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

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

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 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 and L.3)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPORTEURS AND REPRESENTATIVES (continued) (A/46/3 (chap. VI, sect. C), A/46/401, 446, 529, 544 and Corr.1, 606, 647)

1. Mr. SERGIWA (Libyan Arab Jamahiriya) said that, despite the elaboration of a series of important international instruments, the situation of human rights was scarcely consistent with the commitments given or the efforts made by numerous countries to guarantee the exercise of those rights. Violations were being committed in many regions of the world and large numbers of people subject to colonialism and to racism remained deprived of their right to self-determination. Flows of refugees and displaced persons were larger than ever before and the developing countries continued to be hampered by an unfavourable economic environment which deprived them of their right to development.

2. His delegation stressed the interdependence of all human rights, which meant that the protection and strengthening of economic, social and cultural rights were a necessary condition for the exercise of civil and political rights. No one disputed the importance of the freedom of expression, of participation in public affairs and of the other rights which were established in the Universal Declaration of Human Rights and which were held in proper regard by the Libyan Arab Jamahiriya, but that importance remained somewhat theoretical since no new international economic order had been created to exclude hunger, disease, destitution, oppression and economic exploitation.

3. The right of individuals and of peoples to have access to scientific and technological innovations was also a fundamental right of the human person, whose exercise should be guaranteed by the international community. The developed countries should therefore remove the discriminatory obstacles which deprived developing countries of the benefit of scientific and technological activities and the international community should make the necessary efforts to ensure that those activities advanced the well-being of humanity. To use

(Mr. Sergiwa, Libyan Arab Jamahiriya)

the world's considerable human and material resources to develop and perfect weapons of destruction was to deny the right to life.

4. International cooperation in the field of human rights required the establishment of international peace and security. The international community must continue its endeavours to put an end to the many flagrant violations of the rights of peoples and individuals who were the victims of colonialism, racism, apartheid and foreign occupation and oppression, particularly in Palestine, in the occupied Arab territories and in South Africa. It must continue to support the rights of countries and peoples to full sovereignty over their natural resources and to the free choice of their political, economic and social systems, in accordance with the purposes and principles of the Charter. The question of human rights should be approached in an objective, impartial and non-selective manner; it should not be exploited for political ends, to put pressure on countries or to intervene in their domestic affairs.

5. His country attached great importance to the principles for the protection of persons with mental illness (A/46/421) and considered that more attention should be given to the rights of the most vulnerable groups, including the elderly, the disabled, migrants, refugees and displaced persons. It also reaffirmed the right of minorities to preserve their identity and their cultural heritage and rejected the use of force to secure their assimilation. Libya would continue to support the work carried out by the international community, through the United Nations, to promote respect for human rights. It welcomed the convening of a World Conference on Human Rights in 1993, to assess the progress already achieved and to determine the tasks to be undertaken during the coming decades.

6. In the "Great Green Document on Human Rights", which had been circulated as a document of the General Assembly in 1989, Libya had reaffirmed its commitment to respect for the fundamental human rights and freedoms: the freedom of movement and abode, the right to work, the right to property, the right to education, to health and to housing, the freedom of expression and the participation of all people, men and women, in public affairs. That document also contained implementation measures which had made it possible, since 1981, to consolidate the progress already achieved in that area. In addition, the Jamahiriya had acceded to a large number of international instruments and had set up a committee responsible for awarding the Qaddafi prize for human rights.

7. In conclusion, his delegation commended the Organization and its competent organs for their work in the field of human rights. He stressed the need to support the Centre for Human Rights and to grant it the human and financial resources it required to carry out the different functions enumerated in document A/46/603, in particular those relating to the monitoring of the implementation of international instruments.

8. Ms. SAINT CYR (Sweden) said that there could be no talk of qualitative progress in respect for human rights and fundamental freedoms so long as such human rights violations as summary executions, abductions, disappearances, torture, oppression and persecution on political grounds persisted in any part of the world. Her delegation strongly opposed the argument that the principle of respect for human rights could not be applied at a particular moment for one reason or another. It reaffirmed that human rights were absolute, whole and indivisible. It was to the credit of the United Nations that it had enabled Member States to formulate a series of human rights norms which had become an integral part of international law. It was the responsibility of every Government to ensure respect for those standards.

9. Her delegation was encouraged by the international trend, to which the United Nations had contributed, towards democratic forms of Government, reinforced through the application of market economy principles.

10. In Eastern and Central Europe, for example, there had been incontestable progress in respect for human rights and fundamental freedoms, democracy and the rule of law. In certain countries, however, the effective exercise of human rights was not enjoyed by all citizens, particularly members of minority groups. Flagrant violations of the human rights of the civilian population had been one factor behind the conflict in Yugoslavia. The discrimination to which minorities had been subjected had incited hatred between the populations of that country. A peace agreement in Yugoslavia would be possible only if it ensured respect for human rights.

11. In the Soviet Union, the policy of democratization had favoured human rights, as was evident from the establishment of democratic and pluralistic structures, the reform of the penal system and the release of political prisoners, as well as from the guarantees of freedom of expression and information, but that freedom did not as yet extend throughout the territory. In Georgia, in particular, and in certain Central Asian republics, the old system of coercion and repression remained virtually intact.

12. In Latin America, many peoples had rediscovered the benefits of democratic institutions, though in that sense Haiti represented a deplorable setback. Widespread violations had been committed by the security forces in Haiti since the coup d'état that had deposed President Jean-Bertrand Aristide, in the form of extrajudicial executions, beatings and arrests without warrant. Her delegation hoped that the regional efforts being made for restoration of the constitutional order would bear fruit.

13. The human rights situation in Cuba was deteriorating. Recently, pro-democracy activists had been detained by the authorities and human rights defenders had been harassed. The Cuban Government must take measures to remedy the situation and cooperate with the Special Representative of the Commission on Human Rights.

14. In Guatemala, even though the Government had set itself the objective of improving the human rights situation, serious violations - disappearances and

(Ms. Saint Cyr, Sweden)

murders - continued at a frightening pace. Her delegation urged the Government of Guatemala to implement fully its commitments in the field of human rights.

15. The report on the human rights situation in El Salvador prepared by the Special Representative of the Commission on Human Rights had shown that summary executions were still being carried out by the armed forces and death squads. No perceptible progress had been made in the proceedings brought for the assassination of Archbishop Romero of San Salvador, in March 1980, the murder of Herbert Anaya in October 1987, or the mass killing of FENASTRAS trade unionists in October 1989. The conviction for murder of two military officers in the Jesuit case did represent important progress, but the significance of the verdict would depend on the Salvadorian Government's commitment to investigating a possible cover-up and to pursuing other human rights cases to which less public attention was paid. Progress in the peace talks had created a framework for a political settlement of the civil war, and the verification mission of ONUSAL was an important contribution to the observance of the right to life, integrity and security of the person and to personal liberty.

16. In Africa, rulers without a democratic mandate were finding it more and more difficult to survive using methods that were at odds with universally accepted human rights standards. Countries such as Ethiopia and Zambia were good examples of the process of democratization that was under way in Africa. Still, in Somalia, Sudan and Zaire serious violations of human rights and fundamental freedoms were still going on. In spite of the important and positive developments that had taken place in South Africa, the violence that still continued there gave cause for serious concern.

17. In Asia, some Governments had embraced the principle of respect for human rights, democracy and the rule of law, but in his report on human rights in Afghanistan, the Special Representative had indicated that the situation in that country showed little improvement.

18. The Swedish Government welcomed once again the willingness of the Islamic Republic of Iran to cooperate with the United Nations Special Representative. Unfortunately, the human rights situation in Iran remained far from satisfactory. The principles of freedom of expression and of non-discrimination on the basis of sex and religion continued to be violated.

19. The wave of democratization that had swept over large parts of the world had had little impact on the Middle East, where human rights violations were sadly common. Deep concern had been caused in the outside world by the systematic violations of human rights and fundamental freedoms in Iraq, which had increased during and after the Gulf war, and by the ruthlessness with which the Iraqi regime treated dissidents, in particular those belonging to national and religious minorities. In another context, her delegation failed to see any justification for the excessive use of force by the Israeli military and civilian authorities in attempting to quell the uprising caused

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by the genuine frustrations of the Palestinians. Sweden expected Israel, which had recently ratified the two International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, as well as the Convention on the Elimination of All Forms of Discrimination against Women, to live up to its international commitments. It was her delegation's hope that the peace process that had begun in Madrid a few weeks before would lead to a lasting solution to the Palestinian question and the Arab-Israeli conflict. That would undoubtedly result in a major improvement in Palestinians' human rights situation.

20. Her delegation did recognize the difficulties facing the Sri Lankan authorities, but none the less called upon them to respect human rights.

21. The situation in Myanmar continued to be of concern. The independent expert appointed by the Commission on Human Rights had not been permitted to meet with the opposition leader and Nobel Peace Prize laureate Aung San Suu Kyi, who had been under house arrest since July 1989. The Swedish delegation was working, with others, on a draft resolution to address the situation in Myanmar, where torture and other serious human rights violations continued to occur.

22. The lack of respect for human rights and fundamental freedoms in China was another cause for serious concern. Although some political prisoners had been freed, others remained under arbitrary arrest for alleged crimes in connection either with the pro-democracy movement of 1989 or with earlier, similar movements in favour of increased political and civil rights. The Chinese judicial system did not conform to internationally accepted standards. Her delegation reiterated its call for the authorities of China to ensure full respect for human rights and fundamental freedoms in all areas under their control, and particularly in Tibet, where new cases of torture, detention without trial and limitation of the freedom of expression had been reported. However, it welcomed the willingness of the Chinese Government to maintain a dialogue on human rights questions.

23. Her delegation also welcomed the decision of the Government of Indonesia to carry out an investigation into recent events in East Timor, where a great number of demonstrators had been gunned down by security forces.

24. In Viet Nam, the authorities had recently taken some steps that should improve the situation of political prisoners held without trial.

25. In the large cities of some countries, the particularly appalling practice of murdering street children had become widespread. The Governments of the countries involved must put an end to the practice, which was in contradiction with their commitments under the Convention on the Rights of the Child.

26. In the view of the Swedish Government, the examples just mentioned showed that the United Nations had an essential role to play in the field of human

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rights, the objective being, in the final analysis, to make possible a world free of human rights violations.

27. Mr. WILENSKI (Australia) said that his delegation endorsed the views of the Secretary-General in his report on the work of the Organization to the effect that action aimed at the improvement of human rights did not constitute interference in the internal affairs of States. His delegation believed instead that constructive rather than punitive action should be the general rule.

28. The purpose of work on human rights in international forums was not to pass more resolutions, establish more mechanisms or arrange more meetings. The objective must be practical and verifiable: to end specific abuses against individual women and men and to enable individuals to exercise in security the rights and freedoms to which they were entitled.

29. The previous year, his delegation had identified four tasks for the United Nations policy-making organs in the field of human rights: to address the concerns of all countries in the human rights field; to develop non-confrontational means of ensuring respect for those rights; to try to promote genuinely democratic systems of government in which the participation of all citizens was assured; and, finally, to take effective action on specific situations of persistent violation of human rights. Everything seemed to indicate that the United Nations was moving in that direction.

30. It was time to leave behind theoretical disputes on the question whether economic, social and cultural rights should take precedence over civil and political rights or whether greater attention should be paid to the context in which human rights violations occurred, including the international economic and political environment, poverty, and other factors undermining the rule of law. That context did not, of course, serve as an excuse for such abuses. However, it might afford a greater understanding of the reasons why such violations occurred and what could be done to prevent them.

31. With that aim in view, the United Nations should avail itself of the means at its disposal, such as public information programmes, advisory services and other procedures which would enable it to monitor compliance with human rights without confrontation. In that connection, he mentioned the cooperation between the Sri Lankan Government and the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, which gave grounds for hope that there would be a genuine improvement in the human rights situation in that country. Also to be welcomed was the decision taken by the Indonesian Government to invite the Special Rapporteur on torture to visit East Timor. However, with regard to the tragedy that had occurred in Dili on 12 November 1991, when the Indonesian army had killed a large number of demonstrators, the world had chosen to avert its eyes, pending the results of the investigation initiated by the President. The results of the investigation would be seen as an indication of the Government's commitment to internationally accepted standards of human rights.

(Mr. Wilenski, Australia)

32. The United Nations should endeavour to assist countries, upon request, in strengthening their democratic system, without imposing a particular system on a country against its will. It could, for example, contribute by maintaining electoral rolls and establishing effective and fair electoral procedures. The current era was marked by a resurgence of nationalism. In such a context, cultural diversity and the human rights of national minorities must be protected.

33. His country also considered that Governments should not confine themselves to promoting human rights within the framework of the United Nations. For its part, Australia was pursuing an active bilateral human rights policy. In 1990, it had raised directly with 82 countries 460 new human rights cases involving individuals or groups. It had endeavoured, through rational and open discussion, to establish common ground. The Australian Government had accordingly dispatched a mission to China in July 1991 with a view to entering into dialogue with the Chinese Government on questions concerning human rights. The delegation had held frank discussions with the Chinese Government on the question of political freedoms, the fate of political dissidents caught up in the tragic events of June 1989, the human rights situation in Tibet and other topics of concern, and had made representations regarding nearly 200 political prisoners. The delegation had sought to avoid confrontation in its discussions with the Chinese authorities.

34. Unfortunately, it must be acknowledged that some Governments clung to power by engaging in human rights abuses and therefore had little interest in bringing about improvements. In such situations, the United Nations had a responsibility to formulate the collective view of the international community. That responsibility was consistent with the principle that United Nations action in the field of human rights should not be selective or exploited for political ends. No region should be considered exempt from the Organization's scrutiny. The fact that the General Assembly had taken up the question of human rights violations in Kuwait during the Iraqi occupation showed that the majority of Member States did not intend to turn their backs on their responsibility.

35. Myanmar was another exceptional case in that an unrepresentative military regime continued to defy the people's clear desire for democratic change. Eighteen months had elapsed since the National League for Democracy had won in the general election. The leader of the League, Mrs. Aung San Suu Kyi had been under house arrest for more than two years. The events that had occurred since the elections had removed all credibility from the regime's assurances that a democratic State would be established in Myanmar. In fact, the election of 80 representatives belonging to the League had been nullified, as had those of 25 other elected Members of Parliament. Thirty-six others had fled the country and three had died in custody. At least 2,000 persons were alleged to have been detained. Civil servants and academics had been required to fill out political questionnaires in order to establish their loyalty to the regime. Actions had been initiated against thousands of them for

(Mr. Wilenski, Australia)

political reasons. The regime denied all freedom of expression, association and conscience, and there were many reports of torture and forced labour. Despite Myanmar's poverty, the military regime continued to spend extravagantly on arms. The crisis in Myanmar had had wider regional implications in that it had led to an outflow of refugees to neighbouring countries and the prolongation of insurgent activity. A senior official of the regime had recently stated that the State Law and Order Restoration Council might remain in power for 5 to 10 years. His country appealed to the Myanmar authorities to end such abuses and all violations of human rights occurring in their country, to release Mrs. Aung San Suu Kyi and the other political leaders and to work with them to bring about the country's democratization and reconstruction.

36. In conclusion, he expressed the hope that the World Conference on Human Rights, to be held in 1993, would provide an opportunity to concentrate on the human rights approach which his delegation had just outlined.

37. Mr. BURCUOGLU (Turkey) said that he agreed with the realistic assessment of the Secretary-General in chapter VI of his report on the work of the Organization, which dealt with human rights, and in particular with the idea that to apply the principle of protection of human rights selectively would be to debase it. Turkey hoped to see the United Nations play a more active role in protecting human rights, which was one of the principal aims of the Organization. Fortunately, the notion of shared responsibility was gaining ground within the international community.

38. It was increasingly recognized that democracy, pluralism, the rule of law and regular and fair elections were essential in ensuring respect for human rights. Turkey had demonstrated its adherence to those principles and its political maturity, by organizing, on 20 October 1991, elections to the legislature in which all political movements had participated freely, thus ensuring democratic rotation.

39. No country was totally free of human rights violations, and Turkey was no exception in that respect. It was endeavouring to change its legislation; the authorities were paying close attention to all reported cases of violations, and they were in consultation with the relevant non-governmental organizations. Turkey was a Party to all the European instruments for the protection of human rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whose provisions it was implementing.

40. The importance that Turkey attached to human rights was borne out by two important developments, namely the establishment in February 1991 of a commission of inquiry into human rights and the entry into force in April 1991 of a law against terrorism rescinding the provisions restricting freedom of opinion and expression and participation in political life. That law had reduced the prison population by 50 per cent. The prison population in Turkey

(Mr. Burcuoglu, Turkey)

was among the lowest in all the world. The death penalty had not been applied for more than seven years. The coalition Government elected on 20 October had undertaken to guarantee all nationals the broadest enjoyment of human rights, and constitutional and legislative reform was under way.

41. As a sponsor of General Assembly resolution 45/150, Turkey believed that the United Nations should provide electoral assistance to Member States requesting it, and its suggestions to that effect were to be found in the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/46/609/Add.1, pp. 44 and 47); it wished to congratulate Bulgaria on having held free elections on 13 October 1991 in which all political tendencies had been represented, and which thus represented a step forward on the path of democratization.

42. The report of the Secretary-General entitled "Human rights and mass exoduses" (A/46/542) was of particular interest to Turkey, as about 2 million of its nationals were living in Western Europe. Turkey deplored the xenophobia, racism and discrimination to which those migrant workers were subject and exhorted the countries involved to promote tolerance and understanding.

43. Terrorism was another serious concern. Terrorist acts were flagrant violations of human rights and could not be tolerated by the international community. Turkey would like United Nations organs to give priority to the matter and to determine the sanctions to be applied.

44. Turkey was filled with indignation at the violations of fundamental rights and freedoms, the discriminatory treatment and acts of violence to which the Turkish Muslim minority in Greece was subject, in defiance of international treaties: the forced dismissal of the elected Mufti of Xanthi, assaults that had wounded several dozen people and caused considerable damage, an attack on a mosque. Turkey considered such persecution of a minority unacceptable in the present day and age and hoped that the Turkish Muslim minority would regain its fundamental rights and that those responsible would be brought to justice.

45. Ms. LISSIDINI (Uruguay) welcomed the transformation of the world political scene and the advance of democracy, the only system that could guarantee full enjoyment of human rights, which, however, presupposed the holding of periodic and fair elections. Without prejudice to the principle of non-interference, Uruguay, convinced that electoral assistance to States requesting it was one of the most useful tools for achieving the objectives of the United Nations Charter, had participated in election observation missions under the auspices of the United Nations and the Organization of American States.

46. Civil and political rights were essential, but were meaningless without the full exercise of economic, social and cultural rights. The relationship between development and human rights would be one of the main themes of the World Conference on Human Rights to be held in 1993.

(Ms. Lissidini, Uruguay)

47. The modern era had seen great progress in that a new humanitarian ethic had been born that considered any violation of human rights a collective tragedy that concerned the international community as a whole; hence the importance of the work of the various United Nations organs competent in the matter and of the special rapporteurs' investigations, which could in no way be considered infringements of States' sovereignty.

48. It was very regrettable that the resources allotted to the Centre for Human Rights should be so insufficient. Serious violations were still occurring in various parts of the world and the international instruments meant to protect human rights had not been accepted by all countries, nor were they always implemented by those who had accepted them.

49. The very notion of human rights was changing. It had become inseparable from environmental questions, since any threat to the environment was a threat to the right to life. One problem that would have to be studied in the near future was that of so-called ecological refugees, which threatened to take on alarming proportions if the degradation of the climate and the environment continued. That was one of the subjects that would have to be debated at the 1993 World Conference on Human Rights, which would also have to study means of avoiding politicization and selectivity in debates on human rights matters, as well as the effects of terrorism and drug trafficking on the exercise of those rights.

50. Uruguay set great store by information and education, since violations of human rights were often the result of ignorance. Advisory services and technical assistance had an important role to play in that respect. Thus, Uruguay, with the support of the Centre for Human Rights, had organized a course on various aspects of human rights, such as the application of international standards to domestic law, the role of the police, and human rights in the penitentiary system.

51. Everything possible must be done so that future generations would have the deep conviction that human rights were sacred, inviolable, universal, indivisible and interdependent.

52. Mr. SLABY (Czechoslovakia), quoting the recipient of the Nobel Peace Prize, Mrs. Aung San Suu Kyi, emphasized the need to bring politics and ethics together. Attempts at hegemony or abuses of power must be vigorously denounced without fear of accusations of interference. Such was one of the United Nations roles.

53. Czechoslovakia welcomed the progress of democracy in developing countries, but deplored the persecutions to which defenders of human rights were often still subjected in many countries, often because of widespread ignorance - carefully cultivated by Government in power - of the international standards and mechanisms for protection of human rights. The Governments involved must be exhorted to authorize education programmes and freedom of information.

(Mr. Slaby, Czechoslovakia)

54. The political transformations in Europe, particularly in Eastern Europe, had been spurred, inter alia, by a desire for human rights; while they had done away with ideological polarization they had also, as the Foreign Minister of Czechoslovakia, Mr. Dienstbier, had pointed out at the CSCE Conference on Human Dimension in Moscow, resulted in a split between a Europe that was stable and one that was prey to often unsettling upheavals. Racism, anti-Semitism, xenophobia and intolerance were becoming common in the societies of Eastern Europe. In Yugoslavia, fratricidal conflict was tearing apart peoples who until quite recently had lived together peacefully; such conflicts unfortunately gave rise to many human rights violations.

55. The problem of ethnic minorities deserved more attention than the United Nations had so far given it. A declaration on the matter had been under study at the Commission on Human Rights for more than 10 years. Czechoslovakia considered it essential to establish a universal standard governing the situation of minorities based on the principle of non-discrimination, so that national, ethnic, religious and linguistic identities would be respected.

56. Czechoslovakia had great hopes of the 1993 World Conference on Human Rights, whose main task would be to define how the standards already recognized should be enforced.

57. It would not be necessary to establish new machinery for that, but the Conference should examine ways to improve the effectiveness of existing machinery and to make fuller use of the advisory services and technical assistance available in the United Nations. It should not attempt to solve human rights situations in individual countries because such an approach would duplicate the activities of other bodies and endanger the adoption of concrete conclusions. His delegation considered it desirable that the Conference should recommend the establishment of a panel of United Nations judicial advisers to act as observers during trials centering on human rights violations. It could also explore ways to strengthen the Centre for Human Rights' training programmes for police and military personnel on human rights principles, establish a technical assistance programme for legislative bodies and consider the establishment of a mechanism to respond to requests from Member States for electoral assistance.

58. All those activities would require funding. The Conference's recommendations would have no credibility if the portion of the United Nations budget devoted to human rights remained at 0.7 per cent.

59. At the first session of the Preparatory Committee for the Conference, his delegation had suggested that two working groups be set up, one to prepare documents and the second to prepare the programme. The Conference should evaluate the evolution of human rights since the Tehran Conference and sketch out legal rules which would ensure the further progress of human rights. It should not propose new instruments but should try to find ways to expand the number of parties to existing instruments and improve the effectiveness of the monitoring bodies.

(Mr. Slaby, Czechoslovakia)

60. Information campaigns and advisory and technical services were important, especially for those countries which had opted for democratization most recently. In that connection, the strengthening of the Centre for Human Rights by increasing its funding had become an urgent matter. Human rights deserved much more than one per cent of the United Nations budget.

61. The corollary of the denial of human rights was fear, as Mrs. Aung San Suu Kyi had so well said. Only the United Nations had the required moral authority to help all people get rid of that fear.

62. Mr. BREITENSTEIN (Finland) said that the protection of human rights was an obligation for the State but for the individual it was a right. It was also a fundamental element of peace, sustainable development and social justice.

63. Recent developments had increased hopes for progress towards the creation of a new world structure. Emerging democracies in Europe were consolidating their legal structures in accordance with the standards of the rule of law. The signing of the peace treaty in Cambodia and the peace process in the Middle East were other positive examples. Furthermore, developments in South Africa were encouraging.

64. A new perception of the world was emerging in which democracy, justice and the rule of law as well as economic development were recognized as prerequisites not only for peace but also for the well-being of individuals and nations. Such a new world needed an effective United Nations that met the aspirations of the creators of the Charter fully. In that respect, the Government of Finland strongly endorsed the views expressed by the Secretary-General in his report on the work of the Organization. Collective preventive diplomacy as well as action in cases of massive and flagrant violation of human rights were essential tools for the United Nations to fulfil its obligations.

65. Unfortunately, human rights continued to be violated in situations which had persisted for decades and which had not received the attention they deserved, although the international community had shown during the recent Gulf crisis that it was capable of reacting to gross and flagrant violations of those rights. That example proved that the international community would not stand idly by should atrocities of that kind take place.

66. Finland was following with grave concern the war in Yugoslavia and urged the parties to the conflict to accept without further delay the good offices of the international community in order to end the bloodshed and to ensure that civilians were protected in accordance with the Geneva Conventions and international humanitarian law.

67. His Government was deeply concerned at the acts of violence in East Timor. On 12 November 1991 the Indonesian armed forces had opened fire on civilians in Dili, killing and wounding a considerable number of people.

(Mr. Breitenstein, Finland)

Finland urged the Indonesian Government to pursue its announced investigation of that horrendous incident rapidly and with complete impartiality. It should do its utmost to prevent further violations of human rights and cooperate fully with the Special Rapporteur on torture, who was to visit East Timor and whose report the Finnish Government looked forward to.

68. The interim report on the human rights situation in Afghanistan also caused deep concern. The plight of the refugees had lasted far too long. Lack of respect for basic humanitarian obligations, torture and general mistreatment of prisoners of war and civilians were the order of the day. His Government strongly supported the Secretary-General in his efforts to bring about a political solution to the conflict.

69. The human rights situation in Iraq was far from satisfactory, as the interim report of the Special Rapporteur indicated. The war was over, but the fate of thousands of civilians was still unknown. While it welcomed the contacts established between the Iraqi Government and the Special Rapporteur his delegation urged the Iraqi Government to respect its international commitments on human rights.

70. In Iran, Finland hoped that the Government would continue to cooperate with the Special Representative in order to permit him to report to the next session of the Commission on Human Rights on the situation in that country. It also called for a speedy agreement on the visits of the representatives of ICRC to the Iranian prisons.

71. The situation concerning civil and political rights in Myanmar remained very unsatisfactory. His Government was disappointed at the failure of the authorities to accept the results of the elections in 1990 and to open the way to democratization.

72. The Government of Finland had taken note with great satisfaction of the transition of some countries in Africa towards a democratic form of Government and respect for human rights, while it deplored some recent negative developments. In particular, it strongly disapproved of the recent arrest of opposition leaders in Kenya, whose prompt release it appealed for, and hoped that the democratization process and the transition to a genuine multiparty system in Kenya would continue without interference.

73. The United Nations had done much over the years to lay the foundations of a truly global culture of human rights. The International Covenants and other human rights instruments remained the basic components of any national or international human rights policy. Yet, a large number of Member States had still not ratified those instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Finland urged those Governments which had not yet acceded to those instruments to do so without delay or reservations.

(Mr. Breitenstein, Finland)

74. The United Nations had a central role in the advancement of and respect for human rights. Consequently, it must have the financial resources necessary for its task. The advisory services of the Centre for Human Rights were of the utmost importance for countries taking measures to improve their human rights situation and must therefore be strengthened.

75. The Commission on Human Rights offered unique possibilities for the United Nations to monitor the implementation of human rights. Finland, supported by the other Nordic countries, was seeking a seat in the Commission. If elected, it would spare no effort to work for the universal acceptance of human rights, guided by the principles of objectivity, impartiality and non-selectivity.

76. His delegation emphasized the importance of the Subcommittee on Prevention of Discrimination and Protection of Minorities but urged it to set priorities and to focus its activities more clearly, as called for in resolution 1991/56 of the Commission on Human Rights.

77. The Finnish Government believed that the 1993 World Conference on Human Rights would be one of the most important meetings of the decade, provided it had sufficient funding. Finland was ready to make a substantial contribution in support of the participation of representatives of the least developed countries in the Conference and in its preparations.

78. Human rights had recently been widely discussed in several international meetings, among which the most important were the conference on minorities of the Conference on Security and Cooperation in Europe (CSCE), held in Geneva in the summer of 1991, and the CSCE Conference on Human Dimension held in Moscow in the autumn. The latter had made it possible to broaden and strengthen the concept of the rule of law and democratic institutions as well as acceptance of minimum standards during a state of public emergency. The CSCE had won acceptance of the principle that the safeguarding of human rights and fundamental freedoms could not be construed as interference in the internal affairs of a State. As the Secretary-General had suggested in his annual report, that principle should be applied universally.

79. The Finnish Government also welcomed the regional activities on human rights carried out within the Organization of American States and the Organization of African Unity.

80. Protection of the rights of indigenous peoples was part of the world-wide implementation of human rights. In connection with the celebration of the International Year for the World's Indigenous People in 1993, Finland intended to establish a committee to take charge of the national preparations.

81. His delegation attached great importance to the complementary role played by the non-governmental organizations, such as Amnesty International, which deserved the full support of the international community.

(Mr. Breitenstein, Finland)

82. The map of the world was changing, some countries had gained independence and others might yet emerge, and the protection of minorities had become part of the agenda. Unless minorities were adequately protected, no lasting solution would be possible. It was vital that all members of the international community, new as well as old, should fully respect human rights.

83. Mr. JIN (China) said that the Chinese Government welcomed the convening in 1993 of the World Conference on Human Rights, which would be the most important United Nations conference in the field of human rights since the 1968 International Conference. He noted with satisfaction that regional preparatory meetings were to be held in Asia, Africa, Latin America and Eastern Europe and he expressed the hope that steps would be taken to finance them, particularly in order to enable the least developed countries to participate. In that connection, he noted with regret that a number of least developed countries had been unable to attend the first session of the Preparatory Committee for the World Conference because no voluntary contributions had been forthcoming. The success of the Conference depended upon participation by the largest possible number of countries. The General Assembly should therefore make a further appeal for extrabudgetary contributions for that purpose. It was also important for the Secretary-General to provide technical services, including the preparation of the relevant documentation for the regional meetings. The widest possible publicity should be given to the regional meetings and the World Conference. The reports of the regional meetings should be distributed as official documents of the 1993 Conference and their recommendations or decisions should be fully reflected in the Conference's final document.

84. There were currently 166 Member States of the United Nations, with tremendous differences between them in all fields, including human rights, where it was understandable that understandings and practices should differ. Only by seeking common ground and respecting the different approaches to the matter would the protection of human rights and fundamental freedoms be genuinely promoted, and international cooperation in the field encouraged. It was unreasonable to seek to coerce all countries into adopting a single model appropriate to a certain country or specific region.

85. Although human rights were indivisible, there was a tendency to emphasize one category, civil and political rights, at the expense of the rest, namely economic, social and cultural rights and the right to development. At a time when more than one billion people were unable to provide for their basic needs, the most urgent and basic human rights for a large number of developing countries were the right to subsistence and the right to development.

86. For a number of years, there had been a tendency to question the traditional concept of State sovereignty in regard to human rights. China could not accept such views. Without State sovereignty, there could be no human rights in any area. The many countries of the third world which, like China, had lost their independence and been humiliated by the imperialist and

(Mr. Jin, China)

colonialist Powers, valued their hard-won sovereignty too much to accept orders from other countries. In the view of China, human rights questions could be international in character - as in the case of violations caused by colonialism, imperialism, hegemonism, racism, or foreign aggression and occupation - or national, as in the case of the exercise of citizens' rights in a particular country. The latter was mainly an internal affairs issue.

87. China endorsed the purposes and principles of the United Nations Charter aimed at protecting and promoting human rights and fundamental freedoms and had always participated in United Nations activities in the field of human rights, but it could not approve of the use of human rights as an excuse to promote any particular values, ideology, political standards or mode of development. Such practices were no longer issues of human rights but rather expressions of power politics and interference in the internal affairs of other countries.

88. To ensure the achievement of the full range of human rights remained an objective pursued by the Chinese Government and people, as evidenced by the white paper published recently by the Chinese Government entitled Human Rights in China, which described the fundamental changes in the human rights situation since the founding of the People's Republic.

89. With reference to the remarks made by the delegation of the Netherlands on 19 November on behalf of the European Community and the representative of the United States on 21 November concerning a number of third world countries, including China, his delegation wished to point out that it considered the criticisms made by those delegations to be irresponsible and prejudicial to international cooperation. It stressed that the People's Republic of China was an independent sovereign State which was entirely free to deal with criminals in accordance with its own laws, and which could not tolerate outside interference in the matter. Furthermore, China rejected the unjustified accusations made against China during the current meeting by the representative of Sweden concerning the so-called excesses committed by the Chinese Government in Tibet. Before 1959 Tibet had been a backward country of serfs who had no freedom whatsoever. Now, Tibetans enjoyed all human rights and fundamental freedoms. It was, therefore, appropriate to question the motives of people who made such a fuss about the human rights issue in Tibet while turning a blind eye to flagrant violations of those rights in other regions of the world.

90. Mr. CEPEDA (Colombia) said that the new international political situation provided an opportunity to encourage respect for human rights and fundamental freedoms in every field.

91. In Colombia, a constitutional assembly elected in December 1990 had proclaimed a new constitution whose provisions regarding human rights were in accordance with the international instruments ratified by the Colombian Congress. In addition to traditional institutions such as habeas corpus, the

(Mr. Cepeda, Colombia)

new Colombian Constitution provided new implementation mechanisms, including the creation of the post of ombudsman, and of a constitutional court. It was in fact a new legal system intended to guarantee the effective exercise of the rights recognized to individuals by the Constitution.

92. The new Constitution also provided various consultative mechanisms aimed at ensuring the participation of the population in public affairs. Political pluralism was also guaranteed, with the opposition given access to information and the media, and State financial aid in order to take part in election campaigns.

93. The Constitution stipulated that the proclamation of a state of emergency should not entail the suspension of human rights or fundamental freedoms and that in every case international humanitarian law should be respected.

94. Lastly, the constitutional court and other legal bodies, constituted an authority distinct from political institutions, an authority with its own rules based on principles and not power and in which citizens had a say.

95. In Colombia, the promotion and protection of the human rights of certain categories or groups of individuals had been subject to particular attention. With regard to children for example, Colombia, which had welcomed with great satisfaction the entry into force on 2 September 1990, of the Convention on the Rights of the Child, had ratified the Convention and adopted measures to implement its provisions. Programmes of action to fight against the exploitation of child labour in all its forms, including for illicit purposes, had been initiated. The national Constitution went even further since it affirmed the primacy of the rights of children over the rights of other people.

96. His delegation also accorded great importance to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which also aimed at eliminating all forms of exploitation of that category of people.

97. The new Colombian Constitution also protected the indigenous communities: their languages and dialects were accepted as official in the territories they occupied, their traditions were recognized and they had the right to manage their affairs as they saw fit. Measures had also been taken to enable those communities to take part in elections and as a result, after consultations which had taken place on 27 October 1991, two indigenous people had become members of the Colombian Senate. The indigenous population in Colombia numbered around 500,000 out of a total of 3 million inhabitants. His delegation therefore accorded considerable importance to the International Year for the World's Indigenous People, which would be an opportunity to redouble all efforts to improve the living conditions of the indigenous peoples, resolve the problems they faced and ensure that their rights were protected.

(Mr. Cepeda, Colombia)

98. With reference to the convening of the Conference on Human Rights in 1993, he wished to reaffirm the significance his country attached to an integrated and indivisible concept of all categories of rights and the need to understand that the strengthening of democracy was inextricably linked to development and social justice. The Conference on Human Rights and the regional preparatory conferences would provide an opportunity to assess activities and experiences in that field, to strengthen the universal culture of human rights and to reaffirm the indivisibility and interdependence of those rights.

99. Mr. ROCHEREAU de la SABLIERE (France) said that the work of the United Nations reflected the enormous diversity of situations which required attention, but were confirmation that the Organization had left behind it the era of sterile polemics. Nevertheless, even though it was now beyond dispute that the defence of human rights was a legitimate concern of the international community, vigilance was still needed in order to ensure that the consensus did not lead to a slackening of effort, for human rights, and especially the right to life, continued to be violated on a large scale. Disease, hunger, poverty, and brutal and unjustified repression were still daily realities. Children suffered inhuman treatment and the allocation of humanitarian aid often encountered obstacles.

100. Admittedly, hope had been reborn in Cambodia, dialogue was once more under way in Latin America, South Africa was becoming democratic and unified, and the African continent was advancing towards democracy and the multiparty system, but repression was still being used against the Iraqi people, the fighting in Yugoslavia continued to cause human suffering, violence had broken out in East Timor and the situation in Myanmar was totally unsatisfactory.

101. All States were required to implement Articles 55 and 56 of the Charter, which provided that they should promote "universal respect for, and observance of, human rights and fundamental freedoms for all". In that connection, France welcomed the fact that the United Nations action in El Salvador and Cambodia included a human rights component.

102. He underscored the importance of the question of human rights in United Nations activities, as illustrated by the report of the Secretary-General on the subject. The international community could base its actions on international norms and provisions which constituted a solid basis.

103. There was universal awareness of the role of the committees entrusted with the task of following up the implementation of international human rights instruments, such as the recently created Committee on the Rights of the Child. He hoped that the financial difficulties that beset some of those bodies would soon find a satisfactory and lasting solution.

104. Following a period of change that had been supported by France, the Commission on Human Rights had become a forum for a genuine dialogue between States. France believed that the decision taken by consensus to establish a

(Mr. Rochereau de la Sabliere, France)

working group on detention was a significant result of the Commission's forty-seventh session. A large number of States cooperated with the representatives of the United Nations in a constructive spirit, but in certain cases witnesses who had collaborated with the Organization had been victims of reprisals. Such reprisals were intolerable.

105. During the current period of political upheaval, it was vital for the United Nations to be in a position to provide assistance, when so requested, particularly to facilitate the transition towards democracy. Thanks to a massive operation of electoral assistance, the United Nations had accompanied the rebirth of democracy in Haiti. While that rebirth had unfortunately been suspended, there was reason to hope that the legitimate authorities of that country would be reinstated.

106. Generally speaking, his delegation attached great importance to the programme of technical assistance and advisory services of the Centre for Human Rights. It hoped that the Centre would, *inter alia*, by reinforcing its cooperation with UNDP, expand its services, particularly its training activities at all levels. In addition, violations of human rights throughout the world were still too serious to dispense with surveillance activities.

107. The development of United Nations activities reflected the progress the Organization had achieved in the area of standard-setting. In that regard, France hoped that the most recently adopted instrument, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, would enter into force at an early date, and welcomed the fact that the General Assembly was considering, at its current session, an important text concerning mentally retarded persons. In its view, moreover, the international community should pay increased attention to the problems of bioethics.

108. France was also satisfied that the working group which had been entrusted by the Commission on Human Rights to prepare a draft declaration on enforced disappearances had been able to complete its work. The General Assembly, at its following session, should solemnly adopt the declaration, which treated that practice as a crime against humanity.

109. Lastly, absence of punishment was one of the principal causes of continuing violations of human rights. It posed a dilemma to the authorities of the new democracies, which, out of a concern to bring about national reconciliation, were too often tempted to refrain from punishing violations committed in the past.

110. The incorporation of respect for human rights in the problem of development was another issue of concern to France. His country remained convinced that the content and modalities of development were essential elements in the process of democratization. In order to contribute to that process, development programmes should be focused on the individual and his

(Mr. Rochereau de la Sabliere, France)

economic, social and cultural needs and should be implemented with the genuine participation of the intended beneficiaries. That message was contained in the Declaration on the Right to Development.

111. The 1993 World Conference on Human Rights would provide an opportunity to review the situation and, particularly, to elaborate forward-looking proposals. It was to be held at Berlin, a symbol of the reconciliation of a people and of the adherence of an entire region of the world to the values of democracy. France hoped that the effective implementation of international human rights standards and the role of the United Nations system and of regional bodies in that regard would receive priority attention.

112. The existence of international mechanisms, however, did not free Governments from their national obligations to ensure the equality of all citizens before the law, promote access to health and education, protect children from violence and exploitation, and to ensure that the rights of persons living in extreme poverty were respected. States should bring their national legislation and practices into line with international texts. That task could not be successfully undertaken without the participation of society as a whole. The role played by non-governmental organizations and by the media in that regard was crucial. Respect for human rights was based on solidarity by all. The support of national institutions for the protection and promotion of human rights was also vital. Far from being a reflection of a lack of democracy, or a shortcoming of the legislative, executive or judicial branches, such bodies represented an additional force for democracy, which helped to define common guidelines for both the authorities and social forces on the one hand, and the Government and the individual on the other. As the French Minister for Foreign Affairs had said, human rights were the concern of all. Responsibility for protecting them could not be left to Governments alone, however vigilant they might be.

113. Mr. ALFARO-PINEDA (El Salvador), replying to the criticisms of his Government made by the representative of Sweden, said that his Government was always willing to accept criticisms provided they were constructive. However, the representative of Sweden had shown herself to be partial in that she seemed to have forgotten the assassinations carried out by the Frente Farabundo Marti para la Liberación Nacional and its attacks against the infrastructure of the country. With regard to the murder of the Jesuits, the representative of Sweden had referred to a cover-up of the matter. He would be pleased if she would present to the court that was investigating the matter proof of her assertion, which would greatly facilitate the court's task.

114. Mr. HUSSEIN (Iraq), referring to the accusations made against his Government by a number of delegations with respect to the situation of human rights in Iraq, said that those delegations had no wish to acknowledge the efforts made by Iraq in that area or its willingness to cooperate with the United Nations. The Iraqi Government was aware that it needed to take steps

(Mr. Hussein, Iraq)

to fulfil the international obligations which it had contracted. The political will was not lacking, but the situation was difficult. Nevertheless, as was well known, Iraq had decided to cooperate with the Special Rapporteur, who would shortly be visiting the country and would have the opportunity to test the sincerity of the Iraqi Government's intentions.

115. Mr. ADALA (Kenya), speaking in exercise of the right of reply, recalled that the representative of Finland had referred to the recent arrests at Nairobi of opponents of the regime. He wished to make clear that those opponents did not belong to any duly registered party, that they therefore had not been arrested as members of a party, that they had been brought before the courts and that the majority of them had already been released.

116. In Kenya, contrary to what the representative of Finland had suggested, the political regime was based on an authentic multi-party system.

The meeting rose at 12.35 p.m.