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SUMMARY RECORD OF THE 50th MEETING

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

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The meeting was called to order at 10.25 a.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 A/45/649/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. NOOR (Afghanistan) said that ensuring complete respect for human rights posed problems everywhere in the world and no country, whether developed or developing, could claim that its record was faultless in that regard. On the other hand, in view of the positive changes in international relations, the politicization of the debate in the United Nations on human rights, which had been a characteristic of the cold war, should finally be replaced by a search for ways to address that question in both a realistic and constructive manner.

2. Although the changes in the political climate had reduced tensions in various regions, that, unfortunately, had not been the case in South-West Asia. The war imposed on Afghanistan had been continuing for more than a decade, claiming thousands of victims, mostly women and children, and causing damage amounting to billions of dollars. Anti-Government extremist groups possessing weapons of mass destruction continued their terrorist attacks against populated areas, killing many civilians

3. The international community must do everything to end that war because any attempt to do so would promote the protection of human rights in Afghanistan. His Government, for its part, had put forward a number of proposals for a political settlement of the conflict, which included declaring a cease-fire and organizing general, free and fair elections. It was also making every effort, in spite of the war, to respect human rights in the country. In cases involving a conflict between national laws and the numerous international human rights instruments to which his country was a party, those instruments took precedence in Afghanistan. Respect for the human rights and fundamental freedoms of the population was thus guaranteed. In accordance with the provisions of the Constitution concerning political pluralism, political parties could be formed and could not be dissolved without a legal cause.

4. Within the framework of its policy of national reconciliation, the Government of Afghanistan had amnestied thousands of prisoners. It had also given permission to the International Committee of the Red Cross (ICRC) to visit prisons regularly and for the first time had allowed an American-based non-governmental organization dealing with the protection of human rights to visit Afghanistan.

5. His delegation expressed its appreciation to the Special Rapporteur for his personal interest in improving the human rights situation in Afghanistan. He had noted, however, some shortcomings in the report. First of all, with regard to the

(Mr. Noor, Afghanistan)

refugee problem, the report failed to mention instrument III of the Geneva Agreements on the voluntary repatriation of the refugees, the obstacles impeding their return and the obligations of the States Parties in the implementation of that instrument. Those questions had a direct bearing on the current situation of the Afghan refugees, particularly in Pakistan.

6. Further, the danger posed by armed groups based in Pakistan that opposed the return of the refugees was underestimated. The threats against the property and lives of those seeking to return, which were described in paragraph 34 of the report and which the Special Rapporteur merely termed "harassment", were sufficiently serious to prevent defenceless civilians from returning to their homeland.

7. Lastly, the report made no mention of the deterioration of the situation of many women in the refugee camps.

8. The report did not provide sufficient information on the situation of human rights in areas not under Government control, which, as the Special Rapporteur himself had stated on many occasions, was a major concern with regard to human rights in Afghanistan. Unlike the previous report, the current report furthermore made no reference to the presence of foreigners in the armed forces of the opposition movements. In general, in view of the means at his disposal, the Special Rapporteur could have provided in his report a broader survey of the situation as he had seen it firsthand.

9. His Government attached great importance to the problem of mines and had recently established a special commission to co-ordinate all mine-clearance operations in the country. Afghanistan was ready to co-operate with all organizations that could participate in those operations and appealed for technical assistance from governmental and non-governmental organizations that could aid it on a bilateral or multilateral basis and for strictly humanitarian purposes.

10. In conclusion, his delegation expressed its gratitude to the Office of the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for its tireless efforts in Afghanistan and the refugee camps. He hoped that the Programmes would continue in the future and cover all the areas envisaged by the Co-ordinator.

11. MR. ROMARE (Sweden) said that the United Nations, in spite of the numerous international human rights instruments that it had drawn up, had often tended to deal with human rights as a secondary issue. Recent developments in Central and Eastern Europe, marked by a return to democracy and freedom, had increased awareness of the importance of respect for those rights and the need to view them in a wider context.

12. Sweden hoped that the growing recognition of human rights as a central issue would lead to a greater readiness on the part of all concerned to join efforts to put an end to human rights violations where they still occurred. It was gratifying to note the world-wide consensus in support of the rights of the child which had

(Mr. Romare, Sweden)

emerged at the World Summit for Children and the solemn commitment made by countries to implement the Plan of Action adopted on that occasion. It was encouraging that 133 States had already become parties to the Convention on the Rights of the Child.

13. Sweden supported the draft international convention on the protection of the rights of all migrant workers and their families and hoped that that instrument would be adopted by consensus at the current session of the General Assembly.

14. The main task of the United Nations, nevertheless, was to improve the implementation of the human rights instruments in force. Although Governments were responsible for the human rights situation in their countries, the international community should make its weight felt in order to convince régimes that did not respect those rights of the need for change and assist well-intentioned Governments in facing internal problems.

15. In his interim report on the human rights situation in Afghanistan, the Special Rapporteur noted that, although the Government of Afghanistan was now fully co-operating with the United Nations, the human rights situation was far from compatible with international standards and remained a matter of concern.

16. The report of the Special Rapporteur on human rights in El Salvador showed that, although conditions had improved since 1989, serious violations of human rights, including summary executions and abductions, were still carried out by the armed forces, death squads and FMLN, and the judicial system was unable to prevent or repress those crimes. It was a year since the murder of six Jesuit priests and their household employees and still no one had been brought to justice. In that context, Sweden strongly supported the efforts of the Secretary-General to find a negotiated settlement to the conflict in El Salvador and considered that the partial agreement regarding respect for human rights which provided for a new scheme for nation-wide verification by the United Nations was an important step in the current negotiations.

17. With regard to the Islamic Republic of Iran, Sweden welcomed the increasing willingness of the Iranian Government to co-operate with the Special Representative and with other United Nations bodies and hoped that such co-operation would continue. However, the human rights situation in that country, as described by the Special Representative in his report, remained far from satisfactory. Executions were clearly still numerous and the process of law appeared to remain deficient in several respects, including the imposition of the death sentence. Other human rights, such as the right to freedom of expression and the right of petition, were being flouted. The Special Representative had also referred to restrictions imposed on associations, and on the press and, in general, to a fear of reprisals if people spoke their minds. The Baha'is were still victims of many forms of discrimination by some authorities.

18. Sweden noted that some situations were under United Nations scrutiny, whereas others, just as urgent, were not. It had many times criticized such lack of objectivity as being damaging to the credibility of the Organization, and hoped

(Mr. Romare, Sweden)

that the situation would be redressed, since the losers were not the Governments of the countries facing United Nations scrutiny but the people of the countries that escaped it.

19. In Myanmar the current régime was making a mockery of the concepts of democracy and human rights and was insensitive to international criticism, refusing to recognize the outcome of the free elections held in May 1990 - a clear and emphatic vote in favour of the opposition. The situation in Myanmar, where the National Assembly had still not been convened, where opposition leaders were still under house arrest and where appalling acts of oppression, torture and other serious human rights abuses persisted, merited serious consideration, and his delegation had introduced a draft resolution on that issue.

20. The growing problem of ethnic violence was affecting several countries. Sweden had already expressed its deep concern over the deteriorating situation in Sri Lanka and, while recognizing the difficulties facing the Sri Lankan Government, called upon it to instruct its forces to respect the rights of civilians.

21. The lack of respect for human rights in China remained a cause for serious concern, despite the lifting of martial law in Beijing and Lhasa and the freeing of some political prisoners. Hundreds of persons were still under arbitrary arrest for alleged crimes in Beijing in the spring of 1989, or even earlier. Sweden was particularly disturbed by reports of torture, detention without trial and other human rights violations in Tibet. It called on the authorities of China to ensure full respect for human rights, including the right to freedom of speech and to religious and cultural freedom, in all areas under their control.

22. The situation in Guatemala had not improved either. Teachers, students, journalists, trade unionists and peasants were being abducted and murdered, human rights defenders were being attacked, and security personnel and political extremists were reported to be engaged in killings, disappearances and other serious human rights violations which had continued to increase during the past year, those responsible rarely being brought to justice. It remained to be seen whether the holding of democratic presidential elections in Guatemala, which was in itself promising, would contribute to an improved human rights situation.

23. Generally speaking, despite notable progress, the situation in Latin America remained serious. In a few countries, political violence persisted and there was a disquieting number of disappearances and extrajudicial executions. The difficult internal problems besetting those nations made it imperative for their Governments to fulfil their commitment to ensure respect for human rights.

24. In Cuba, there had been no serious abuses, but human rights activists were subject to retaliatory action.

25. Sweden had on several occasions expressed its concern about the numerous reports of grave human rights violations in Iraq. Following the invasion of Kuwait by Iraq, which had been universally condemned, the Kuwaiti population had suffered

(Mr. Romare, Sweden)

widespread human rights violations at the hands of the Iraqi occupying forces. Thousands of foreign nationals in Iraq and Kuwait at the time of the invasion had been prevented from leaving these two countries, in violation of the fundamental principles of international law. Those nationals must be allowed to leave.

26. The Israeli authorities had reacted with excessive and inexcusable violence to the Palestinian uprising in the occupied territories caused by the frustration of the Palestinian people, and had responded to stone-throwing with live ammunition, killing hundreds of Palestinians and injuring thousands. Recently 22 Palestinians had been killed by the Israeli police at Temple Mount in Jerusalem. It was deplorable that Israel had still not complied with the Security Council resolutions.

27. The Horn of Africa had long been the scene of serious human rights violations, which continued to the present day. The situation in Somalia, the Sudan and Ethiopia was compounded by internal warfare as well as by recurrent drought and famine. Efforts to bring about peace in the region were crucial if a lasting improvement in the human rights situation was to be achieved.

28. Concern about human rights violations should be a central theme for the international community. It was in the interests of the Governments themselves. It was also in the interests of international peace and security.

29. Mrs. ILIC (Yugoslavia) said that Yugoslavia, a country with a large number of migrant workers, was pleased to see that 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, established by the General Assembly, had successfully completed its task by preparing and approving a draft convention.

30. The main value of the draft lay in the perspective it took. It was based on principles enshrined in instruments on human rights already adopted by the United Nations and some of the specialized agencies, such as ILO and UNESCO, and those principles were then applied to specific rights relating to the status of migrant workers and members of their families as a vulnerable group. Those rights included access to education, protection of the family, transfer of earnings and participation in the political life of their country of origin. Yugoslavia attached particular importance to provisions made for the protection of the cultural identity of migrant workers and their children. For all those reasons, it wholeheartedly supported the adoption of the draft convention at the current session of the General Assembly and also supported the proposal that the Committee established to supervise the implementation of the convention should be financed out of the regular budget of the United Nations.

31. In view of the growing work-load imposed on the Centre for Human Rights in connection, in particular, with the servicing of treaty bodies, Yugoslavia felt that the resources allocated to the Centre from the regular budget of the United Nations should be increased.

(Mrs. Ilic, Yugoslavia)

32. For the first time since the Second World War, Europe was united in its determination to achieve, by peaceful means, peace, stability, democracy, confidence, co-operation and respect for human rights. The humanitarian dimension of the Conference on Security and Co-operation in Europe had never been so apparent as at the Conference on Human Rights held at Copenhagen in June 1990, whose final document covered a broad range of human rights, including those of national minorities. The States participating in the CSCE summit in Paris had affirmed their position on national minorities and demonstrated the importance they attached to those issues.

33. The Balkan countries also were eager to strengthen their co-operation with each other, especially with regard to questions of human rights and national minorities. When their Ministers for Foreign Affairs had met at Tirana in October 1990, they had declared that a positive attitude towards national minorities was one of the basic factors of good-neighbourliness, mutual confidence, stability, cohesion and democracy in the Balkans.

34. All those new developments were of particular importance for Yugoslavia since large numbers of members of its ethnic minorities lived in neighbouring countries, where the treatment they received varied. In most of the host countries, they enjoyed internationally recognized human rights; unfortunately, in some of the others, their rights were respected only on a selective basis or were simply denied. Yugoslavia did not expect its neighbours to grant to minorities any rights that had not been internationally recognized and granted by Yugoslavia itself to minorities living in its territory. In any case, protection of Yugoslav minorities living abroad was a permanent feature of Yugoslavia's foreign policy.

35. In the United Nations Commission on Human Rights, Yugoslavia had initiated work on a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The Commission on Human Rights and the General Assembly should finalize that important instrument and adopt it as soon as possible. She closed her statement by expressing her country's support for the convening of a world conference on human rights to consider the critical questions facing the United Nations in connection with the promotion and protection of human rights.

36. Mr. CHEN Shiqiu (China) said that the concept of human rights had evolved with time and today people talked about not only civil and political rights of individuals but also about collective rights, including economic, social and cultural rights, and about the right of peoples to self-determination and the right to development. At the same time, in view of the diversity of social and political systems, degrees of economic development and historical, religious and cultural backgrounds, it was only natural that the concept of human rights should be interpreted in different ways. People who obstinately saw their own interpretations as universal truth were bound to meet with opposition.

(Mr. Chen Shiqiu, China)

37. In discussing the question of human rights, the United Nations should, first and foremost, establish priorities. The General Assembly had already addressed that question in its resolution 32/130. The spirit of that resolution, from which there had been some deviation in recent years, should be recaptured. Although the situation had changed since 1977, apartheid, racial discrimination, colonialism, foreign domination, occupation, aggression and failure to recognize the right of peoples to self-determination and the denial of the sovereignty of States over their wealth and natural resources were still the main causes of flagrant violations of human rights on a massive scale. The gap between North and South and the existing international economic order were still major obstacles to the full exercise of human rights in developing countries. The most urgent question still related to the right to survival and to improved living conditions, and since the enjoyment of those rights depended on economic factors, priority should be given to the right to development.

38. That having been said, it was still true that other human rights issues also deserved attention. China's concern was simply that a distinction should be made between what was primary and what was secondary. It believed that the world conference on human rights to be convened in 1993 should be guided by that principle.

39. In dealing with human rights, the United Nations should base itself primarily on its Charter, in which it was stipulated that one of the purposes of the Organization was "to achieve international co-operation 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 without distinction as to race, sex, language or religion". The role of the United Nations in the field of human rights was to promote international co-operation. It was not a supranational institution, let alone a human rights court. Exchanges of views should therefore be encouraged, and accusations and attacks avoided in an attempt to refrain from exerting pressure on other countries or interfering in their internal affairs under the pretext of trying to protect human rights, as the representative of Sweden had been doing in his intervention. Rash resolutions on the human rights situation of a particular country should be eschewed since experience had proved that such resolutions often were the least likely to produce positive results and triggered strong resentment on the part of the country concerned and that they caused relations between States to deteriorate, which was obviously not the objective of the Charter of the United Nations.

40. Another problem which needed to be addressed urgently was that of the adverse effects of the East-West confrontation and the "cold war". For a long time, United Nations bodies dealing with human rights issues had been the setting for confrontations between opposing political blocs and ideologies. Some countries had manipulated human rights issues in a play of power politics and as a means of interfering in the internal affairs of other countries and putting political pressure on smaller and weaker States. As a result, the sovereignty and dignity of many developing countries had repeatedly come under attack. Today international relations had changed significantly, and the time had come for the United Nations to break away from certain old practices and political prejudices.

(Mr. Chen Shiqiu, China)

41. The Chinese delegation sincerely hoped that the Third Committee and the United Nations human rights bodies would, in view of the changing international situation, cast off unrealistic practices and strive to ensure the faithful fulfilment of the purposes enshrined in the Charter of the United Nations with regard to the promotion of human rights and fundamental freedoms. It also hoped that the countries Members of the Organization would reach a consensus on that issue and appealed to the Swedish delegation in particular in that regard.

42. Mr. BRUNI-CELLI (Venezuela) said that the reports by the Special Rapporteur on the situation of human rights in Afghanistan and the Special Representatives responsible for studying the situation of human rights in Iran and in El Salvador respectively were all the more valuable as sources of information about recent developments there because of the difficulties posed for the authors by their inherently sensitive subject-matter. His delegation was convinced that the reports which had been presented were objective, rigorous and therefore useful for the defence and promotion of human rights. Venezuela therefore reaffirmed its support for the maintenance of the system of Special Rapporteurs and Special Representatives.

43. Human rights could of course be defended and promoted only in conditions of democracy and peace. The significant progress made in the defence of human rights at the beginning of the 1990s was linked precisely with remarkably positive developments in the attainment of those conditions. Recent events in Central and Eastern Europe and in Latin America clearly demonstrated the moral and political weakness of dictatorships of every kind and also the profound yearning of peoples to exercise their basic rights. The end of the cold war and agreements on disarmament strengthened that atmosphere of optimism. That was no reason, however, for the international community to relax its vigilance, as was demonstrated by the reports on El Salvador, Iran and Afghanistan.

44. Peace was not merely the absence of war: to achieve lasting peace, the social and economic causes of conflicts must be eliminated. The creation of conditions conducive to respect for human rights - or ultimately, in other words, the search for peace - had two dimensions. At the international level, there was a need to engage in co-operation for development, seek negotiated solutions to conflicts and set up effective means of controlling the arms trade. Peace should equally be pursued at the national level. Recourse to violence invariably led to the violation of human rights and halted development. That was clearly illustrated by the civil wars which had afflicted the peoples of Central America for many years and by the similar situations affecting other populations in Latin America, Asia and Africa.

45. Human rights comprised two categories which constituted an indivisible whole, namely, civil and political rights on the one side and economic, social and cultural rights on the other. The two categories were mutually reinforcing and had as their common denominator respect for the dignity of the human person. Hunger and extreme poverty were an affront to that dignity and rendered meaningless the concepts of freedom, right to life and personal integrity. On the other hand, only

(Mr. Bruni-Celli, Venezuela)

when their civil and political rights were respected were citizens able to exercise other rights, such as those to food, housing, work and education.

46. The comments by Mr. Galindo Pohl concerning the situation of human rights in Iran were very interesting. Although he acknowledged that the Iranian Government had been co-operative, the Special Representative noted such urgent problems as the need for reforms to adapt Islamic law to international law, for the commutation of penalties, for the guarantee of due process of law, and for freedom of expression, as well as the question of televised confessions. Mr. Galindo Pohl's statement that the application of the death penalty in Iran continued to exceed the restrictive and exceptional limits authorized by the International Covenant on Civil and Political Rights was a cause of concern.

47. With regard to the situation of human rights in Afghanistan, Mr. Felix Ermacora made certain very important recommendations: to intensify efforts to find a solution to the conflict, to halt the use of weapons against the civilian population, to promote the return of refugees, to apply the standards of humanitarian law, to investigate the whereabouts of disappeared persons and to extend the mandate of the Special Rapporteur. His delegation supported those recommendations.

48. The report by Mr. Ridruejo on the situation of human rights in El Salvador showed continuing violations, such as the summary executions carried out by both parties to the conflict, the activities of the "death squad", the forced abduction of persons, the use of physical and psychological coercion and the practice, even if it was not an institutionalized policy, of cruel, inhuman and degrading treatment. His delegation fully associated itself with Mr. Ridruejo's observation that the end of the armed conflict was an indispensable condition for the elimination of such violations in El Salvador. To that end, the Salvadorians themselves and other democratic peoples and countries in the continent had launched various initiatives. It was most regrettable, therefore, that incidents of violence should have occurred in the country at the very moment when negotiations had been opened. The instigators of that violence, whoever they might be, were acting in defiance of the wishes of the Salvadorian people, the most immediate victims of the conflict. There could be no justification for suspending the negotiation process yet again. The current situation in El Salvador was the same as that which had prevailed in 1989 at the time when the Third Committee was analysing the Special Representative's report on the situation of human rights there. The outcome of such a situation was well known: prolongation of war, death, destruction and suffering among the population. While the negotiations had resumed under the auspices of the Secretary-General of the United Nations, resulting in the signing of a declaration submitted by the Secretary-General himself, in the preparation of the agenda and timetable for the negotiations and in the adoption of an agreement on human rights, there had also been a resurgence of the fighting in El Salvador. His delegation believed that any endeavour to gain a strengthened position in the negotiations by engaging in military action when the two sides were well aware of their respective fire-power, was a mistake which could have serious social, moral and political consequences.

(Mr. Bruni-Celli, Venezuela)

49. On behalf of the democratic Government and people of Venezuela, he expressed the hope that the United Nations could continue to provide itself with the resources it needed to fulfil its noble task of ensuring respect for, and the defence and protection of, the fundamental rights of the human person.

The meeting rose at 5.35 p.m.