



SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. HAMER (Netherlands)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/41/3, 180, 183, 189, 213, 274 and Add.1, 215, 317 and Add.1, 326, 337, 343, 354, 398, 461 and Corr.1, 462, 494, 507, 523, 607, 667, 710, 719, 729, 771, 774, 787; A/C.3/41/1, 3, 6; A/C.3/41/L.1, L.6, L.18, L.33, L.49 and L.57)

1. Mr. MORAN (Spain) said that his country considered the strengthening of existing United Nations human rights machinery to be of supreme importance; adequate funds must be provided. The funds currently allocated to human rights programmes accounted for less than 1 per cent of the regular budget. It was unfair to cut that tiny amount, however necessary cuts might be, in the same proportion as other, adequately funded, programmes. The cuts had adversely affected the Sub-Commission and the publication of the rapporteurs' interim reports.

2. His delegation acknowledged the crucial nature of the right to life and the right to security, and decried the practice of summary or arbitrary execution as one of the greatest violations of those rights. Only through the introduction of adequate procedural safeguards would it be possible to protect the security of detainees and ensure that they were given fair trials. In countries with the death penalty, furthermore, that penalty should not be applied without strict guarantees of the rights of the defendant. On those grounds his delegation endorsed the conclusions in the report by the Special Rapporteur, Mr. Wako; it agreed with Mr. Wako that the subject deserved the constant attention of the international community, and supported the renewal of Mr. Wako's mandate.

3. Enforced and involuntary disappearances were another gross violation of human rights. The efforts of the Working Group were very important, and Governments should afford the Group all necessary co-operation so that it could carry out its mandate more effectively. He fully supported the recommendation of the Commission of Human Rights, endorsed by the Economic and Social Council, to extend the Group's mandate for two years; he was, nevertheless, very concerned that the resources intended for that purpose had been reduced considerably.

4. Another matter of concern to his delegation was the status of those people involved in mass exoduses, especially when they were the result of massive violations of human rights. Mention must also be made of the exoduses stemming from the current world economic crisis, which was most keenly felt in the countries with the feeblest economies. It was time to introduce a new, fairer international economic order, which would help to check the migration of the poor towards centres of affluence, and to adopt the draft convention on migrant workers laying down standards to govern the situations which sometimes arose as a result of such migration.

5. Regarding the human rights situation in Afghanistan, the Special Rapporteur, Mr. Ermacora, had done a fine job in preparing his report, bearing in mind the problems caused by the lack of collaboration from the Afghan Government. His delegation repeated its call on the Afghan Government to co-operate with the

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Rapporteur. The practice of torturing opponents of the Government, indiscriminate bombardment and the forced resettlement of entire populations were examples of failure to respect the standards and principles laid down in the covenants to which Afghanistan was party. It was especially alarming that almost one third of the Afghan population had sought refuge in neighbouring countries. Regrettably, the changes in Government of a few months previously had not improved the situation. It could be deduced from the report of the Special Rapporteur that the political and military conflict which, exacerbated by foreign intervention, was the cause of the current human rights situation in Afghanistan, had intensified. Only the complete withdrawal of foreign troops, combined with the free exercise by the Afghan people of their right to self-determination, would allow Afghanistan to regain its neutral and non-aligned status. It was imperative for the Afghan Government to respect and enforce the obligations arising out of the Covenants and the norms of humanitarian law. His delegation endorsed the conclusions and recommendations contained in the Special Rapporteur's report.

6. The situation of human rights and fundamental freedoms in Iran continued to evoke great concern in his delegation. Reports from various sources confirmed the continuing occurrence of serious human rights violations in that country. The lack of co-operation by the Iranian authorities with the Special Representative was regrettable, since it made it harder to discover and consider the real human rights situation. Co-operation must be extended, and the Special Representative must be allowed access to the country.

7. As in the case of Afghanistan, the presence in Kampuchea of foreign troops supporting an illegitimate Government had repeatedly been denounced by the United Nations. The withdrawal of foreign troops and a subsequent guarantee that the Kampuchean people could freely exercise their right to self-determination were essential if the current suffering of that people was to end.

8. The positive developments in an increasing number of Latin American countries had revived hopes of a rapid restoration of democracy throughout the continent. Given the heartening prospect of such a development, the eyes of the Spanish people were fixed on the events taking place in El Salvador and Guatemala. He voiced satisfaction at the co-operation which the Salvadorian Government had continued to offer the Special Representative, and said that the Rapporteur's analysis of the human rights situation in El Salvador had once again been very balanced. At the same time, he regretted that only one part of the report had been published, especially when one considered that the Committee had been provided with voluminous reports on other agenda items.

9. Spain viewed with great satisfaction the firm commitment of President Duarte's Government to democratize El Salvador, giving respect for human rights a prominent position. The Spanish Government urged the Government of El Salvador to continue along that path. He sincerely welcomed the progress noted by the Special Representative, notably the decline in assassinations, the dwindling number of disappeared persons and the fact that the army was now waging war in a more humanitarian manner. The legislative proposals for legal reform and the reform of

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Decree 50 were also encouraging. Nevertheless, the policy of reform embarked on by the Government of El Salvador must be taken further, for the report of the Special Representative also showed that assassinations, disappearances, torture and psychological pressure on detainees were continuing to occur, that the "death squads" were still in operation, that the number of political prisoners had grown and that the criminal justice system remained unsatisfactory.

10. Although the release of prisoners by the Frente Farabundo Martí para la Liberación Nacional (FMLN) was encouraging, it was a matter of deep concern that the guerrilla forces continued to commit gross violations of human rights, in particular murders and politically motivated kidnappings. On the other hand, the systematic guerrilla attacks against El Salvador's economic infrastructure were making the country's feeble economy still poorer, and must cease.

11. To strengthen the democratic process and win full respect for human rights, the war and confrontation must cease and a civil peace must be established. He urged the Government of El Salvador and the FMLN-FDR to resume the dialogue which had again reached a standstill. Until the Salvadorian people again had peace and security, the Government and the guerrilla forces should scrupulously observe the relevant provisions of the 1949 Geneva Conventions and the Additional Protocols of 1977.

12. His delegation agreed with the conclusions of the Special Representative's report and supported the recommendations in the final section. It also believed that the Special Representative himself should closely monitor the action taken on his recommendations, and that that task should be the principal element in his mandate.

13. With regard to human rights and fundamental freedoms in Guatemala, his delegation regretted that it had not been possible to receive up-dated information from the Special Representative: in view of the latter's recent visit to that country, such information would have been very valuable. The establishment of a civilian government by popular election and the entry into force of a new Constitution were very encouraging, especially the fact that the Government of President Cerezo had committed itself to promoting respect for human rights, a commitment which had already been translated into specific efforts to strengthen the democratic process and the safeguarding of those rights. His delegation attached great importance to the legislative measures taken to establish a parliamentary human rights commission and appoint a government prosecutor for human rights, and welcomed the decision to dismantle the Department of Investigation. His Government urged the Guatemalan Government to continue its policy of democratization and to implement additional measures in the sphere of human rights. In that connection, it was necessary and urgent to shed light on the whereabouts of disappeared persons and to facilitate the action of the law courts in bringing human rights violators to trial. Although some progress had been made in that area, information received from various sources indicated that serious abuses continued. His delegation realized that the Guatemalan authorities wanted to establish a democratic system in the country and guarantee human rights, but it

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was also aware of the obstacles that they would have to overcome. It therefore expressed its support for and confidence in them.

14. He regretted that Chile continued to be an exception to the democratization process in Latin America and that the United Nations must continue to focus its attention on the serious situation of human rights and fundamental freedoms brought about by the current Chilean Government. The co-operation extended by the Chilean authorities to the Special Rapporteur was positive and the latter's conclusions and recommendations were generally acceptable, although many of them had been superseded by recent events in Chile which had seriously aggravated the situation. The state of siege had been reimposed, laws imposing serious social and political restrictions had been applied more harshly and abuses by the authorities had increased. Furthermore, despite repeated appeals by the international community, reports continued to be received of serious human rights violations such as murders, abductions, disappearances, torture and ill-treatment. The rights of freedom of opinion, information and association had been limited or suspended, citizens' demonstrations were being violently repressed, university campuses and urban neighbourhoods were being raided and institutions and individuals working for human rights were being coerced.

15. His delegation condemned acts of violence, whoever perpetrated them. However, it considered the indiscriminate use of violence by the Chilean authorities in response to the violent actions of certain groups to be unjustified. As the Special Rapporteur himself indicated, there remained in Chile the experience of a representative democratic system equidistant from all political extremes which would make it possible to undertake the national effort needed to draw up programmes of political action which served the general good. His delegation continued to hope that democracy would be restored in Chile.

16. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Commission on Human Rights and the Economic and Social Council had done important work, in the past year, including efforts to combat such massive and flagrant human rights violations as racism, apartheid and racial discrimination. It had also denounced and condemned the practices of dictatorial régimes, the crimes of imperialist mercenaries and policies which were an incitement to neo-nazism. The Commission and the Council had devoted particular attention to the recognition and exercise of social, economic, civil and political rights, which were inseparable, and in particular such important rights as the right to life and to development.

17. Some delegations of Western countries insisted on presenting the work done by the Commission and the Council in 1986 in another light. They acted as if human rights violations did not occur in Western countries and were the exclusive preserve of other countries, and they set themselves up as critics and moral judges. He wondered whether those delegations really believed that the criteria of totalitarianism and human rights violations did not in fact apply to their own countries. If that was so, that in itself would show that they had a totalitarian attitude and were incapable of assimilating and understanding the reality of other social systems.

(Mr. Yakovlev, USSR)

18. At the previous meeting, the United Kingdom representative had referred in some detail to human rights violations. He had included the Soviet Union in his list, but had refrained from mentioning the situation of human rights in Western countries, including his own. It was important to shed light on the real human rights situation in the United Kingdom. One had only to recall the recent repression by British police of individuals demanding independence for Ireland; the many imprisoned dissidents; the death of Bobby Sands and other political prisoners who had died in British prisons; the violation of trade union rights and the brutal repression of striking British miners; and Government policies which prevented almost 4 million people, or 11.7 per cent of the population, from exercising their right to work. The totalitarianism of the United Kingdom had also manifested itself in its racial and colonialist aspects and was what enabled South Africa to perpetuate its apartheid and racist policies. In short, a few examples revealed the real policies of the United Kingdom and showed clearly that it had very wide experience of totalitarianism and could not be presented as a model of democracy and pluralism.

19. His delegation believed that States should abide by the provisions of the International Covenants on Human Rights and that that should be the main thrust of United Nations human rights activities. That was also true for the United Kingdom and the Twelve.

20. The international community was deeply concerned that flagrant and massive violations of human rights had been occurring in Chile ever since a fascist military régime had been installed in September 1973 with the assistance of the United States of America. The 1980 Constitution gave a legal stamp of approval to all kinds of violations of human rights and fundamental freedoms and legitimized terrorist practices against the people. The Government had used all kinds of methods to eliminate its opponents, including disappearances, arbitrary executions and torture. The state of siege and the state of emergency had been reimposed, and there had been a succession of macabre incidents such as that in July 1986 when members of the armed forces had brutally burnt two young people, Rodrigo Rojas and Carmen Quintana.

21. It was difficult to understand the optimism of the Special Rapporteur, Mr. Volio Jiménez, who hoped that by February 1987 the Chilean people would have found a broad and safe path to the exercise of their human rights. Were terrorism and extermination of the people the path to the full exercise of human rights? Mr. Volio Jiménez's sympathies appeared to lie with the Chilean Junta and not with the people.

22. Popular demonstrations had shaken the Pinochet régime and there were signs that an end might be put to the dictatorship, if democratic forces united, so that a Government could be set up which respected human rights, eradicated fascism and put an end to torture and political crimes.

23. The international aspect of the Chilean question was also important. That the Pinochet régime had remained in power for so long was a result of the assistance it

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received from the United States of America. In September 1986, a United States general had been sent to Chile who, in his meeting with the Junta at Santiago, had said that United States interests in the region coincided with those of Chile's armed forces. Furthermore, when Senator Edward Kennedy had visited Chile, he had observed that United States arms sales and loans to Chile were a form of interference in the country's internal affairs in favour of the dictatorship and against the people. The Pinochet régime had handed over the country's most important mineral resources to United States corporations when it had reversed the nationalization of the copper industry carried out by President Allende. That infamous complicity cast over the United States the shadow of the crimes being committed in Chile. The United States must end its support for the Chilean Junta, for which support was an impediment to the restoration of democracy.

24. His delegation would welcome the adoption of a resolution in the Third Committee in which the international community condemned the Junta and expressed its support for the struggle of the Chilean people.

25. Mr. ANSAY (Observer, Organization of the Islamic Conference) said that, since its inception, the Organization of the Islamic Conference had adopted a firm position against human-rights violations in whatever form they might occur. The divine and eternal principles of Islam enjoined the equality of human beings without distinction or discrimination on the basis of race, colour or creed. At its fourth summit meeting, held at Casablanca in January 1984, the Organization of the Islamic Conference had adopted a Declaration of Human Rights in Islam.

26. Hundreds of millions of people in the developing world lived in conditions of extreme poverty, ignorance, disease and hunger and were denied their fundamental human right to the basic necessities of life. It was ironic that the same countries which preached respect for human rights in individual cases were indifferent to violations of the human rights of large sections of humanity as they continued to waste monumental sums on the acquisition of nuclear weapons of mass destruction.

27. The human conscience was also outraged by the inexcusable and abhorrent policy of racism and racial discrimination in all its manifestations, particularly in the institutionalized form being practised by the racist minority régime in South Africa. That same régime continued to occupy Namibia illegally and to deny the Namibian people its fundamental rights and independence. The Organization of the Islamic Conference had on numerous occasions condemned South Africa's refusal to recognize the rights of the Namibian people.

28. In Palestine, the daily violations by the Zionist entity of the political, cultural and economic rights of the Palestinian people and the denial of that people's inalienable rights to self-determination, to return to its homeland and to establish a State in Palestine under the leadership of the Palestine Liberation Organization, its sole legitimate representative, constituted a major challenge to the international community and must be condemned and eradicated.

(Mr. Ansay, Observer, Organization  
of the Islamic Conference)

29. In Afghanistan, the world had for years been witnessing the military occupation of a Muslim and non-aligned country, in flagrant violation of the United Nations Charter and the norms of international conduct. The Organization of the Islamic Conference had repeatedly condemned the foreign occupation of Afghanistan and had urged the total and unconditional withdrawal of foreign troops and restoration of the country's sovereignty, territorial integrity, political independence and Islamic and non-aligned character. Thus it unequivocally supported a political solution to that conflict.

30. Another serious human-rights issue to which the Organization of the Islamic Conference and its member States attached great importance was the suffering of religious minorities in non-Muslim countries, particularly the situation of the Turkish minority in Bulgaria. The campaign of oppression against that group was in total violation of the rights and legal status of minorities guaranteed by international and bilateral treaties. The Ministers of Foreign Affairs of Islamic countries had entrusted the Secretary-General of the Organization of the Islamic Conference with the task of appointing a contact group composed of eminent persons to study the conditions of the Muslim minority in Bulgaria and to make recommendations with a view to facilitating a political solution to that tragic problem in the context of the provisions of relevant international conventions and treaties, particularly the Universal Declaration of Human Rights. The Organization hoped that the Bulgarian Government would provide the contact group with all the necessary facilities to study the situation firsthand.

31. He reiterated the firm resolve of the Organization of the Islamic Conference and its members to combat human-rights violations wherever they might occur with all the resources at its command until such practices were eliminated forever.

32. Ms. KAMAL (Secretary of the Committee) said that the additional information submitted by the Special Rapporteur for Chile and the Special Representative for El Salvador had been issued only in the original language, i.e. Spanish; the additional material on Afghanistan had been issued in English only.

33. Mr. CALDERON (Chile), speaking in exercise of the right of reply, said he would not respond in detail to the accusations made by the representative of the Soviet Union; however, he wished to draw the attack, among other inaccuracies, to the attention of the Special Rapporteur, Mr. Volio Jiménez. He would address the remarks made by the representative of the Soviet Union, which he totally rejected, in his final statement.

34. Mr. BIRCH (United Kingdom), speaking in exercise of the right of reply, said that his brief remarks on the Soviet Union in his statement of the preceding day had elicited an extensive emotional response; he also pointed out that his statement had been made on behalf of the twelve States members of the European Economic Community. The accusation that British society was brutal and repressive was untrue, and no dissidents were imprisoned in his country. With regard to two of the accusations made by the representative of the Soviet Union, the situation in



(Mr. Birch, United Kingdom)

Northern Ireland was indeed a tragic one, but the responsibility for the human-rights violations that actually occurred there lay not with the Government of the United Kingdom but with those who rejected democratic and constitutional methods of change and resorted to violence and terrorism. As for unemployment, it was a source of great concern and public debate, and the Government was doing everything it could to solve the problem. At no time had he sought to give the impression that the United Kingdom had no problems or was not dealing with them. Furthermore, his Government protected the human rights of its people by giving every individual access to legal recourse through the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Soviet Union would do well to follow that example.

35. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, pointed out that he had not described British society as brutal - he had said that the United Kingdom used brutal methods to repress dissidents. Everything he had said was based on facts and could be proved. In contrast, the accusations made by the representative of the United Kingdom against his own country lacked any factual basis.

36. Mr. GARVALOV (Bulgaria), speaking in exercise of the right of reply, said that the statement by the observer for the Organization of the Islamic Conference contained numerous slanders against Bulgaria which bore no relationship at all to the situation obtaining in that country and which he consequently rejected entirely. It was unfortunate that the observer for the Organization of the Islamic Conference was not present in the room, since his absence gave the impression of flight after an attack. Bulgaria maintained relationships of mutual co-operation with the Arab Islamic States and hoped that they would continue.

37. The Organization of the Islamic Conference had decided to appoint a group composed of three eminent persons to visit Bulgaria and observe the situation there. The Secretary-General of the Organization had proposed that the group should travel to Bulgaria in mid-July 1986, and the Bulgarian Government had demonstrated its willingness to receive such a visit. The group had subsequently decided to visit the country at another time, judging the appointed date to be inconvenient. After a new date had been set, the group once again postponed its visit. He therefore wondered whether the group actually wished to visit Bulgaria and whether the statement by the observer for the Organization should be interpreted to mean that the group of observers had already decided not to visit Bulgaria because it harboured an anti-Bulgarian bias.

AGENDA ITEM 101: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/41/3 (chad. V, sect. A), A/41/464; A/41/70-S/17708, A/41/607 and 701; A/C.3/41/L.4 and Corr.1, A/C.3/41/L.5, L.34 and L.41/Rev.1)

38. The CHAIRMAN said that none of the draft resolutions submitted under agenda item 101 had financial implications.

Draft resolution A/C.3/41/L.41/Rev.1

39. Mrs. RODRIGUEZ PEREZ (Cuba), introducing draft resolution A/C.3/41/L.41/Rev.1, said that Zimbabwe had joined the sponsors and that various delegations had transmitted to her their comments on it. The sponsors had shown flexibility and negotiated in an effort to overcome differences of judgement. For example, in the sixth preambular paragraph, where resolution 1985/43 of the Commission on Human Rights was mentioned, the original reference to one paragraph of that resolution had been deleted. The sponsors had not changed the sixteenth preambular paragraph because it had already been approved in its entirety in previous years, but they had changed the original draft of the twenty-second preambular paragraph. With regard to paragraph 11, the same problems had arisen as with the sixteenth preambular paragraph and the sponsors had therefore used the same criterion, deciding to keep the original wording because it had been approved in that form in previous years. In conclusion, the sponsors hoped that the changes made would make it possible for the draft resolution to gain the same acceptance as similar resolutions had received in previous years.

40. Ms YOUNG (United Kingdom of Great Britain and Northern Ireland), speaking in explanation of vote on behalf of the twelve members of the European Community, said that they were grateful for the efforts made by the sponsors to resolve some of the differences which had arisen over the draft resolution. However, the Twelve would abstain from voting on it, despite the fact that they attached great importance to alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. The Twelve regretted that the draft resolution mentioned the right to development and the Working Group dealing with that subject at a time when the General Assembly was considering the draft declaration on the right to development in order to make it more compatible with the attitude of all States. The draft also referred to international economic and disarmament issues which should not be considered by the Third Committee because they were being treated in other forums.

41. The CHAIRMAN said that separate votes had been requested on the seventh preambular paragraph and paragraph 8.

42. A separate recorded vote was taken on the seventh preambular paragraph of draft resolution A/C.3/41/L.41/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, France, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon,

Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, 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, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

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

43. The seventh preambular paragraph was adopted by 111 votes to 1 with 21 abstentions.

44. A separate recorded vote was taken on paragraph 8 of draft resolution A/C.3/41/L.41/Rev.1.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, 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, 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, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

45. Paragraph 8 was adopted by 110 votes to 1 with 22 abstentions.

46. A recorded vote was taken on draft resolution A/C.3/41/L.41/Rev.1 as a whole.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, 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: United States of America.

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

47. Draft resolution A/C.3/41/L.41/Rev.1 as a whole was adopted by 112 votes to 1 with 21 abstentions.

48. Mr. BERTHUN (Norway), speaking in explanation of vote on behalf of the Nordic countries, said that an attempt had been made to broaden the concept of human rights to include various categories of rights that did not affect the relationship of individuals with the State. On the one hand, it was sometimes said that human rights included not only the rights of individuals or groups of individuals, but also the rights of States, nations or peoples. On the other hand, it was sometimes

(Mr. Berthun, Norway)

stated that human rights were the rights of individuals in their relationship with other individuals. Important categories of rights were involved in both cases, but it was essential to avoid human rights being diluted and distorted by including them. The rights and duties of States in their mutual relations had been and remained one of the main subjects of international law, but they were not a human rights issue.

49. Nine years previously the General Assembly had adopted resolution 32/130, which had marked a step forward conceptually in as much as it had established that human rights were indivisible and interdependent. The Nordic countries wholeheartedly supported that approach. Since the adoption of that resolution, however, subsequent resolutions had seen a gradual erosion of the very concept of human rights. The Nordic countries were not in agreement with formulations such as the human rights of peoples, or those implying that the attainment of a certain degree of development or the establishment of a new international economic order, which were important questions, could be a prior condition for the enjoyment of the human rights of individuals. The Nordic countries also regretted the continual emphasis on the right of States rather than individuals. The same importance should be assigned to both categories of rights.

50. Mrs. NITO (Japan) said that her delegation had abstained in the vote on draft resolution A/C.3/41/L.41/Rev.1 because it had reservations about the wording of certain paragraphs, in particular paragraph 8, which referred to the right to development. Efforts were being made in the Committee to reach a consensus, but that would only come about if the right to development was given careful study. Accordingly, the General Assembly should refrain from making a definitive pronouncement on the matter until the Committee had completed its in-depth study. Furthermore, in connection with the twenty-second preambular paragraph, Japan was of the view that economic development should not be considered a prior requisite for the protection of human rights.

51. Mr. HOGUE (Australia) said that his delegation had abstained in the voting because of the direct link between the resolution and the draft declaration on the right to development, which the Committee still had to consider. Australia reserved the right to amend its position in the light of the results of that consideration, which he hoped could be successfully completed at the current session.

52. Mr. ADNAN (Iraq) said that he had voted in favour of the resolution because the draft was centred on the inalienable right of peoples to development and represented a particularly appropriate means of eliminating the obstacles in the way of the development of peoples. The right of peoples to full sovereignty over their wealth referred to in paragraph 11 was already included in article 25 of the International Covenant on Economic, Social and Cultural Rights and could be interpreted as the full and absolute sovereignty of States over their resources.

AGENDA ITEM 99: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/41/3 (chap. III, sect. G), A/41/12 and Add.1, A/41/264, A/41/380 and Add.1, A/41/514, A/41/515, A/41/516, A/41/531, A/41/553, A/41/572; A/41/338 and Corr.1, A/41/360 and Corr.1, A/41/385, A/41/391, A/41/397, A/41/452, A/41/460, A/41/477, A/41/499, A/41/520, A/41/695, A/41/701, A/41/782-S/18436, A/C.3/4/L.46, L.47, L.51 and L.56) and the relevant part of AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/C.3/41/L.48, L.50, L.52-55.

53. The CHAIRMAN said that the draft resolutions on the items under consideration had no financial implications.

Draft resolution A/C.3/41/L.46

54. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

55. Draft resolution A/C.3/41/L.46 was adopted.

Draft resolution A/C.3/41/L.47

56. Mr. MPOUEL BALA (Cameroon), speaking on behalf of the sponsors of draft resolution A/C.3/41/L.47, requested that the date in paragraph 4 should be corrected from 1987 to 1988, as the 1987 work programme of the Special Committee against Apartheid had already been approved.

57. A recorded vote was taken on draft resolution A/C.3/41/L.47.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, 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, Yugoslavia,  
Zaire, Zambia, Zimbabwe.

Against: United States of America, Yemen.\*

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

58. Draft resolution A/C.3/41/L.47, as orally revised, was adopted by 127 votes to 1, with 8 abstentions.

59. Miss ALHAMANI (Yemen) said that she had intended to vote in favour of the draft resolution but had pressed the wrong button.

60. Mr. BRAUN (Federal Republic of Germany), speaking in explanation of vote, said that he had abstained in the vote on draft resolution A/C.3/41/L.47 in accordance with the position adopted during the consideration of the same resolution at the most recent session of the Commission on the Status of Women and at the May session of the Economic and Social Council. His delegation had explained its position in that connection on those occasions. It was unfortunate that it had not been possible to reach a consensus on so important a matter as the subject of the draft resolution and he hoped that, in future, the sponsors of that or similar draft resolutions would bear in mind all the opinions expressed.

61. Mrs. ALVAREZ (France) said that she had abstained in the vote on draft resolution A/C.3/41/L.47 because it recapitulated the content of a resolution on women adopted at the last session of the Economic and Social Council and at the last session of the Commission on the Status of Women, held in Vienna. In her view, the refugee problem was essentially a humanitarian one and should not be politicized.

62. Mrs. ITO (Japan) said that she had voted in favour of draft resolution A/C.3/41/L.47 because she regarded it as important from the humanitarian viewpoint, although paragraph 2 had given her delegation some difficulty.

63. Mrs. BYRNE (United States of America) regretted that there had not been a consensus on draft resolution A/C.3/41/L.47 and that her delegation had been unable to vote in favour of it. The document had been drafted in such politicized terms that it could only be prejudicial to those whom, in theory, it was intended to assist.

64. Ms. YOUNG (United Kingdom) endorsed the statements made by other members of the European Community on draft resolution A/C.3/41/L.47. She regretted that it

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\* See paragraph 59.

(Ms. Young, United Kingdom)

had been necessary to put a resolution on refugees to the vote; that was not in the interests either of Member States or refugees. It was deplorable that the sponsors should not have accepted the amendments, for that would have made it possible for the draft resolution to be adopted by consensus.

Draft resolution A/C.3/41/L.51

65. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to postpone to consideration of draft resolution A/C.3/41/L.51 to the forty-second session of the General Assembly.

66. It was so decided.

Draft resolution A/C.3/41/L.56

67. Ms. KAMAL (Secretary of the Committee) said that Malaysia, Morocco, Nicaragua, Peru, Samoa, the Sudan and Zaire had joined the sponsors of draft resolution A/C.3/41/L.56.

68. Mr. GARAD (Somalia), Miss UMARA (Colombia) and Mr. MPOUEL BALA (Cameroon) said that their delegations wished to join in sponsoring draft resolution A/C.3/41/L.56.

69. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/41/L.56 without a vote.

70. Draft resolution A/C.3/41/L.56 was adopted.

Draft resolution A/C.3/41/L.48

71. Ms. KAMAL (Secretary of the Committee) announced that the Bahamas, Cameroon, the Congo, Egypt, Indonesia, Mozambique, the Philippines and Rwanda had become sponsors of draft resolution A/C.3/41/L.48.

72. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/41/L.48 without a vote.

73. Draft resolution A/C.3/41/L.48 was adopted.

Draft resolutions A/C.3/41/L.50, A/C.3/41/L.52, A/C.3/41/L.53, A/C.3/41/L.54 and A/C.3/41/L.55

74. Ms. KAMAL (Secretary of the Committee) announced that Austria, Cuba, the Federal Republic of Germany, Greece, Malaysia and Singapore had become sponsors of draft resolution A/C.3/41/L.50; Ghana, Lesotho, Romania and Singapore of draft resolution A/C.3/41/L.52; Canada, the Central African Republic, India, Jamaica, Mali, the Philippines, Romania and the United States of America of draft resolution A/C.3/41/L.53; and Austria, Italy, Jamaica, Mozambique and Poland of draft resolution A/C.3/41/L.55. The oral changes had been made to draft resolution



(Ms. Kamal)

A/C.3/41/L.53: in the last line of the third preambular paragraph, the words "a vast and increasing" were replaced by "a very large and persistent"; in the third line of the fourth preambular paragraph, the words "substantially increased" were replaced by the word "adequate"; and paragraph 6 was to be replaced by the following new paragraph: "Requests the Secretary-General, in following up on the report of the mission and furthering the integration of developmental and refugee aid, to take steps to ensure that continued joint inter-agency expert planning for the Sudan takes place as suggested by the mission in its report". As for draft resolution A/C.3/41/L.55, in the third line of paragraph 1, the word "support" was replaced by the word "assist"; in the second line of paragraph 2, the word "maximum" was replaced by the word "adequate"; in the third line of the same paragraph, the words "and people" were to be inserted after the word "Government"; at the end of the first line of paragraph 3, the word "intensify" was replaced by the word "continue"; and in the last line of that paragraph, the words "and displaced persons" were deleted.

75. The CHAIRMAN said that a recorded vote had been requested on draft resolution A/C.3/41/L.55, which meant that a joint decision could not be taken on draft resolutions A/C.3/41/L.50, L.52, L.53, L.54 and L.55.

76. Mr. TROUVEROY (Belgium) said it was surprising that a recorded vote had been requested on draft resolution A/C.3/41/L.55. He hoped that the sponsors would consider the possibility of postponing action on that draft resolution to allow other changes to be made and a consensus reached.

77. Mrs. NDUKU BOOTO (Zaire) endorsed the proposal made by the Belgian delegation.

78. Mr. SEIFU (Ethiopia) asked who had requested a vote on the draft resolution.

79. The CHAIRMAN said that it had been requested by the United States representative. Since the Committee did not seem prepared to act on the draft resolution, he suggested that the decision should be postponed.

80. Mrs. WARZAZI (Morocco) appealed to the delegations to be more understanding with regard to an issue involving refugees.

81. Mr. GARAD (Somalia) asked whether it might not be possible, in order to expedite the Committee's work, to adopt the other draft resolutions and postpone a decision only on the draft resolution on which a recorded vote had been requested.

82. The CHAIRMAN suggested that the Committee should, if possible, take a decision on all those draft resolutions as a whole.

83. Mrs. WARZAZI (Morocco) proposed that the meeting should be suspended for 15 minutes.

84. Mr. GARAD (Somalia) supported the Moroccan proposal.

The meeting was suspended at noon and resumed at 12.15 p.m

85. Mr. SEIFU (Ethiopia) said that his delegation had accepted the oral amendments to draft resolution A/C.3/41/L.55 suggested by the delegation of the United States of America and the States members of the European Economic Community and had also accepted all the amendments previously requested. However, during consultations, the representative of the United States had requested the deletion of all references to the Government of Ethiopia, which was unacceptable. He wished to state for the record that he would not participate in further consultations or make further concessions.

86. The CHAIRMAN said that, as he understood it, no agreement had been reached during the consultations. He proposed that action should be postponed on draft resolutions A/C.3/41/L.50, L.52, L.53, L.54 and L.55.

87. It was so decided.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/41/3 (chap. V, sect. A), A/41/70-S/17708, A/41/93, A/41/113-S/17760, A/41/117-S/17765, A/41/138-S/17797, A/41/167, A/41/177, A/41/178, A/41/183, A/41/341-S/18065 and Corr.1, A/41/607; A/C.3/41/L.69)

AGENDA ITEM 95: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/41/3 (chap. V, sect. A), A/41/463 and Add.1, A/41/70-S/17708, A/41/183, A/41/316, A/41/607; A/C.3/41/L.67)

AGENDA ITEM 96: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued) (A/41/3 (chap. V, sect. A), A/41/70-S/17708, A/41/433; A/C.3/41/L.44)

AGENDA ITEM 97: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/41/3 (chap. III, sect. C, and chap. VII), A/41/40, A/41/509, A/41/70-S/17708, A/41/113-S/17760, A/41/316, A/41/326, A/41/607, A/41/695, A/41/701-S/18394; A/C.3/41/L.65, L.68, L.70 and L.71)

AGENDA ITEM 98: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/510)

AGENDA ITEM 103: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/3 (chap. V, sect. A), A/41/511, A/41/706, A/41/607, A/41/701-S/18394)

Draft resolutions A/C.3/41/L.44, L.65, L.67, L.68, L.69, L.70 and L.71

88. Mrs. COLL (Ireland), introducing draft resolution A/C.3/41/L.69, said that Finland had become a sponsor. The draft resolution was similar to General Assembly resolution 40/109, with some innovations, for example, the emphasis on the importance of the role of non-governmental organizations and religious bodies and

(Mrs. Coll, Ireland)

groups in the promotion of tolerance and the protection of freedom of religion or belief. No amendments had been requested, and she hoped that the Committee would adopt the draft by consensus.

Draft resolution A/C.3/41/L.67

89. Mrs. YOUNG (United Kingdom) introduced draft resolution A/C.3/41/L.67. The United Nations had considered the question of persons detained on the grounds of mental ill-health more than nine years earlier. In 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been asked to study the question. It was regrettable that the Commission on Human Rights had been unable to complete the draft body of guidelines, principles and guarantees related to that question.

90. The General Assembly had affirmed on various occasions that the detention of persons in psychiatric institutions on political or other non-medical grounds constituted a violation of their human rights. The objective of the draft resolution was to urge the Commission on Human Rights and, through it, the Sub-Commission, to expedite their consideration of the draft body of guidelines, principles and guarantees and submit it to the General Assembly at its forty-third session. The sponsors, who had been joined by Bolivia and Colombia, hoped that the draft resolution could be adopted by consensus as in the past.

Draft resolution A/C.3/41/L.44

91. Mr. GORAJEWSKI (Poland) introduced draft resolution A/C.3/41/L.4., of which the following countries had become sponsors: Afghanistan, Argentina, Bolivia, Bulgaria, Byelorussian SSR, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, German Democratic Republic, Greece, Hungary, Indonesia, Iceland, Madagascar, Mexico, Mongolia, Norway, Peru, Philippines, Romania, Spain, Sri Lanka, Sweden, Ukrainian SSR, USSR, Venezuela, Viet Nam, Yugoslavia and Zaire. It had been possible to complete the draft largely because of the interest shown by countries from many different parts of the world as well as by UNICEF and non-governmental organizations. In the third preambular paragraph, the words "Bearing in mind" should be replaced by the word "Reaffirming". The fourth preambular paragraph should read:

"Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, hunger and disability, and convinced that urgent and effective national and international action is called for,"

His delegation hoped that the Committee would adopt the draft resolution without a vote.

Draft resolution A/C.3/41/L.65

92. Ms. KAMAL (Secretary of the Committee) said that, in the tenth preambular paragraph of draft resolution A/C.3/41/L.65, the words "would promote" should be replaced by the words "will promote".

93. Mr. FRAMBACH (German Democratic Republic), introducing draft resolution A/C.3/41/L.65, said that its main objective was to reaffirm the principle of the indivisibility, equality and interdependence of all human rights. The General Assembly had made a similar declaration at its fortieth session, by adopting resolution 40/114. At the request of Australia, paragraph 6 of the draft resolution affirmed the importance and relevance of reports submitted by States parties to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

Draft resolution A/C.3/41/L.68

94. Mr. OLZVOY (Mongolia) introduced draft resolution A/C.3/41/L.68 on behalf of its sponsors, which had been joined by Greece. Illiteracy was one of the main social problems in the world. In spite of the constant progress in reducing illiteracy, the full exercise of the right to education was still far from being achieved throughout the world. Illiteracy often went hand in hand with poverty and disease, and was an obstacle to development. The most recent figures showed that there were 889 million people over the age of 15, or 27.7 per cent of the population of that age group, who could neither read nor write. Most of the world's illiterates - 98 per cent - lived in the developing countries. However, illiteracy was also a cause for concern in some developed countries, which altogether had 20 million illiterates. As had been requested in diverse forums and in internationally recognized documents, literacy campaigns should be organized at the national and international levels in order to combat that serious problem. That underscored the importance of the draft resolution, and the Committee should give it its full support. The sponsors wished to submit two revisions of the draft resolution. Paragraph 2 should read:

"Invites the Economic and Social Council to consider at its 1987 session the question of declaring 1989 as the International Literacy Year and inform the General Assembly of its decision at its forty-second session."

Further, the words "through the Economic and Social Council" should be added to the end of paragraph 3.

Draft resolution A/C.3/41/L.70

95. Mr. LARSEN (Denmark) introduced draft resolution A/C.3/41/L.70 on behalf of its sponsors, which had been joined by Ecuador. He hoped that the draft resolution on the International Covenants on Human Rights would be adopted by consensus.

Draft resolution A/C.3/41/L.71

96. Mr. HOGUE (Australia) introduced draft resolution A/C.3/41/L.71 on behalf of its sponsors. The draft resolution was aimed at improving the process of standard-setting in the field of human rights with the fundamental objective of ensuring that all United Nations work in that field met the high standards set in the past, and that the international legal framework which was at the root of all human-rights activities continued not only to inspire the international community but to have practical application for the protection and promotion of human rights.

97. In paragraph 4 (e) of the draft resolution, the words "capable of" should be deleted. The sponsors hoped that the draft resolution would be adopted by consensus.

The meeting rose at 1.20 p.m.