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at 3 p.m.  
New York

SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. SLABY (Czechoslovakia)  
(Vice-Chairman)

later: Mr. AL-SHAALI (United Arab Emirates)  
(Chairman)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, A/46/70, A/46/71\*-E/1991/9\*, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205\*, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587\*, A/46/598-S/23166; A/C.3/46/L.25)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/46/3 (chap. VI, sect. C), A/46/24, 473, 542, 543, 603, 609 and Add.1 and 2, 616 and Corr.1, 420, 421, 422, 504; A/C.3/46/L.2, L.3/Rev.1, L.26\*, L.34-L.36, L.38, L.39)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/46/3 (chap. VI, sect. C), A/46/401, 446, 529, 544, 606, 647)

1. Mr. FLOREAN (Romania) said that interest in the field of human rights had been increasing gradually over the past 40 years and had finally become a universal concern. It was therefore not surprising that the chief goals of the Romanian revolution had been the establishment of a democratic society and the promotion and protection of human rights and fundamental freedoms. Respect for human rights in his country was a long-standing tradition, which had survived four decades of dictatorship. None the less, building a democratic regime, and in particular establishing adequate institutions for promoting and protecting human rights, was a difficult and time-consuming task. His Government was the first to admit its shortcomings in that regard. Yet, its good will and firm decision to achieve a democratic society was not open to question and it looked to the international community for support in that endeavour.

2. His country appreciated the efforts of the Centre for Human Rights, which had provided Romania with experts to assist in the 1990 elections and the drafting of the Constitution and had, in cooperation with Romania's Supreme Court and Ministry of Foreign Affairs, organized a seminar on human rights standards for judges. An agreement for longer-term cooperation between the Centre and his country had recently been concluded.

3. Romania attached great importance to the human dimension of the Conference on Security and Cooperation in Europe (CSCE). Within the CSCE framework, new measures had recently been adopted for monitoring human rights performance and, in that connection, his Government had reiterated its determination to ensure full compliance at the national level with European and United Nations standards for democracy, human rights and the rule of law and to contribute to their implementation abroad. It was looking forward to full membership in the Council of Europe and would participate actively in its activities.

(Mr. Florean, Romania)

4. The 1993 World Conference on Human Rights was another step towards democracy and justice world wide. His Government welcomed wholeheartedly the decision to convene the Conference at Berlin. The Conference offered an opportunity not only to review progress in the field of human rights but also to assess the need for improving United Nations instruments and mechanisms in that field, taking advantage of the current favourable climate to strengthen the protection of human rights in the next century.

5. The Romanian Parliament had just adopted a new Constitution, thereby establishing a multi-party system and a free-market economy. Under the Constitution, human rights and fundamental freedoms were protected, in conformity with the Universal Declaration of Human Rights and the human rights instruments to which Romania was a party. In the event of any conflict between the provisions of international agreements and domestic legislation, the former would prevail. The Constitution abolished the death penalty. It provided special protection for and granted particular rights to certain groups, including children, youth, the disabled and the national minorities. It also guaranteed freedom of conscience and religious belief.

6. One of the most effective guarantees of the democratic society was the full realization of the principle of periodic and genuine elections, which gave citizens control over the manner in which the State guaranteed their rights. His Government had accordingly been one of the sponsors of General Assembly resolution 45/150; it favoured a wider role for the United Nations in regard to assisting with electoral processes or institutions. Such assistance could in no way be regarded as interference in the internal affairs of that State, provided that it was granted at the request of the State concerned and was supported by a broad spectrum of the population in the requesting country. Efforts to strengthen the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections should take into account past experience and the views of States. In addition, the United Nations should cooperate fully with intergovernmental organizations at the regional level, among them the Office for Free Elections in Warsaw, established by CSCE.

7. In the coming months, his country would be holding local and general elections and a constitutional referendum. In that context, it welcomed the presence of observers from CSCE, the United Nations and other international, governmental and non-governmental organizations.

8. Mr. FORTIER (Canada) said that the changes that had occurred in Central and Eastern Europe were an example of how political will could bring about the establishment of democracy and the promotion of human rights. Encouraged by the newly won independence of the Baltic States, his Government hoped that those States would in time sign and ratify the various United Nations human rights instruments. It welcomed the progress made in the Soviet Union with respect to fundamental human rights and the rule of law, but was none the less concerned about continuing reports of human rights violations in the conflict between Armenia and Azerbaijan and ongoing violence in other regions.

(Mr. Fortier, Canada)

9. His Government was deeply concerned by the current crisis in Yugoslavia and urged all the parties involved to begin negotiations with a view to a peaceful and comprehensive settlement. The guarantee of minority rights was crucial to resolving the conflict.

10. His country welcomed the movement towards political and economic pluralism in Africa. However, serious violations of human rights, including torture and imprisonment of prisoners of conscience, were still prevalent in several countries. While applauding the release early in 1991 of political prisoners in Malawi, his Government was troubled by limitations on fundamental freedoms and violations of human rights in that country. It urged the parties to the conflict in Zaire to agree on the composition of a Government in order to re-establish order and put an end to human rights abuses. It called upon the Government of Kenya to ensure full respect for human rights and to cease repressing those citizens who advocated such changes. The situation in the Horn of Africa continued to be a matter of concern, as was that in Sudan and Somalia and, in that connection, his Government appealed to the parties involved to engage in a serious peace process.

11. In the past year, South Africa had made major strides in the area of human rights. However, much remained to be done: political violence still claimed far too many lives; black South Africans still did not have the right to vote; and apartheid continued in the fields of education and social welfare. The immediate release of all political prisoners was imperative. Genuine constitutional negotiations should begin at the earliest possible date and with the widest possible participation.

12. Even though its Government had instituted a new human rights policy, Peru still held for the past two years in a row the record for disappearances and deaths at the hands of the military forces and terrorist groups continued unabated. It could only be hoped that the proposed economic reforms would help alleviate the underlying causes of human rights violations in that country.

13. The human rights situation in Guatemala and El Salvador was also a matter of concern. The progress in talks between the Governments and the revolutionary movements in those countries were positive steps; Canada was particularly pleased that the Frente Farabundo Martí para la Liberación Nacional had declared a unilateral truce. Nevertheless, disappearances, kidnappings and extrajudicial executions continued in both countries. In Guatemala, the judiciary was in dire need of reform and adequate financing. The Government had taken some action by appointing an independent human rights procurator.

14. The trial and conviction of the individuals responsible for the murder of Jesuit priests in El Salvador was encouraging. Despite unanswered questions regarding the involvement of the armed forces, the trial might signal the end of military impunity and the start of a move towards civilian control in El Salvador.

(Mr. Fortier, Canada)

15. His country was dismayed by the violent events in Haiti, which had relegated human rights to a dream. The international community must do everything within its power to promote respect for human rights in that country.
16. Canada was concerned about continuing human rights abuses in Iraq, in particular the suppression of the rights of the Kurds and the Shia; it called upon Iraq to institute real democratic reforms and to respect the human rights of all its citizens. Until that time, it would be difficult to reintegrate Iraq into the international community.
17. The lifting of martial law in June 1991 had improved the human rights situation in Kuwait; however, there was as yet incomplete respect for due process of law. Canada was particularly concerned about alleged abuses in Kuwait, including collective punishment meted out to certain groups.
18. Canada urged Iran to cooperate fully with the United Nations Special Representative and with the International Committee of the Red Cross (ICRC). It was concerned about alleged violations of the fundamental right to life and about the treatment of religious minorities and of women. The situation in Iran should be carefully monitored by the international community.
19. Canada had strongly supported efforts to reach a just, lasting and comprehensive settlement in the Middle East. However, until that time, the provisions of the Fourth Geneva Convention should apply de jure in the occupied territories. Violations by Israel of the Convention and the violence engendered by the current situation were matters of the greatest concern.
20. Canada was also concerned by allegations of human rights violations in Syria, in particular those relating to the conditions of detention and the judicial process.
21. Serious violations of human rights, carried out by both sides in the conflict, continued in Afghanistan. Canada strongly supported the Secretary-General's plan for a cease-fire and the establishment of an interim Government leading to self-determination.
22. Canada continued to be alarmed by human rights abuses in Sri Lanka, carried out by the armed forces and the principal Tamil secessionist group. It had called on both groups to ensure that the rights of civilians were protected.
23. His country was deeply troubled by recent events in East Timor, where the Indonesian army had killed or injured several dozen citizens. Along with other countries, it had called for a thorough, objective and transparent investigation of that situation.

(Mr. Fortier, Canada)

24. While welcoming the comprehensive peace settlement in Cambodia and the modest improvement in that country's human rights situation, Canada continued to be concerned by and to condemn violations of human rights by all factions, in particular the Khmer Rouge.

25. His Government welcomed the continued improvement in the overall human rights situation in Viet Nam, but viewed with concern such aspects as the plight of religious leaders and the detention of members of certain religious groups.

26. The continued violence in Kashmir and the Punjab region of India was also of concern. Canada urged the Indian Government to ensure that human rights were respected and that reported violations were investigated fully. Canada was particularly distressed by the rate of so-called dowry deaths in India and urged the Government to take appropriate steps to deal with that situation.

27. The continued repression of democracy in Myanmar was a tragedy. Canada called on the Government to release all political prisoners.

28. Canada was deeply troubled by reports of human rights violations in China, particularly in Tibet. It was concerned in particular about punishment for the expression of political or religious views, trial procedures, treatment of detainees and prison conditions.

29. Despite the many examples of abuse, his country was encouraged by efforts world wide to initiate reforms aimed at promoting and protecting human rights. It would continue to encourage countries to move forward in that area.

30. Mr. HLAING (Myanmar) said that his country strongly believed in humanitarian moral values and human rights and consistently adhered to the principles of the Charter and the Universal Declaration of Human Rights. Myanmar was taking steps to become a party to some international human rights instruments and in 1991 had acceded to the Convention on the Rights of the Child and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. His Government had welcomed the visits by independent experts appointed by the Commission on Human Rights and was providing full and factual information to the Commission on the human rights situation in Myanmar.

31. His Government supported the convening of the World Conference on Human Rights in 1993 and had participated in the first session of the Preparatory Committee for the Conference. Humanitarian moral values and respect for human rights were deeply rooted in Myanmar culture, the hallmarks of which were compassion, tolerance and gentleness. Equality of the sexes and equal opportunities for all citizens and national groups were examples of the observance of basic human rights in his country. That cultural tradition had been enhanced by a well-developed legal framework and an independent judicial system. To date, 70 domestic laws had been enacted to ensure the protection of human rights.

(Mr. Hlaing, Myanmar)

32. In developing countries, economic realities dictated that basic human requirements such as security, food, clothing and shelter must be met first in order to ensure the observance of human rights. The State Law and Order Restoration Council had been carrying out a series of political, economic and social policies aimed at consolidating the rule of law and improving the socio-economic conditions in Myanmar. A programme for the development of border areas and national ethnic groups was being conducted in order to improve economic conditions and build infrastructures. That programme, which was yielding encouraging results and had the wholehearted support of the people concerned, had received assistance from eight United Nations agencies. His Government was also carrying out a programme to resettle homeless and destitute persons in newly developed satellite towns in the capital and other cities throughout the country. Those very successful programmes demonstrated Myanmar's efforts to protect and promote human rights.

33. Although some individuals had been placed under restraint because they had infringed certain laws, there were no political detainees or detention centres in his country. The Government was fully committed to the cause of democracy and had already instituted a multi-party democratic system in response to the aspirations of the Myanmar people. It should be kept in mind that it would take some time for democracy to become firmly rooted in his country. A firm foundation must be laid and the necessary measures must be taken to ensure a smooth transition to a democratic system. His delegation had been deeply pained by the fact that certain people were lending credence to unfounded and politically motivated allegations against Myanmar. Those allegations emanated from unsavory elements who were in league with anti-Government terrorist groups.

34. Mr. ORDONEZ (Philippines) said that at the current stage in international affairs there was a need for greater cooperation and a combination of common sense and compassion in the field of human rights. The United Nations must take practical steps to find alternative approaches for improving the enjoyment of human rights and freedoms.

35. The 1993 World Conference on Human Rights was part of a dynamic process of strengthening human rights. All members of the international community should seize that opportunity to assess progress made since the adoption of the Universal Declaration of Human Rights. They should examine the relationship between development and the enjoyment of human rights, particularly the need to create conditions for the latter. The Philippines fully supported the Preparatory Committee's recommendations and underscored the importance of regional preparatory meetings, whose reports should form part of the official documentation for the Conference. He also stressed the need for extrabudgetary contributions to enable the least developed countries to attend the meetings of the Preparatory Committee.

(Mr. Ordonez, Philippines)

36. With regard to the studies and documentation for the Conference, the Philippines strongly believed that the experts and consultants employed for their preparation should be selected with due regard for equitable geographical distribution and also for the expertise of those responsible for implementing human rights in developing countries. Non-governmental organizations could play an important role at the Conference and due consideration should be given to the guidelines governing their participation.

37. His delegation stressed the need to give equal attention to preparations for the International Year for the World's Indigenous People, to be held in 1993. The Philippines would encourage the participation of its large indigenous population in activities to observe the Year and attached particular importance to the promotion and protection of the rights of its minorities. The 1987 Constitution recognized the rights of indigenous cultural minorities and laid down principles for establishing autonomous regions for such groups. On the basis of a recent plebiscite, an autonomous region had been established in Muslim Mindanao in November 1990 and his Government had recently transferred substantial powers and resources to the autonomous regional government.

38. The Philippines had closely followed the work on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and could claim that it had already achieved the draft declaration's objectives. His delegation was pleased to join in sponsoring the draft resolution on non-discrimination and protection of minorities (A/C.3/46/L.3/Rev.1).

39. He attached great importance to the United Nations advisory services and technical assistance in the field of human rights, and the support provided by the Centre for Human Rights had been invaluable. The Philippine Commission on Human Rights conducted an ongoing research and information programme to enhance respect for human rights. Together with the Centre for Human Rights, it had held three seminars attended by representatives of the police and military and government agencies and non-governmental organizations. There were also ongoing human rights education programmes for various sectors of Philippine society. His delegation underscored the urgent need to provide the Centre for Human Rights with sufficient human resources in view of its greatly increased workload, and was a sponsor of draft resolution A/C.3/46/L.36.

40. With respect to enhancing the implementation of international human rights instruments, he stressed the need to rationalize the elaborate monitoring mechanisms set up by the Commission on Human Rights. The Philippines had always fully cooperated with the various treaty bodies in submitting its reports and with the thematic rapporteurs in answering their queries concerning alleged violations. There was a need to encourage a cooperative relationship between Governments and thematic rapporteurs. That could be done through a core group of highly qualified individuals who would carry out their mandate in an objective manner and draw up fair and constructive reports.



41. Mr. RAVEN (United Kingdom) said that his delegation would be submitting a draft resolution on the protection of persons with mental illness and the improvement of mental health care and looked forward to the adoption of the draft body of principles on that question, which would join the corpus of human rights instruments that benefited individuals throughout the world.

42. The rise of democracy and the changes in the international climate had created new opportunities in the field of human rights. His Government had made the concept of good government a major platform of its foreign policy, particularly in the field of development. Economic success depended not only on freer economies, but also on open and effective government. Good government meant the implementation of sound economic policies, accountable and competent administration, preventing corruption, eliminating poverty, illiteracy and disease and ensuring observance of human rights. It included protection of freedom of expression, political pluralism and broad participation in development. His Government's policy aimed to ensure respect for human rights while increasing aid effectiveness and enhancing development. There was a need for pluralistic decision-making which responded to the needs of individuals in society.

43. The United Kingdom was implementing its policy of good government within its aid programme. That included assistance in the legal sector, police training, improving the effectiveness of institutions and supporting democratic processes through free and fair elections. His delegation recognized the importance of the role of the United Nations in providing electoral services at the request of Member States. In designing its projects, his Government tried to encourage local participation and decision-making. Sustainable development must be broad-based; and individuals and groups in society must be involved in decision-making and share the fruits of development. The best guarantee of good government was openness and accountability.

44. The States members of the Commonwealth were committed to democracy, the rule of law and fundamental human rights as well as sound economic and political management. Ensuring democracy and the enjoyment of human rights would promote good government and economic prosperity.

45. His Government had no wish to impose a particular model since different parts of the world had different traditions, institutions and problems. Each society would strike its own balance between individual rights and the responsibilities of the State. Nevertheless, recent history showed that stifling individual rights led to discontent and economic failure. All Member States must meet the basic human rights standards laid down in the Universal Declaration of Human Rights and the two Covenants. It was by those yardsticks that Governments would increasingly be judged. Consent in place of command, free trade instead of protectionism, honest government replacing corruption and dictatorship, cooperation instead of domination - those were the aims of the Charter and the Universal Declaration.

46. Mr. HENNESSY (Ireland) said that the right to freedom of thought, conscience and religion had been recognized in both the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights. Furthermore, article 18 of the Covenant was one of the articles from which derogation was not permissible in time of public emergency. His delegation welcomed the decision of the Human Rights Committee to prepare a general comment on article 18, which would help to identify policies and practices that were inimical to the enjoyment of the freedom of belief, such as restrictions on the freedom to select religious leaders and on the functions of religious leaders, discriminatory measures against specific religious groups and religion-based restriction of access to education, social services or employment.

47. Whether it arose from discriminatory legislation or from Government's defiance of legislative guarantees of religious freedom, religious conflict was often marked by indiscriminate violence, and sometimes by imprisonment and torture for religious reasons. He reiterated his delegation's request that the Special Rapporteur on torture should give particular attention to such cases, in consultation with the Special Rapporteur on religious intolerance, to the Commission on Human Rights.

48. His Government attached great importance to the creation of a climate inimical to discrimination, through legislation, education and training. The draft resolution which his delegation would introduce at the current session emphasized the importance of such training for members of security forces, public servants, teachers and others whose conduct could affect the enjoyment of religious rights.

49. Since respect for diversity fostered religious tolerance, educators, religious leaders and other persons in positions of influence should work to promote tolerance and to avoid conflict between adherents of different faiths.

50. The current year marked the tenth anniversary of the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, thus providing an opportunity for Governments and non-governmental organizations to consider further national and regional measures to promote the implementation of the Declaration. Within the United Nations system, the advisory services programme of the Centre for Human Rights could help to ensure that the right to religious freedom was incorporated in new national constitutions and bills of rights. In addition, the Department of Public Information should intensify its efforts for the widest possible dissemination of the Declaration in all the official languages of the United Nations.

51. In previous years, the draft resolution on the subject, traditionally introduced by his delegation, had enjoyed broad-based co-sponsorship and had been adopted without a vote. He hoped that the Committee would again strongly support the draft resolution at the current session.

52. Mr. AIYAR (India) said that India was proud of being the world's most populous democracy and of having placed democracy before development, in the belief that democracy was the optimal political framework for development. Under that system, India had periodic elections at all levels, an independent judiciary, a free press and equality and equal protection of all under the law. Its Constitution contained safeguards that incorporated the essential components of important international human rights instruments.

53. India was not, however, blind to the shortcomings of its democratic institutions, and therefore strove unceasingly to improve their functioning according to the principle of the rule of law and to eliminate prejudice and discrimination in its society. Although much remained to be done, India was heartened by the progress made, in less than 50 years, towards eradicating the accumulated ills of 5,000 years.

54. India did not believe that the ambit of human rights could be extended through encroachment on national sovereignty. Each State Member of the United Nations had individual responsibility for fulfilling its obligations under the Charter and for deciding whether to accede to international human rights instruments. The role of international organizations was to broaden the range of international obligations and to monitor their implementation by those States which had freely entered into them.

55. The development of respect for human rights and fundamental freedoms was an evolutionary process which required understanding and encouragement from such bodies as the Third Committee. Progress in that area could be made only through the exercise of sovereign decisions on the part of individual States in accordance with the principles of the International Bill of Human Rights. That did not mean, however, that the issue of human rights was not a matter of universal concern. It was important to foster an exchange of views in order to develop ways of promoting the universal enjoyment of all human rights while still respecting diverse social perspectives and national experiences.

56. Both national and international action must be informed by the understanding that human rights must be implemented as an indivisible whole. The collective commitment of Member States to upholding human rights implied their collective responsibility for securing the enjoyment by all of all human rights, including the right to development. While democracy provided the best political setting for the realization of human rights, development provided the best economic setting for the enjoyment of those rights, as demonstrated by the experience of the developed countries of the West. Thus, the right to development was not only a human right in itself, but also one of the most effective means of securing other human rights.

57. In a number of countries, the human rights situation fit the internationally accepted definition of mass and flagrant violations. One such country was South Africa, which, despite the steps it had taken towards dismantling apartheid, should continue to be subjected to international pressure until all its people had freely adopted a new Constitution

(Mr. Aiyar, India)

guaranteeing a non-racial and democratic society. Ironically enough, South Africa's current situation was reflected in reverse in Fiji, which was trying to institutionalize racial discrimination through a Constitution that abridged the rights of part of its population. The international community must consider ways of countering that anachronistic trend.

58. His delegation welcomed the initiation of a dialogue in the Middle East, and firmly believed that durable peace in the region could be achieved only through a just and comprehensive settlement that respected the inalienable right of the Palestinian people to a homeland. Moreover, India affirmed its solidarity with the people of Cyprus and fully supported the Secretary-General's efforts to find a solution which would preserve the sovereignty, unity and territorial integrity of that country. It also called upon the Government of Myanmar to restore democracy, in accordance with the will of the people as expressed in the electoral process. India hoped that the Nobel Peace Prize winner Daw Aung San Suu Kyi and other political leaders would be immediately released from political detention and enabled to assume their rightful place in the national affairs of Myanmar.

59. India was pleased that the process of preparing for the 1993 World Conference on Human Rights was balanced and based on consensus. Regional meetings would be a valuable means of clarifying the objectives of the Conference, which should reflect the results of such meetings.

60. One of the most serious threats to human rights, which must be duly considered at the Conference, was terrorism and the forces that supported it. Terrorism's use of such criminal methods as kidnapping, extortion, torture and murder undermined the foundations of democracy by preventing the holding of free and fair elections, abrogating the full freedom of expression, muzzling the free press, shackling the independent judiciary and seriously disrupting social harmony. Respect for human rights should be seen not as a hindrance, but as an instrument in the struggle against terrorism. He called upon the international community to cooperate in preventing any attempt at aiding and abetting terrorism from beyond the borders of the country concerned. He reiterated his delegation's recommendation that a detailed study on terrorism, including the link between terrorism and drug trafficking and the ways in which terrorism threatened respect for human rights, should be prepared for consideration at the Conference.

61. Since each nation must develop its own ways of ensuring the enjoyment of human rights, India welcomed the establishment of national institutions to protect and promote those rights. It hoped that the Conference would recommend that the advisory services of the Centre for Human Rights should be strengthened.

62. He was concerned about the growing inclination among donor countries and great economic Powers to impose so-called "human rights conditionalities" on matters relating to international economic relations. That tendency ignored

(Mr. Aiyar, India)

the international community's responsibility to assist development. The linking of development assistance to unilateral views of human rights situations was a dangerous doctrine which could be used as a weapon to settle bilateral scores or to interfere with development patterns. Development cooperation should, instead, respect the fundamental right to development.

63. His delegation welcomed the efforts to strengthen the early warning capabilities of the United Nations in order to prevent mass exoduses. To that end, it was imperative that contacts should be established and maintained with the Governments concerned. Moreover, in addressing the causes of refugee problems, the Organization should consider not only human rights standards, but also the economic disparities which gave rise to the phenomenon of "economic migrants".

64. Mr. O'BRIEN (New Zealand) said that, since human rights were the very foundation of freedom, justice and peace, the United Nations should seize the opportunity provided by the end of the cold war to create a "universal culture" of human rights. The Organization had already developed a comprehensive body of international law on human rights and fundamental freedoms, as well as a range of mechanisms to implement those standards, and should base its human rights efforts on that solid foundation. The increasing number of human rights mechanisms was welcome evidence that the majority of Member States wanted the Organization to enhance its capacity to promote human rights in the new era of international relations.

65. United Nations monitoring activities in Cambodia and El Salvador testified to its acknowledgement of the importance of human rights to a country's overall political and social security. He was concerned that United Nations human rights activities were meeting resistance in some quarters. The failure of Governments to fulfil their human rights obligations was a matter of legitimate concern to the entire international community, which must, in turn, avoid politicizing its human rights work or approaching situations selectively.

66. One of the Organization's practical and action-oriented efforts was its programme of advisory services and technical assistance. As a contributor to the voluntary fund for advisory services, New Zealand was pleased that the United Nations had begun to include the South Pacific in the programme.

67. The special rapporteurs and thematic mechanisms also played a role in furthering understanding of the nature and causes of specific types of human rights violations. He was particularly pleased that some of the special rapporteurs had made proposals on preventive measures. Unquestionably, governmental cooperation with the special rapporteurs and working groups was essential. In particular, he welcomed the establishment of a new working group on arbitrary detention.

(Mr. O'Brien, New Zealand)

68. Further work must be done in the area of mass exoduses and refugee flows. The early warning capabilities of the United Nations system and preventive diplomacy should receive special emphasis.

69. When preventive diplomacy failed, however, and human rights violations persisted, the United Nations must take appropriate action. Promotion of human rights would have little meaning if they were not defended when under threat. One response had been to appoint special rapporteurs to investigate a pattern of flagrant violations in particular countries.

70. The report on the situation in Iraq before the Committee was deeply disturbing, and his delegation called upon the Government of Iraq to answer in full the Special Rapporteur's questions and to put an end to brutality and oppression. Human rights violations committed by Iraq during its occupation of Kuwait were similarly distressing.

71. Some situations had been before the Committee for a number of years. In Afghanistan, New Zealanders were participating in demining operations as a contribution to the eventual safe return of many Afghan refugees. Reports on the peace negotiations in El Salvador were encouraging, but problems clearly remained. His delegation remained concerned about obstacles to the full enjoyment of human rights in Iran, and trusted that the Special Rapporteur would be able to visit that country before preparing his next report. It welcomed the agreement recently formalized with ICRC enabling it to visit Iranian prisons.

72. New Zealand was deeply perturbed about the situation in Myanmar. The continued refusal of the State Law and Order Restoration Council to take any steps to respond to the will of the people for a transfer of power to a democratically elected Government was unacceptable. His delegation hoped that the Council would take note of the increasing disquiet felt throughout the international community and would release Daw Aung San Suu Kyi to allow her to accept the Nobel Peace Prize, and that it would allow the democratically elected Government to take office.

73. His Government had expressed its deep concern about the loss of life in East Timor: a young New Zealander had been among the victims. The Government of Indonesia had promised to investigate the incident thoroughly and to make public its findings. His delegation also welcomed that Government's continued support for and cooperation with ICRC.

74. From the reports before the Committee, it was clear that much more preventive and educational work was needed. The realization of economic, social and cultural rights must also be explored more comprehensively. Member States were increasingly linking human rights and other issues such as development and the environment, and the challenge lay in synthesizing such concerns into concrete improvements in the enjoyment of human rights. His

(Mr. O'Brien, New Zealand)

delegation looked forward to the 1993 World Conference on Human Rights as an opportunity to focus attention on that area and to make more effective the work of the United Nations in that field.

75. The International Year for the World's Indigenous People, also to be observed in 1993, was of special interest to New Zealand. It was important for the indigenous peoples themselves to be fully involved in the planning of programmes and their implementation.

76. Mr. QUATTARA (Mali) said that serious human rights violations stemming, for instance, from colonialism, racist policies and totalitarianism had persisted despite the adoption of international human rights instruments. Nevertheless, accession by a large number of States and the aspirations of peoples for justice and freedom had contributed to improvements in domestic legislation and human rights practice. The triumph of democracy in all regions of the world, especially in Africa, was evidence of such positive change.

77. Since independence, the Government of Mali had declared its attachment to human rights principles, but the one-party system had not favoured their true enjoyment. In March 1991, however, the Malian people had overturned the dictatorship and had laid the foundations for true democracy characterized by a multi-party system and the rule of law. The first institutions and legislative instruments established by the new Malian authorities had made the protection of human rights a basic principle of internal and external policy. The Government had also taken measures to ensure the implementation of legislative provisions for the enjoyment of human rights through ratification of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and reform of the criminal code under way intended to make it more humane. In the meantime, citizens now had the right to legal counsel, even for a preliminary investigation. Exit visas were no longer required, thus making real the enjoyment of freedom of movement. A number of non-governmental organizations concerned with human rights had been formed in Mali as well.

78. Democratization and the building of a state of law begun in Mali and many African countries needed constant support from the international community. Increased assistance to developing countries in resolving their enormous economic problems would contribute to the promotion and protection of human rights.

79. Mr. MONTALVO (Ecuador) said that growing attention by the international community to human rights issues was changing the concept of international relations for the better. Only by giving priority to human rights could mankind be saved from self-annihilation. The new international order, to provide true "pax universalis", must include an objective view of human rights that would not allow their use for any other purpose than the protection of human dignity. His delegation questioned the judgemental stance taken by some

(Mr. Montalvo, Ecuador)

delegations with regard to human rights. Such rights must be viewed not as an ideological crusade or a political weapon, but as an essential expression of justice and solidarity.

80. Ecuador prided itself on being free of violence and repression without any flagrant human rights violations. Its social stability was viewed as exceptional in a troubled region. Furthermore, sporadic violations had served to bring about improvements in human rights protection mechanisms. The responsible attitude of its Government with regard to human rights had been recognized in periodic reports submitted to the Human Rights Committee and the Committee against Torture. More than ever before, an awareness of the rights of all persons and their value had become widespread in Ecuadorian society.

81. His delegation welcomed the accession to the two International Covenants on Human Rights by additional countries. It also praised the work of the human rights bodies within the United Nations system. His Government strongly supported the Declaration on the Right to Development as being essential in a just international order. His Government was concerned with the protection of the rights of refugees and displaced persons, and urged all countries to ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

82. Ecuador fully endorsed the Secretary-General's report on enhancing the effectiveness of the principle of periodic and genuine elections (A/46/609) and welcomed the designation of a Coordinator for Electoral Matters.

83. Two events to take place in 1993 deserved priority attention: the International Year for the World's Indigenous People and the World Conference on Human Rights. The observance of the Year would provide an opportunity to highlight the significance of indigenous peoples and their rights, while the Conference was a welcome step amid the changes in the international community.

84. Ms. JAHAN (Bangladesh), speaking in exercise of the right of reply, said that her delegation appreciated the positive comments made at an earlier meeting by the representative of Norway on the recent democratic change in Bangladesh, but wished to clarify the situation regarding the Chittagong Hill Tracts. The new Government was doing its utmost to protect and promote the basic rights of the people of that area, irrespective of caste, creed, race or religion, and had implemented far-reaching measures to ensure their rights despite economic difficulties and high population pressure.

85. The three Hill District Local Government Councils elected in 1989 had given the tribal people the opportunity to be governed through their own representatives. During the 1991 general elections, the tribal people had elected three representatives to Parliament, all belonging to the opposition party. The Government had also taken initiatives to rid the region of



(Ms. Jahan, Bangladesh)

violence through dialogue and creation of conditions conducive to development. It would continue to live up to its obligations to the people of that region, who were an integral part of the nation.

86. Mr. ARROSPIDE (Peru), speaking in exercise of the right of reply, said that the comments of the representative of Canada earlier in the meeting regarding the number of disappearances in Peru had been based on outdated information. The number of disappearances had decreased by 70 per cent between the 1989/90 and 1990/91 reporting periods, according to the Working Group on Involuntary or Enforced Disappearances. Peru was a democracy supported by a civilian society that was facing violence intended to destroy the foundation of the State. It was neither ethically nor politically justified to place on an equal footing a democracy attempting to modernize its economic and social structures and an anti-social group trying to impose utopian primitivism. Peru was firmly committed to fighting terrorist violence within a framework of respect for human rights.

87. Mr. AIYAR (India), speaking in exercise of the right of reply, said, in response to the statement made earlier in the meeting by the representative of Canada, that India's credentials in promoting the cause of women were second to none and did not require external endorsement. Women had long been and continued to be in decision-making positions. For the representative of Canada to focus on an isolated incident concerning dowry debt, which was, moreover, subject to the full force of national law, and to internationalize it, betrayed a lack of understanding of legal and other safeguards in India and did a disservice to its assiduous efforts, in the face of the challenges of underdevelopment, to improve the condition of its women.

88. Mr. HUSSAIN (Iraq), speaking in exercise of the right of reply, said that his country had been urged to engage in democratic reforms regarding its method of choosing its leaders. His delegation totally rejected such statements. The Iraqi people had chosen their leaders of their own will and rejected any form of outside intervention. Those statements were in flagrant violation of the principle of self-determination and represented interference in the internal affairs of Iraq.

89. Legislation on political pluralism and freedom of the press had recently been instituted; and Iraq had cooperated with the Special Rapporteur of the Human Rights Commission and had facilitated his mission.

90. The Iraqi people did not need defenders who would change their political system while ignoring their sufferings. He wondered how a democracy could be expected to flourish in a society under total embargo.

The meeting rose at 5.35 p.m.