



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1989/SR.25
5 June 1989

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 February 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)
later: Mrs. ILIC (Yugoslavia)

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(continued)

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The meeting was called to order at 10.15 a.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1989/3-E/CN.4/Sub.2/1988/45 (Chapter I, Sect. A, resolution I, E/CN.4/1989/20, 21, and 47; E/CN.4/1989/NGO/32, E/CN.4/1989/CRP.1 and CRP.2; A/RES/43/128)

1. Mr. JEBARI (Morocco) paid a tribute on behalf of his delegation to the Centre for Human Rights for its activities in connection with the celebration of the fortieth anniversary of the Universal Declaration of Human Rights and in particular for its work in publishing and disseminating information material throughout the world and for its efforts to enhance co-operation and co-ordination with a growing number of Governments, NGOs, distinguished academics and other concerned institutions. The establishment within the Centre of the External Relations, Publications and Documentation Section would make for a better understanding of its public information and education activities in the field of human rights in accordance with paragraph 12 of resolution 1988/74, adopted by the Commission on Human Rights on 10 March 1988. Those measures would undoubtedly be further strengthened by the World Public Information Campaign for Human Rights launched by the General Assembly pursuant to resolution 43/128.

2. The dominant role of the United Nations in developing a conventional and institutional framework for the definition and promotion of and respect for human rights must be backed up by the broadest possible accession to the International Covenants on Human Rights, which restated the principles already set out in the Charter of the United Nations and the Universal Declaration of Human Rights, in order to firmly secure the universal humanitarian values which were the main condition for and the objective of peace. The Commission on Human Rights had contributed towards that effort in connection with the codification of international standards and had taken responsibility for the effective implementation of a large number of them. For that reason, it was essential to underscore the extremely useful work carried out by the Commission's special rapporteurs and working groups together with the outstanding contribution made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

3. In Morocco, the foundations for internal human rights protection were laid down in the Constitution. The relevant legislation was adopted by Parliament and the enabling regulations were drawn up by the authorities. The Criminal Code and the Code of Criminal Procedure guaranteed accused persons effective enjoyment of all their rights. Furthermore, a number of measures were undertaken by Morocco to promote respect for human rights. The public was regularly informed through the audio-visual information media and the press of the guarantees to which it was entitled under the country's liberal democratic system, as well as of the commitments made by the Moroccan State pursuant to the international instruments to which it was a party and of the activities undertaken to promote human rights by international and regional

organizations. A number of artistic and cultural events had been organized to promote rapprochement and a cross-cultural dialogue among the various strata of society and between Morocco and foreign countries.

4. Human Rights teaching had been included in the university curricula in accordance with the recommendations made by the Commission on Human Rights in its resolution 1988/74, paragraph 14. In order to promote an awareness and understanding of human rights, a national human rights symposium had been held in December 1987 under the auspices of the Moroccan Bar Association. Several seminars, attended by people in positions of responsibility in the fields of teaching, education, training and youth, had been organized in the latter part of 1987 by the Moroccan Red Crescent on the topic of international humanitarian law and human rights.

5. In conclusion, his delegation expressed its wish that the international community as a whole would co-operate with the relevant bodies in order to carry out the task for which it was responsible, namely, promoting and furthering respect for human rights and fundamental freedoms.

6. Mme ATTAH (Nigeria) said that in the field of human rights, no State had a perfect record. Consequently, the international community as a whole should not only continue to remind itself of the standards set, but also to develop mechanisms for the effective attainment of those standards, as much still remained to be done. The promotion, observance and defence of human rights and fundamental freedoms were essential not only for the maintenance of international peace and security, but also for justice in the world. Her delegation would continue, as it had always done, to condemn the numerous and barbarous violations of human rights which continued to be committed in a number of regions, such as South Africa and the occupied Arab territories.

7. Her delegation expressed its satisfaction at the launching of the World Public Information Campaign for Human Rights by General Assembly resolution 43/128. It noted with satisfaction the contents of the Report of the Secretary-General (E/CN.4/1989/21) on the implementation of Commission on Human Rights resolution 1988/74 in respect of appropriate measures for the development of information activities in the field of human rights. Her delegation found the current and proposed activities properly conceived and well structured. It wished to emphasize the importance and special value of workshops and training courses, the number of which should be increased to benefit those regions of the world that, in statistical terms, showed high levels of politically related violence and killings. The expansion of the fellowship and scholarship programme, which had been successfully applied since its creation in 1955, would also considerably strengthen the impact of the World Campaign. In that same connection, the Secretariat should strengthen the programme of advisory services in the field of human rights which had proved extremely effective, as well as the capacity of the Department of Public Information and the United Nations Information Centres.

8. Finally, there was a great need for the international human rights instruments to be published in more languages, and in particular in African languages. Her delegation paid a tribute to the Centre for Human Rights, and in particular to Mr. Martenson, Under-Secretary-General for Human Rights, for the dynamic role they played in organizing and promoting the World Public Information Campaign as well as the other United Nations activities in the human rights field.

9. In Nigeria, human rights and fundamental freedoms were guaranteed by Chapter 4 of the 1978 Constitution. Those standards and the laws stemming from them were strictly interpreted and implemented thanks to a robust and independent judiciary. The Institution of Legal Aid had been established in 1973 to provide legal defence for those who could not afford it and the Sub-Committee on Human Rights, within the Nigerian Bar Association provided assistance to individuals who considered that their fundamental rights had been infringed. There was also an effective and functioning Public Complaints Bureau. Finally, freedom of expression was effectively recognized and exercised. The Nigerian Government was firmly committed to promoting the implementation and defence of established human rights standards and did its utmost to respect that commitment.

10. Mr. RAVEN (United Kingdom of Great Britain and Northern Ireland) reiterated his delegation's support for the Secretariat's public information work. The World Public Information Campaign was a useful and logical follow-on to the celebrations of the fortieth anniversary of the Universal Declaration of Human Rights.

11. In the United Kingdom, the activities organized on that occasion had raised the awareness of ordinary men and women in the street on their rights. That was due not only to the efforts made by the United Kingdom Government itself but also, and in very large measure, to the invaluable and excellent work of the NGOs and of the Centre for Human Rights. Amnesty International had, in particular, organized a children's painting competition which had enabled many British schoolchildren to become aware of their basic rights and how easily they could be violated. The World Public Information Campaign should pursue the same objective and concentrate on schools, colleges and places of work. In the view of his delegation, NGOs were best suited to reaching all sections of the public, and in particular those groups of society most in need of information on their rights.

12. Quite logically, the United Nations Information Centres and other branches of the United Nations system also had a major role to play in transmitting human rights information material. The material distributed should include not only the texts of the international human rights instruments, which should be published in all languages, as the Nigerian delegation had rightly stressed, but also information on the special procedures, such as that established under Economic and Social Council resolution 1503 (XLVIII), to inform people everywhere of the remedies available to them if they were victims of human rights violations. His delegation warmly welcomed the steps already taken by the Centre for Human Rights in that direction and its close co-operation with the Department of Public Information which should increase the latter's role in the World Public Information Campaign, pursuant to General Assembly resolution 43/128. It was also pleased to learn that the World Campaign could be financed from DPI resources and hoped that situation would continue. Finally, his delegation suggested that in future years, the Commission should continue to review the progress of the World Campaign.

13. In respect of the functioning of the treaty-monitoring bodies, his delegation had read with great interest the report prepared by the Dutch Human Rights and Foreign Policy Advisory Committee, that had been circulated at the previous year's General Assembly, and which had underscored the problems confronting States parties to those instruments as a result of their obligation to submit periodic reports.

14. His delegation also supported the conclusions and recommendations of the report on the meeting of persons chairing the human rights treaty bodies which had taken place in Geneva from 10 to 14 October 1988, and in particular the suggestions regarding the consolidation of the respective guidelines of the treaty bodies governing the initial part of each State party's report, the institution of a regularly scheduled consultation with representatives of those States whose reports were overdue and the suggestions for the use of technical assistance and advisory services and an exploration of the costs and benefits of computerizing the work of the Committees. His delegation hoped that the chairmen of those bodies would be able to meet regularly in order to improve further the functioning of their bodies. The question of the financing of the existing treaty bodies and of any bodies to be established in the future was one that needed to be considered in the overall context of United Nations financing, and was, therefore, a matter for the General Assembly. For that reason, his delegation supported the submission to the General Assembly of article 43 of the draft convention on the rights of the child, which dealt with that issue.

15. Mr. WALDROP (United States of America) recalled Benjamin Franklin, John Adams and Thomas Jefferson had taken less than one month to draft the text of the Declaration of Independence, which had been adopted by the Continental Congress on 4 July 1776. That pattern of expeditious drafting might well serve as a useful benchmark for the various working groups which submitted reports to the Commission.

16. The Declaration of Independence had proclaimed that "all men are created equal", but it could justifiably be argued that the principle had not been implemented in the United States until the abolition of slavery in 1865, at the end of the civil war, a fact which showed the sustained efforts and extended intervals often required for the effective implementation of agreed principles.

17. The second paragraph of the Declaration of Independence also declared that Governments derived their just powers from the consent of the governed; that principle had been incorporated into article 21 (3) of the Universal Declaration of Human Rights which stated that "The will of the people shall be the basis of the authority of government". Far from diminishing, the principle's significance had increased with time. However, the Declaration also stated that the will of the people "shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures". The international community should seek to implement that principle. Accordingly, the United States had put forward a draft resolution entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", which had been adopted as General Assembly resolution 43/157, whose final text embodied the constructive ideas and suggestions of a wide range of delegations.

18. The conduct of States was subject to appropriate international instruments and the elementary principles of justice and fairness. In practical terms, the United States accepted the fact, however, that the principle of periodic and genuine elections might be legitimately applied in different ways, as there was no single political system or electoral method which applied with equal suitability to all nations and peoples. However, the United States was convinced that the international community should, by its

joint efforts, enhance the effectiveness of that principle. The most prominent joint activity in that connection should be the development of analytical commentaries and other information of potential use to Governments.

19. His delegation hoped to give a tangible content to the common endeavour at the Commission's forty-fifth session. For that reason, it had drafted a procedural text on that issue and would welcome any suggestions in order to work out a final version which could be adopted by general agreement.

20. The principle of periodic and genuine elections was at the root and core of real democracy. In seeking to enhance the effectiveness of that principle, the international community was also contributing to the enhancement and increased effectiveness of all human rights and fundamental freedoms. In the final analysis, the will of the people should prevail.

21. Mrs. ILIC (Yugoslavia) observed that in order to be able to consider its programme and methods of work seriously, the Commission needed to be better prepared and to have documents and studies sufficiently in advance. Generally speaking, a certain number of documents were submitted too late and only in certain languages. The voluminous report of the Working Group on southern Africa (E/CN.4/1989/8) submitted under item 6 was a case in point. Better planning of the programme of work and of the meetings could undoubtedly resolve the problem.

22. After drawing attention to the useful conclusions and recommendations of the meeting of the persons chairing the human rights treaty bodies, she paid a tribute to the activities of the Centre for Human Rights in the field of information. In the previous year, the celebration of the fortieth anniversary of the Universal Declaration of Human Rights had provided an excellent opportunity to intensify information activities throughout the world. In that connection, the successful results of a number of seminars and training courses organized in 1988, such as the European Workshop on the Universal Declaration of Human Rights, held in Milan, Italy, and the First Regional Workshop and National Training Course held in Lomé, the Global Consultations on Racism and Racial Discrimination held in Geneva in October 1988 and the International Seminar on the Teaching of Human Rights, also held in Geneva, in December, deserved special mention. In the future, the Commission should examine the World Public Information Campaign recently launched by the General Assembly in greater detail. That Campaign would be more effective if national and regional needs were taken into account.

23. Finally, her delegation supported resolution 1982/2 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the co-ordinating role of the Centre for Human Rights, as it considered that in the future it could serve as a basis for more specific consideration of that question.

24. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic) stated his delegation's position on international co-operation in the field of human rights, taking account of the current situation. Human rights had been at the centre of United Nations activities ever since its inception. They constituted a priority concern, while other concerns, such as peace and environmental protection were means of guaranteeing human rights.

25. The present-day will to overcome ideological conflicts in the interests of peace was conducive to international co-operation in the field of human rights. However, there were also new dangers, such as the misuse of science and environmental damage, creating a need for greater co-operation. In that connection, the work of the Conference on Security and Co-operation in Europe, held in Vienna, had been exemplary, as the recommendations in the final document showed. That meeting exemplified the potential for exchanges of experience and international co-operation existing in the human rights field.

26. Human rights were essentially a set of national and international standards designed to guarantee life, security, dignity and fulfilment of the human person. International co-operation in that area embodied all the activities of States and international organizations in the contexts established by international human rights standards. Those standards formed a whole, and care should be taken to avoid setting, inter alia, standards relating to civil and political rights against those concerning economic, social and cultural rights. In that connection, he recalled General Assembly resolution 32/130 which had requested an analysis of "alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights".

27. There were already dozens of human rights instruments which set out not only civil and political rights and economic, social and cultural rights, but also other rights. One school of thought was that international co-operation should concentrate on implementing recognized rights rather than on drawing up standards. Another thought, however, that standard-setting activities should be continued since the overall fulfilment of the human person was not yet assured. Both of those approaches were in fact complementary: international co-operation should allow and assure the implementation of existing standards and the preparation of new ones. His country would like progress to be made in both directions.

28. There was no State that could today claim that it guaranteed respect for all the international human rights standards to all its population groups. Some States possessed particular experience in one particular field, on which other States could draw. The United Nations had an increasingly significant role to play and should analyse in greater depth the practices of States. The study of indigenous populations by Mr. Alfonso Martínez was an example of the kind of study that could be extremely useful to member States.

29. The Ukrainian SSR considered that it was still possible to draw up a generation of new human rights standards. In particular, the time had come to think about a set of rights on the environment in order to guarantee enjoyment of the right to consume healthy products, a guarantee concerning the use of safe products, the cleanliness of the environment, the reliability of information on the quality of the environment, the right to participate in decisions on the setting up of industrial enterprises harmful to health, for example. It was all the more urgent to give some thought to the issue in view of the dangers of ecological disaster currently threatening individuals, peoples, and even the whole of mankind.

30. It would be desirable to have an exchange of views on international human rights co-operation at the current session, to which the Ukrainian Soviet Socialist Republic was prepared to contribute. The discussion should focus mainly on better use of the potential available to the United Nations in order

to increase international co-operation in implementing existing standards as well as in preparing new standards. In particular, that potential could be increased by strengthening the Centre for Human Rights and by making greater use of special rapporteurs. Finally, he announced that a draft resolution on international co-operation in the field of human rights, supported by his country, would be submitted shortly.

31. Mr. AHLUWALIA (India) observed that it was evident from the discussions at the current session that while much had been achieved since the adoption of the Universal Declaration of Human Rights, much more remained to be done on behalf of human rights and fundamental freedoms throughout the world. The international community had not been able to come to grips with problems such as apartheid, gross violations of fundamental freedoms in Palestine and the scourge of poverty, hunger and underdevelopment. That reality consequently, underlined the importance to be attached, as in the title of agenda item 11, to the further promotion and encouragement of human rights.

32. He recalled that at its forty-fourth session the Commission had recommended that the mandate of special rapporteurs on thematic issues in the field of human rights should be for a period of two years and that they should continue to report annually. That recommendation had been endorsed by the Economic and Social Council. In view of the need to enhance the efficiency of the United Nations system in the human rights field and given the resource constraints confronting the Organization, careful planning of the activities was essential. With that in mind, he wished to draw attention to the following considerations.

33. Firstly, ways and means should be explored for increasing the effectiveness of the consideration of important human rights issues within the competent United Nations bodies.

34. Secondly, the standard-setting role of the United Nations should be encouraged, as new instruments, such as the Convention on the Rights of the Child and the Convention on Migrant Workers, were nearing completion.

35. Thirdly, international and regional co-operation was an essential prerequisite for the enjoyment of human rights. His delegation welcomed the Secretariat's commitment to increase its public information and education activity and to increase the international community's awareness of the work accomplished within the United Nations bodies. The peoples of the whole world were the beneficiaries of international conventions and they should consequently be made aware of them.

36. In addition, his delegation wished to stress the need for the competent bodies to avoid politicizing their debates and to achieve consensus in order to establish an international climate favourable towards human rights and towards co-operation in that field.

37. India had demonstrated its sincerity of purpose in implementing the principles and provisions of the Universal Declaration of Human Rights. Its legislature, executive and judiciary were independent; the press was free and educational establishments and NGOs helped to raise the level of consciousness among the people about their rights. Radio and television programmes, together with the other official media, increasingly focused on those factors which impeded the full enjoyment of human rights by all and gave extensive

publicity to the efforts being made by the United Nations in that field. India had lived through the colonial era, when human rights had been trampled under foot, and it would spare no effort to secure the promotion of those rights.

38. Mr. EZZ (Observer for Egypt) noted that the machinery for monitoring the implementation of the various human rights instruments was an outstanding and unique achievement on the part of the United Nations, which was usefully complemented by the vigorous and effective work of the non-governmental organizations.

39. Internally, the Arab Republic of Egypt was making a major effort to secure respect for human rights, and its 1971 Constitution, which had been amended in 1980, included a series of provisions on the freedoms, rights and obligations of citizens, fully congruent with those instruments to which Egypt was a party. The judiciary, which must be completely independent of the executive, was one of the means available to States for assuring the defence of human rights. In Egypt, there was a Supreme Constitutional Court to which anyone could apply if he considered that a law was unconstitutional or that he had suffered at the hands of the administration. The executive did not take precedence over the judiciary, a fact which gave citizens a sound guarantee. The rights of the defence were guaranteed and any accused person who did not have a counsel had one assigned to him. Furthermore, the Council of State supervised laws before they were promulgated and a judicial body was responsible for ensuring that conditions of detention met with legal requirements.

40. Those few examples showed that the Government of Egypt had always endeavoured to protect all persons residing within its territory. It had, moreover, given special attention to mothers and children in order to protect them from any form of discrimination. Accordingly, various laws had been promulgated to guarantee equality for all people in all fields, and today large numbers of women were working in a wide variety of sectors and occupied executive posts. The State had encouraged the setting up of women's associations which were mainly engaged in training activities. A national council responsible for protecting mothers and children ensured that all the activities and plans scheduled by the authorities took their interests into account. He also mentioned a number of non-governmental organizations for the protection of human rights such as the Association "Light and Hope", the Association for International Law, the Centre for Human Rights of the University of Cairo and the Egyptian Human Rights Committee.

41. His delegation welcomed the efforts of the United Nations to promote information on human rights and described in the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1989/21). The seminars and training courses organized under the auspices or with the assistance of the Centre for Human Rights were particularly valuable. His delegation gave its full support to the World Public Information Campaign for Human Rights and hoped that all States would actively participate in it.

42. The report of the Secretary-General required much more in the way of comment, but it had unfortunately been distributed too late to allow delegations to study it in detail.

43. Mr. TOWPIK (Observer for Poland) recalled that the United Nations mechanisms patiently developed over the last 40 years for constructive dialogue on all human rights issues for standard-setting and monitoring their observance, continued to be the focal point of international co-operation in that domain. The dissemination of information and provision of advisory services and technical assistance in the human rights field was an important function of the Secretariat. While the record of the United Nations was undeniably significant, its machinery should be further strengthened, first of all by universal acceptance and faithful implementation of human rights instruments, by increased support for and closer co-operation with the United Nations organs.

44. However, other forms of international co-operation at the bilateral, regional or multilateral levels, and in particular the regional system set up within the framework of the Conference on Security and Co-operation in Europe (CSCE) to which Poland attached considerable importance, should not be neglected. At the most recent session of CSCE, the States participating had adopted a document which opened the way for new forms of co-operation in Europe, including in the field of human rights, by reinforcing universally recognized standards, defining concrete ways of implementing them and promoting solutions to humanitarian problems, by personal contacts and family reunification, as well as by setting up a permanent mechanism of dialogue, consultation and co-operation. The CSCE experience proved that advanced regional co-operation was possible even between States with different social and economic systems, and could be made an effective method of promoting human rights, which the Commission on Human Rights should welcome and encourage.

45. His delegation had studied attentively the updated report of the Secretary-General on national institutions for the protection and promotion of human rights (E/CN.4/1989/47), which in itself constituted an advisory service for all States, regardless of whether or not they possessed that type of institution. However, it was important to secure the active co-operation of national institutions of various countries and to organize an exchange of information and experience, which would provide a valuable complement to the technical assistance provided by the Secretariat. The Commission should encourage that kind of co-operation and itself take initiatives in that direction, for example, by inviting ombudsmen or their equivalents in different countries to attend one of its future sessions. Their participation would contribute significantly to the quality of the work and to the prestige of the Commission.

46. The Commission had done a good deal of work on codifying human rights and the view had been expressed that part of its mandate no longer had priority. While it was true that the bulk of the work in that area had been completed and that the Commission should henceforth concentrate on securing implementation of existing instruments, it was nevertheless a fact that human rights were in a state of constant evolution and standard-setting activities could never be considered completed. The Commission should remain a forum for deliberation on the new challenges and needs created as a result of developments in science and technology. Mankind was currently facing new challenges, for example, in respect of the environment, and the study of those problems came within the competence of the Commission. Environmental protection called for multilateral action, an interdisciplinary approach and fresh thought, in addition to raising problems of national and international law. While the Commission would not resolve all the problems created by the

need to bequeath to future generations an environment conducive to their health and well being, it could undoubtedly increase awareness and provide the necessary impetus for future activities. His delegation hoped that the Commission would not disregard that new facet of human rights.

47. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic) recalled that the definition of the rights which man should exercise and the methods of implementing the instruments in which they were embodied had considerable repercussions at all levels and occupied pride of place in the work of the Commission on Human Rights. Since its inception, the Commission had achieved many successes, for instance, in establishing a dialogue with States, adopting measures to combat a variety of violations, drawing up standards and organizing advisory services. However, it still needed to improve its methods of work and to rationalize a number of procedures. His delegation considered that it would be particularly helpful to strengthen the exchange of experience among States; that would provide a useful complement to the efforts made by the Commission on Human Rights to promote mutual understanding and trust.

48. The procedures utilized by the Commission on Human Rights should produce tangible results and be based upon extremely specific provisions, to preclude any misuse. More reliable selection criteria were needed to ensure that biased information or information from sources that were too divergent was not used. Accordingly, the best course would be to impose strict legal obligations on all States.

49. Mr. STOHAL (Observer for Austria) considered that, under agenda item 11, the Commission was required essentially to discuss the best possible ways and means by which it could fulfil its mandate of protecting and promoting human rights and fundamental freedoms in all parts of the world. It seemed clear that special emphasis should be placed on the role and activities of the Centre for Human Rights, which already carried out a very considerable task. Its workload continued to expand in all spheres as new instruments were ratified by a growing number of countries, a fact which showed not only the dynamism of international developments in the human rights area, but also the growing confidence of people all over the world in the functioning of that system. It therefore seemed to be of the utmost importance to justify that confidence.

50. His delegation had also had an opportunity to draw attention to the possible problems created by the expansion of human rights activities, particularly in respect of the effectiveness of the various based organs set up under human rights instruments. In addition to the question of the need to safeguard the uniformity of standards as applied and interpreted by those organs, other problems arose, such as the rationalization of reporting procedures, the adaptation of the working methods of the organs themselves, the desirability of more frequent advice by the Secretariat and of securing adequate financial resources. An awareness of the need for better co-ordination between the different mechanisms had led to the meeting of persons chairing the human rights treaty bodies in October 1988, at which specific and constructive recommendations had been made. At its forty-third session, the General Assembly had requested an independent study on possible longer-term approaches to those issues, thereby signifying its intention of taking its responsibility seriously, and it was now the responsibility of the Commission to decide upon tangible measures in that

field. In order to do so, it could set up a working group to analyse and comment upon the independent study. In addition, further meetings of persons chairing the human rights treaty bodies should be convened for example every two years as a means of monitoring the follow-up of their recommendations. All of those proposals would ensure improved effectiveness of the United Nations human rights machinery and contribute to strengthening confidence throughout the world in that system.

51. His delegation shared the conviction of the Under-Secretary-General for Human Rights as to the overriding need to expand and improve information on activities for the promotion of human rights and expressed its satisfaction at the establishment of a new external relations section in the Centre. Above all, there should be the widest possible dissemination of information to the general public on the international human rights instruments and the functioning of the machinery designed to ensure their implementation. Forty years after its adoption, the Universal Declaration of Human Rights still required further dissemination, and the same applied to subsequent instruments. Consequently, it was necessary to publish them at the lowest possible cost and in the largest number.

52. His delegation welcomed the co-operation established between Centre and other Secretariat bodies, such as the Department of Public Information, and with other specialized agencies, such as UNESCO, and with regional and national human rights institutions. The Centre's new section could play a key role in that regard.

53. Promotional activities and advisory services pursued the same objectives although their beneficiaries were not the same: advisory services were intended for Governments, while information was aimed directly at individuals.

54. One could only conclude that there was a growing interdependence among the three facets of the activities of the Centre for Human Rights, which, if duly recognized, should enable both the Centre and the Commission to discharge their important mission.

55. Mrs. Ilic (Yugoslavia) took the Chair.

56. Mrs. MARTINS GOMES (Portugal) welcomed the adoption of resolution 43/128 in which the General Assembly launched the World Public Information Campaign for Human Rights and entrusted responsibility for it to the Commission. The time had come for everyone to be fully informed of his rights in order to ensure that they were respected and of the means of redress available in case of abuse. The need for human rights information had been clearly demonstrated by the huge success of Amnesty International's campaign "Human Rights Now". The Portuguese Centre for Human Rights had recently published the International Bill of Human Rights in Portuguese, and 3,000 copies had been sold in less than a month.

57. At the forty-third session of the General Assembly, the Portuguese delegation had stated its position on the World Public Information Campaign for Human Rights, and had emphasized that its main aim should be to help individuals to become aware of their human rights and to make use of the international machinery designed to protect them. It was necessary to identify the target groups accurately. His delegation considered that they

were all whose rights were systematically threatened or abused, minorities and other vulnerable groups as well as human rights activists. All human rights instruments should have the widest possible dissemination and in as many languages as possible; governmental and non-governmental organizations might assist the Centre for Human Rights in that task.

58. Clearly, the Centre for Human Rights should participate in organizing the Campaign, in co-operation with other United Nations organs. Although the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1989/21) was more concerned with day-to-day information activities over the previous year, it identified the aims, scope, actors and planned activities for the Campaign. As far as the latter were concerned, her delegation considered that greater importance should be given to producing audio-visual material, not only because it would be capable of ensuring that the Campaign achieved the desired impact, but also because it was an excellent vehicle for information. The United Nations should make more active use of that type of material, in close co-operation with United Nations specialized agencies such as ILO, UNESCO, UNHCR, WHO, UNICEF and FAO, which had considerable experience of those questions. It would undoubtedly be assisted by a large number of countries in that task. The Centre for Human Rights should, for its part, define the terms of its co-operation with the Joint United Nations Information Committee and the Department of Public Information, by specifying the contents and aims of the product, the quantities required and distribution points, while the Department of Public Information should more specifically deal with technical and marketing aspects.

59. The Commission also had to know exactly how General Assembly resolution 43/128, which had requested the Secretary-General "to make available, within existing resources, and, in particular, from the budget of the Department of Public Information, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights" was to be implemented. Her delegation would have liked the report by the Secretary-General to provide information in that respect. It assumed that the Campaign, which would inevitably be expensive, would be funded in one way or another by the United Nations budget, but not by that of the Centre for Human Rights, whose funds were already inadequate. As the General Assembly had stipulated that the funding should be provided, in particular, with the assistance of the budget of the Department of Public Information, it would be extremely helpful to ascertain the proportion of the Department's current resources already devoted to human rights activities and to have a detailed estimate of the cost of the Campaign. Finally, he commended the efforts made in connection with the Campaign by the Under-Secretary-General for Human Rights.

60. The bodies responsible for monitoring the implementation of human rights instruments were experiencing serious problems: financial difficulties, delays and lack of uniformity in the presentation of reports and overlapping, to name but a few. There was a pressing need to remedy those problems in order to avoid a considerable number of existing bodies from being brought to a standstill, and all the more so since two new committees would probably be created in the near future as a result of the adoption of new instruments. Rather than setting new standards, the Commission should henceforth

concentrate on implementing the existing instruments. It was therefore regrettable that the relevant bodies were experiencing difficulties and that the reporting mechanism was more formal and inconsistent than ever.

61. For all those reasons, her delegation had followed with particular attention the meeting of persons chairing the human rights treaty bodies, and unreservedly supported its conclusions and suggestions as to the need to increase co-ordination among treaty bodies, to provide opportunities for personal contact among the various experts, to exchange experience and pinpoint any overlapping, while ensuring close co-operation between the Centre for Human Rights and the specialized agencies. Her delegation had also found particularly appealing the suggestion made by the chairpersons in respect of assistance to governments in elaborating reports in a more systematic and individualized manner, within the framework of the programme of advisory services, together with those on ways of achieving some degree of harmonization and consolidation of reporting guidelines. The recommendations formulated as a means of solving the financial problems affecting the functioning of the bodies responsible for monitoring the implementation of international human rights instruments were all the more timely as the Committee on the Elimination of Racial Discrimination although set up under an instrument which had the largest number of States parties, and the new Committee against Torture were virtually at a standstill. The General Assembly had, moreover, supported the suggestion made by participants to fund those two Committees from the regular budget of the United Nations and expressed its hope that the lesson would be borne in mind when it became necessary to fund the follow-up of any new instruments which might be established in the future.

62. Portugal hoped that the Commission would approve the recommendation made by the meeting to appoint an independent expert to conduct a study into possible long-term approaches to the supervision of the existing and new instruments. The Commission should also invite the chairpersons of the bodies concerned to meet each year possibly with the Chairman of the Commission, and request the Secretariat to provide them with all necessary assistance.

63. While it was undoubtedly desirable, in accordance with Sub-Commission resolution 1988/2, to enhance the role of the Centre for Human Rights as a co-ordinating unit, to be able to fulfil that role the Centre required adequate financial, human and material resources. It was the duty of countries which recognized those shortcomings and their implications for human rights activities to draw them to the attention of the bodies responsible for allocating budgetary resources.

64. Like other delegations, the Portuguese delegation considered that the Commission's agenda was overburdened and that it should be rationalized. In order to improve the situation, the Commission should not only make better use of its time, but the timing of the sessions of the General Assembly, of the Commission, of the Economic and Social Council and of the Sub-Commission should be re-examined. Her delegation would like the Secretariat to be requested to prepare such a study.

65. Mr. JANDA (Commission of the Churches on International Affairs), drew attention to the need to build up national human rights institutions in Africa, in particular in the context of the new African Charter on Human and People's Rights and the African Commission. The Charter, which had entered

into force with the accession of a majority of the member States of OAU, would make it possible to strengthen national and regional human rights institutions in Africa. In the Charter and the Commission, the countries of Africa had codified a uniquely African instrument, which none the less included internationally recognized norms. The Charter provided all States Members of the United Nations with the possibility of opening a dialogue on the relationship between individual and collective rights and between different cultural norms and civil and political rights. It should also provide a starting-point for examining human rights abuses in Africa.

66. Monseigneur Desmond Tutu had recently observed that some African States had made Botha a saint by condoning of the violation of basic human rights. He had furthermore noted that if detention without trial was evil in South Africa, it must be evil in every part of the African continent.

67. If the international community had hitherto given little attention to human rights in Africa, that was partly due to a lack of resources, of trained personnel and of NGOs capable of gathering data and exerting pressure on Governments. However, it was also because in African societies the word "opposition" was frequently synonymous with "enemy". Thus, many African States took a negative view of non-governmental groups or individuals intervening on human rights issues and frequently accused church leaders of meddling in politics, when all that they had done was to point out certain abuses. Experience had shown that Governments could not be expected to monitor their own conduct, above all in one-party States which, by definition, did not encourage any opposition.

68. The absence of human rights institutions and the intolerance of Governments towards those with opposing views accounted for the presence of half of the world's refugees in Africa. Most of the African refugees did not come from the country of apartheid, but from independent African States, from which they had fled because of human rights abuses. The African Charter on Human and People's Rights would not secure automatic observance of human rights, but since OAU had set up an independent regional commission, it was imperative for member States to encourage the formation of human rights groups to work for human rights. The Commission of the Churches on International Affairs requested the United Nations to offer support for the implementation of the Charter by providing human rights training at the government level. It also requested the States concerned to encourage the formation of human rights NGOs and the States Members of the United Nations through the Commission, to begin a dialogue on the challenges inherent in the protection and promotion of human rights in Africa.

69. Mr. HARTLEY (World University Service) said that in the future the work of the Sub-Commission and of the Centre for Human Rights should focus on the protection of academic freedom. WUS had submitted, and would continue to submit to the Commission, disturbing reports on violations of the rights of academics, of students and researchers in many parts of the world. He raised the question as to how the international community could best protect academic freedom. The Sub-Commission, which had put forward highly constructive proposals and recommendations in respect of, for example, freedom of expression and opinion, freedom of religion and belief and the protection of human rights defenders, might take up the question of academic freedom, an issue on which NGOs would be most willing to co-operate.

70. Although the issue of academic freedom was not a new one, its nature and magnitude had changed. There were more than 15,000 higher education establishments in the world, more than 1 million teachers and researchers and millions of students. That sector of society was often a key target in situations of major human rights violations. In so far as academic freedom was linked to economic, social, cultural and civil and political rights, it was an element in an integrated approach to human rights, to which members of the Commission frequently referred. Far from being the privilege of a group, it was a civil liberty in the sphere of higher education.

71. There had been attempts by university communities, both at the national and international levels, to combat the erosion of academic freedom, although their efforts had run into a number of problems, including the absence of a clear concept of academic freedom. For WUS, academic freedom implied both a right and responsibility and was made up of three components: complete freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural expression and action.

72. After two years' of work, the World University Service had drawn up the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, which had been adopted at its most recent general assembly, after consultation with national committees in over 40 countries and with comments from over 50 interested organizations. The text would be circulated to members of the Commission in due course. WUS hoped that the international community would adopt an international declaration on academic freedom and autonomy of institutions of higher education, perhaps taking the Lima Declaration as its starting point. It also hoped that the Sub-Commission's experts would tackle that issue in its future deliberations.

73. WUS was also concerned at the spreading trend among the authorities of some countries to grant impunity to violators of human rights, either by adopting amnesty laws or constitutional provisions or decrees granting amnesty or immunity from prosecution, or simply by failing to implement existing laws. That disturbing phenomenon jeopardized the whole of the human rights effort, and, at the international level, the United Nations alone possessed sufficient moral authority to halt the practice.

74. At the Commission's previous session, a group of 21 non-governmental organizations had signed a statement on the issue of impunity (see document E/CN.4/1988/NGO/51) which requested the Commission to take action to ensure that members of the armed forces and security forces responsible for serious human rights abuses were no longer allowed self-amnesties or virtual impunity. The non-governmental organizations concerned had also addressed a letter, dated 25 November 1988, to the Secretary-General of the United Nations, which his organization hoped would be circulated to members of the Commission, as well as to the Inter-American Commission of Human Rights of OAS and the United Nations Working Group on Enforced or Involuntary Disappearances. The most recent report of the Inter-American Commission on Human Rights had contained a draft Inter-American convention on forced disappearances, which made specific reference to the problem of immunity. That issue reached beyond the framework of national laws and was a matter for international humanitarian law. Since the Nuremberg trials, international law had been clear as to the necessity for the members of each country's armed

forces to observe human rights principles, absolute respect for which had been stipulated by a number of international legal instruments. However, certain laws granting immunity from prosecution placed members of the armed forces above international law.

75. WUS hoped that the Sub-Commission would study the phenomenon and appoint an expert to analyse its repercussions and to submit a preliminary report to its forty-sixth session. It would also be desirable for all the Commission's working groups, special rapporteurs, special representatives and experts to include in their studies an analysis of the consequences of impunity in their specific area.

76. Mrs. GATTI (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the Federation was increasingly concerned over the failure to implement a large number of laws adopted by Governments to protect the security and rights of citizens. Furthermore, other laws granting amnesties for serious human rights violations were being adopted, in breach of international commitments. Impunity had thus become a de facto situation, with political, legal and moral repercussions.

77. In the legal sphere, a number of Governments had adopted amnesty laws to put an end to ongoing judicial inquiries. The handful of culprits who had been identified had consequently gone unpunished. Such laws, which ran counter to legal and moral principles, advanced neither the cause of national unity nor the moral enhancement of society. There was no more justification for prescribing or amnestying heinous crimes, forced disappearances or judicial executions than there was for the crimes of apartheid, genocide or the disappearance of individuals, all of which the international community refused the benefit of both prescription and amnesty.

78. Another major issue was that of the adoption of laws granting impunity by emerging democracies or by democratic Governments which had replaced military dictatorships some years previously. For example, in Uruguay, in December 1986, the authorities had adopted a law granting immunity from prosecution to policemen and members of the armed forces accused of serious crimes. In that country, citizens were able to express their opinion regarding the laws adopted by parliament through a referendum, provided 25 per cent of registered voters signed a petition.

79. The national referendum commission had collected sufficient signatures but it had been obliged to file thousands of appeals and the population and international human rights organizations had had to mobilize their forces to ensure the will of the people was respected. Uruguayans had realized that in order to reinforce their institutions it was necessary to condemn the abuses perpetrated by the State apparatus, which was responsible for thousands of disappearances and deaths. The Federation believed that the struggle against immunity from prosecution concerned, not only Uruguayans, who would have to vote for or against the maintenance of the law, but also Latin America as a whole as well as other regions of the world where disappearances and crime did not pay.

The meeting rose at 1 p.m.