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Chairman: Mr. Galuška . . . . . (Czech Republic)

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99-82121 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 109: Advancement of women (*continued*) (A/C.3/54/L.14/Rev.1)

Draft resolution A/C.3/54/L.14/Rev.1 on the International Day for the Elimination of Violence against Women

1. **The Chairman** said that draft resolution A/C.3/54/L.14/Rev.1 had no programme budget implications.

2. **Ms. Aguiar** (Dominican Republic), speaking on behalf of the sponsors, said that China, Japan and the Seychelles Islands had become sponsors. Her delegation exhorted Member States to adopt the draft resolution, which had a great number of sponsors.

3. **The Chairman** said that the Czech Republic, Eritrea, Mongolia and Viet Nam also wished to sponsor the draft resolution.

4. *Draft resolution A/C.3/54/L.14/Rev.1 was adopted.*

Agenda item 116: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/54/40, 44, 56, 65, 80, 91, 98, 177, 189, 277, 346, 348, 368, 387 and 426; A/C.3/54/5)

5. **Mr. Umeda** (Japan) said that, in June 1999, Japan had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and would continue its involvement in the working group elaborating a draft optional protocol to that Convention. In addition, the Japanese Government continued to make annual financial contributions to the United Nations Voluntary Fund for Victims of Torture.

6. Worldwide acceptance of human rights standards had increased, but not enough had been done to tackle the problem of overdue reports to human rights treaty bodies, or the problem of the backlog of reports to be considered. In order for such reports to be useful, they must be considered in a timely and appropriate manner. The time had come to improve the working methods of treaty bodies, and to take measures to avoid duplication. The Office of the United Nations High Commissioner for Human Rights must be allocated a sufficient budget to support the continually increasing work of the treaty bodies.

7. The Japanese Government firmly believed that each Member State should carefully study the matter of whether to retain or abolish the death penalty, taking into consideration the views of the population, the status of crime in that country and national criminal-justice policy.

8. Under the Japanese legal system, the death penalty was applied only for heinous crimes like mass murder, and always in accordance with the strictest judicial procedures. The Japanese Supreme Court had stated that capital punishment could be applied only when the criminal's responsibility was extremely grave and the maximum penalty was unavoidable, taking into consideration, *inter alia*, the need for general prevention, the nature, motive and mode of the crime, the persistence and cruelty of the means of killing, the seriousness of the consequences, the number of persons killed, the feelings of the bereaved and the effect on society.

9. Furthermore, the Government was convinced that its use of the death penalty was consistent with the terms of article 6, paragraph 2, of the International Covenant on Civil and Political Rights. In addition, national opinion polls had shown that most Japanese believed that the death penalty should be retained.

10. Recent discussions in various international forums had demonstrated that a worldwide consensus on the abolishment of the death penalty did not exist: indeed, the Convention itself left that decision to each State party notwithstanding the terms of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. The Japanese Government would therefore oppose draft resolution A/C.3/54/L.8 submitted by Finland, which recommended abolition.

11. **Ms. Tomič** (Slovenia) said that her Government subscribed to the statement delivered by Finland on behalf of the European Union and associated States. Accession to a treaty was not an end in itself: international legal instruments must be applied within the domestic legal order of each State party. In fact, under the Vienna regime on the law of treaties, human rights norms must be seen as essential rights to which every human being was entitled. The absence, therefore, of a provision explicitly prohibiting reservations to a treaty — as was the case with the International Covenant — did not mean that reservations were permissible. On the contrary, the Vienna Convention on the Law of Treaties established in article 19 that an "object and purpose" test must govern the interpretation and acceptability of reservations. The Slovene Government agreed with general comment 26 of the Human Rights Committee, which posited that international law did not permit denunciation of or withdrawal from the Covenant or its Protocols. Although emphasis must be placed on

ensuring the implementation of existing human rights norms, certain standards remained to be set.

12. Her Government supported the elaboration and early adoption of the two optional protocols to the Convention on the Rights of the Child and of the optional protocol to the Convention against Torture, and looked forward to the opening for signature of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

13. Furthermore, it was imperative to resolve the disparity between humanitarian and human-rights norms and the flagrant violation of such norms, and to bring perpetrators to justice. Her Government welcomed the enthusiastic adoption of the Rome Statute of the International Criminal Court, and hoped for its rapid entry into force, an important human rights priority. It supported efforts to implement the United Nations Declaration on Human Rights Defenders. The Government also supported the crucial work of the treaty bodies and efforts to ensure them sufficient budget and staff support. In its view, however, the reporting system should be reformed to reduce overlap and to consolidate the report burden.

14. Lastly, her Government supported progressive restriction of the death penalty with a view to its eventual abolition. The *de jure* or de facto elimination of the death penalty by many countries, and its exclusion by the international criminal tribunals including the International Criminal Court under the terms of the Rome Statute were encouraging. In the view of the Slovene Government, the Second Optional Protocol to the International Covenant was the legal instrument that would assist States in abolishing the death penalty; in the meantime, it was imperative strictly to respect international obligations relating to the death penalty, in particular the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

15. **Mr. Valdivieso** (Colombia) said that Colombia had become a party to many international human-rights instruments, including 20 United Nations instruments and 10 regional American ones. It supported the initiative of the High Commissioner for Human Rights to achieve universal ratification of the six core human rights treaties by 2003. The Government had submitted periodic reports to all six of those bodies, and in 1995 had established a committee to assess the Government's application of their recommendations. Composed of high-level government officials, its task was to promote the implementation of the recommendations by competent national institutions with the assistance of non-governmental organizations, to inform the treaty bodies about measures adopted, and to invite human-rights experts to visit the country.

16. Colombia had asked the Office of the High Commissioner for Human Rights to set up an office in Colombia in order to evaluate measures taken by the Government, to strengthen national institutions, to seek means of fulfilling international recommendations and to assist members of civil society who worked in defence of human rights. Civil groups and associations were essential for democracy; unfortunately human-rights defenders in Colombia, including trade unionists, advocates of indigenous rights, and political and social activists had been the target of persecution and threats from criminal groups and "self-defence" groups. The Government's new programme for the protection of witnesses and persons who had been threatened had protected the offices of non-governmental organizations and persons under threat, and had evaluated the situation of vulnerable groups, including journalists and other members of the mass media. The Government took the problem seriously and would continue to struggle against the internal armed conflict and the "self-defence" groups.

17. With regard to the death penalty, he said that although Colombia had abolished the death penalty early in the century, and supported its worldwide abolition and the gradual restriction of the number of crimes for which that sentence could be applied, it believed that each country should be free to choose whether to retain or abolish it. Colombia, for its part, had incorporated into its domestic legislation the 1969 American Convention on Human Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, both of which expressly forbade the death penalty. Although during Colombia's years of violence and domestic conflict, some members of society had clamoured for the return of the death penalty, the vast majority of Colombians still supported its prohibition. Colombia had therefore joined with the group of countries that favoured abolition.

18. **Mr. Wehbe** (Syrian Arab Republic) said that his delegation viewed draft resolution A/C.3/54/L.8, which advocated abolition of the death penalty, as a flagrant violation of the principle of mutual respect for the sovereignty of States and of non-interference in their internal affairs. It represented an attempt to force other States to change their political, judicial, social and cultural structures.

19. Several States had enacted legislation providing for the imposition of the death penalty in order to protect the rights of victims, taking account of a variety of judicial,

social, religious and cultural factors. Just as the Syrian Government had no authority to influence the judicial system in other States, so it was inconceivable that a group of States should seek to impose their views, in fact asking for the removal of legislation from national statute books. Democracy was predicated upon non-interference with the authority of the legislature, yet a group of so-called democratic States was acting on the basis of the precept "one size fits all".

20. States that imposed the death penalty had always respected the prerogative of those that did not, yet their tolerance did not appear to be reciprocated. Every State had its own particular legal system and no other States had the right to superimpose their value systems upon it.

21. The application of the death penalty was an issue for criminal justice, not human rights. Efforts to abolish the death penalty rewarded the criminal and violated the human rights of the victims. The primary focus of pro-abolition States should be the rights of victims, not the nature of the punishment.

22. Syria, which had acceded to the International Covenant on Civil and Political Rights, only applied the death penalty in exceptionally serious circumstances, providing the offender with legal guarantees, including the right to self-defence. Persons found guilty were justly punished in order to protect the rights of innocent victims.

23. Syria hoped that the sponsors of the draft resolution would reconsider the text. Interfering with the work of the judicial system of another State ran counter to the rules of international diplomacy. Member States should continue to be guided by the principle of non-interference and respect for the sovereignty of other States and should comply with the spirit and the letter of the Charter and the norms and principles of international law.

24. **Mr. Sun Ang** (People's Republic of China) said that China had ratified many human-rights instruments, including the two International Covenants and had always fulfilled its obligations thereunder in a responsible manner. His Government had recently submitted periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women and the Committee against Torture (both containing special sections describing the implementation of the relevant conventions in the Hong Kong Special Administrative Region), and was preparing reports for the Committee on the Elimination of All Forms of Racial Discrimination and the Committee on the Rights of the Child. The reporting requirements were excessive, however; they failed to take into consideration the particular conditions of States parties, especially those of developing countries, and earmarked resources that could be better used to protect human rights. Though many countries had called for reform, no noticeable progress had as yet been made. The Chinese Government hoped that States parties and treaty bodies would enhance their communications with a view to ensuring that the reporting process played a constructive role in the advancement of human rights.

25. China respected the choice of some countries to abolish the death penalty in keeping with the Second Optional Protocol to the International Covenant on Civil and Political Rights; by contrast, other countries had chosen to uphold the death penalty. The Chinese Government believed that those choices should be respected and that the principle of sovereign equality must govern relations between States.

26. **Ms. Toe** (Burkina Faso) stressed her Government's commitment to human rights, democratic institutions and an independent judiciary. Burkina Faso was a party to numerous international human rights instruments which prevailed over domestic law and could be directly invoked before the courts. The new Penal Code also covered crimes against humanity, violence against women and freedom of marriage. Certain punishments had been abolished such as forced labour, exile, detention and deportation. The Government had also sought to rehabilitate and provide compensation to persons who had received unjust sentences under previous regimes.

27. Having established the appropriate legislative and institutional mechanisms at the domestic level, Burkina Faso could appeal to the international community on the question of human rights. The issue was also that of citizens' access to legal recourse and of States' right to development. In theory, the world was wealthy enough to realize human rights for all, yet because of an iniquitous international order, States such as Burkina Faso did not have the means to guarantee their citizens the full array of rights.

28. **Mr. McKenzie** (Trinidad and Tobago) said that his Government was committed to realizing the human rights of all its citizens and to guaranteeing them due process of law. It was thus that Trinidad and Tobago had become a party to several international human rights instruments and that all the fundamental rights were enshrined in law.

29. His delegation was concerned that, in draft resolution A/C.3/54/L.8 on the question of the death penalty, an attempt was being made in paragraph 3 (b), to persuade States which maintained the death penalty — albeit for the most serious crimes — to establish a moratorium, with a

view to its ultimate abolition. However, international law recognized the death penalty as a legitimate mode of punishment available to States in exercise of their sovereign right to decide on the form of punishment for serious crimes. Indeed, major international and regional human rights instruments sought to limit — but not abolish — capital punishment. They did not demand that States should amend their laws in respect of the death penalty, but rather provided certain important safeguards (as in Economic and Social Council resolution 1984/50). Those safeguards were strictly observed in Trinidad and Tobago. Furthermore, in those Commonwealth Caribbean States which recognized the Judicial Committee of the Privy Council as the highest court, it was now unlawful to execute a condemned prisoner who had been detained for a substantial period of time under sentence of death; such treatment was held to constitute "cruel and inhuman treatment".

30. With regard to the Second Optional Protocol, aiming at the abolition of the death penalty, it was within the sovereign jurisdiction of a State to decide on the issue of abolition. The adoption of the Optional Protocol had no bearing on the legality or illegality of a State's laws on capital punishment. There was, after all, no international consensus regarding abolition. Each State was entitled to protect its citizens and the human rights of the victims of the most serious crimes as it saw fit, and depending on its social, moral, cultural, legal and economic specificities. Trinidad and Tobago could not support any attempt to use the United Nations as a tool for interference in the domestic affairs of sovereign Member States. Although his delegation recognized that traditional notions of sovereignty were evolving, States must acknowledge the international consensus which upheld the right of countries to carry out the death penalty subject to the internationally prescribed safeguards. Those making symbolic gestures against the death penalty should spare some thought for the victims of serious crimes.

31. **Mr. Mahbubani** (Singapore) posited that the question of the death penalty would be a defining issue of the current session. The debate, however, was not about the merits of the death penalty, which was too complex an issue to be resolved in seven-minute speeches, no matter how passionate and morally self-righteous they might be. Ultimately, it was for each society to determine the matter for itself, as Singapore had pointed out in a letter to the United Nations High Commissioner for Human Rights (A/C.3/54/5). The real issue was whether a small group of States should raise the question of the death penalty in a divisive manner, attempting to "bludgeon" others into accepting their view. His delegation hoped to persuade the European Union, in a friendly manner, that it had been unwise to put forward draft resolution A/C.3/54/L.8. Since he had only seven minutes to make his point, he would give seven reasons.

32. Firstly, the European Union might only reignite the anger of the dragon which was already threatening the United Nations. The group of Western European and Other States had recently gone through considerable manoeuvres in the Fifth Committee to rearrange their candidatures for one key committee, all with the purpose of pacifying one important country. Given that the death-penalty issue was liable to provoke that same country, one might ask whether one arm of the European Union was aware of what the other arm was doing.

33. Secondly, the move showed tremendous cultural and religious insensitivity. In that connection, his delegation had been puzzled to read that the United Nations was planning to make the Coliseum in Rome a symbol of the cause for the abolition of the death penalty, and wondered whether Member States had been consulted.

34. The third reason why the European move was unwise was that it would lead to a serious backlash against the United Nations and against some of the more progressive advances made by the international community. There was evidently a discernible trend towards acceptance of diminished sovereignty in today's interdependent world, but that acceptance depended on a clear acknowledgement that sovereignty in certain areas was undisputed. Given that crime affected people's lives directly, people wished to be directly in charge of their criminal-justice policies. As recent experience had shown, controversial General Assembly resolutions pushed through with simple majorities risked generating a significant backlash and could even explain why the United Nations was "crippled" today. It would be unwise for the European Union to put the United Nations on a collision course against the vast majority of the world's people when a simple collision course against one country had already damaged the Organization so much.

35. Fourthly, the European Union appeared to have chosen, as it so often did on human-rights questions, to "feel good" instead of "doing good". Safeguards were, indeed, essential, and Singapore, like the United States, would support any European Union move to strengthen them. Singapore agreed that it was important to prevent the execution of innocent people, which was why it intended to propose an amendment to paragraph 3 of the draft resolution to emphasize the need for due process. His

delegation wished to challenge the European Union to show moral courage by supporting the amendment, even if it risked provoking the wrath of its non-governmental organizations in so doing. Due process could save innocent lives, whereas moral posturing on the abolition of the death penalty could not.

36. Fifthly, the European Union appeared to be using coercion in its efforts to muster support for the draft resolution. It had come to his attention that dark hints had been made that European Union assistance to a State member of the Non-Aligned Movement would be affected if that State joined in sponsoring Egypt's amendments. His delegation would welcome a clear statement from the European Union that it would not use aid as a weapon in the debate.

37. His sixth point was that the European Union had failed to explain why the death penalty was a human-rights and not a criminal-justice issue. To abolish capital punishment without abolishing murders would mean that the right to life of killers was defended more than the right to life of innocent victims. Abolitionists should also explain how States which maintained the death penalty as part of their criminal-justice system could be considered violators of human rights. In many parts of the world, the rule of law and the popular will of the people clearly supported the death penalty. Each year, many judges signed execution warrants in great personal anguish. Surely the United Nations was not intending to accuse such judges of violating human rights simply because a General Assembly resolution had so decided?

38. His seventh point was that the European Union had launched its initiative in an underhand manner which had led to an erosion of trust. The Union had sought to collect sponsors behind the scenes in order to surprise the Committee with a fait accompli. If the European Union had been fully convinced of the merits of the draft resolution, it would not have introduced it "through the back door". His delegation challenged the Union to a discussion at any time, without a "seven-minute gag ruling". If the cause of abolitionists were truly moral, they would not need to resort to "Machiavellian means".

39. The European Union representatives met every seven days; it was to be hoped that, when they met at the end of the week, they would note the reactions of Member States to their move and withdraw the initiative until a clear international consensus had emerged. If they decided to proceed, they must be ready for all the consequences.

40. **Mr. Widodo** (Indonesia) said that Indonesia's human rights programme, like that of other nations, was evolving to meet the needs and challenges of the day. Its goals increased in parallel with its capacities for implementation. The promotion and protection of human rights was no easy task, nor could it realistically be undertaken in a short time-frame. Indonesia's national plan of action on human rights, which had been adopted in a context of political reforms, sought to create a human rights culture in all sectors of society. A decree adopted in 1998 further stipulated the need to revise legislation, to ratify human rights instruments and to create the necessary institutional mechanisms to monitor their implementation and dissemination.

41. Rapid progress had been made in implementing the plan: Indonesia had recently ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and had taken steps to accelerate the ratification of a number of other basic international human-rights instruments. The new Government was fully committed to promoting human rights throughout the country.

42. Indonesia was neither an ardent supporter nor a practitioner of the death penalty. That was a form of punishment seldom applied in his country, even for the most serious crimes. However, an important principle at stake was the sovereign right of States to protect the safety of their people and to determine the strength of their own criminal-justice systems. Draft resolution A/C.3/54/L.8 would infringe that sovereign right. His delegation also wished to caution the Committee against becoming a venue in which one group of Member States sought to impose moral values on others or even on the entire international community. It was fundamentally wrong for countries to presume that their systems of justice — adopted to reflect their specific needs and social values — were universally valid. Rather, the culture of each Member State must be respected.

43. A consideration of the draft resolution would only be a cause for divisiveness. It would also underscore the absence of an international consensus on the issue. His delegation could not support the draft resolution, which constituted interference in sovereign affairs.

44. **Ms. Akbar** (Antigua and Barbuda) said that the question of capital punishment should rightfully be addressed as a matter of administration of justice within a State. Every State had the right to determine, within accepted boundaries, what punishment should be enforced for the commission of crimes, and deserved respect for their right to uphold their constitution and comply with their general laws.

45. Since so few States had acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, the European Union could have been expected to take a more constructive approach to presenting its initiative on the question of the death penalty. Instead, it had behaved precipitously, failing to take account of the absence of a consensus. The European Union would have done better to appeal first for wider ratification of the International Covenant on Civil and Political Rights and to wait for a convergence of views.

46. Although advocates of the abolition of the death penalty argued that international support for abolition was growing, the low level of ratification of the Second Optional Protocol suggested the contrary.

47. The Governments of the Caribbean which retained the death penalty complied with various regional and international human-rights conventions, all of which recognized the absence of international consensus on capital punishment. Moreover, persons accused of capital crimes were protected by a number of safeguards in Caribbean States, including due process of law and a finding of insanity. Some Caribbean States even compensated victims of unlawful arrest or detention.

48. During the penalties phase of the 1998 Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, it had been decided that nothing in the Court's Statute would affect the right of States to apply the penalties prescribed by their national law. The President of the Conference had further noted the absence of an international consensus on the death penalty, stating that the Court would not be able to affect national policy, and that non-inclusion of a reference to the death penalty would have no legal bearing on national laws and practices and should not influence customary law or penalties imposed by national systems for serious crimes.

49. The only real international consensus that existed supported the right of States to apply the death penalty, in keeping with their national laws. Until a contrary consensus was reached, initiatives such as that of the European Union could only be seen as, at the very least, ill-advised.

50. **Ms. Russell** (Barbados) said that those countries that supported the abolition of the death penalty, some of which had not themselves become a party to the Second Optional Protocol, seemed to believe that abolition should apply to all cultures, societies and countries whether or not it was suitable, necessary or agreeable to the people it was supposed to protect.

51. The abolition issue was felt particularly keenly in the Caribbean, especially in the former European colonies, many of whose laws and judicial practices were based on British or European models, although legal systems had been developed after independence to protect the specific needs of Caribbean societies.

52. The Constitution of Barbados guaranteed the right to life, subject to limitations that were designed to ensure a balance between individual rights and freedoms and the rights of others and respect for the public interest.

53. In pre-independence Barbados, there had been no written constitution and a person convicted of murder could appeal to the local Court of Appeal and thereafter to the Judicial Committee of the Privy Council in London. The post-independence Constitution stated that no person should be subject to torture or to inhuman or degrading punishment or treatment, but that capital punishment was not inconsistent with that imperative. However, the will of the Government and of the people of the Caribbean generally had been frustrated by decisions of the Judicial Committee of the Privy Council, which had the effect of preventing the application of the death penalty. Barbados was therefore making constitutional amendments to rectify the situation.

54. Barbados had acceded to the International Covenant on Civil and Political Rights, its First Optional Protocol, and a number of other instruments. However, it had not become a party to the Second Optional Protocol, and only a small number of States had done so. Barbados affirmed its sovereign right to choose its own judicial system, and hoped that the respect it had shown for the views of others would be reciprocated.

55. Barbados had consistently opposed the abolition of the death penalty, an issue where no international consensus existed. States seeking to enforce their views should remember that international instruments were legally binding only on the States that had ratified or acceded to them.

56. Barbados not only resisted abolition; it would also take all necessary measures to combat the uncertainty in the Caribbean region about the power of Governments to carry out the death penalty engendered by the decisions of the Privy Council and by the attitudes of international human-rights bodies which sought to impose European abolitionist views.

57. **Mr. Aboulgheit** (Egypt) said that all human rights were indivisible and that States should seek to strengthen political, civil, social, economic and cultural rights,

including the right to development without distinction. Egypt had acceded to over 18 international instruments, and was working to bring its legislation into line with them and to eliminate any inconsistencies, while safeguarding its own cultural and religious characteristics.

58. Egypt and many other States had already addressed the question of the death penalty in the context of crime prevention and criminal justice. The fact that the same issue had been raised again as a human-rights question underlined a conceptual divergence between States. The International Covenant on Civil and Political Rights dealt with the issue of the death penalty in the context of guarantees for the offender, while its Second Optional Protocol was binding only on the few signatories to it. Any other discussion of the death penalty was a matter of purely philosophical debate over an issue on which there was clearly no international consensus.

59. The real issue was to what extent the European Union was prepared to enter into meaningful dialogue, based on mutual respect for the cultural differences and value systems of different societies. The European Union's reiteration of it commitment to fighting the application of the death penalty reflected an interventionist stance that could not be accepted in the context of contemporary international relations.

60. While the States members of the European Union had the sovereign right to remove the death penalty from their statute books, in keeping with their laws and value systems, they had no right to refuse to allow other States to act as they saw fit.

61. The draft resolution caused division at a time when constructive dialogue and consensus-building were needed in order to face the many challenges of the new century. His delegation therefore called on the European Union to reconsider its position.

62. Such debates only confirmed the need to reform the approach to human-rights questions, so as to reflect the cultural diversity of the contemporary world and to strengthen the rights and freedoms of the individual and society. Recent calls for such reform were born of a political desire to protect human rights in the context of international consensus, rather than through the unilateral imposition of a single cultural model.

63. **Mr. Goledzinowski** (Australia), speaking on behalf of his own country and also Canada, New Zealand and Norway, said that one of the great achievements of the twentieth century was the recognition that, in accordance with the Universal Declaration of Human Rights, all human beings were born free and equal in dignity and rights. All States had a duty to promote and protect all human rights and fundamental freedoms. A corollary of that was the acknowledgement by the community of nations that respect for human rights was legitimately a matter of international concern.

64. The United Nations treaty-body system contributed directly to the promotion and protection of human rights. It was, however, coming under increasing strain. Over a thousand reports to treaty bodies were overdue and, if the current trend regarding individual communications was maintained, the average time to respond to them would have risen by the end of 1999 to 36 months. Similarly, the caseloads of the Committee against Torture and the Committee on the Elimination of Racial Discrimination were rising. While some steps had been taken to implement the recommendations in Professor Alston's study on treaty-body reform submitted to the Commission on Human Rights (E/CN.4/1997/74), more could be done. In that regard, he welcomed the commissioning by the High Commissioner for Human Rights of a study on the treaty bodies and noted that its conclusions were expected during the current year. While the study would no doubt provide valuable insights and impetus for reform, it was important that States should develop and promote their own ideas for enhancing the efficiency of the system. They must, of course, work in cooperation with the United Nations agencies, the High Commissioner for Human Rights and the treaty bodies themselves in pursuing those ideas.

65. The delegations he represented recognized that the treaty-body system needed more resources. The increased allocation to the Office of the High Commissioner for Human Rights would better enable it to play its pivotal role of coordinating the treaty bodies. Additional funding must, however, come from the United Nations core budget. Moreover, resources must be used more effectively. The meetings of chairpersons of the treaty bodies had already proved of benefit in that regard, helping to institute procedural reform and improve cooperation between the treaty bodies. States, too, could help by, as some had already done, submitting shortened reports focusing on issues of particular concern or providing training for countries needing assistance in improving their reporting capacity. In addition, the suggestion had been made that the Human Rights Committee should establish "chambers", or subcommittees, to reduce the time taken to reach decisions on communications.

66. It was to be hoped that the new century would see the realization of the promise of the Universal Declaration of Human Rights. The more efficient and effective

functioning of the treaty bodies would be an important contribution towards that.

67. **Mr. Bhatti** (Pakistan) said that the question of the death penalty pertained essentially to the realm of crime prevention, but was being wrongly characterized as a human rights issue. Crime prevention policy in any given society would continue to derive from the interplay of multiple factors based on that society's historical experience, cultural ethos and social values. His delegation respected the sovereign choice of those countries which had abolished the death penalty and expected corresponding respect for its own options.

68. Even from a human-rights perspective, the issue of the death penalty could not be seen in isolation. It must be seen in the context of the right to life of crime victims and their dependants and of society at large.

69. As the President of the 1998 Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court had observed, there was no international consensus on the abolition of the death penalty. Even the International Covenant on Civil and Political Rights recognized States' right to impose the death penalty pursuant to a final judgement rendered by a court in accordance with national law.

70. It was regrettable that the European Union had submitted a draft resolution on such a divisive issue, particularly as preparations were under way for the United Nations Year of Dialogue among Civilizations, the aim of which was to enrich the common heritage of mankind by strengthening synergies between cultures and value systems.

71. **Mr. Chaturvedi** (India) observed that, while treaty bodies had begun by stressing the rights of the individual, subsequently collective rights as reflected in, for example, the Declaration on the Right to Development and the Declaration on the Right of Peoples to Peace had emerged as important components of human-rights law. Those who did not see collective rights as human rights would do well to refer to article 27 of the International Covenant on Civil and Political Rights. It was with those things in mind that India would comment on the reports before the Committee.

72. India was current in its reporting obligations to the Human Rights Committee. It urged all States to ensure that they were too, and was pleased that the Committee had established revised procedures regarding discussion with those which were not. The Committee had spelt out how the limited resources affected its ability to discharge its mandate. That problem, of course, also affected intergovernmental bodies. Unfortunately, the Secretariat continued to suggest that it could do everything it was asked to do within existing resources. How that could be achieved was a mystery, especially when resources were continually being diverted to the pursuit of a limited and often political agenda. The latest example of that had been the special session of the Commission on Human Rights on East Timor, which had been convened by methods bordering on chicanery and was being followed by the lavishing of resources on a controversial mandate, to the detriment of work of general interest.

73. The Secretary-General's report on the status of the United Nations Voluntary Fund for Victims of Torture (A/54/177) showed that the Fund had had over $5 million at its disposal for 1999 and had disbursed that as a result of its increasing workload. His delegation supported the Fund's work, although the trustees should look more closely at the antecedents of beneficiaries, some of whom had passed themselves off as human-rights defenders while having close links with terrorist groups and criminal organizations.

74. The Secretary-General's report on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/54/348) showed that an absence of contributions had prevented the trustees from meeting for two years and that no funds were yet available for the year 2000 work programme. Developing countries had as much interest in the work supported by that Fund as in the work supported by the Voluntary Fund for Victims of Torture, but other countries did not; he hoped their attitude would change.

75. It was clear from the Secretary-General's report on the status of the International Covenants and of the Optional Protocols to the International Covenant on Civil and Political Rights (A/54/277 and Corr.1) that only a small minority of States subscribed to the Second Optional Protocol. In the context of a certain draft resolution currently before the Committee, he trusted that no attempt would be made to impose on the majority, at the current session or elsewhere, views of such limited currency that it would be a travesty to try to project them as a norm.

76. Regarding the Secretary-General's report on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/54/346), he drew attention to the reference in paragraph 5 to the signing of a memorandum of understanding. That memorandum had not been presented to the Executive Board of the United Nations Development Programme (UNDP) nor, probably, to the Commission on

Human Rights. India maintained its consistent position that the role of UNDP in human rights must primarily be to focus on the eradication of poverty and to promote through practical measures the right to development.

77. **Mr. Asomani** (Office of the United Nations High Commissioner for Refugees (UNHCR)) said that the closing years of the century had provided all too graphic reminders of the relationship between human-rights violations and the forced displacement of millions of people. Many of the conflicts and crises of the past year had been caused by failure to give due recognition to the human rights and legitimate aspirations of social groups or ethnic minorities.

78. The conflicts in Kosovo, Sierra Leone and East Timor had underlined the international community's shared responsibility to address the broader peace and security concerns raised by forced displacement and to mitigate its humanitarian consequences. The high media attention to Kosovo and East Timor had regrettably tended to eclipse unresolved refugee problems elsewhere. UNHCR shared the concern expressed by a number of States at its recent Executive Committee meeting about the disparity in support and funding for refugee programmes worldwide: the problems caused by forced displacement must be addressed no matter where they occurred.

79. UNHCR considered the deliberate targeting of innocent civilians one of the most offensive characteristics of the conflicts in the Balkans, Rwanda, Sierra Leone, Liberia and East Timor. UNHCR was deeply concerned that rape was increasingly being used as a weapon in armed conflict. Rape and killing of children had become deliberate tactics of war. Their consequences and those of other atrocities such as summary executions and the exploitation of child soldiers would be felt for years.

80. The primary purpose of humanitarian protection and assistance was to ensure that people displaced by conflict, persecution or serious human-rights violations remained safe and were able to sustain themselves in dignity during their displacement. Basic human rights were of practical importance at all phases of the displacement cycle.

81. First, people whose fundamental rights were at risk must have access to places of safety as long as was reasonably necessary. In many cases, that meant they had to leave their country. UNHCR believed that preservation of the right of all people to seek and enjoy asylum outside their home States was crucial.

82. Second, there was the question of that right's qualitative content: once they had found temporary sanctuary, people must be treated in a dignified and humane way until they could return freely to their home countries. States increasingly imposed severe restrictions on refugees' freedom of movement, right to family reunification, access to basic medical and educational facilities and ability to support themselves and their families. While it recognized States' legitimate concerns, UNHCR was also anxious that the basic rights and special needs of refugees and other forcibly displaced persons should be properly heeded. Internationally agreed human rights, especially those in the International Covenant on Economic, Social and Cultural Rights, could help to provide the structure for humanitarian efforts and ensure that they were objectively based, coherent and principled.

83. Third, humane and lasting solutions must be found to the misery of displacement. In that regard, too, UNHCR had found that organizing its work around the core rights to safety, housing, food, clothing, medical care and education provided a coherent basis on which family and community life could be sustained during displacement and rebuilt when people returned to their countries.

84. The rights-based approach throughout the cycle of displacement helped to strengthen inter-agency collaboration and was of great value in agencies' collective planning and implementation of comprehensive strategies for the rehabilitation and reconstruction of war-torn societies.

85. UNHCR knew from first-hand experience that the legacy of violence was violence, and that a revitalization of human-rights principles and of the structures of law and order was needed to change that. The direct relationship between human-rights violations and refugee flows showed that human-rights problems were concrete problems requiring urgent, concrete solutions. Respect for human rights must be at the centre of humanitarian responses, but political support from the Security Council and the General Assembly was also crucial, since so much humanitarian action was carried out in or near conflict areas. UNHCR must have safe and real access to displaced people if it was to protect them from the worst excesses of conflict.

Organization of work

86. **Ms. de Armas García** (Cuba) expressed concern that the workload during the General Assembly session sometimes prevented delegations from preparing adequately, or being present for the taking of decisions on important matters. The situation might be alleviated if decision-making was postponed until near the end of the working day.

87. **The Chairman** suggested that, in order to meet that concern but to avoid extending meetings, the Committee should henceforth take decisions at 3 p.m. on specified days, with the secretariat continuing to provide delegations with at least two days' notice of such days.

88. *It was so decided.*

The meeting rose at 12.45 p.m.