financial system, but also gave rise, as a result of the reduced imports of the developing countries, to a fall in the exports and employment of the industrialized countries. Between 1980 and 1982, the total exports of the countries of the Organization for Economic Co-operation and Development to developing countries other than members of the Organization of Petroleum Exporting Countries had fallen by \$14 billion in real terms, entailing the loss of about 350,000 jobs. In 1983, the effects of the crisis had been even worse: United States exports to Latin American countries had fallen by \$24 billion between 1980 and 1983, representing a loss of about 400,000 jobs. Solution of the debt problem, Mr. Cline had concluded, would not only directly assist the recovery of the industrialized countries, but would also reduce the risk of a collapse of the international financial system. The draft declaration on the right to development therefore provided the opportunity to recognize the fundamental change that had occurred in relations among countries, a change which should be reflected at the United Nations in the adoption of innovative mechanisms. All other international organizations and all Governments, political parties and national bodies should,

(Mrs. Umaña, Colombia)

like the United Nations, respond to that appeal if the world was to be spared a new disaster. Thus, a first, important step would be taken by restoring confidence among peoples.

39. Colombia, like other developing countries, had borne immense sacrifices in order to adjust its economy in such a way as to continue to honour its obligations towards the international economic community. The developing countries alone would be unable, however, to reorient the world economy in order to eliminate the destructive factors responsible for the current crisis. The industrialized countries would have to display the same will and agree to carry out adjustments in their economies, which would necessarily require sacrifices but would enable trends to emerge which were more conducive to recovery. The Cartagena Consensus was designed precisely for the purpose of initiating that political dialogue.

40. Mr. SCHWANDT (Federal Republic of Germany) said that his delegation attached special importance to item 107, which envisaged new procedural, institutional and conceptual approaches in order to find more effective means of improving the enjoyment of human rights. Since its founding, the United Nations had elaborated a series of international human-rights instruments which provided a legal basis for a more humane order based on freedom, justice and peace. Today, the Universal Declaration of Human Rights itself had received the necessary endorsement, even of those that had not supported it initially. The work in that field constituted one of the outstanding successes of the United Nations. It had conferred upon each individual the status of a subject of international law - a status which should be respected by all Governments. International concern about violations of the rights of individuals did not constitute an interference in internal affairs, as some contended, but rather an obligation.

41. Notwithstanding those achievements, there were still serious inadequacies in the existing systems for effectively and impartially guaranteeing the fundamental freedoms and human rights of everyone. It seemed at times that the disparity between standard and reality was widening: arbitrary detention, torture, summary executions and disappearances were too common in too many countries. The credibility of the United Nations was determined by its willingness to deal with such violations. Although the primary responsibility for safeguarding respect for human rights lay with States, the United Nations must be rendered more capable of dealing effectively with gross violations of human rights and applying the standards on which the human-rights instruments were based.

42. The Federal Republic of Germany had been in the vanguard of countries committed to creating new types of machinery to ensure the effective observance of human rights. In his address to the General Assembly in September 1985, the Minister for Foreign Affairs of the Federal Republic of Germany had reaffirmed his country's support for the establishment of a post of United Nations High Commissioner for Human Rights. Further consideration of the matter in the Commission on Human Rights should help to dispel the doubts which some delegations still entertained in that connection. The Minister for Foreign Affairs had also stated that the Federal Republic of Germany was in favour of the establishment of an international court of justice for human rights and urged the international community to give serious attention to that proposal.

(Mr. Schwandt, Federal Republic
of Germany)

43. His delegation continued to believe that it was imperative to restructure the operating machinery of the Commission on Human Rights. A mechanism was needed to deal with human rights violations between sessions. The confidential procedures laid down in Economic and Social Council resolution 1503 (XLVIII) should be applied more effectively and full use should be made of the provisions of paragraphs 6 (a), 6 (b) and 8 of the resolution.

44. His delegation would also welcome further consideration of proposals made in the Third Committee and in the Commission on Human Rights concerning the establishment of the fact-finding bodies referred to in General Assembly resolution 35/176, the country-by-country and subject-by-subject reporting system, the strengthening of human rights institutions at the regional level, the promotion of further exchanges of information on the protection of human rights among countries, and advisory services aimed at stimulating public interest in human rights issues. The last-mentioned aspect had been particularly neglected in the Commission's work. Assistance of that kind should not be limited to countries emerging from a period of human rights violations. Given the importance of such activities, various categories of assistance should be considered, including general advice on the drafting of legislation, educational programmes and reports to supervisory organs, and the provision of fellowships and regional training programmes.

45. His Government was open to new ideas such as that of the right to development. A precise definition of the scope of such a right would avoid friction arising from different interpretations. All the ramifications of the problem required most thorough consideration. A working group had been established for that purpose and discussions among the experts had reflected the problem's complexity. His delegation therefore noted with great concern that the question of a right to development had been placed before the General Assembly at the present session before the Working Group of Governmental Experts had formulated its recommendations. Under such circumstances it would obviously be difficult to arrive at the consensus which was essential in order for the right to development to be recognized as a universal right. The Universal Declaration of Human Rights had demonstrated the connection between various forms of individual rights. The concept of human rights and that of human dignity covered not only political and economic rights and freedoms but also social and cultural rights. Those two categories of human rights were inseparable. An individual living in economic and social want and dependence was not free even if he could express his opinions freely and disseminate them without risk. Neither was he free when he lived in secure economic and social conditions while not enjoying freedom of speech or the freedom to choose where he wished to live. The impression should not be created that the right to development or the establishment of a new international economic order were pre-conditions for the guaranteeing of human rights. His delegation was firmly convinced that respect for one category of rights did not exempt States from the obligation to protect the other, no more than the absence of peace or development could exempt a State from the obligation to ensure respect for the human rights of its nationals and other persons within its jurisdiction.

(Mr. Schwandt, Federal Republic
of Germany)

46. The human rights concept related to the rights and freedoms of individuals only and should not, in his Government's view, be confused with that of the rights and responsibilities of States in international relations. It was for States to create conditions in which the citizen could enjoy his human rights. Co-operation between States under United Nations auspices - and, in that context, co-operation included mutual assistance - should help them to fulfil that task.

47. Mrs. SANTHOSO (Indonesia) said that by adopting the Universal Declaration of Human Rights the General Assembly had recognized the right to life to be one of the inalienable rights of all human beings. Nearly 40 years later, the Organization was continuing its endeavours to improve upon what were considered acceptable conditions for human life; however, notwithstanding the progress achieved, human rights violations continued to occur, often for political motives, when Government interests clashed with those of communities and individuals. The United Nations was trying to promote human rights by adopting conventions and setting up international machinery to monitor their implementation. It had not, however, been very successful in inducing many Governments to comply with those instruments, which they regarded as an infringement of their sovereignty. Her delegation believed that the Organization's objectives would be better served by letting Governments apply their own domestic remedies in consonance with existing international legal instruments.

48. The right to development, repeatedly affirmed by the General Assembly, added a new dimension to fundamental human rights. Her delegation considered that in order to respect the rights and interests of society as well as the fundamental rights of the individual, a balanced approach should be adopted, especially when considering the draft declaration on the right to development (A/40/277), and hoped that the Committee would reach consensus on that item.

49. Her delegation fully supported the Organization's efforts in connection with the establishment and improvement of national institutions for the protection and promotion of human rights (A/40/469).

50. With regard to the question of international conditions and human rights (A/40/677), her delegation was pleased to announce that Indonesia had recently signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

51. Mrs. HAMEED (Pakistan) said that despite the many international instruments adopted, procedures instituted and bodies set up to promote human rights and fundamental freedoms, progress in that field had been limited. The human rights violations taking place today were the result of failure to observe the principles of the Charter of the United Nations. The most serious of those violations was the denial of the right to life and food. The fact that three million individuals lived in hunger and that 15 million children died each year through lack of food and health care reflected a crying economic injustice. The creation of new bodies or offices would not solve the problem; indeed, such new organs might duplicate

(Mrs. Hameed, Pakistan)

already existing machinery, reduce the importance of the Commission on Human Rights and, instead of increasing co-operation, accentuate still further the differences among countries. What was needed was a genuine political will to remedy existing injustices. Her country therefore called once again for full respect of the principles of peace and justice, for the cessation of colonial or foreign occupation, for the withdrawal of foreign troops from occupied countries and for the establishment of a new international economic order.

AGENDA ITEM 92: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued) (A/40/3; 188, 239 and Add.1, 365 and Corr.1, 727, 838; A/CONF.116/28 and Corr.1-3)

- (a) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND HALF OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL
- (b) WORLD CONFERENCE TO REVIEW AND APPRAISE THE ACHIEVEMENTS OF THE UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE
- (c) VOLUNTARY FUND FOR THE UNITED NATIONS DECADE FOR WOMEN: REPORTS OF THE SECRETARY-GENERAL
- (d) PREVENTION OF PROSTITUTION

AGENDA ITEM 99: INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/3, 707)

AGENDA ITEM 100: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued) (A/40/3, 45, 623)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
- (b) STATUS OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN: REPORT OF THE SECRETARY-GENERAL

52. Mrs. ENRIQUEZ (Nicaragua) said that the unity and spirit of consensus which the Group of 77 had shown at the Nairobi Conference deserved mention because they reflected the common concerns and interests of the third world and all those who had identified themselves with the position of the developing countries. The women of the third world were united by the fact that their struggle was inextricably linked to their people's struggle for independence and national sovereignty and against underdevelopment, social injustice, oppression and repression. Women were engaged in that struggle, not against men but with them in order, to put an end to the exploitation carried out by a few at the expense of all the countries of the third world. As the United Nations Decade for Women had drawn to a close, the hope that had sprung up in the 1970s of widespread improvement in the situation of developing countries had evaporated. The poverty and hunger, unhealthy conditions and debt prevailing in all third world countries had a direct impact on the integration of women into development. In developing and developed countries

(Mrs. Enriquez, Nicaragua)

alike, millions of women workers in town and country were feeling the effects of unemployment and the reduction in welfare services provided by the State. That made it even more important for women to join forces to devise and implement strategies for establishing the new international economic order.

53. It had not proved possible in Nairobi to separate the problems of South African, Arab, Palestinian, Namibian, Nicaraguan or Sahrawi women from the problem of aggression or racism or of national liberation. It was unthinkable to speak of equality and development for women living under the yoke of colonialism, neo-colonialism and apartheid, whose countries were subject to foreign attack and interference and to the threat or use of force, who were suffering from hunger or whose children were dying at the hands of terrorists. In Latin America, working women were subjected to the humiliation of having their work undervalued, equal opportunity in education refused them, false lifestyles thrust upon them, and recognition denied them for their role as producers and as persons capable of influencing the process of structural change essential to the improvement of living standards and integration in society. Nicaraguan women, too, could not speak of development and peace without mentioning the aggression to which the Government of the United States had been subjecting their country for over four years by pursuing a policy of terrorism aimed at destroying the Sandinist people's revolution. Their military aggression was now being compounded by the reduction and blocking of loans from multilateral agencies, the reduction of export quotas and many other measures that had led to the loss of thousands of human lives and millions of dollars. Despite everything, Nicaragua had proved that it was possible to eradicate illiteracy without money, without qualified teachers, without trained specialists and without schools, simply by allowing the people to develop their potential as teachers. It had proved that infant mortality and a number of diseases such as poliomyelitis could be eradicated without resources, without hospitals and without doctors, by allowing the people to take over responsibility for basic health services. It had also shown that housing could be built without funds from the Inter-American Development Bank or the World Bank by entrusting the responsibility for such construction work to the people themselves. In other words, Nicaragua had learnt a new approach to development and an acceptance of modest goals without in any way resigning itself to poverty.

54. Miss EMARA (Egypt) said she wished to stress the importance of agenda item 92. The United Nations Decade for Women had marked a new stage in the advancement of women. Considerable progress had been made during the Decade, but much still remained to be done if all its goals were to be fully achieved. The end of the Decade therefore should not mean the end of the international community's efforts. The Nairobi Conference had defined new measures to be taken to ensure progress after 1985. The realistic approach taken at Nairobi had made it possible to draw attention to the fact that political, economic and social problems were inseparable from women's issues and that women were, with children, the chief victims of armed conflict and policies of racial discrimination and apartheid, as evidenced by the situation in the occupied Arab territories and in southern Africa.

(Miss Emara, Egypt)

55. There had been unanimous agreement on the successful outcome of the Nairobi Conference (where the determination of all participating States, fruitful co-operation among all groups and dialogue at all levels had permitted the achievement of a much desired consensus). Unanimous too had been the hope for consolidation of the Conference's achievements by effective implementation, the call for effective and regular review of implementation at the national, regional and international level and the appeal for continuance of the spirit of consensus. Her delegation therefore noted with regret the diverging views on the follow-up to be given to the decisions taken at Nairobi. Various proposals had even been put forward, although the forward-looking strategies of implementation, which had been adopted by consensus, already contained provisions for that purpose. The Nairobi Conference, which had highlighted the gap which existed between the needs and priorities of women in developing countries and the aspirations of women in the industrialized countries, had shown that there was a common will to arrive at a compromise formula in order to advance the cause of women. Egypt believed that confidence should be placed in that will and was prepared to consider any proposal, with a view to achieving consensus on a draft resolution that would respond to most concerns.

56. As a result of the adoption of the strategies, the United Nations bodies concerned with the question of women were called upon to play a new role. Their activities would thus need to be reassessed and the co-ordination of their work improved. The Economic and Social Council should play a more active part in that field. Participation in the Commission on the Status of Women should be increased as should that in the International Research and Training Institute for the Advancement of Women and the Voluntary Fund for the United Nations Decade for Women, bodies that Egypt had always supported and which should have as their principal task the implementation of the policies and programmes adopted by the Commission. Lastly, it would seem wiser for the report of the Institute to be considered by the Commission instead of being submitted directly to the Economic and Social Council.

The meeting rose at 6 p.m.