

United Nations
**GENERAL
ASSEMBLY**



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THIRD COMMITTEE
46th meeting
held on
Tuesday, 19 November 1985
at 3 p.m.
New York

FORTIETH SESSION

Official Records*

DATA COLLECTION
SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. ZADOR (Hungary)

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25 November 1985

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE: REPORT OF THE SECRETARY-GENERAL (A/40/3, A/40/77, A/40/173, A/40/361, A/40/398 and A/40/570)

AGENDA ITEM 102: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (A/40/3 and A/40/493 and Add.1-2)

AGENDA ITEM 103: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (A/40/3 and A/40/331; A/C.3/40/3)

AGENDA ITEM 104: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (A/40/3, A/40/40, A/40/109, A/40/160, A/40/267, A/40/393, A/40/600 and Add.1, A/40/605, A/40/678 and A/40/750; A/C.3/40/2)

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE

(b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF THE SECRETARY-GENERAL

(c) REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL

AGENDA ITEM 144: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/40/3, A/40/191, A/40/604, A/40/821 and A/40/876)

1. Mr. HERNDL (Assistant Secretary-General, Centre for Human Rights), reviewing the situation of human rights 40 years after the founding of the United Nations, said that as the Secretary-General had stated earlier in the year, when the history of the twentieth century was written the chapter devoted to human rights would feature some of the most important accomplishments in the field of international co-operation. However, that story was one of both contrast and disappointment. No one could deny that perhaps the greatest achievement had been to consolidate and establish for all time the principle that human rights were a matter of international concern. The international community, as represented by the United Nations, was entitled to discuss any situation giving rise to international concern. Today there was an international code of human rights which established within the domain of international law detailed norms for regulating the way in which the State treated the individual. In short, Governments were bound to submit, and were indeed submitting, their systems, laws and practices to international scrutiny for their consistency with internationally recognized human rights norms. For its part, the United Nations had developed a broad range of procedures for dealing with allegations of violations of human rights. Those procedures were certainly not flawless, but their mere existence had contributed to a growing awareness on the part of Governments and individuals of the necessity to have human rights respected.

(Mr. Herndl)

2. The development of new standards and the refinement of existing ones were an ongoing task of the United Nations and showed that the United Nations was in fact responding to the myriad of problems that were thrown up in everyday life in all parts of the world. In addition, the United Nations had been increasingly developing its advisory services and technical assistance to Governments.
3. By any measure, the examples cited must be counted as a success story. Nevertheless, the international community must recognize that if so much activity was taking place it was because there was a continuing need to keep watch over the rights and freedoms of the individual and to be constantly vigilant about violations of those rights. It could not be denied that violations were taking place and often on a very tragic scale. Thus, in reflecting on the accomplishments of the United Nations, it must be realized that there was room for improvement. For example, many States had not yet ratified the relevant international conventions and in many countries laws and institutions had not been brought into conformity with international standards proclaimed by the United Nations. In addition, the resources of the United Nations were limited and did not enable it to deal with all the problems or difficulties which arose.
4. With respect to item 101, the adoption in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was one of the important achievements of the United Nations, enlarging as it did and refining the provisions of article 18 of the Universal Declaration of Human Rights.
5. With respect to item 102, ever since the 1968 International Conference on Human Rights the United Nations had been giving high priority to consideration of the implications for human rights of scientific and technological developments. In addition, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities had been considering a draft body of guidelines, principles and guarantees for the protection of persons detained on the grounds of mental ill health.
6. The Commission on Human Rights had continued to make progress on the drafting of a convention on the rights of the child - item 103 - and, to date, the preamble and articles 1 to 15 had been adopted.
7. The report of the Human Rights Committee (A/40/40) showed once again the wide range of activities undertaken by that important body, which was dealing with the interpretation of the International Covenant on Civil and Political Rights and with the periodic reports of States parties. In connection with the latter, it must be noted that the number of overdue reports from States parties had increased considerably. In that connection, the Secretariat had stepped up its efforts to help States parties to the human rights Covenants to meet their reporting obligations by such measures as organizing regional training courses and awarding fellowships to officials whose responsibilities were directly related to the implementation of the Covenants. Pursuant to paragraph 6 of General Assembly resolution 39/138, the Secretary-General had prepared a report (A/40/600 and Add.1)

(Mr. Herndl)

covering both the general situation of the submission of reports and the possibilities for elaborating a consolidated text of the guidelines of the various bodies which considered the reports.

8. In addition, arrangements had already been made to provide the Human Rights Committee, prior to each of its sessions, with copies of relevant reports submitted by States parties to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

9. With respect to the International Covenant on Economic, Social and Cultural Rights, the Economic and Social Council, by its resolution 1985/17, had, inter alia, decided that the Sessional Working Group of Governmental Experts scrutinizing the reports of States parties should be renamed the "Committee on Economic, Social and Cultural Rights".

10. Turning to item 144, he noted that torture had been repeatedly condemned by the United Nations, Governments, leaders of international organizations and people at large. Yet reports of torture coming from various parts of the world were still common. Following the adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission on Human Rights had appointed a Special Rapporteur to prepare a report on the question of torture for submission to the Commission at its forty-second session in 1986. So far, 37 States had signed the Convention.

11. The report on the activities of the Voluntary Fund for the Victims of Torture was contained in document A/40/876. During the past year, the Fund had received contributions of over \$520,000 from 13 States. The Voluntary Fund was increasingly proving itself to be a very useful means of providing assistance to victims of torture and, on behalf of the Secretary-General, he wished to make a special appeal for further contributions to the Fund. It would be most helpful for the efficient operation of the Fund if Government contributions could be forthcoming annually.

12. Mrs. COLL (Ireland) said that since its proclamation by the General Assembly in 1981, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had rightly served as a cornerstone of discussion in the Third Committee, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities. Unfortunately, it was still too often the case that the limitations placed on the right to manifest one's religion or beliefs were not confined, as stipulated in article 1, paragraph 3, of the Declaration, to those prescribed by law and necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. The implications of failure to protect those rights were grave, precisely because religion or belief was one of the fundamental elements of the believer's concept of life.

(Mrs. Coll, Ireland)

13. In her delegation's view, dissemination of the Declaration must be given further attention. The starting point for practical action was clearly article 4. She observed in that connection that sincere efforts by States to combat intolerance and to facilitate the emergence of a climate of tolerance were no less indispensable for being difficult. Unless the problem was tackled at its roots, religious intolerance would continue to be manifested in discrimination. Legislative action alone could not eliminate it. In that connection, she noted that the Seminar held at Geneva in December 1984 (A/40/361) had provided an important opportunity to bring out the various options for concrete action at all levels. On the basis of a draft resolution introduced by Ireland, the Commission on Human Rights, at its forty-first session, had adopted resolution 1985/51 which sought to ensure that the recommendations of the Seminar were followed up. Because of their importance for the entire membership of the United Nations, her delegation intended to submit a draft resolution that would, inter alia, seek to advance those recommendations. Their implementation by States would greatly facilitate the provision of relevant information to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

14. A great number of bodies besides Governments had an important contribution to make to the effective realization of freedom of religion or belief for all without discrimination. First among those were the churches themselves, to whom a number of specific suggestions had been addressed by the Seminar in paragraph 102 (h) of its report. Her delegation would be interested to learn of reactions to those suggestions. It would also be beneficial to share experiences with respect to initiatives taken or planned in the area of education for religious tolerance.

15. Mr. HOPPE (Denmark), speaking on behalf of the five Nordic countries on items 104 and 144, said that his delegation was satisfied with the way in which the Human Rights Committee was endeavouring to fulfil its mandate despite a number of adverse circumstances. In that connection, it was a matter of great concern that a considerable number of States parties to the International Covenant on Civil and Political Rights were not fulfilling their reporting obligations, a problem which had taken on such proportions that it might even undermine the standing of the Covenant.

16. The same comments were applicable with regard to the International Covenant on Economic, Social and Cultural Rights. The Nordic countries therefore welcomed the decision by the Economic and Social Council, in its resolution 1985/17, to establish a Committee on Economic, Social and Cultural Rights. His delegation urged Member States which had not yet done so to adhere to the International Covenants and the Optional Protocol, and to make the declaration provided for under article 41 of the International Covenant on Civil and Political Rights. In view of the Nordic countries' consistent support for a proposed second optional protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, his delegation looked forward to the results of the consideration of the proposal by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

(Mr. Hoppe, Denmark)

17. He noted that one of the proposals which had emerged from a meeting of chairpersons of supervisory bodies in the field of human rights, held at Geneva in August 1984, concerned the assistance of regional advisers on human rights standards. His delegation strongly urged that the proposal should be given further consideration by the Secretary-General and Member States. The most urgent concern should be to render assistance to Governments in their preparation of periodic reports which were already behind schedule. The Nordic countries recommended that another meeting of the same kind should be organized in 1986 with a view to improving the functioning of the various supervisory bodies, and thought it would be logical and advisable for the Chairperson of the Committee on the Elimination of Discrimination against Women to participate.

18. With regard to item 144, he said that torture continued to be a distressingly common evil in different parts of the world, at times even becoming an institutionalized practice. Against that background, the Nordic countries whole-heartedly welcomed the adoption without a vote by the General Assembly at its thirty-ninth session of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Nordic countries were among those which had signed the new Convention in February of the current year, and it was their intention to proceed to ratification as soon as possible. They appealed urgently to all Member States to sign and ratify the Convention as soon as their appropriate constitutional procedures would allow. His delegation warmly welcomed the adoption by the Commission on Human Rights of a resolution providing for the appointment of a special rapporteur on torture. In conclusion, he expressed the hope that Member States which had contributed to the United Nations Voluntary Fund for Victims of Torture would continue to do so generously, and he called upon Member States which had not yet made contributions to the Fund to consider doing so.

19. Miss SOBOLEVA (Byelorussian Soviet Socialist Republic) said with regard to item 103 that her delegation fully supported Poland's initiative in regard to the preparation of a draft convention on the rights of the child and had joined in sponsoring the relevant draft resolutions. That humanitarian issue was of concern to all the socialist countries, which had consistently made every effort to promote the well-being of their children. The rights of the child, the mother and the family were safeguarded under her country's Constitution, which also made it incumbent on all citizens to bring up their children in such a way as to prepare them for a useful role in society. Ever since the triumph of the Great October Revolution, concern for children had been a cornerstone of State policy. Accordingly, the State had established a wide range of services and institutions for children, including creches and kindergartens, clubs, schools offering training in the arts, parks, libraries and theatres. It had likewise created the requisite conditions to enable mothers to combine work and participation in public activities with their family responsibilities. To that end, it had set up preschool child-care centres at least 80 per cent of the costs of which it underwrote. Those centres encouraged children to develop their natural talents and fostered in them the spirit of comradeship, peace and good-neighbourliness. Children's health requirements were catered for by a health service to which all children had access free of charge.

(Miss Soboleva, Byelorussian SSR)

20. The country's child and youth services focused on the individual's all-round development. Free education was provided at all levels. All young persons were free to choose their careers, and to participate in cultural, scientific, technical and sports activities. The country's trade union associations, which she represented, co-operated with State and economic organizations in furthering the education of young people. Their contribution included the provision of family rest homes, pre-school centres, dispensaries and sanatoria for mothers and children, and efforts to improve school conditions and career guidance services, as well as facilities for sports and leisure activities.

21. The draft convention would enhance the effectiveness of the measures adopted in connection with the International Year of the Child and were in conformity with the provisions of such instruments as the Declaration on the Rights of the Child and the human rights covenants. Her delegation had no doubts about the legal meaning of any of its provisions, which were specific and aimed at protecting the child in all circumstances. While the text did not seek to define the term "child", the exact meaning of which differed from country to country, its provisions were meant to apply to children everywhere without distinction on racial, religious, linguistic or any other grounds. The provisions of the draft, especially in articles I and X, reflected the most fundamental principles relating to the rights of children and the improvement of their status

22. Regrettably, the situation of children left much to be desired in many parts of the world. According to UNICEF figures, hundreds of millions of children in the non-socialist countries suffered from malnutrition and lack of medical care and schooling. Moreover, ILO data showed that some 54 million children were obliged to work for their livelihoods.

23. Colonialism's worst legacy was the hunger afflicting the populations of most of the developing countries. Maternal malnutrition affected roughly one sixth of the world's new-born children. Diseases successfully combated in many countries still took a heavy toll of undernourished children in Asia, Africa and Latin America. Under the racist régime of South Africa, the infant mortality rate in the "Bantustans" and reservations stood at around 50 per cent. Although the rights of the child had long been asserted in several international instruments, they were not everywhere observed; even in some developed capitalist countries there were children deprived of education, medical care and the protection of the law. Her delegation therefore urged the speedy preparation and adoption of a declaration on the rights of the child as a token of the Member States' sincere desire to promote and protect those and all other human rights.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)
(A/C.3/40/L.14/Rev.1)

24. Mr. MATELJAK (Yugoslavia), speaking on behalf of the sponsors of draft resolution A/C.3/40/L.14/Rev.1, said that paragraph 3 had been revised to correspond to the previous year's resolution; the new paragraph 4 had been revised to make it more acceptable to some delegations; and paragraph 4 of the original

(Mr. Mateljak, Yugoslavia)

draft resolution had been deleted because of its possible negative implications, especially for small, non-aligned countries.

25. Mrs. MOIZ (Pakistan) said that her delegation had reservations about the way the revised draft resolution had been submitted. Although Pakistan had been a sponsor of the original text, it had not been consulted about the revision. Pakistan therefore withdrew its sponsorship of the draft.

26. Mrs. WARZAZI (Morocco) said that her delegation had several questions to ask the representative of the Office of Legal Affairs with regard to paragraph 4 of the draft resolution. First, to what extent was paragraph 4 in accordance with articles 3 and 9 of the International Convention on the Elimination of All Forms of Racial Discrimination? Secondly, was the General Assembly able to give instructions to a committee of experts and whose only mandate, according to article 9 (2) of the Convention, was to transmit its report to the General Assembly for information purposes? Thirdly, she wished to know whether it was the responsibility of the General Assembly, the States parties or the committee of experts to interpret the provisions of the Convention, and, fourthly, what effect the adoption of the draft resolution would have on the work of the committee of experts.

27. Mr. SCOTT (Office of Legal Affairs) said that the Committee on the Elimination of Racial Discrimination (CERD) was not a subsidiary organ of the General Assembly but an autonomous treaty body established pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, to which not all States Members of the United Nations were parties. Therefore, paragraph 4 of draft resolution A/C.3/40/L.14/Rev.1, if adopted, would constitute a recommendation to the Committee and not a binding instruction. Furthermore, the right to give authoritative interpretations of the Convention, and the powers of the Committee thereunder, rested not with the General Assembly but, in the first instance, with CERD itself, as the body responsible for monitoring compliance with the Convention, and ultimately with the States parties. Hence, were paragraph 4 to be adopted, it would be the responsibility of CERD to determine the extent to which it could be given effect, consistent with the Committee's understanding of its obligations and those of the States parties to the Convention, including, of course, the obligations set forth in articles 3 and 9.

28. Mrs. WARZAZI (Morocco) thanked the representative of the Office of Legal Affairs for his clarifications and asked that they be included in the Committee's report.

29. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that Mr. Scott's explanations were interesting and well-founded. His delegation requested that they should be either included in the summary record or circulated in the form of a Committee document.

30. The CHAIRMAN said that the Committee's report to the General Assembly would contain the position statement given by the representative of the Office of Legal Affairs. He then invited members of the Committee to explain their votes before the vote.

31. Miss BYRNE (United States of America), speaking in explanation of vote before the vote, said that her delegation had voted against the resolution on the same subject at the thirty-ninth session of the General Assembly because its sponsors had insisted upon including an element which was not directly relevant to the item and which was known to cause legal difficulties for many delegations. Unfortunately, the sponsors had again included the element - a reference to apartheid as "a crime against humanity" - in paragraph 5 of the draft resolution. In addition, other divisive elements not directly relevant to the report of CERD had been included in the text. For those reasons, her delegation would vote against the draft.
32. Mr. LAHIRE (Luxembourg), speaking on behalf of the 10 States members of the European Community, said that CERD, if it wished to exercise its mandate effectively, should not go beyond its prerogatives; its mandate was strictly limited to questions relating to racism and racial discrimination. It was not the responsibility of either CERD or the General Assembly to interpret the obligations of States parties to the Convention. Under article 9 of the Convention, the Committee was empowered to make suggestions and general recommendations in its report to the General Assembly. Competence to consider the annual report of CERD resided, in the first instance, in the Third Committee. That did not authorize the Third Committee, however, to try to impose on CERD a working method or extend its mandate.
33. The scope of paragraph 4 of the draft resolution was essentially political in nature. In view of the near-universality of accession to the Convention, the introduction of irrelevant and controversial elements reflecting the political interests of certain States parties should be rejected. Draft resolutions concerning racism and racial discrimination should reflect a unanimously shared concept of the mandate and functions of CERD. For those reasons, the Ten could not cast a positive vote on paragraph 4. Moreover, the same reasons which had led them to abstain the previous year on paragraphs 5 and 13 were still valid. The Ten found it regrettable that consultations had begun only very recently and at a stage where the problems involved could not be settled. It was essential to return to the old traditions and practices which had so long characterized the working methods of the Committee. The States members of the European Community would participate actively in the preparation of a draft resolution in respect of CERD in 1986.
34. Mr. KHAN (India) said that his delegation would vote in favour of the draft resolution because it fully supported the work of the Committee on the Elimination of Racial Discrimination (CERD). However, with regard to paragraphs 8 and 11, his delegation noted that there was no mention in the Convention itself of "national or ethnic minorities" or of "indigenous populations". It was his delegation's understanding that the rights referred to in those two paragraphs were to be interpreted strictly within the meaning of article 1 of the Convention.
35. Mr. RIACHE (Algeria), speaking in explanation of vote on paragraphs 4 and 13 of the draft resolution, said that his delegation would vote in favour of the two paragraphs for several reasons. In the first place, the intention of paragraph 4 was to prevent any deviations from article 15 of the Convention, according to which

(Mr. Riache, Algeria)

the Committee was to receive information concerning the Trust and Non-Self-Governing Territories, and all other territories to which General Assembly resolution 1514 (XV) applied, from the competent United Nations bodies and in no case from the administering Powers of those Territories or from States parties to the Convention. The latter were to submit their reports under articles 3 and 9, whereas the administering Powers were invited, under article 15 (2)(b) of the Convention, to submit information concerning the Territories to the competent United Nations bodies. That was the view of CERD itself, as expressed in a statement made at its first session with regard to its responsibilities under article 15 of the Convention. The Committee had stated that article 15 of the Convention did not empower it to receive any petitions directly or through any channel other than the bodies mentioned in subparagraph 2 (a) of that article. As anyone could see, paragraph 4 of the draft resolution did not contain any confusing elements, nor was it an attempt to modify the provisions of the Convention or the Committee's mandate. His delegation would therefore vote in favour of paragraph 4. Any vote against that paragraph, in his delegation's view, was equivalent to encouraging the violation of article 15 of the Convention, and any abstention was tantamount to indifference to the violation of that article and thus of the Convention itself.

36. His delegation also supported paragraph 13 of the draft resolution, although it had reservations concerning the last part, which invited States parties to submit information on the demographic composition of their population. Algeria did not have such information and, if it did, it would not be inclined to transmit it to CERD.

37. Mrs. WARZAZI (Morocco) said that her delegation would abstain on paragraph 4 because of the legal difficulties which it presented in relation to paragraph 14. Moreover, in her delegation's view, delegations should not presume to interpret the votes of other delegations.

38. Mrs. ALVAREZ (France) said that her delegation's position had been noted by the representative of Luxembourg, speaking on behalf of the European Community. Her delegation would vote against operative paragraph 4 of the revised draft resolution, since the General Assembly was not empowered to give instructions to the Committee on the Elimination of Racial Discrimination.

39. Mr. LY (Senegal) said that the explanation provided by the Legal Counsel had not made clear to what extent the text of operative paragraph 4 of the revised draft resolution conformed to articles 9 and 15 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Third Committee was not competent to say how the Convention should be interpreted; therefore, his delegation would abstain during the separate vote on operative paragraph 4, without prejudice to its position on the remainder of the text.

40. Mr. CHEN Shiqiu (China) said that, as a sponsor of draft resolution A/C.3/40/L.14/Rev.1, his delegation could accept the text of operative paragraph 4 on the understanding that it reaffirmed the relevant articles of the Convention and did not relate to or affect the positions of Governments in regard to certain specific questions.

41. At the request of the representative of Yugoslavia, a recorded vote was taken on operative paragraph 4 of draft resolution A/C.3/40/L.14/Rev.1.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Ghana, Guinea-Bissau, Hungary, India, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malta, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Burma, Canada, Central African Republic, Chad, Chile, Colombia, Denmark, Egypt, Finland, Gambia, Greece, Guatemala, Guyana, Honduras, Iceland, Ireland, Ivory Coast, Jamaica, Japan, Malaysia, Morocco, New Zealand, Norway, Senegal, Spain, Sudan, Suriname, Swaziland, Sweden, Turkey, Zaire.

42. Operative paragraph 4 of draft resolution A/C.3/40/L.14/Rev.1 was adopted by 82 votes to 9, with 36 abstentions.

43. At the request of the representative of Yugoslavia, a recorded vote was taken on operative paragraph 5 of draft resolution A/C.3/40/L.14/Rev.1.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast,

Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland.

44. Operative paragraph 5 of draft resolution A/C.3/40/L.14/Rev.1 was adopted by 116 votes to 1, with 21 abstentions.

45. At the request of the representative of Yugoslavia, a recorded vote was taken on the second part of operative paragraph 13 of draft resolution A/C.3/40/L.14/Rev.1, from the words "including information" to the end of the paragraph.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea-Bissau, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Burma, Denmark, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guyana, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Mali, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

46. The second part of operative paragraph 13 of draft resolution A/C.3/40/L.14/Rev.1 was adopted by 110 votes to none, with 24 abstentions.

47. At the request of the representative of Yugoslavia, a recorded vote was taken on draft resolution A/C.3/40/L.14/Rev.1 as a whole.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Belgium, France, Germany, Federal Republic of, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

48. Draft resolution A/C.3/40/L.14/Rev.1 as a whole was adopted by 129 votes to 1, with 8 abstentions.

49. Mr. AKYOL (Turkey), speaking in explanation of vote, said that his delegation, which always supported international efforts to combat racism and racial discrimination, had voted in favour of draft resolution A/C.3/40/L.14/Rev.1. However, it had reservations regarding certain parts of the report of the Committee on the Elimination of Racial Discrimination, which failed to reflect the true historical context of certain questions.

50. Ms. YOUNG (United Kingdom) said that her delegation disagreed with the undue emphasis placed on the part of the Committee's report dealing with Trust and Non-Self-Governing Territories; moreover, the text contained decisions and opinions that exceeded the Committee's terms of reference. The United Kingdom scrupulously observed all its obligations under the Charter and the Convention. Her delegation had voted against operative paragraph 4, which failed to take account of the reporting obligations of States parties which were also administering Powers. It also had difficulties with regard to operative paragraph 6, which referred to a resolution whose adoption her delegation had not supported.

51. Mr. DUGUAY (Canada) said that although his delegation had voted in favour of the draft resolution, it had reservations about the politicizing of the report in question and hoped that in future similar texts would be free of such elements.

52. Mr. QUINN (Australia) said that his delegation had voted in favour of the draft resolution but regretted that its sponsors had not consulted all interested parties before submitting it. Due to the resultant lack of balance in the text and certain legal difficulties, his delegation had abstained during the separate votes on operative paragraphs 4 and 5.

53. Mr. STROHAL (Austria) said that his delegation had voted in favour of draft resolution A/C.3/40/L.14/Rev.1 but regretted that once again the wording had prevented the draft resolution from being adopted by consensus, which was warranted in the case of such an important subject as the elimination of racial discrimination. His delegation had abstained from voting on the separate parts on the draft, which involved matters that were beyond the scope of the Convention and the mandate of the Committee on the Elimination of Racial Discrimination.

54. Mr. HOPPE (Denmark), speaking on behalf of the Nordic countries, said they had voted in favour of the draft resolution as a whole, although they regretted the lack of consultation and had serious reservations about certain parts of the text. The wording of operative paragraphs 2 to 4 failed to focus on racial discrimination as the Committee's main purpose and called upon that Committee to take action beyond the scope of its mandate, which the General Assembly was not competent to amend. The Nordic countries had therefore abstained from voting on the separate parts of the text.

55. Mrs. ITO (Japan) wished to record her delegation's view that the term "crime against humanity" in the text of the draft resolution had no legal implications.

56. Miss BAZIYAKA (Rwanda) said that, had her delegation been present during the voting on draft resolution A/C.3/40/L.14/Rev.1, it would have voted in favour.

57. Mr. TROUVEROY (Belgium) said that the International Convention on the Elimination of All Forms of Racial Discrimination was the most widely ratified of all United Nations international instruments; it was all the more regrettable, therefore, that the draft resolution had not been worded in such a way as to enable it to be adopted by consensus.

58. Ms. FRANCO (Portugal) recalled the concern expressed by her delegation during the general debate on the report of the Committee on the Elimination of Racial Discrimination about discussions going beyond the scope of that Committee's mandate. That Committee was not a political body and the undue politicization of the International Convention on the Elimination of All Forms of Racial Discrimination had compelled her delegation to abstain during the voting. Her country was, however, strongly committed to the Convention, opposed to apartheid, and concerned about the issues dealt with in the draft resolution.

59. The CHAIRMAN said that the Committee had thus concluded its consideration of item 94.

AGENDA ITEM 96: QUESTION OF AGING: REPORT OF THE SECRETARY-GENERAL (continued)
(A/C.3/40/L.26/Rev.1)

60. Mr. MATELJAK (Yugoslavia) introduced draft resolution A/C.3/40/L.26/Rev.1 on behalf of the Group of 77. The text was the result of further consultations with delegations and represented a real consensus. Australia had proposed that in operative paragraph 2, the words "by all United Nations bodies, organs and agencies" should be inserted after the word "undertaken". There had only been time to consult 20 delegations of the Group of 77, but none of them had had any objection to the proposed Australian amendment.

61. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial or programme implications.

62. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.26/Rev.1, as orally amended, without a vote.

63. Draft resolution A/C.3/40/L.26/Rev.1, as orally amended, was adopted.

AGENDA ITEM 92: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE
(continued) (A/C.3/40/L.28/Rev.1)

64. Mr. SOLEMANOV (Bulgaria), introducing draft resolution A/C.3/40/L.28/Rev.1, said that the text was basically the same as that of General Assembly resolution 39/123, which the Committee had adopted by consensus. However, there were some new elements, such as the second preambular paragraph. In operative paragraph 4, the words "the protection of motherhood" should be replaced by "its protection". In operative paragraph 5, the word "motherhood" should be replaced by "parenthood". The blank space at the end of operative paragraph 6 would eventually be filled with a title that would be provided later. He hoped the draft resolution would be adopted by consensus.

65. Mrs. MOIZ (Pakistan) proposed that in the fourth preambular paragraph, the words "foreign intervention, occupation and alien domination" should be inserted after the word "apartheid".
66. Mrs. WARZAZI (Morocco) said that the words "motherhood" and "maternity leave" should be retained in operative paragraph 4. She found the other revisions mentioned by the representative of Bulgaria acceptable.
67. Mr. SOLEMANOV (Bulgaria) said that his delegation had no objection to the Moroccan view that the word "motherhood" should be retained, but other sponsors might not agree with it. There had been no suggestion of changing the words "maternity leave".
68. The CHAIRMAN, replying to questions from Mr. OUEDRAOGO (Burkina Faso) and Mrs. WARZAZI (Morocco), said that the changes mentioned by the representative of Bulgaria would be included in all language versions. The editors would find the correct terms.
69. Mrs. UMADA (Colombia) proposed that the words "terrorism in all its forms" should be added at the end of the Pakistan amendment to the fourth preambular paragraph. She also suggested that in operative paragraph 5 the word "motherhood" could be replaced by the words "motherhood and fatherhood".
70. Mr. PERUGINI (Italy) said that he would prefer the word "parenthood" to be used in the English text. The editors could find the correct words for the other language versions.
71. Mr. SOLEMANOV (Bulgaria) said that he was willing to replace "parenthood" by "motherhood and fatherhood".
72. Mrs. WARZAZI (Morocco) said that the word "motherhood" should be used, as in General Assembly resolution 39/123.
73. Mr. SOLEMANOV (Bulgaria) said that taking operative paragraph 5 as a whole it would be clear that replacing "motherhood" by the words "motherhood and fatherhood" would not alter the general thrust of the resolution, which would continue to be concerned with assistance to women.
74. If the difficulties with the wording persisted, action on the draft resolution could perhaps be deferred until all the suggestions made had been combined or accommodated.
75. Mr. VILLAGRA DELGADO (Argentina) observed that one word, "parenthood", could be used in the English text but two words were needed to convey the meaning in the French and Spanish texts. The matter should be left to the editors.
76. Mr. QUINN (Australia) endorsed the suggestions made by the representatives of Argentina and Italy. His delegation, which had proposed the amendment in question, considered the word "parenthood" to be of profound importance and there was a matter of principle at stake: parenthood implied shared responsibility. Consequently, his delegation wished the word "parenthood" to be retained.

77. Mrs. KOUMBA (Gabon) said that the wording had become a matter of substance, not of form, and was therefore no longer merely a question of translation. She suggested that in operative paragraph 5 the words "combining motherhood" should be replaced by "enabling parents to combine their responsibilities".
78. Ms. CLARK (New Zealand) said that the Committee was not adhering to its timetable and could not afford to keep deferring action. She suggested that the word "parenthood" should be used in the English text and the words "motherhood and fatherhood" in the French and Spanish texts.
79. Mrs. WARZAZI (Morocco) said that the Gabonese proposal was acceptable to her, but suggested that it might be altered slightly to read "enabling parents to combine their responsibility as parents". She also proposed that in operative paragraph 5 the words "thus to provide assistance to women in integrating fully" should be replaced by the words "and thus to assist women in integrating fully".
80. Mrs. KOUMBA (Gabon) said that the representative of Morocco had omitted to mention "family responsibilities", i.e. the responsibility of both the father and the mother to their children.
81. The CHAIRMAN requested the sponsors' view on the amendments to the fourth preambular paragraph proposed by the representatives of Pakistan and Colombia.
82. Mr. SOLEMANOV (Bulgaria) said that the sponsors had no objection to adding to the list of obstacles to the achievement of equality contained in the fourth preambular paragraph, although such additions might diverge from the main thrust of the resolution.
83. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt, without a vote, draft resolution A/C.3/40/L.28/Rev.1, as orally revised by the representative of Bulgaria and orally amended by the representatives of Pakistan and Colombia.
84. Draft resolution A/C.3/40/L.28/Rev.1, as orally revised and amended, was adopted.
85. Miss BYRNE (United States of America) said that she was concerned by the great number of resolutions on women's concerns; she had thought that the implementation of the Forward-looking Strategies adopted at the Nairobi Conference would have been more important. The continued stress laid on old issues was downgrading the Nairobi Conference and did not reflect its spirit.
86. She had reservations about operative paragraph 2 of the draft resolution, since some States in her country had already adopted equal pay provisions.

The meeting rose at 6.25 p.m.