



THIRD COMMITTEE
58th meeting
held on
Friday, 29 November 1985
at 6 p.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. ZADOR (Hungary)

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The meeting was called to order at 6.25 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/40/3 and Corr.1, 77, 160, 173, 201, 232 and Add.1-3, 276, 308, 320, 342, 398, 458, 489, 569, 578, 638 and Add.1-3, 647, 818, 843, 865, 874, 938; A/C.3/40/1, 6, 7, 9; A/C.3/40/L.32, L.48, L.54, L.59, L.64, L.66, L.67, L.70, L.72)

1. Mr. AGUILAR-HECHT (Guatemala) said that it was clear from the Special Rapporteur's report (A/40/865) that his Government was continuing to co-operate closely with the United Nations in all matters relating to human rights. The Government had extended the same co-operation to other governmental and non-governmental organizations as well as to representatives of the press and religious leaders.
2. Notwithstanding the current very serious economic and social crisis, his Government had complied fully with its commitment to the people of Guatemala by introducing a democratic, pluralistic and participatory democracy. The national Constituent Assembly had been freely elected on 1 July 1984 and had drafted the Constitution and related laws with the participation of all social sectors. The new Constitution had been promulgated on 31 May 1985 and would enter into force on 14 January 1986.
3. That Constitution recognized and guaranteed human rights fully, and provided that the human rights instruments ratified by his Government would take precedence over national legislation in cases where there was a conflict between them. It also made provision for an Attorney for Human Rights to be appointed by the Congress from a Commission of Human Rights comprising a member of each of the three largest parties represented in the legislature. The national Constituent Assembly was also working on the preparation of a permanent electoral law and a law of habeus corpus and constitutionality.
4. Seventy per cent of registered voters had voted in the presidential, congressional and municipal elections held on 3 November 1985. The Christian Democratic Party had secured the largest number of votes, accounting for 38.65 per cent of the total, and had won 51 out of the 100 seats in the National Congress. The Partido Unificación del Centro Nacional had secured 20.23 per cent of the vote and 22 deputies; the Movimiento de Liberación Nacional had won 12.56 per cent of the vote and 12 deputies; and the Social Democratic Party, participating in an election for the first time, had won 2 deputies. Eight parties in all had participated in the election. As no party had received an absolute majority, a second electoral round would be held on 8 December 1985 and a new civilian government would take office on 14 January 1986. The elections of 3 November 1985 had been witnessed by more than 100 foreign observers, who agreed that they had been free and orderly. Among the observers had been Mrs. Daes, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and Dr. Al Kasawneh, a member of the Sub-Commission, who had not voiced any criticism and were preparing their own report. The observers for the Organization of American States had stated that the special measures taken by the

(Mr. Aguilar-Hecht, Guatemala)

Government had ensured that the balloting was free and correct, while a joint press release issued in Luxembourg by the Ministers for Foreign Affairs of the countries of the European Community, Spain, Portugal, the Central American countries and the Contadora Group had expressed satisfaction that the election in Guatemala had been held in an orderly, free and peaceful manner.

5. His delegation felt that the United Nations should encourage and support Guatemala's efforts to institutionalize a democratic, pluralistic and representative system and to that end should heed the Special Rapporteur's recommendations. In that connection, he said that Guatemala would welcome technical assistance on human rights matters.

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/40/L.61)

6. Mrs. COLL (Ireland), introducing draft resolution A/C.3/40/L.61, said that Australia, the Gambia and Uganda should be added to the list of sponsors. On behalf of the sponsors she wished to make the following minor amendments: in the fifth preambular paragraph "presented" should be replaced by "submitted"; at the end of operative paragraph 4, "at its fortieth session" should be replaced by "as soon as possible"; in operative paragraph 11 "fortieth session" should be replaced by "forty-first session".

7. The question at issue was what measures were needed to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief, which had taken place in Geneva from 3 to 12 December 1984, had reached valuable conclusions in that connection and some of them had been incorporated into the text of the draft resolution.

8. She would like in particular to draw the attention of the Committee to operative paragraph 6, which contained one specific recommendation, namely, that all States should examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respected different religions and beliefs and did not discriminate against persons professing other religions or beliefs.

AGENDA ITEM 102: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/C.3/40/L.62, L.65, L.69)

9. Ms. YOUNG (United Kingdom), introducing draft resolution A/C.3/40/L.62, said that Italy and Singapore had joined the sponsors. She noted that the words "of human rights" in the title of the draft should read "for human rights".

10. The detention of persons in mental institutions on account of their political views or on other non-medical grounds was a grave violation of human rights. It was therefore a matter of concern that the Commission on Human Rights would not be in a

(Ms. Young, United Kingdom)

position to submit its views and recommendations to the General Assembly at the latter's forty-first session because the Sub-Commission on Prevention of Discrimination and Protection of Minorities had not yet concluded its consideration of the draft body of guidelines, principles and guarantees.

11. The draft resolution would urge the Commission on Human Rights and, through it, the Sub-Commission to expedite their consideration of the draft body of guidelines, principles and guarantees, so that the Commission could submit its views and recommendations to the General Assembly at its forty-second session. That would mean that the Sub-Commission would have to complete its study of the draft body of guidelines, principles and guarantees at its next session in 1986.

12. Mr. GEVORGIAN (Union of Soviet Socialist Republics), introducing draft resolution A/C.3/40/L.65, said that the Organization on its fortieth anniversary should reaffirm the need to safeguard human rights, first and foremost the right to life. The draft resolution was aimed at helping to remove any threats to those rights from scientific and technological developments, including the development of nuclear weapons. It accordingly called on all States, appropriate United Nations organs, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to that end.

13. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic), introducing draft resolution A/C.3/40/L.69, said that the original sponsors included the delegations of Benin and Czechoslovakia. The sponsors felt that the text was balanced and was in accordance with the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

AGENDA ITEM 104: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/C.3/40/L.55, L.56, L.73)

14. Mr. SCHLEGEL (German Democratic Republic), introducing draft resolution A/C.3/40/L.55, said that the sponsors' primary concern was to reaffirm that human rights were indivisible; in particular, the General Assembly should note resolution 1985/42 of the Commission on Human Rights and seek to ensure that the promotion of economic, social and cultural rights was emphasized as much as that of civil and political rights.

15. The balanced text was the outcome of lengthy consultations, and the sponsors hoped that the Committee could adopt it without a vote.

16. Mr. HOPPE (Denmark) introduced draft resolution A/C.3/40/L.56 by which the General Assembly would take note, as in previous years, of the Secretary-General's report on the status of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. In addition, the General Assembly would welcome the establishment of the Committee on Economic, Social and Cultural Rights, whose task it would be to oversee the implementation of the relevant Covenant. At the request of certain delegations, the sponsors had agreed to delete operative paragraph 2. They hoped that, as a result of that amendment, the draft resolution would be adopted without a vote.

17. Mrs. CAO-PINNA (Italy), introducing draft resolution A/C.3/40/L.73, said that respect for the international code of human rights, which included all the relevant international instruments, could be ensured only if all States parties fulfilled their reporting obligations under the International Covenants and submitted their reports regularly. To that end, the supervisory bodies should exchange views and experiences and seek to simplify their guidelines, and States parties should be given advice and assistance where necessary.

AGENDA ITEM 144: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/40/L.57, L.71)

18. Ms. BOGARDE (Sweden), introducing draft resolution A/C.3/40/L.57, said that the sponsors also included the delegations of Costa Rica, Iceland, Ireland and Kenya.

19. Because acts of torture persisted in some countries, the need for medical, psychological, legal, economic and other forms of assistance to victims continued to exceed the resources of the United Nations Voluntary Fund for Victims of Torture. The chief aim of the draft resolution was to encourage further contributions to the Fund.

20. Mr. PETERS (Netherlands), introducing draft resolution A/C.3/40/L.71, said that its main purpose was to further the progress made by the adoption, in General Assembly resolution 39/46, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The list of sponsors should have included the delegation of Gambia.

The meeting rose at 7.40 p.m.