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SUMMARY RECORD OF THE 42nd MEETING

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)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/46/3, chap. VI, sect. C), A/46/40, 46, 392-395, 490, 503, 618)

1. Mr. SLABY (Czechoslovakia) said that the system for monitoring compliance with human rights treaties should be based on assistance, not confrontation. The activities of certain treaty bodies had not achieved the required results, because of ill-defined agendas and duplication of the activities of other bodies. The monitoring bodies faced a crisis caused by overdue reports and non-compliance by States parties with their financial obligations. His delegation was deeply concerned about the shortage of funds that had led to the cancellation of a number of sessions of different treaty bodies, particularly the Committee on the Elimination of Racial Discrimination.

2. The solution was better coordination of the activities of the monitoring bodies, a clear definition of their mandates and strict compliance by States parties with their obligations. Information on the extent to which States parties carried out their reporting and financial obligations should be included in the reports on the status of international treaties submitted annually to the General Assembly. Those reports should contain a list of States with overdue reports and those in arrears in their financial contributions.

3. His Government had taken certain steps in the past year to strengthen the protection of human rights in Czechoslovakia. They included the adoption of the Constitutional Charter of Fundamental Human Rights and Freedoms, which incorporated international human rights standards into national law and would serve as the basis for the new Constitution being drafted. The newly created Constitutional Court monitored compliance with human rights legislation in the country. Czechoslovakia had recently acceded to the Optional Protocol to the International Covenant on Civil and Political Rights and had made a declaration recognizing the competence of the Human Rights Committee under article 41 of the Covenant.

4. Ms. AL-HAMAMI (Yemen) said that the recognition of equal rights, as proclaimed in the Charter of the United Nations, was fundamental to freedom, justice and peace in the world, and that such rights derived from human dignity. Furthermore, human rights were indivisible and should be observed impartially. On the question of torture, she said it was essential to observe

(Ms. Al-Hamami, Yemen)

article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which prohibited that practice. The Yemeni Constitution guaranteed equality before the law, the principle of punishment of criminal acts solely in accordance with the law and the principle of an accused person's innocence until proved guilty. It forbade the arrest, search or detention of persons on grounds of mere suspicion, trumped-up charges or untruthful reports; such acts were permissible only in the case of flagrante delicto or a court order, drawn up in accordance with the law. It also forbade the physical or mental torture of any person detained, the purpose of detention being reform rather than humiliation or revenge. Yemen was striving to achieve a democratic society which guaranteed its citizens basic human freedoms and dignity. It had recently acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. The international community was duty-bound to respond to the various forms of torture inflicted on the Palestinian people and the people of southern Africa. Torture could also take the form of deliberate starvation, as could be deduced from United Nations reports on the conditions of the women, children and elderly of Iraq under the embargo; one might well ask to what extent the Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children was being observed. All the children of the world should enjoy a healthy, wholesome existence. She called on the international community to work together to achieve the lofty humanitarian goals of the Third Committee.

6. Mr. MEZZALAMA (Italy) said that, since 1985, his delegation had expressed concern about the increasing difficulties in complying with reporting obligations under the human rights covenants. In spite of a number of initiatives taken to improve the mechanism for submitting reports, the situation remained unsatisfactory, and should be given thorough consideration.

7. He stressed the need to explore the possibility of streamlining and rationalizing reporting procedures, and of submitting consolidated reports when appropriate. That would help to alleviate the difficulties encountered by States parties in carrying out their reporting obligations and to enhance the efficiency of the treaty-monitoring bodies. Those bodies would have an opportunity to improve their methods of work and to explore new procedures or adapt existing ones. Effective monitoring of certain situations was hard to ensure under the current practice, based on rigid periodicity rules. Although his delegation appreciated the steps already taken by the treaty bodies to improve their procedures, it felt that they should be encouraged to do more within the limits of their mandates. Special attention should also be given to publicizing the work of the treaty bodies. The format and presentation of their annual reports should be changed in order to make them more accessible to the public at large. The 1993 World Conference on Human Rights might provide the first opportunity for thoroughly considering all those issues.

(Mr. Mazzalana, Italy)

8. His delegation welcomed the Secretary-General's report on effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments (A/46/503), where computerisation was singled out as a means for ensuring more rational functioning of the United Nations system in the field of human rights. Italy noted with satisfaction that the Secretary-General intended to invite Member States to make voluntary contributions to cover the installation cost of the computerized database that was to be established to improve the efficiency and effectiveness of the treaty bodies. He hoped that a generous response to that invitation would make it possible to achieve decisive progress towards quality and efficiency in that field.

9. Mr. SZYMANSKI (Poland) said that the observance of human rights was an essential principle of his country's domestic and foreign policy. The United Nations must continue to play a fundamental role in promoting and protecting those rights. No effort should be spared to eliminate the existing economic disparities in various parts of the world, which had a disrupting effect on the observance of human rights. A democratic system based on free elections and the rule of law created the institutional framework for the implementation of those rights. That question should be given a more prominent place in the organizational framework of the General Assembly itself.

10. Poland sought to strengthen the international system for protecting human rights and was committed to carrying out all its international obligations in that field. The argument that monitoring the implementation of human rights instruments constituted interference in internal affairs could not be invoked when there were mass violations of human rights. In that respect, Poland fully shared the view expressed by the Secretary-General in his report on the work of the Organization (A/45/1) and stressed the role of the international treaty bodies in making compliance with human rights standards an everyday reality.

11. Poland had taken a number of steps to broaden its international commitments in the field of human rights, including ratification of the Optional Protocol to the International Covenant on Civil and Political Rights and acceptance of the provisions of article 41 of the Covenant. His Government stressed the need to ensure universal accession to existing human rights instruments. Further consideration should also be given to possibilities for expanding and enhancing humanitarian cooperation. In particular, institutional mechanisms were needed to safeguard respect for the standards already attained. Implementation - the heart of the matter - could be brought about through political procedures based on intergovernmental cooperation.

12. The reporting procedures, instead of being restricted to reports covering the past period, should be expanded to include prevention of human rights violations through, for example, fact-finding visits by experts to monitor compliance with international commitments, expanded use of special rapporteurs and the establishment of a system of "good offices". The time had come to

(Mr. Szymanski, Poland)

consider the question of emergency humanitarian intervention. In the long term, the international community might wish to use humanitarian intervention to provide a prompt response to situations and enhance coordination within the United Nations system.

13. Poland had actively participated in the preparation of human rights protection standards for minorities within the framework of the Conference on Security and Cooperation in Europe. His Government was committed to observing those standards and expected a similar commitment from other European States. The question of self-determination by nations and peoples was of crucial importance to the international legal and political infrastructure. Internal democracy should be accompanied by democracy in relations between States.

14. In the search for solutions to the problem of migration, it was necessary to reconcile the legitimate interests of States with protection of fundamental human rights. A distinction should be made between an individual's freedom of movement and his right to settle in another country. Preventing large-scale migration required international cooperation and coordination. The issue of migration was related to the implementation of the right to development.

15. The 1993 World Conference on Human Rights should provide an opportunity to work out a long-term international programme for promoting and protecting those rights. In preparation for the Conference, it might be useful to pursue a broad promotional campaign and set up an international information and documentation system. Regional and international systems for protecting human rights should be complementary, and the coordination of those systems should be taken up at the Conference.

The meeting rose at 10.50 a.m.