



SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. ABULHASAN (Kuwait)

later: Mr. GALAL (Egypt)

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

AGENDA ITEM 105: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)
(A/C.3/43/L.36-38)

Draft resolution A/C.3/43/L.36

1. Mr. SALAH (Jordan), introducing the draft resolution on behalf of the sponsors, who had been joined by Democratic Yemen and Denmark, said that the resolution was in line with previous resolutions presented by his delegation in the past.
2. The preambular paragraphs followed the pattern of the previous year's resolution and his delegation simply wished to emphasize the importance of active follow-up to the work of the Independent Commission on International Humanitarian Issues and the mechanism set up by it to do so.
3. The operative paragraphs echoed the sentiments of the Third Committee regarding the continuing interest of the Secretary-General and the international community in promoting a new international humanitarian order. As a number of delegations had emphasized, it was a matter of fundamental importance that the international response mechanisms established to alleviate human suffering should be enabled to further strengthen their work. At the same time, it was incumbent upon all Member States to develop new concepts and take measures that would help the international community face the challenges of the future. The draft resolution therefore called on Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them.
4. Lastly, the sponsors felt that it would be appropriate to review the question of a new humanitarian order at the forty-fifth rather than the forty-fourth session of the General Assembly, since that would give more time in which to prepare a comprehensive, detailed discussion on the basis of government action and follow-up activities. He appealed to the Committee to adopt the draft resolution without a vote.
5. His delegation was also co-sponsoring the draft resolutions submitted by France and the Soviet Union because they fulfilled one of the main purposes of the agenda item under consideration, namely, the provision of a framework within which new and innovative thinking could be accommodated. It was also clear to his delegation that existing assistance mechanisms for responding to disaster situations must be strengthened and adjusted to new realities. That was an eminently humanitarian concern and not just a matter of economic assistance, and it was therefore appropriate that the Third Committee should deal with it.
6. His delegation considered that, when the item came to be reviewed at the forty-fifth session of the General Assembly, it would be useful to develop a

(Mr. Salah, Jordan)

concerted approach and to try, to the extent possible, to accommodate all views in a consolidated text.

Draft resolution A/C.3/43/L.37

7. Mr. YAKOVLEV (Union of Soviet Socialist Republics), introducing the draft resolution on behalf of the sponsors, said that it differed in parts from the resolution adopted the previous year. Its content had been expanded and its thrust altered somewhat. There had been long negotiations in which the delegation of Jordan had been especially helpful. Certain issues which had been a source of concern to the Western European countries in the resolution adopted in 1987 had been deleted. The text was an invitation to all Governments to enter into a constructive dialogue for the promotion of international co-operation in the humanitarian field.

8. Following discussions with certain delegations the sponsors had agreed to two amendments. In operative paragraph 3, the words "international, regional and bilateral" should be deleted to make the content of the paragraph broader. In operative paragraph 5, the words "and working with strictly humanitarian motives" should be added after "Independent Commission on International Humanitarian Issues". The addition would not alter or weaken the thrust of the paragraph. His delegation was ready to listen to any ideas which other delegations might have for improving the draft resolution, which he hoped would be adopted by consensus.

Draft resolution A/C.3/43/L.38

9. Mr. BOLOT (France), introducing draft resolution A/C.3/43/L.38 on behalf of the sponsors, who had been joined by Cameroon, Denmark, Italy, Mauritania and Togo, said that despite improvements linked with technological progress, the peoples of the world continued to live in fear of disaster, of a sudden or progressive upheaval which threatened large numbers of human lives. The need for solidarity and the provision of emergency assistance to disaster victims had existed throughout history and was a duty of all countries and States. The modern age had created universal awareness of the need to assist disaster victims, largely as a result of the development of the mass media which instantly reported all major disasters or serious emergency situations to the international public. Increasingly, alongside the activities of public and private bodies, the public at large was spontaneously mobilizing and assembling considerable means of assistance on a wide scale. That universal solidarity lay at the basis of all humanitarian assistance accorded by States, intergovernmental and non-governmental organizations and by individuals. Because of the speed with which it was provided, such assistance had often been able to relieve indescribable suffering.

10. The draft resolution therefore solemnly reaffirmed "the importance of humanitarian assistance for the victims of disasters and other emergency situations". It stressed the essential contribution made by local, intergovernmental and non-governmental organizations working with strictly humanitarian motives. Several references were made to the need for international

(Mr. Bolot, France)

co-operation and co-ordination to ensure effectiveness. There was no question, however, either of denying the fundamental principles of international public law or of claiming that there could be any general exceptions to it; the primary responsibility of affected States was therefore noted both in the preamble and in the operative part of the draft resolution. The humanitarian assistance referred to in the draft resolution in no way overlapped with the assistance which ICRC had to provide to victims of armed conflicts under the Geneva Conventions of 1949 and the Additional Protocols of 1977.

11. In order to take into account the legitimate concerns expressed by some delegations, a revised version of the draft resolution would soon be made available. He hoped that, as revised, the draft resolution would be adopted by consensus.

AGENDA ITEM 103: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS (continued)
(A/C.3/43/L.39, L.42, L.43)

Draft resolution A/C.3/43/L.39

12. Mrs. PULIDO (Venezuela), introducing the draft resolution on behalf of the sponsors, who had been joined by Hungary, said that it was a logical follow-up to the decisions adopted by the Economic and Social Council at its first regular session of 1988. Its main purpose was to request Member States to reaffirm their political will to combat the drug problem by giving the highest priority to the plenipotentiary conference for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances by participating actively in it. The draft resolution accordingly urged all States to adopt a constructive approach with a view to resolving any outstanding differences over the text of the draft convention in order to arrive at an instrument which was generally acceptable.

13. Operative paragraph 2 placed special emphasis on the decision of the Economic and Social Council to extend to 10 working days the thirty-third session of the Commission on Narcotic Drugs in order to allow it to consider suitable measures to be taken prior to the entry into force of the convention. Lastly, operative paragraph 8 requested the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the resolution and, in particular, on the conclusions of the plenipotentiary conference.

14. The draft resolution was procedural in nature and was the outcome of broad-based consultations, and she hoped that it would be adopted by consensus.

Draft resolution A/C.3/43/L.42

15. Mr. ALZAMORA (Peru), introducing the draft resolution on behalf of the sponsors, who had been joined by Greece and Portugal, said that the most painful aspect of the illicit traffic in narcotic drugs was its use of children throughout the world.

(Mr. Alzamora, Peru)

16. In the countries of the third world, poverty and abandonment had driven children to drug addiction. In the developed world, drug traffickers were encouraging children to experiment with drugs as a new experience and as a means of escaping reality. The aim was to expand the market for narcotic drugs by making children addicts at an early age; children then became traffickers themselves in order to get the money to pay for their habit. The social repercussions were unconscionable.

17. The purpose of the draft resolution was to seek the co-ordinated international action in all phases and at all levels of the campaign against narcotic drugs.

Draft resolution A/C.3/43/L.43

18. Mrs. ASHTON (Bolivia), introducing the draft resolution on behalf of the sponsors, the spirit of co-operation shown by the ASEAN countries which had resulted in the consolidation in one text of the draft resolutions on, respectively, the international campaign against drug abuse and illicit trafficking and the International Conference on Drug Abuse and Illicit Trafficking.

19. The preamble to the draft resolution emphasized that the connections between drug trafficking and international criminal organizations and the violence and corruption associated with them were highly detrimental to many States and that measures to prevent and control illicit trafficking, including illicit production and abuse, must take into consideration the social, economic and cultural conditions in the States affected.

20. Section I of the operative part, on the international campaign against drug abuse and illicit trafficking, reaffirmed the need for continued efforts to eliminate the problems of illicit production, demand, transit and trafficking in narcotic drugs and psychotropic substances and acknowledged that, despite serious economic constraints, particularly in developing countries, Governments continued to make determined efforts to cope with the increasing abuse of and illicit traffic in narcotic drugs and psychotropic substances. It also urged support for the different drug control bodies of the United Nations system and the implementation of resolution 4 (S-X) of the Commission on Narcotic Drugs. Lastly, the meetings of Heads of National Drug Law Enforcement Agencies (HONLEA) had done valuable work and the draft resolution accordingly requested that consideration be given to the convening of regional meetings in regions where they did not currently exist.

21. Section II of the operative part recommended that, in developing activities to implement the guiding principles contained in the Declaration of the Vienna Conference and the targets of the Comprehensive Multidisciplinary Outline, specialized agencies and other intergovernmental organizations should give particular emphasis to activities identified in the annex to Economic and Social Council resolution 1988/9. It therefore requested the Secretary-General to ensure continued inter-agency co-operation in drug abuse control activities as a means of enhancing efforts by the Commission on Narcotic Drugs to implement follow-up activities to the Vienna Conference.

(Mrs. Ashton, Bolivia)

22. The sponsors hoped that the draft resolution would be adopted without a vote.

23. Mr. Galal (Egypt) took the Chair.

AGENDA ITEM 104: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/43/L.31-35, L.40)

Draft resolution A/C.3/43/L.31

24. Mr. WALDROP (United States of America), introducing the draft resolution said that it closely resembled earlier resolutions on the subject adopted by the General Assembly and the Commission on Human Rights. Respect for the right to own property alone as well as in association with others, contributed to the development of individual liberty and initiative, thereby enhancing the exercise of other civil and political rights. The United States did not view the right to own property as being superior to other human rights and fundamental freedoms: it agreed that each human right arose independently and deserved consideration on its own merits. The right to own property did not, for instance, give rise to the right of free speech; nevertheless, respect for the right to own property created a social and political climate which, in the final analysis, served to enhance an individual's exercise of the right of free speech.

Draft resolution A/C.3/43/L.32

25. Mr. FRAMBACH (German Democratic Republic), introducing the draft resolution, said that it complemented draft resolution A/C.3/43/L.31. It largely resembled General Assembly resolution 42/115, which had been adopted by a vast majority of States. The idea underlying the draft resolution was expressed in operative paragraph 3. A few elements of General Assembly resolution 42/115 had been left out, in particular references to the activities of transnational corporations which, in the past, had caused problems to some delegations. His delegation hoped that agreement might be reached with the author of draft resolution A/C.3/43/L.31 so that the two draft resolutions might be merged at the forty-fifth session of the General Assembly.

Draft resolution A/C.3/43/L.33

26. Mr. MORA GODOY (Cuba), introducing the draft resolution on behalf of the sponsors, who had been joined by Algeria, Ghana, India, Iraq, Romania, Syria and Uganda, said that for years resolutions on the same subject as draft resolution A/C.3/43/L.33 had been reaffirming the importance attached by the international community to new approaches to human rights and stressing the conviction that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention and urgent consideration should be given to the application, promotion and protection of civil and political rights and economic, social and cultural rights. Priority must continue to be accorded to the search for solutions

(Mr. Mora Godoy, Cuba)

to the mass and flagrant violations of human rights of peoples and persons affected by situations referred to in paragraph 1 (e) of General Assembly resolution 32/130.

27. The approach to future work on human rights in the United Nations should also take into account the need to implement the Declaration on the Right to Development; to that end, all Member States must promote international co-operation striving for the development of peoples of the third world and the protection of the unity of persons and peoples. The draft resolution reflected precepts and criteria for future work in the human rights field which developing countries had been advocating for some years.

Draft resolution A/C.3/43/L.34

28. Mr. SHAUKAT (Pakistan), introducing the draft resolution, said that it was similar to General Assembly resolution 41/133. The right to development was a fundamental, inalienable right of both individuals and peoples. In its collective sense, it was a right devolving on States and created mutual obligations among them. Achieving the right to development called for concerted international and national efforts to eliminate economic deprivation, hunger and disease in all parts of the world. A comprehensive approach to that right could not exclude the economic aspect of development, which was therefore highlighted in the draft resolution.

29. An integrated approach to the promotion of all human rights was of central importance; without socio-economic advancement, the enjoyment of other rights remained tenuous. As provided for in Article 55 of the Charter, United Nations efforts must be related to the stark realities of the prevailing world situation, with a view to promoting international co-operation for socio-economic advancement. A world where more than 800 million people suffered economic deprivation, hunger and disease, and where more than 15 million children died each year from hunger and a lack of health care, was a world that must be changed. Only full and effective realization of the right to development would make it possible to create the necessary conditions for the promotion and full enjoyment of human rights - the necessary first step towards the ideal of a better world.

Draft resolution A/C.3/43/L.35

30. Mrs. NIKOLIC (Yugoslavia), introducing the draft resolution on behalf of the sponsors, who had been joined by the Dominican Republic, said that it was procedural and based on General Assembly resolution 41/128 and resolution 1988/26 of the Commission on Human Rights. With the proclamation of the Declaration on the Right to Development, the Commission on Human Rights had entered a new phase of its deliberations on the matter, directed towards the implementation and further enhancement of the Declaration. The sponsors believed that the Commission should remain the forum for considering the right to development. The Commission had already agreed that future work on the question should proceed step by step and in stages. Every effort should be made to reach as broad an agreement on further steps as possible.

Draft resolution A/C.3/43/L.40

31. Mr. PEARCE (Australia), introducing the draft resolution on behalf of the sponsors, said that it was based on the premise that individuals must be aware of their human rights and fundamental freedoms if they were to exercise them effectively, and that the United Nations had a central role to play in public information activities in the field of human rights. Much of the language of the draft resolution represented a synthesis of previous consensus resolutions of both the General Assembly and the Commission on Human Rights. The draft resolution also reflected an update of United Nations public information activities in the field of human rights, particularly in connection with the fortieth anniversary of the Universal Declaration of Human Rights, and sought to ensure that the impetus provided by that anniversary would be maintained. In particular, it decided to launch, within existing resources, a world public information campaign on human rights; the success of that campaign would rely heavily on the primary role of the Centre for Human Rights, working in close co-operation with the Department of Public Information.

32. The fifth preambular paragraph should be amended to read:

"Emphasizing the importance of adherence by all Governments to the principles contained in the Universal Declaration of Human Rights and believing that the fortieth anniversary of its adoption has provided a focus and renewed impetus to the promotional activities of the United Nations system in the field of human rights".

The words "of the World Public Information Campaign for Human Rights" should also be added at the end of operative paragraph 8.

AGENDA ITEM 97: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/43/230, 263, 320; A/C.3/43/8)

AGENDA ITEM 98: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/43/3, 480)

AGENDA ITEM 99: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)

AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/43/3, A/43/40, A/43/56, A/43/290-S/19744, A/43/291-S/19745, A/43/371-S/19894, A/43/518)

AGENDA ITEM 101: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS (continued) (A/C.3/43/5)

AGENDA ITEM 106: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/43/46, A/43/226-S/19649, A/43/519, A/43/779)

33. Mr. KAROUÏ (Tunisia) said that, since the adoption of the Universal Declaration of Human Rights, some progress had been made in the field of human rights which was vital to the maintenance of international peace and security.

(Mr. Karoui, Tunisia)

Following the adoption of the Declaration, which was the cornerstone of the work of codification of human rights, the development of legal norms and instruments had been remarkable; new conventions were also in the course of preparation. Those developments demonstrated that for the entire international community, respect for human dignity and the fundamental freedoms enshrined in the Universal Declaration represented a supreme moral value. The United Nations, because of the moral authority conferred on it by the Charter, had been the framework for the codification of a body of humanitarian law which States had reflected in their national legislation.

34. While Tunisia's Constitution, drawn up at the time of independence, had proclaimed Tunisia's adherence to the principles of human rights as they appeared in the Universal Declaration, important steps had just been taken by the new régime for the effective guarantee of those rights. Human rights questions had become a priority in the new Tunisia, for action to promote the dignity of the individual contributed to democracy, development and progress in general. In the new political climate, measures had been introduced to strengthen both civic and political and social and economic freedoms, including the release of all so-called political prisoners, the promulgation of a law on political parties as a basis for a multi-party system, the abolition of emergency courts and the reform of preventive detention. Tunisia had also ratified the International Convention against Torture and encouraged the establishment of governmental and/or non-governmental machinery for the promotion and effective exercise of human rights. The Tunisian league for the defence of human rights, a non-governmental organization, had been able to extend the scope of its activities in contributing to the national effort to protect human rights. The advancement of women and the recognition of their place in society had also become irreversible national policy.

35. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had recently stressed the urgent need to consolidate protection and monitoring mechanisms at all levels; such an appeal pointed to the persistence of abuses and violations throughout the world. The Palestinian people was still suffering colonialist oppression; human rights in the occupied Palestinian territories could not be protected until a just and comprehensive solution was found to the Palestinian question, including the Palestinians' right to self-determination and to their own State. The same was true of the peoples of South Africa and Namibia, who continued to live under the yoke of the racist apartheid régime and colonial occupation. The international community must mobilize its efforts to eliminate all encroachments on human dignity and ensure the implementation of existing instruments. His delegation therefore fully supported the proposal for a world public information campaign on human rights.

36. Mr. ALLAFI (Libyan Arab Jamahiriya) said that human rights and fundamental freedoms were indivisible and that the full realization of civil and political rights was impossible without the enjoyment of economic, social and cultural rights. The major human rights instruments unequivocally stressed the close relationship among all human rights, and it was illogical to stress some of those rights and ignore others. One of the most important human rights, and that which

(Mr. Allafi, Libyan Arab Jamahiriya)

had the greatest impact on the enjoyment of all others, was the right of peoples to self-determination. The international community, many of whose members saw fit to speak constantly of civil and political rights, was still far from achieving the full implementation of that right. Some members did not speak of it as they spoke of other rights, and they did nothing to promote its achievement.

37. Other rights, such as the right to development, the right to food, clothing and shelter, the right to education, the right to social welfare and the right to nationality and a homeland, were likewise far from being respected. The true causes of the disregard for and the denial of human rights on the part of some countries, and of their failure to be bound by the stipulations of the relevant international instruments, must constantly be sought. Colonialism, foreign occupation, aggression, foreign interference, racism, apartheid and the refusal to recognize the basic right of all peoples to self-determination continued to impede the full realisation of human rights and fundamental freedoms.

38. In speaking of the right of peoples to life, it should always be remembered that millions of human beings in Africa and in Palestine had been deprived of basic human rights for no other reason than the colour of their skin or the fact that they were Arabs. Human rights were indeed indivisible, and no person could be accorded rights by virtue of affiliation with a particular religion or deprived of rights by virtue of affiliation with another. It was absurd to claim that God had given a country to a certain group of people because they belonged to a particular religion, and that he had ~~condemned~~ ^{condemned} the expulsion of another group because they did not belong to that religion.

39. Instead of being of lesser importance than individual rights, the rights of peoples were, if anything, more important. While the violation of individual human rights was to be rejected and condemned, the same was true of the rights of peoples. The right of African children to immunisation was no less important than the rights of those whose freedom was said to have been violated by being prevented from leaving their country. The right of millions to food, shelter and freedom was more important than any issue involving individuals on whose behalf endeavours were made so that they could leave their country and migrate to another in order to displace its people and establish settlements in its territory.

40. His country had a better understanding than others of the meaning of human freedom and fundamental rights since more than half its population had fallen victim to the struggle against fascism and to assert its right to exist. Despite the constant political, economic and military pressures exerted on his country, it had been able to make great progress in the field of human rights within a very short time and to fulfil the commitments entailed by its accession to the various human rights instruments.

41. Since March 1988, there had been a significant transformation in the field of human rights in his country. Political detainees had been released and full rights had been restored to them. All administrative procedures affecting the exit, movement and residence of citizens, including exit visa procedures, had been

(Mr. Allafi, Libyan Arab Jamahiriya)

abolished, and all confiscated travel documents had been returned to their owners. An invitation had been extended to all citizens residing outside the country who wished to return to do so, and full guarantees had been given that their fundamental rights and freedoms would be respected. Amnesty had been accorded to all foreign detainees sentenced by the courts, and they had been extradited to their own countries through their diplomatic missions. As a culmination of those measures, the People's Congresses had adopted a new human rights instrument at a special session held on 12 June 1988, to which representatives of Amnesty International, the Commission on Human Rights, the Centre for Human Rights and other bodies had been invited. Under the new instrument, all citizens would enjoy freedom of movement and residence in time of peace, freedom of association, freedom in private conduct and personal relations and freedom of the person. Imprisonment was henceforth to be only for those whose freedom represented a danger to others; punishments which were prejudicial to human dignity, such as forced labour, would be prohibited, and there were to be improved standards for the treatment of offenders. The right to a fair trial and the independence of the judiciary would be guaranteed. Work was a right and duty for all citizens, and the ownership of property was to be held sacrosanct except when the public interest required otherwise and in exchange for just compensation. Libyan society guaranteed its members a life of dignity, provided child care and protected the elderly, the disabled and the sick. Every citizen had the right to choose the kind of education he found appropriate, without direction or compulsion. Citizenship was a sacred right that could not be revoked or restricted. All members of society, men and women alike, were equal, and racial discrimination on grounds of colour, nationality, religion or culture was rejected.

42. All nations and peoples had the right to live in freedom in accordance with the choices they had made and their right to self-determination. The rights of minorities should be protected, their legitimate aspirations should be respected, and they could not be forcibly integrated into other communities. His country believed in peace among nations and called for the abolition of the arms trade and the manufacture of arms for export. Nuclear, biological and chemical weapons and all means of mass destruction should likewise be abolished.

43. On the basis of the measures taken and the provisions of the new human rights instrument adopted in his country, supplementary steps had to be taken with a view to strengthening human rights at the local and international levels. The human rights instruments to which his country had not yet acceded, such as the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, would be referred to the competent authorities for re-examination and the submission of recommendations on the possibility of accession.

44. Work was currently in progress on the formation of committees of experts for the preparation of the reports necessary to meet Libya's reporting obligations as a State party to the International Covenants on Human Rights.

(Mr. Allafi, Libyan Arab Jamahiriya)

45. Believing as it did that torture was a crime against human dignity, his country had recently made a contribution to the United Nations Voluntary Fund for Victims of Torture, and it followed the activities of the Fund with great interest. His delegation would be sponsoring the draft resolution submitted on the matter.

46. Mr. Abulhasan (Kuwait) resumed the Chair.

47. Miss D.F. SILVA (Sri Lanka) said that in any consideration of human rights issues, first priority must be given to the protection of children's rights since that group was powerless to advocate its own rights and was dependent on adults to do so. It was regrettable that many States, while recognizing their obligation to promote the rights of children, mainly paid lip service to that concept, according it little priority in the development of their socio-economic policies.

48. There already existed a large number of international instruments relating to the rights of children. However, current socio-economic trends, the break-down of the family in particular, made it necessary to further strengthen the protection of those rights. In that connection, her delegation noted with appreciation the progress thus far made in the elaboration of a draft convention on the rights of the child and hoped that the Commission on Human Rights would continue to accord the highest priority to its completion. The adoption of the new convention would be a significant achievement by the international community in the field of human rights.

49. Her country had a good record in the areas of child education and health. Education was compulsory up to age 14 and was free at all levels. A free health scheme introduced in 1945 had helped to reduce the infant mortality rate. Her country was also active in efforts to achieve universal child immunization by 1990.

50. Although plagued by resource shortages and low per capita income, Sri Lanka had, in the past decade, made major strides in promoting the well-being of children. Special government departments and agencies were actively engaged in overseeing the care and welfare of children and young adults and, in addition, her Government was in the process of formulating a Children's Charter, embodying the rights of the child. Nevertheless, in spite of many significant achievements, there were certain aspects of the protection of children's rights in which her country fell short of international standards.

51. The Governments of the South Asian region had shown great concern for child welfare. The November 1986 summit meeting of the South Asian Association for Regional Co-operation (SAARC) had emphasized that children should be given the highest priority in national development planning and had highlighted the importance of enhancing public awareness and building a national political consensus on the rights of children. SAARC also supported the early conclusion and adoption of a United Nations convention on the rights of the child.

(Miss De Silva, Sri Lanka)

52. Her delegation was deeply appreciative of UNICEF endeavours in areas related to children. In particular, she wished to emphasise the excellent assistance provided by the UNICEF Resident Representative and his staff in her country. Her delegation also recognized the contribution that non-governmental organisations could make in focusing attention on problems affecting children.

53. Mrs. ALTURAIHI (Iraq) said that, in connection with the question of human rights and scientific and technological developments, it was important to take account of the fact that more scientific progress had been made in the past 50 years than in the thousands of years preceding them. That progress had been based on the accumulated scientific knowledge of all societies and cultures. Technological development was increasing rapidly, and mankind must share the results of scientific progress in an interdependent world. Although science was opening up new horizons in the service of man, it was also subject to abuse, as in the case of nuclear science. Genetic engineering too had the potential to be of enormous assistance in improving agriculture and treating disease, but was also capable of leading to the creation of an inhuman world. Human society must therefore forestall the dangers arising from technological developments.

54. The United Nations must work assiduously in order to cope with such issues as depletion of the ozone layer, nuclear and toxic wastes and the peaceful uses of nuclear energy, and it must seek solutions to environmental problems and the problems posed by genetic engineering.

55. The question of a convention on the rights of the child had been on the agenda of the General Assembly for many years. Iraq had joined the sponsors of many draft resolutions on the matter, and it hoped that the necessary consensus would be reached on a draft convention in 1989. Ways and means must be found of protecting children, and they must be assured of a world of tranquillity, stability and peace, particularly since the break-up of families and the exploitation of children were increasing. Although the proposed convention would be a legally binding instrument, solving the problems of children also depended on narrowing the gap between the industrially advanced countries and the developing countries. In the countries of Africa, Asia and Latin America, thousands of children were dying of hunger and disease. Any convention that ignored such aspects of the rights of children as the right to health, food, clothing and shelter would be utopian in nature. The second reading of the proposed convention should take account of different cultures and social values. Iraq would give its views on the draft convention at the appropriate time.

56. Iraq had ratified the International Covenants on Human Rights and had submitted its periodic reports on a timely basis. Her delegation agreed with the view that, after the submission of initial reports, supplementary reports should be required and that the discussions with representatives of States in the relevant treaty bodies should also be considered supplementary information. Iraq had already acted on the suggestion that States parties should establish special units for the preparation of reports. In the view of her delegation, a special division should be established within the Centre for Human Rights to compile information on

(Mrs. Alturaihi, Iraq)

the constitutional provisions and legislation of those States which had acceded to the Covenants, and those States should provide full information to the division in order to facilitate the work of the treaty bodies concerned. Her delegation hoped that duplication in requesting information could be avoided and that the chairpersons of those bodies would co-ordinate the drafting of guidelines for the submission of reports.

57. Mrs. RAJBHANDARI (Nepal) said that it was heartening to note the international community's increasing awareness of the need to enhance the situation of children and to ensure their development under conditions of peace and security. Widespread poverty, hunger, inadequate social conditions and the existence of conflict and oppression were among the factors which adversely affected the growth and development of children.

58. As in other developing countries, children in Nepal continued to feel the negative impact of severely substandard socio-economic conditions, whose consequences included high infant mortality and childhood disease rates, low primary school enrolment and high drop-out rates. Concerned with the plight of children, her Government had formulated national policy with a view to promoting their overall development. Major national programmes included the extension of health, maternity and child-care services to the rural sector, universal immunisation by 1990, oral rehydration and expansion of knowledge and expertise in the areas of child care and nutrition. In addition, children's rights were protected under the Constitution and national legislation.

59. Her Government was currently endeavouring to implement a basic needs programme, some aspects of which would have a direct bearing on improving the situation of children. The objectives of the programme included universal, compulsory primary education and the reduction of child mortality rates and population growth.

60. Non-governmental organisations were also playing an important role in promoting the welfare of children in her country. In addition, the deep interest shown by the royal family had been a major source of inspiration and encouragement to efforts in that field.

61. The members of the South Asian Association for Regional Co-operation (SAARC) were also working together to formulate plans and programmes aimed at improving the situation of children in the region. Summit meetings of that Association over the past two years had adopted specific recommendations, such as the achievement of universal child immunisation by 1990, the provision of safe drinking water by the year 2000, and the incorporation of child welfare programmes into the national development plans of member countries. SAARC member countries had also undertaken to review the overall situation of children by means of programme monitoring, exchanges of experience and the co-ordination of child welfare programmes on a regular basis.

62. National and regional efforts aimed at improving the overall situation of children should receive support from multilateral institutions. In that context,

(Mrs. Rajbhandari, Nepal)

her delegation recognized the important role played by the United Nations system and by UNICEF in particular. Her delegation expressed its deep appreciation to UNICEF for its invaluable efforts in her country.

63. The draft convention on the rights of the child was an important international document for the protection and promotion of the rights of children and her delegation hoped that completion of the draft convention would coincide with the observance, in 1989, of the tenth anniversary of the International Year of the Child and the thirtieth anniversary of the Declaration on the Rights of the Child.

64. Mr. MEZZALAMA (Italy) said that, despite increasing efforts to encourage ratification or accession, the number of States parties to the International Covenants on Human Rights and other international human rights instruments was not increasing substantially. The reasons for that situation ranged from objections of a technical or political nature to divergences between domestic legislation and international rules. None the less, the Secretary-General's attempts to help States overcome their difficulties in that regard should be encouraged. General acceptance of the international human rights instruments was a priority objective and, in that context, his Government wished to announce its recent ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

65. Some of the States which had not yet become parties to the international human rights instruments claimed that accession to the International Covenants was unnecessary since the Universal Declaration of Human Rights already offered adequate support for action to promote human rights. That logic was unconvincing. In fact, the binding force of the International Covenants was an effective guarantee of the rights set forth in the Declaration, which was not binding.

66. In recent decades, there had been some important developments in both international and national legislation in the field of human rights. First, the essential principles concerning protection of the rights of the individual had become rules of customary international law and had thus established rights and duties for every State. Secondly, some of those rules had assumed a further binding force, that of jus cogens, so that they could not be derogated from even by international agreements. Thirdly, international rules had been incorporated into most constitutions and national laws. In that context, it was evident that States which had not acceded to or ratified the international human rights instruments had not done so mainly because of difficulties in adapting their own legislation to general principles or in subjecting themselves to monitoring procedures.

67. The advisability of a proliferation of new international rules in the human rights field required further thought. Excessive proliferation would reduce the impact of essential principles and might make States increasingly reluctant to accept new instruments. It could also increase an already present danger: the coexistence of incompatible or contrasting provisions and principles, with the resultant difficulties of interpretation. A useful guide to any further progress in establishing new rules was to be found in General Assembly resolution 41/20 and

(Mr. Messalama, Italy)

resolution 1987/24 of the Commission on Human Rights. Both resolutions pointed to the need for any new rules to be consistent with existing international provisions and stressed the necessity of using appropriate language in order to facilitate the application and interpretation of those rules.

68. His delegation hoped that work would soon be completed on a draft convention on the rights of the child and on a declaration on the rights of minorities. In addition, he supported the recommendation of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1988/10) concerning the need for further consideration and dissemination of information on the right to development. In that connection, the views of all Governments on that topic should be known before making any decision on follow-up activities to the Declaration on the Right to Development. On the practical level, his country was carrying out an extensive programme of economic assistance to developing countries, both directly and through the competent international organisations.

69. Mr. DANIELSSON (Sweden), speaking on behalf of the Nordic countries, said that those countries attached the greatest importance to work on a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The right to life, the most fundamental of all human rights, was not absolute in the Covenant. The Nordic countries had all abolished capital punishment and noted with satisfaction that a growing number of other States also had done so.

70. The Commission on Human Rights had entrusted the Sub-Commission on Prevention of Discrimination and Protection of Minorities with the task of drafting a second optional protocol. The Nordic countries welcomed the fact that, at its 1988 session, the Sub-Commission had decided without a vote to transmit to the Commission on Human Rights for consideration the draft optional protocol on the abolition of the death penalty prepared by its Special Rapporteur. It was their sincere hope that the Commission would be able to forward the draft protocol to the General Assembly for adoption in 1989.

71. The Nordic countries recognized that Governments had different opinions on the question of the abolition of the death penalty. A number of countries had declared that they were not in a position to abolish capital punishment since such a measure would be contrary to their legal and religious system. However, there was no reason why States not yet in a position to abolish capital punishment should prevent States which wanted to do so from making an international commitment by acceding to such a protocol.

72. Experience had shown that capital punishment had no deterrent effect. The Nordic countries and peoples were firmly committed to working for the abolition of the death penalty. The adoption of a draft protocol on the subject by the international community would be a very important step in the right direction.

73. Mr. MATELA (Poland) welcomed the decision of the Commission on Human Rights to accord high priority to its work on the elaboration of a draft convention on the

(Mr. Matela, Poland)

rights of the child, and the decision by the Economic and Social Council to convene an open-ended working group of the Commission to complete what his delegation hoped would be the final reading of the draft convention. His delegation also had high regard for the contribution made by all Member States and non-governmental organizations concerned to the drafting of the proposed convention. His delegation shared the view expressed by the Under-Secretary-General for Human Rights in his introductory statement that it would be a particularly fitting culmination of United Nations efforts in the sphere of the rights of the child if the anniversary, in 1989, of the Declaration on the Rights of the Child could see the successful completion of the convention.

74. He stressed the significance of the Universal Declaration of Human Rights in advancing the protection and promotion of human rights and fundamental freedoms throughout the world. The Declaration was not only universal in its geographical scope but also remarkably comprehensive in its substance, and had provided the inspiration for the International Covenants on Human Rights.

75. His delegation attached great importance to the work of the Committee on Economic, Social and Cultural Rights and the Human Rights Committee. It endorsed the measures recommended by the Economic and Social Council in resolution 1988/4, in particular, paragraphs 6, 10, 13 and 18 thereof, for rationalizing and streamlining the work of the Committee on Economic, Social and Cultural Rights and for bringing reporting procedures under the International Covenant on Economic, Social and Cultural Rights more into line with those under the International Covenant on Civil and Political Rights. Such measures would help to reduce the backlog of work facing that Committee and would assist States parties in discharging their reporting obligations. It would also be necessary to extend the Committee's sessions in the immediate future in order to reduce the outstanding backlog.

76. Turning to the reporting obligations of States parties to United Nations instruments on human rights, in order further to promote international co-operation in the field of human rights and to make such co-operation more constructive, all States should make renewed efforts to ensure universal adherence to the International Covenants on Human Rights and promote consistently equitable reporting obligations. His delegation appreciated the efforts of the Netherlands delegation to promote a review of the various monitoring mechanisms for human rights instruments, with a view to strengthening those mechanisms. A number of the proposals contained in document A/C.3/43/5 deserved attention in that connection.

77. MR. SCHNEIER (United States of America), speaking on agenda item 97, said that religious freedom was a cornerstone of his country's society. From the outset, immigrants had come to the United States in search of the freedom to practise their faith. To struggle against religious intolerance was to advance the cause of peace. Laws that prohibited religious intolerance also served to reduce or eliminate other fears which divided people along ethnic, racial and national lines. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the General Assembly in

(Mr. Schneier, United States)

1981, had been a major achievement of the United Nations and was in keeping with its task of promoting friendly relations among States and strengthening universal peace.

78. As a rule, the rights and freedoms sought by religious believers were not a threat to the State. The freedoms identified in the Declaration could be limited only by the need to protect public safety, order or morality, or the fundamental rights and freedoms of others. That practical qualification did not justify, and could not be used to justify, massive and systematic violations of religious liberty by long-established and powerful Governments. The provisions of the Declaration were clear; they did not need to be analysed or interpreted, they needed to be implemented.

79. The decision to appoint a Special Rapporteur on the subject of religious intolerance had had very positive results, and his delegation endorsed the overall approach taken by the Special Rapporteur. Visiting one or more countries and reporting in detail was an effective means of drawing attention to areas of specific concern. Seeking information on allegations of religious intolerance and, for that purpose, addressing specific requests to certain Governments, was also a useful method which could help reduce or eliminate systematic abuses. He encouraged the Special Rapporteur to comment on any inaccuracies of fact or perspective which might appear in the replies of Governments and to obtain further information when necessary.

80. With regard to the Special Rapporteur's recommendations for future activities, his delegation questioned the advisability of proceeding expeditiously towards the negotiation of an international convention on the elimination of intolerance and discrimination based on religion or belief. The need to gain the acceptance of all interested countries was likely to require multiple exceptions and qualifications to norms embodied in the Declaration, which in turn might result in a reduced level of protection for the rights of religious believers.

81. The international campaign to make the Declaration's standards effective required the mobilization of world public opinion, which was the essential goal of operative paragraph 7 of General Assembly resolution 42/97. Despite the fact that for the past four years, the General Assembly had called for the dissemination of the Declaration in all the official languages of the United Nations, however, it had thus far been published only in Chinese, English, French and Spanish. That showed a serious disregard for the General Assembly's clear intent, and his delegation trusted that that omission would be remedied promptly. The Secretary-General should also make effective use of the potential of television and other mass media for mobilizing diplomatic and public support for the norms contained in the Declaration.

The meeting rose at 12.50 p.m.