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SUMMARY RECORD OF THE 52nd MEETING

Chairman:

Mr. SOMAVIA

(Chile)

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

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/45/3, A/45/179, A/45/210, A/45/348, A/45/404, A/45/444, A/45/445, A/45/446, A/45/447, A/45/448, A/45/508, A/45/542, A/45/564, A/45/578, A/45/607, A/45/630, A/45/649 and Corr.1 and Add.1, A/45/651, A/45/664, A/45/697, A/45/698, A/45/174, A/45/203, A/45/207, A/45/216, A/45/227, A/45/272, A/45/280, A/45/303, A/45/329, A/45/338, A/45/381, A/45/410, A/45/667, A/45/689, A/45/690, A/45/691, A/45/692, A/45/693; A/C.3/45/1)

1. Mr. HJELDE (Norway) said that 1990 had been marked by many events which had immediate consequences for the human rights situation, some negative and others positive. Blatant disregard for the rights of the individual had been shown in some countries, while in other countries the principles of the rule of law and democracy had gained ground. The new international climate provided an unprecedented opportunity to focus on ways of enhancing the enjoyment of human rights, which were far from a reality for millions of individuals. Now that the question of human rights was included among the development issues facing the international community, the time had come to review and formulate strategies for the future and to seek to effect improvements in human lives, not only in monetary terms but also through a holistic approach to growth and development, of which participatory democracy and observance of human rights constituted basic ingredients.

2. Norway attached great importance to the work of the United Nations in developing norms and promoting a code of conduct in the area of human rights and urged all member Governments to allocate additional resources to that joint international endeavour. His delegation would like to see the Centre for Human Rights strengthened and the current shortage of resources of the various human rights treaty bodies addressed with speed and determination.

3. In Central and Eastern Europe, the movement towards democracy and the rule of law was being consolidated and refined. One welcome feature of that movement was the openness of the countries concerned in discussing the challenges of the future and the problems of their recent past, in a forthright admission that disregard of human rights had impeded sound economic management and prosperity as well as freedom and well-being. Their attitude of self-examination should serve as an example to the whole international community. While there was reason for optimism with regard to human rights in Eastern Europe, there was also reason for concern, however. In some cases, vulnerable groups were in desperate need of care and protection and there had been a resurgence of racial prejudice. Ethnic and minority conflicts posed a potential threat to the stability of the region, making the development of appropriate mechanisms for controlling and solving conflicts a matter of the utmost priority. Governments should also seek to promote fair economic and social conditions, and the Conference on Security and Co-operation in Europe (CSCE) had a major role to play in that regard. Norway wished to follow up on the work done at the CSCE meeting held at Copenhagen in June 1990 by hosting a CSCE expert meeting in 1991 on the strengthening of sustainable democratic institutions in participating States.

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4. With regard to the situation of human rights in other regions, and in Asia in particular, he noted that human rights were being persistently violated in Sri Lanka as a result of renewed fighting, and that there had been an upsurge in disappearances and arbitrary detention. His delegation appealed to all the parties concerned to enter into peaceful negotiations with a view to safeguarding the well-being of the population. The direction of events in Myanmar was also cause for concern and his delegation urged the Myanmar Government not to obstruct the will of the people and to release opposition party leaders and refrain from delaying the transition to a democratic government. There had been some positive developments in China and his delegation hoped that the Chinese Government would take steps to ensure the full protection of human rights in all parts of the country, especially where the religious life and cultural identity of the Tibetan people were concerned.

5. His Government supported the continuing efforts to find a comprehensive, just and durable solution to the conflict in Cambodia. It condemned the abhorrent policies pursued from 1975 to 1978 and urged that the Khmer Rouge not be allowed to seize power through force of arms or manipulation. The human rights situation in Afghanistan was a continuing challenge to the international community in general and the United Nations in particular. The need to take a truly humanitarian and non-political approach was as pressing now as it ever had been.

6. Turning to the situation of human rights in Africa, his delegation welcomed the positive developments that had taken place in South Africa over the past year and hoped that the dialogue between the South African authorities, the African National Congress (ANC) and other representatives of the majority of the population would continue. His delegation was, however, deeply concerned about the continuing violence and urged all parties to do their utmost to put an end to it. International pressure on the Government of South Africa must be maintained until profound and lasting changes were effected and respect for basic human rights was introduced in South Africa.

7. The internal conflicts in northern Ethiopia and southern Sudan and the tragic unrest in Somalia had caused untold human suffering and were a source of great concern to the international community. His delegation appealed to all the parties concerned to work actively towards reconciliation and a peaceful settlement and, in the mean time, to do their utmost to ensure respect for the fundamental humanitarian principle of free access and distribution of humanitarian aid to all civilians in need. With regard to the Sudan in particular, he noted that there had been reports of the imprisonment of political leaders, lawyers and trade unionists and also of executions. His delegation appealed to the Sudanese authorities to desist from such actions and to release all political prisoners and detainees.

8. Norway had been following the human rights situation in Kenya and had found it dispiriting to observe imprisonments and detentions of advocates of human rights and democratization. His Government had been voicing its concern through normal diplomatic channels and regretted that Kenya had decided to break off diplomatic relations with Norway. His Government did not regard efforts to protect

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fundamental human rights as interference in the internal affairs of other countries, for it believed that all countries shared a responsibility to speak out when there was reason to do so. Norway was concerned about the imprisonment of Kenyan dissidents and appealed for fair trials and due process of law.

9. His delegation also wished to voice its concern about the human rights situation in the occupied West Bank and Gaza Strip, where children and young people in particular were suffering from the measures taken, which included the closure of schools and the curtailment of educational opportunities. Many Palestinian leaders remained subject to travel bans, deportations continued and a great number of Palestinian lives had been lost. It was incumbent upon the Israeli forces to refrain from any indiscriminate and excessive use of violence. At the same time, innocent Israeli citizens were the targets of terrorist attacks. His delegation urged both Israel and the Palestinians to explore new opportunities for progress towards peace.

10. His Government was deeply worried about the serious violations of human rights in Iraq and the situation of the Kurdish population of that country. The Iraqi aggression against Kuwait had added a tragic new dimension to the human suffering in the region, and his Government condemned the reported acts of mistreatment, arbitrary detention, summary execution and other atrocities against even women and children in Kuwait. It urged the Government of Iraq to allow all foreigners who so wished, to leave Iraq and Kuwait immediately. The human rights situation in Iran was also still cause for concern and the Iranian authorities must take further stringent action to eliminate human rights violations.

11. His Government welcomed the improvements in the human rights situation in Latin America over the past year, although it was still deeply concerned about continuing violations of human rights in El Salvador and Guatemala, where there were reports of extrajudicial and politically motivated executions and disappearances. Reports of the harassment, torture and killing of homeless children in several countries in the Latin American region were also of great concern to Norway.

12. It was his Government's objective to defend human rights wherever violations occurred. It greatly valued the contribution made to that objective by non-governmental organizations and individual human rights advocates, whose activities deserved not only recognition and support but also greater protection at the country level. It would therefore welcome the early adoption of a United Nations declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

13. Mr. LONNROTH (Finland), speaking also on behalf of the delegations of Norway and Sweden with regard to the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and on the draft resolution calling for its adoption, noted that Finland, Norway and Sweden had taken an historic interest in the promotion and protection of the human rights of

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all individuals. They believed that, as a prerequisite of peace and security, the enjoyment of human rights should continue to occupy a prominent place on the agenda of the international community. The draft Convention was a step forward in United Nations efforts to combat discrimination and promote human dignity.

14. Migration was a complex phenomenon. Much more than simply the movement of individuals away from their homeland in search of a better future, it reflected the gap between poverty and wealth, growth and stagnation, unemployment and work opportunities, cultural and ethnic discrimination and hopes for equality, deprivation and promises of progress, and environmental impoverishment and better living conditions. It should therefore be considered against the wider background of social and economic development, which required global action and co-operation at the international level.

15. Although basic human rights were universally and indivisibly applicable, there were some categories of individuals whose special situation needed to be taken into account. People residing and working in a country other than their own were one such category and the draft Convention represented an effort to meet their special concerns. Experience had shown that migration, far from losing its significance, would remain a top priority on the political agenda in the years to come. The problem of illicit or non-documented migration was also cause for growing concern in many areas, and it was necessary to ensure that migrant workers affected by political or military crises for which they bore no responsibility continued to enjoy their rights. It was a fallacy to assert that there was a conflict of interests between "sending" and "receiving" countries, since no country was exclusively one or the other, and all States sending and receiving migrant workers had the obligation to protect their rights.

16. Norway, Sweden and Finland had been actively involved in the elaboration of the draft Convention, serving on both the informal Mediterranean-Scandinavian Group and on the open-ended Working Group. Although the final draft contained some provisions which fell short of their expectations, others which they would have phrased differently and still others which they had found difficult to accept, they believed that the end result was the best that could be achieved and they favoured both its adoption and the adoption of the draft resolution pertaining to it. In their view, the draft Convention was significant in that it represented the first global attempt to codify the rights of all migrant workers and their family members in one instrument. The draft broke new ground in that it included a universal definition of the migrant worker and provided for special categories of migrant workers not previously covered by international instruments, such as project-tied and self-employed workers, thereby reflecting the changing nature of the migratory phenomenon. The draft Convention also differed from many other international instruments on migration in that it applied the principle of equal treatment with the nationals of the State of employment, which was particularly relevant in the case of migrant workers in an undocumented or irregular situation. By establishing a set of fundamental rights applicable to all migrant workers and a set of sanctions against the exploitation of undocumented workers, the draft Convention created conditions in which illicit trafficking in clandestine migrant

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workers could be combated. It also provided a framework for further international co-operation in the promotion of sound and lawful conditions for migratory movements.

17. Any human rights instrument required efficient machinery to supervise its implementation and the proposed three-tier system of regular reporting, a State complaint procedure and an optional individual complaint procedure fulfilled that requirement. Because of the universal nature of the human rights provided for in the draft Convention, it was logical that the international community should take collective responsibility for its implementation. There seemed to be no alternative therefore to the funding of the implementation machinery from United Nations resources.

18. Although human rights instruments granted every individual the right to leave any country, including his or her own, and to return to his or her own country, that did not imply an unequivocal right to enter any country. The decision whether or not to admit migrants from other nations would remain a matter of sovereign choice for the receiving State. However, persons who were admitted to live and work in another State and to contribute to its welfare deserved to be treated with dignity and respect on equal terms with the nationals of that State. The draft Convention might become a major step in ensuring the fulfilment of that principle.

19. Mr. SCHERK (Austria) said that, under the Charter of the United Nations and the preamble to the Universal Declaration of Human Rights the international community had a duty to address gross violations of human rights wherever they occurred. Performance of that duty did not constitute interference in the internal affairs of States, nor did it represent an attempt to impose the standards of a few States on other regions. International vigilance had been a central consideration in the establishment of the mechanisms of the Commission on Human Rights for monitoring respect for human rights obligations. His delegation was highly appreciative of those mechanisms and of the work done by the Commission's Special Rapporteurs on torture, religious intolerance and summary and arbitrary executions and by the Working Group on Special and Involuntary Disappearances, whose contribution to the effective protection of human rights had been an important one. His delegation also valued the reports of the special rapporteurs and special representatives on country situations and welcomed the co-operation extended by the Governments concerned.

20. The Special Rapporteur on the situation of human rights in Afghanistan was to be commended for the clear assessment he had made. Austria was disturbed by his conclusion that the situation in Afghanistan had hardly improved and shared his view that a political solution to the armed conflict was essential if human rights were to be respected throughout the country. The use of weapons of mass destruction against the civilian population must be halted, and the return of refugees to their homes must be pursued as a matter of priority.

21. His delegation had also noted with great interest the detailed report submitted by the Special Representative on the situation of human rights in the

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Islamic Republic of Iran, and it welcomed the steps taken by the Iranian Government to implement some of the recommendations made in earlier reports. It remained seriously concerned, however, about the continuing frequent violations of human rights in that country. It was also concerned about the many reports of grave human rights abuses by the Iraqi occupation forces in Kuwait and about reports of human rights violations in Iraq itself, including summary executions of Iraqi and Kuwaiti nationals protesting the invasion. Austria found Iraq's use of foreign nationals as human shields utterly unacceptable.

22. The situation of human rights in El Salvador, where politically motivated summary executions, abductions and enforced disappearances, torture and terrorism had been reported by the Special Representative, also warranted continuing concern, especially since such occurrences were a serious obstacle to the current negotiations for a peaceful solution to the armed conflict. His delegation also wished to express concern about the absence of any real progress in the judicial investigation into the murder of six Jesuit priests and two of their co-workers in November 1989. In Guatemala, the extra-judicial executions, enforced disappearances, death squad activities and cases of torture reported by the independent expert assigned to examine the human rights situation in the country were also deeply troubling.

23. His Government had repeatedly expressed concern about continuing human rights violations in Myanmar and appealed to the authorities of that country to free opposition representatives and transfer power to a democratically constituted Government. It was also seriously concerned about the continued fighting and bloodshed in Cambodia, although it welcomed the progress being made towards settling that conflict.

24. Despite the many human rights violations that had occurred in 1990, the year had also seen some very positive developments, including the recent signing by Hungary of the European Convention on Human Rights. His delegation hoped that other Eastern European countries would soon follow suit. Austria also welcomed the re-establishment of a representative and pluralist democracy in Chile and the recent proclamation of a new constitution establishing a democratic constitutional monarchy in Nepal.

25. In recent years, the focus of United Nations standard-setting in the field of human rights had shifted to the protection of particularly vulnerable groups, such as children, the disabled, the mentally ill and indigenous populations. The draft Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families reflected that shift in emphasis, and his delegation believed that its adoption would improve the situation of that particular group of people and protect them from discrimination. He pointed out that ethnic, linguistic and religious minorities struggling to safeguard their identity in various European countries, and also in other parts of the world, were in a situation somewhat similar to that of migrant workers. Austria would therefore welcome a speedy conclusion of the deliberations of the Working Group which was considering a draft declaration on the rights of persons belonging to national, ethnic, religious and

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linguistic minorities. The States participating in the Conference on Security and Co-operation in Europe had agreed on a series of principles concerning national minorities which might serve as inspiration to the Working Group. Since the problems facing minority groups were potentially explosive, not only in the internal context of Member States but also at the international level, the international community would do well to focus its attention on instruments relating to those groups.

26. The convening of another World Conference on Human Rights, 25 years after the Teheran Conference of 1968, seemed timely and appropriate but would be useful only if it helped to enhance the protection of human rights world wide. It was therefore of primary importance that the agenda of the Conference be carefully selected and that thorough preparations be made. His Government felt that the Conference should in particular discuss ways of implementing existing human rights instruments more effectively.

27. Mr. BOUMAIZA (Algeria) said that Israel's persistent denial of the legitimate right of the Palestinian people to self-determination and the existence of the apartheid system in South Africa were flagrant violations of the principles of human rights, fundamental freedoms and racial equality. The international community must increase its efforts to restore those rights.

28. Algeria welcomed the new atmosphere in international relations as evidence of the political will for dialogue and negotiation, which in turn permitted the just and lasting settlement of conflicts. The end of the cold war and the rapprochement between the Soviet Union and the United States had already had a positive impact on some regional conflicts, and there was reason to hope that the peoples of southern Africa, Central America and Cambodia might finally be able to exercise their legitimate right of self-determination and to enjoy their fundamental freedoms. In his own region, the economic and social integration of Arab Maghreb States was proceeding apace and progress in building the Arab Maghreb Union was a guarantee of peace for the peoples of the region and an advance in multisectoral co-operation, including co-operation in the human rights field.

29. The adoption of international legal instruments was an important means of protecting human rights and Algeria therefore welcomed the report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It looked forward to the early adoption of the Convention because of its own large population of émigré workers who, although they had helped to rebuild Europe after the Second World War, were all too often the targets of violence, racism and xenophobia. His delegation trusted that there would be no further amendments to the draft Convention which might jeopardize the hard-won consensus in the Working Group, and appealed in particular to the two delegations which had been reluctant to accept the proposal in article 72 that the expenses of the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families should be borne by the United Nations. Experience had shown that human rights treaty bodies funded from the Organization's regular budget remained operational

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and effective, while similar bodies financed by voluntary contributions, such as the Committee on the Elimination of Racial Discrimination and the Committee against Torture, were no longer able to meet because of inadequate resources. In that connection, he recalled the recommendation of the persons chairing human rights treaty bodies that such future committees should be funded by the United Nations.

30. Algeria had welcomed the International Convention on the Rights of the Child, but regretted that the recent World Summit for Children had not paid due attention to the plight of Palestinian children. They were the most brutalized children of all, in both body and spirit, because of the Israeli occupation.

31. The enjoyment of human rights depended on economic and social well-being. However, the widening North-South gap and the growing imbalance in international economic relations, marked by indebtedness, closed markets and falling prices for raw materials and commodities, was resulting in economic regression for the third world countries. The burden of that situation fell most heavily on the most deprived classes, causing discontent and anger which sowed the seeds of instability and social unrest.

32. To permit joint consideration of the opportunities offered by East-West rapprochement for reactivating the world economy and stimulating economic growth in the developing countries, his country had suggested the convening of a special ministerial meeting of the Economic and Social Council, possibly at the Council's next session. Algeria planned to host a meeting of eminent persons to discuss preparations for such a session.

33. In debating human rights issues, it was important to ensure that ideological or political differences were not used for the selective condemnation of national human rights situations, exploited for political ends or used as a means of interfering in the internal affairs of States. Action in the Commission on Human Rights, the Economic and Social Council and the United Nations must be guided at all times by scrupulous respect for the principles proclaimed in the Charter.

34. Mr. TRAXLER (Italy), speaking on behalf of 12 States members of the European Community, said that human rights were a legitimate concern of States, the United Nations and the general public. As the International Court of Justice had made clear, action to protect human rights could not be construed as unwarranted interference in the internal affairs of States. There was growing recognition that respect for human rights, the rule of law, political pluralism and accountable and efficient government institutions were central to efforts to secure dynamic economic growth and equitable distribution of its fruits. The connection between democracy, human rights and sustainable development had become more and more evident. Respect for human rights was an essential element of the fourth Lomé Convention between the European Community and its partners, the African, Caribbean and Pacific States, and of the Community's development co-operation with the Asian and Latin American countries.

35. The Twelve welcomed the ending of the cold war, the creation of a unified Germany and the holding of democratic elections in Central and Eastern Europe,

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which had set firm guidelines for the Community's contribution to the development of closer relations with the other countries of Europe. Iraq's brutal invasion and occupation of Kuwait had cast a shadow over those positive developments, however, and the Twelve demanded that Iraq withdraw its forces immediately from Kuwait, that the legitimate Government of Kuwait be restored and that all foreign nationals who so desired be allowed to leave Iraq and Kuwait. They reaffirmed that no solution was possible without prior implementation of the relevant Security Council resolutions.

36. The Twelve reiterated their view that human rights programmes were not only the main priority of the Third Committee but also one of the main priorities of the Organization as a whole. If the United Nations was to fulfil its responsibilities in that vital area, the Centre for Human Rights must be strengthened and given the funds it needed to perform its functions. The Twelve regretted that the Secretariat had failed to submit to the General Assembly the brief report requested in paragraph 3 of Economic and Social Council resolution 1990/47 on actions taken in 1990 and planned for 1991 as interim solutions to the problems posed by the resource situation described in document E/1990/50. They greatly valued the Centre's programme of advisory services and technical assistance and hoped that it would be possible to meet the increasing number of requests for assistance, with the help of the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights. The World Conference on Human Rights planned for 1993 would make an important contribution to the attainment of an international human rights régime, and the Twelve would assist in the preparations necessary to ensure the success of the Conference and the wider mobilization of intergovernmental and non-governmental organizations and public opinion. The non-governmental organizations had a fundamental role to play in the defence of human rights, the formulation of principles and programmes and the promotion of international awareness of human rights.

37. Drawing attention to violations and monitoring the protection of human rights was a fundamental duty of the international community, and United Nations involvement in specific situations in certain countries should not be seen as hostility towards the countries concerned. Governments must extend full co-operation to the various components of the United Nations monitoring mechanism. In that connection, it was vital that the financial problems of the Committee against Torture and the Committee on the Elimination of Racial Discrimination, which stemmed from the failure of a number of States Parties to pay their contributions in full, be solved as soon as possible.

38. The existence of international human rights standards and mechanisms was an encouragement to those struggling for freedom. He commended in particular the work of the Special Rapporteur on Torture, the Special Rapporteur on Summary or Arbitrary Executions, the Special Rapporteur on religious intolerance and the Working Group on Enforced or Involuntary Disappearances. At the same time, the Twelve were disturbed to note that, despite some positive developments, the situation with regard to torture had deteriorated in a number of countries and there had been allegations and instances of torture of children and juveniles; that

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allegations and cases of summary or arbitrary executions continued to increase and death threats, often against human rights advocates, were becoming widespread; that there had been an alarming increase in the number of politically motivated disappearances, in which paramilitary groups were involved; and that infringements of freedom of religion or belief persisted in many parts of the world. The Twelve welcomed the progress being made by the countries of Central and Eastern Europe, however, in particular the enactment in the Soviet Union of a new law on freedom of conscience and on religious organizations.

39. Europe had already played a part in the promotion of human rights, both in the framework of the Council of Europe and as part of the Conference on Security and Co-operation in Europe (CSCE) process. Every member State of the European Community had at some time had findings against it by the European Commission on Human Rights or the European Court of Human Rights established by the European Convention on Human Rights. That Convention, which would be signed by the countries of Central and Eastern Europe following their accession to the Council of Europe, should be the reference point for the formulation of new commitments under the human dimension of CSCE. In that connection, at the second CSCE meeting on the human dimension, held at Copenhagen in June 1990, participating States had for the first time all affirmed their determination to support and promote the principles underlying democracy and the rule of law. The CSCE Summit held recently at Paris had formally reaffirmed the commitment to a united, peaceful and democratic Europe, founded on law and dedicated to respect for human rights.

40. The Twelve continued to give their full support to the dialogue between the representatives of the three Baltic peoples and the Government of the Soviet Union, aimed at a political settlement. The situation in Albania was a source of continuing concern. Implementation of the Albanian Parliament's decisions on democratization and reform remained unsatisfactory. The Twelve were also concerned about the human rights situation in Kosovo, Yugoslavia. Concerning the situation in Cyprus, they reaffirmed their support for the unity, independence, sovereignty and territorial integrity of Cyprus, in accordance with the relevant United Nations resolutions, and urged the prompt removal of obstacles to effective inter-communal talks aimed at finding a just and viable solution on the basis of the good offices mission of the Secretary-General.

41. The recent successes for freedom and democracy in Central and Eastern Europe and in Latin America inspired hope in countries where tyranny and violence persisted. Wars and conflicts frequently provided a pretext for the Governments concerned, and sometimes for their neighbours, to maintain exceptional legislation which denied citizens their fundamental rights and freedoms. The human rights aspect was now an integral part of United Nations peace-making and peace-keeping activities, as could be seen from Namibia's independence process and the peace process in Central America.

42. The Twelve had always condemned racism and racial discrimination and advocated the total eradication of the apartheid system in South Africa by peaceful means. As the Secretary-General had pointed out, with the positive developments of the

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past year, South Africa had reached the threshold of a new era. However, a long and difficult road still lay ahead. The central pillars of apartheid had yet to be removed, which should be done through the abolition of all discriminatory laws, the release of political prisoners, the return of exiles and the passing of new legislation. The Twelve noted that the South African Government had committed itself to completion of the reform process at the next Parliamentary session and thereafter through the negotiation of a new Constitution.

43. The Twelve welcomed the dialogue initiated between the South African Government and ANC. The constitutional negotiations should lead to the total abolition of apartheid and the creation of a democratic, united and non-racial society. The South African authorities must do their utmost to prevent violence, and the parties concerned should settle their differences peacefully in order to achieve national reconciliation. The European Community had decided to increase its programme of assistance to the victims of apartheid to meet the changing needs in South Africa.

44. The human rights situation in many parts of Africa was cause for deep concern. Extra-judicial killings had been reported in some countries and the authorities should take the necessary measures against those found guilty of such violations. The Twelve were acutely concerned at the situation in the Horn of Africa, which was marked by continuing conflict and widespread human suffering. They were willing to support any regional initiative to promote reconciliation and a peaceful settlement of hostilities in Ethiopia, Somalia and the Sudan. They likewise hoped that a peaceful solution would be achieved in Rwanda and supported all initiatives to reach a regional agreement on finding a just and lasting solution to the problem of the Rwandese refugees in neighbouring countries.

45. The situation in Liberia was tragic. The Twelve particularly deplored the loss of life among the civilian population and the wholesale destruction caused by the civil war. They condemned the action taken against innocent civilians and called upon the parties to end the conflict through peaceful means. The situation of the more than 700,000 Liberian refugees in neighbouring countries was cause for particular concern.

46. Arbitrary detention, physical and psychological torture, disappearances, summary executions and other atrocities perpetrated by the Iraqi occupiers were the order of the day in Kuwait. The Twelve strongly condemned those outrageous acts against innocent individuals and deplored the ongoing violation of the basic principles governing the protection of civilian populations in time of war, the forced relocation of civilians and the taking of foreign hostages. They reaffirmed their total support for efforts to secure the freedom of all foreign citizens trapped in Iraq and occupied Kuwait, and denounced Iraq's unscrupulous use of hostages to divide the international community. The basic rules of international law governing the treatment of foreign nationals and the protection of diplomats had been violated by the Iraqi authorities. The people of Iraq were themselves prey to their own leaders, who denied them their fundamental freedoms and pursued policies directed against the country's ethnic minorities. The Twelve had not

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forgotten the inhuman suffering inflicted on the Kurds in Iraq. The forced relocation of thousands of Kurds was unacceptable. The Community was also concerned about the situation of Kurdish minorities in other countries of the region.

47. The Twelve were increasingly concerned about the situation in the territories occupied by Israel and had repeatedly called upon Israel to respect human rights, denouncing its failure to comply with its obligations under the fourth Geneva Convention relative to the Protection of Civilian Populations in Time of War. They remained deeply concerned about the practices of administrative detention, deportation, collective punishment and discriminatory economic measures. Just as they deplored the recent tragic incident on the Temple Mount, they also deplored acts of violence against Israeli citizens. All parties concerned had a responsibility to refrain from actions that might impede dialogue and negotiations. Further measures must be taken under the fourth Geneva Convention to protect the human rights of the populations of the occupied territories. The occupying Power must fulfil its obligations to those populations and meet its international responsibilities, particularly in the areas of health and education.

48. The Twelve expressed their profound consternation at the serious human rights violations occurring in Lebanon and reiterated their full support for the implementation of the Taif agreements. They were also concerned at reports of continuing human rights violations in Syria and expected the authorities to take steps to remedy that situation.

49. The Twelve were concerned at the human rights violations reported in Iran, which included frequent executions, indefinite pre-trial detention and summary proceedings by revolutionary courts. The fate of minorities in Iran also remained uncertain. Although the treatment of certain individual cases had improved, the Baha'i community was in a perpetual state of uncertainty. The Twelve welcomed the Iranian Government's pledge to invite the International Committee of the Red Cross to visit prisons in the country and its readiness to allow a visit by representatives of Amnesty International. United Nations monitoring of compliance with international human rights instruments in Iran should continue.

50. In Afghanistan, the lives, personal freedom and security of civilians were constantly at risk. The situation of Afghan refugees continued to give rise to considerable human rights problems. The Twelve called on all the parties to the conflict to respect human rights and the principles of humanitarian law. The work of the Special Rapporteur on Afghanistan was of continuing value in providing information about the situation in that country. Full enjoyment of human rights in Afghanistan could be ensured only through a dialogue leading to the establishment of a fully representative Government. The Twelve reaffirmed their support for the efforts of the Secretary-General to facilitate such a settlement.

51. The European Community welcomed the framework agreed upon through the United Nations for settling the conflict in Cambodia. The Twelve supported a comprehensive political settlement ensuring the independence, sovereignty,

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territorial integrity and neutrality of Cambodia as well as the fundamental right of Cambodians to choose their Government in free and fair elections under the auspices of the Organization. They stressed the need to fully protect the human rights of refugees and ensure their safe return to their homes. No group should be allowed to seize or retain power through armed force. The Twelve remained concerned about the continuing detention of political prisoners in Viet Nam and hoped that the Vietnamese authorities would take the necessary measures for their release.

52. The Community expressed concern about the precarious situation in Sri Lanka, particularly the continuing violation of human rights, and deplored the resurgence of hostilities initiated by the Liberation Tigers of Tamil Eelam. Although the Twelve recognized the serious difficulties faced by the Sri Lankan Government, they urged that human rights should be respected and that only minimum force should be used to restore peace and maintain order. The Government should take action against the so-called death squads and make every effort to bring those responsible for disappearances and killings to justice. It was hoped that the Working Group on Enforced or Involuntary Disappearances would visit Sri Lanka soon. The Community deplored the obstruction of attempts by citizens to give testimony to the Working Group in contravention of resolution 1990/76 of the Commission on Human Rights.

53. The Twelve were deeply concerned about reports of continued violations of human rights in Myanmar, including recent action by the military régime to prohibit legitimate political activities. The Community strongly urged the rulers of Myanmar to respect the will of the people so clearly expressed in May and called upon the régime to desist from harassing opposition leaders and to release political prisoners immediately. The European Community was still concerned at the human rights situation in China and hoped that that country would get back on the path of reform. The Chinese authorities should guarantee full respect for human rights throughout the country, including Tibet.

54. The recent allegations of human rights violations in East Timor were disquieting. The Twelve hoped that a just, comprehensive and internationally acceptable settlement could be achieved that would protect the legitimate interests of the East Timorese. The Community would continue to monitor developments there closely, including the human rights situation.

55. The Twelve deplored the use of violence by militant groups in Kashmir and were also concerned at the reports of human rights abuses by the Indian security forces. He urged the Indian Government to pursue its efforts to prevent such abuses.

56. A number of countries in Latin America had taken significant steps towards reconciliation and democracy in 1990. The Community noted with satisfaction the political and economic reforms launched by some Governments to solve deep-rooted problems. Nevertheless, the human rights situation in some countries of the region was still worrisome. The Twelve were still particularly concerned at the serious human rights violations in El Salvador, and urged speedy prosecution of all cases of unlawful killings, including those of trade union leaders. One year after

(Mr. Traxler, Italy)

the assassination of six Jesuit priests and two of their assistants at the Central American University, no real progress has been made in reforming judicial procedures and in securing the co-operation of certain sectors of the armed forces. The settlement of that case, which was a key factor for consolidating democracy and ensuring the independence of the judiciary, should lead to a just and exemplary sentence for those responsible. The Government and all the country's political authorities, institutions and forces, including the guerrilla organization, must halt attacks against individuals and take immediate steps to prevent killings and disappearances, in accordance with the commitment made under the San José agreement between the Government and the FMLN. The Twelve called upon the Government and FMLN to continue negotiations leading to a just and lasting peace followed by national reconciliation.

57. The human rights situation in Guatemala continued to cause profound concern. Although the Guatemalan Government seemed to be making some effort to protect fundamental rights and freedoms, public order had deteriorated and the Government had failed to investigate human rights violations and bring those responsible to justice, leading to widespread abuses. The Twelve appealed to the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respected the human rights and fundamental freedoms of the Guatemalan people. The United Nations should continue to monitor the situation closely. The start of a dialogue between Guatemalan political parties and sectors of society with the participation of a representative of the Secretary-General gave grounds for hope that hostilities would end and that the human rights situation would improve. The participation of the Guatemalan Government in that dialogue would further enhance prospects for a peaceful settlement of the conflict.

58. The European Community remained concerned at the human rights situation in Cuba and hoped that the Cuban authorities would co-operate with the Secretary-General so that he could submit a full report at the next session of the Commission on Human Rights.

59. The Twelve welcomed the return to democracy in Chile and the steps by the Government to ensure full respect for human rights and justice for the victims of the excesses of the previous régime.

60. The international community had the duty to assume responsibility for the legitimate aspirations of individuals and peoples whose rights were violated and to indicate the most appropriate ways to eliminate such abuses. The European Community would continue to promote the establishment of conditions necessary to ensure the freedom and well-being of all citizens in the world.

61. Mr. ROCHEREAU DE LA SABLIERE (France) welcomed recent promising developments in the promotion of human rights inspired by the action taken by the international community. Governments no longer claimed that investigations of human rights situations were inconsistent with their sovereignty and they acknowledged the need to respect them at least in theory if not always in practice. States from all regions had, for example, agreed to convene a world conference on human rights in

(Mr. Rochereau de la Sabliere, France)

1993, and the recent United Nations Conference on the Least Developed Countries had recognized that democracy was one of the principal elements of national development strategy. Beneficiaries of development assistance now understood that sustained growth and implementation of the recently recognized right to development were impossible without respect for political and economic rights and donor countries understood that it was pointless to condemn human rights violations without taking into account the difficulties of Governments and their need for assistance. Bearing those considerations in mind, France had supported the Commission on Human Rights draft resolution on drug traffickers and contributed generously to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

62. The agreement recently concluded between the opposing parties in El Salvador was further evidence of the growing importance of human rights in international life. The growing recognition of human rights had also been both a cause and a consequence of the recent political upheavals in Eastern Europe, and the Paris Charter recently adopted by the Heads of State and Governments at the CSCE Conference had proclaimed that the new Europe would be founded on respect for human rights. Moreover, progress towards democracy could be noted in Asia and Africa as well as in Latin America. Those developments made human rights violations increasingly intolerable, and increasingly difficult to conceal. In that connection, he paid a tribute to the active role played by the non-governmental organizations.

63. The United Nations system, through its special rapporteurs and working groups, had proven its effectiveness and extreme caution should be exercised before tampering with procedures and mechanisms that had proved their worth. Some improvements must be made, however, and more adequate resources should be made available to the Centre for Human Rights for that purpose.

64. Still, human rights were all too often honoured more in the breach than in the observance and sustained action was needed to make sure that States not only enacted or acceded to human rights instruments but honoured their commitments under those instruments. All fundamental human rights, whether civil and political or economic, social and cultural, must be protected without restriction, and lack of resources or insufficient development could not justify violations. The fact that some rights were more difficult to implement than others could not justify attempts to maintain the status quo.

65. Experience had shown that international monitoring of human rights was more effective when supported by regional machinery, and he hoped that the forthcoming world conference on human rights would deal with that aspect while at the same time preserving the universality of criteria and norms and stressing the need to respect the principles recognized by the entire international community.

66. More sophisticated and appropriate standards had to be developed to protect especially threatened categories of rights. An excellent example was the Convention on the Rights of the Child. France had ratified it and urged other

(Mr. Rochereau de la Sabliere, France)

countries to do the same. The United Nations had also been concerned with the impact of scientific and technological progress on human rights, and he hoped in that connection that the guidelines for the regulation of computerized personal data files referred to in General Assembly resolution 44/132 would be adopted. He also hoped that the Commission on Human Rights would adopt by consensus its working group's compromise text on the protection of the mentally ill. Other aspects of the relationship between technology and human rights, such as bioethics, genetic manipulation and the treatment of embryos had caused much controversy and should be the subject of an exchange of views and experience with a view to finding humane solutions that reconciled respect for sensitivities and defence of the rights of the individual.

67. Mr. SLABY (Czechoslovakia) said that the previous year had been a good one for human rights in his own region of the world but that violations persisted in many others. The peaceful democratic revolution that had taken place in Czechoslovakia had resulted in enormous progress in restructuring the country's legal and social system with the object of guaranteeing individual freedom and creating a viable democracy in which liberty and not licence prevailed.

68. The human rights situation had also improved in such places as Chile and Nicaragua, and to some extent in South Africa, but in other areas the concept of human rights and fundamental freedoms was virtually unknown, often because failure to respect the rights of groups created a climate hostile to respect for the rights of individuals. The invasion of Kuwait, for example, had led to a massive violation of human rights. Human rights in Afghanistan also suffered from the chaotic political situation and he hoped that an internal dialogue would lead to free elections there. He commended United Nations efforts to promote human rights in that country, as well as in Iran, where limited improvement could be noted. The United Nations should continue to monitor the human rights situation in El Salvador and Guatemala, and he deplored the negative response of the Government of Cuba to the Commission on Human Rights resolution concerning Cuba. Chile, on the other hand, might prove a useful example for others on how to move from totalitarianism to democracy.

69. Noting that commendable progress had been made towards the elimination of apartheid in South Africa, he questioned whether an escalation of sanctions against an increasingly co-operative Government might not do more harm than good. In Israel, efforts to improve its human rights record had been vitiated by the excessive use of force against civilians, which his Government, like others, condemned. Only negotiations among all parties concerned could guarantee individual human rights in the Middle East.

70. His delegation welcomed the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/45/1) because the rights of that group required international codification and because with current developments in Central and Eastern Europe, the question of migrating labour would have an immediate impact for some of the countries of the region. His delegation would also support the draft resolution on the convening of a world conference on human rights.

(Mr. Slaby, Czechoslovakia)

71. He announced that Czechoslovakia was about to join the Council of Europe and to sign the European Convention on Human Rights, a document to which it attached great importance.

72. Mr. MONTAÑO (Mexico) said that the crucial changes that had taken place in various parts of the world had given new impetus to the promotion of human rights and fundamental freedoms. The political events in Central Europe had paved the way for surprising developments in that field. Progress made in the search for political solutions to various conflicts and the strengthening and the restoration of democratic régimes, particularly in Latin America, had helped to improve the overall human rights situation. In view of the possibility of armed conflict in the Persian Gulf, it was necessary to reaffirm strict adherence to the principles of civilized coexistence among nations, respect for the right of peoples to self-determination without outside interference, and the non-use of force in the settlement of disputes.

73. The protection of human rights was the paramount obligation of the Mexican Government. The recent establishment of the National Human Rights Commission was an event of enormous national significance in Mexico. The Commission monitored the implementation of national policy on the protection of human rights and was empowered to request reports from the competent authorities, conduct official investigations and make recommendations where necessary. It also submitted a biannual report on activities to guarantee the protection of human rights.

74. Mexico attached particular importance to the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Its adoption would represent a major contribution to the development of international humanitarian law. Migrant workers contributed significantly to the development of national economies. The exercise of their human rights, regardless of their status as migrant workers, must be guaranteed.

75. Mexico had resolutely supported the efforts to bring about a negotiated settlement of the conflict in El Salvador. The recent progress in the negotiations between the Government and the FMLN were cause for optimism. Unfortunately, however, although there had been a decline in the number of serious violations, there were still summary executions, acts of torture and kidnapping, the use of explosives in urban military operations and attacks on the economic infrastructure. Mexico was seriously concerned at the recent escalation of violence by the FMLN and urged an immediate suspension of hostilities and intensification of the negotiation process through the mechanisms made available by the international community and, in particular, the United Nations. The Commission on Human Rights played an extremely valuable role in that process and Mexico supported the recommendations made by the Special Representative of the Commission in his report.

76. The agreement by the Iranian Government to co-operate with the United Nations was encouraging. The representative of the Commission on Human Rights should be given greater access to sources of information in Iran in order to gain a more

(Mr. Montaña, Mexico)

objective overall view of the situation. Although there had been positive progress, the human rights situation in Iran was very disturbing, particularly with regard to persons detained for political reasons.

77. The withdrawal of foreign forces from Afghanistan had not led to further efforts to find a negotiated political settlement of the conflict. The main victims were the enormous number of refugees who were unable to return home because of the continuing armed conflict and increasing acts of terrorism. Concrete steps must be taken to bring about a negotiated solution that would enable the Afghan people to exercise their right to self-determination and guarantee the effective enjoyment of their human rights.

78. Economic and Social Council resolution 1990/48 on the enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms would make it easier to avoid the tendency to politicize human rights issues, which had had a negative impact on the Commission's work. Lastly, he stressed that progress in the settlement of conflicts must be accompanied by development and guarantees for social justice in order to ensure the exercise of all human rights.

79. Mrs. WARZAZI (Morocco) welcomed the final draft of the Convention on the Protection of the Rights of All Migrant Workers and their Families. The insecurity and exploitation of migrant workers prevented them from enjoying basic human rights, and despite some improvements, they still lived under difficult conditions, often compounded by racism. In Europe, migrant workers were subject to harassment and unprovoked aggression in countries where parties of the extreme right encouraged xenophobia and racism, and the European Parliament had called for an inquiry into racist and xenophobic measures taken by the local authorities of member States. The result was a report describing racism organized by the extreme right in 16 Western countries and its impact on persons of colour, Jews, AIDS victims and migrant workers. The report showed significant increases in racial incidents in Great Britain and increased membership in and influence of the Front national in France, where very recently some 30 masked parachutists in civilian clothes had gone on a racist rampage.

80. The draft Convention was therefore necessary to strengthen the effectiveness of regional international instruments and of the recommendations and measures adopted by the host countries and the countries of employment.

81. She understood the precautions taken by the European countries against illegal immigration, particularly since the current disastrous international economic situation and population explosion could be expected to increase the pressure of the third world on Europe, but given the plight of migrant workers in a climate of increasing nationalism and job competition, as well as racism and hatred, the international community must provide them and their families with maximum guarantees. The draft Convention was the product of much diligent effort and compromise, and a determination to protect human rights. The effort had produced a text that was imperfect but represented progress and should be commended.

82. The CHAIRMAN said that if he heard no objection he would take it that the Committee wished him to send a letter to the family of Ambassador Gonzalez de Leon to express its recognition and appreciation.

83. It was so decided.

84. Mr. MORA (Cuba), speaking in exercise of the right of reply, said that at a future meeting he would answer the comments expressed by the representative of Italy as well as the concern expressed by the representative of Czechoslovakia over Cuba's negative response to the Secretary-General in connection with the human rights situation in his country. In his view, some countries changed their principles with great facility and were all too ready to join in an anti-Cuban campaign. They had instituted political changes that led them to abandon causes they had previously defended.

The meeting rose at 6.20 p.m.