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at 3 p.m.

New York

SUMMARY RECORD OF THE 47th MEETING

Chairman: Mr. MADAR (Somalia)

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AGENDA ITEM 95: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
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AGENDA ITEM 99: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
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and Add.1-2, 499 and Add.1-2, 506, 662)

General debate (continued)

1. Mr. HAWKES (Canada), noting that, after seven years, the Commission on Human Rights had succeeded in preparing a draft Convention against torture and other cruel, inhuman or degrading treatment, expressed the hope that the momentum established within the Commission would be sustained by the adoption of the Convention at the current session of the General Assembly.
2. The Convention would protect States' rights, but at the same time, it established legal standards and a detailed set of implementation mechanisms, including the potential expansion of the jurisdiction of States to prosecute alleged torturers, and the establishment of a committee of independent experts to receive reports from States parties and, on an optional basis, complaints from individuals. Since the Commission on Human Rights, bearing in mind the complexities of the different legal systems, had unanimously agreed on the exact, appropriate wording for all but two articles of the Convention, any attempt to change that wording would be fraught with danger.

3. The two articles which remained to be finalized, namely, articles 19 and 20, which appeared in square brackets in the text had been included at the insistence

(Mr. Hawkes, Canada)

of the majority of the members of the Commission who, in their best judgement, clearly considered that the Convention should be adopted in its entirety, including the bracketed articles.

4. States had nothing to fear from articles 19 (3), and (4) and 20 if they sincerely wished to condemn torture and to eliminate the practice. Article 19 (3) and (4) merely authorized the independent committee, as it might consider appropriate, to engage in a dialogue with States submitting reports and to include any of its comments or suggestions on State reports in its annual report.

Article 20 outlined the possibility for confidential investigations of allegations that torture was being systematically practised in the territory of a State party. It was essential to note that on-site investigation could only be made with the consent of the State party. The article was an attempt to provide a more speedy mechanism for the international monitoring of allegations of torture than a periodic reporting system. The article could also be viewed as a very positive opportunity system for those Member States which suffered periodically from unsubstantiated charges that they were engaged in the practice of torture. The best and perhaps the only way to dispel doubts on that score was by utilizing the mechanism provided in article 20.

5. He also reminded Member States of the continued existence, and need for money, of the United Nations Voluntary Fund for Victims of Torture. The Fund helped the victims of today. The proposed Convention was a step towards ensuring that there would be no victims tomorrow.

6. Mr. MATELJAK (Yugoslavia) said that scientific and technological developments were a basic prerequisite for economic development and an important factor in the development of any society. They could and should contribute to the promotion of human rights at the global and national levels, but at the same time, they could be misused and threaten the human rights of individuals and nations.

7. It was not enough for the Committee to concentrate on the impact of progress in science and technology on human rights; it should consider all aspects of the issue if it was to choose the right direction for further action in the field. The basic pre-condition for using science and technology to promote human rights was the creation of opportunities for all peoples of the world to use the achievements of science and technology and the adoption by Governments of appropriate social policies enabling them to enjoy their fruits. Obviously, such conditions did not now exist, especially at the global level. The non-aligned and other developing countries, because of their lagging economic development, could not afford to allocate the necessary resources to scientific and technological development. They were therefore obliged to import technology from developed countries on highly unfavourable terms.

8. It was regrettable that the code of conduct on the transfer of technology to developing countries had not yet been adopted, although it had been under negotiation for a number of years. In 1978, total world investment in technological research and development had been \$123 billion. Of that sum, the

(Mr. Mateljak, Yugoslavia)

developing countries had been able to invest only \$5.4 billion. Also in 1978, of the 2,131,500 scientists and engineers engaged in research and development projects, only 240,800 were in developing countries. The result was that the developed countries possessed almost 99 per cent of all patents, which meant that they held a monopoly in the development and use of modern technology.

9. Contracts for the transfer of technology to developing countries imposed highly unfavourable terms on the recipients, thus restricting their access to technology and its effective utilization. Transnational corporations were the main channel for the transfer of technology, accounting for 85 per cent of all transfers. The unfavourable conditions were a logical consequence of the role played by those corporations. Unfortunately, owing to the rigid position of the developed countries, there was still no agreement on the code of conduct of transnational corporations.

10. Protectionist measures restricted the export of products from the developing to the developed countries, while at the same time transfer of technology was used to stimulate exports from the developed to the developing countries. Through various forms of transfer, transnational corporations, by acquiring control over the development capacities of the buyer country, gained a dominant position in that country's development and use of technology.

11. The negative consequences of that unequal relationship were that the exploitation of developing countries and their economic dependence became entrenched with adverse effects on conditions for the promotion and respect of human rights. Accordingly, the Committee should devote due attention to what his delegation regarded as one of the most fundamental and serious problems relating to the role of science and technology in the field of human rights. Nor should it overlook the fact that today's uncontrolled development of military technologies by some of the most developed countries and great Powers, together with the further acceleration of the arms race, posed a serious threat to the independence of the developing countries, which also had negative consequences for human rights throughout the world. Efforts to strengthen the positive role of science and technology in the field of human rights were closely linked to the effort to establish the New International Economic Order, to achieve a general democratization of international relations, and to strengthen world peace and security.

12. The views of the Yugoslav Government on the draft convention against torture and other cruel, inhuman or degrading treatment or punishment were contained in the report of the Secretary-General (A/39/499/Add.1). Adoption of the convention would be an important step in the promotion and protection of human rights. It was therefore all the more necessary for all delegations to exert maximum effort to achieve a consensus text. His delegation hoped that the remaining difficulties would be resolved and the proposed draft would be adopted without a vote.

AGENDA ITEM 93: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE
(continued)

(c) VOLUNTARY FUND FOR THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL

Draft resolution A/C.3/39/L.24/Rev.1

13. Ms. LUND (Norway), introducing draft resolution A/C.3/39/L.24/Rev.1, said that the list of co-sponsors included all the countries represented on the Consultative Committee on the Voluntary Fund for the United Nations Decade for Women. The Fund had been established by General Assembly resolution 31/133 in 1976 at the beginning of the United Nations Decade for Women. The criteria established for the use of its resources had emphasized the need to give priority and special consideration to technical co-operation activities which would benefit rural women, poor women in urban areas and other marginal groups of women, especially the disadvantaged. At its thirty-sixth session the General Assembly had decided, in its resolution 36/129, that the activities of the Fund should continue beyond the United Nations Decade for Women and Member States now had to decide how they could be most effectively organized.

14. The sponsors had been guided by the ultimate objective of securing recognition of women as an integral part of development, both as participants and beneficiaries. Reviewing the operative paragraphs, she pointed out that paragraph 1 would ensure that the Fund's image and identity was preserved, and that the annex outlining future management arrangements between the Fund and UNDP had been drafted in close consultation with all parties concerned including, in particular, the Department of International Economic and Social Affairs, UNDP and the Office of Legal Affairs.

15. Specific features of the management arrangements were designed to ensure the Fund's autonomy in its association with UNDP. Pursuant to paragraphs 1 and 13 of the annex, the Consultative Committee would have a decision-making capability; it would continue to be the only intergovernmental body involved in the selection of projects to be financed from the resources of the Fund.

16. In accordance with paragraph 12 of the annex, the Consultative Committee would review the proposed biennial budget of the Fund and, under paragraph 15 it would receive substantive and financial progress reports on the use of the Fund. Paragraph 8 stipulated that the procedures established for the selection and execution of projects would remain in force. The Administrator of UNDP would be ultimately accountable for all aspects of the Fund's management and operations but would delegate such management and its administration to the Director, on the terms set forth in paragraph 7.

17. An annual report on the Fund would be submitted to the Governing Council of UNDP, to the Second and Third Committees of the General Assembly and to the Commission on the Status of Women. According to document A/39/571, UNDP currently administered 90 per cent of the Fund's resources; the administrative costs in UNDP had been low, at only 1.5 per cent of the Fund's expenditures. The cost-efficiency

(Ms. Lund, Norway)

of the enhanced association with UNDP would include access to the latter's project delivery system, its project institutional memory and its regional bureaux, all of which were directed to technical co-operation activities in accordance with paragraph 11 of the annex. In order to provide continuity, the Fund would, according to part III of the annex, establish and maintain close and continuous working relations with other United Nations organs dealing with women's issues and development. In accordance with paragraph 10, the Consultative Committee would monitor the process of implementing the management arrangements contained in the annex and would incorporate its findings in the Fund's annual report to the General Assembly.

18. The sponsors had decided to request the Consultative Committee to propose an appropriate new title for the Fund as it entered the post-Decade period.

19. The sponsors hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 100: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES:
(continued)

(a) REPORT OF THE HIGH COMMISSIONER

(b) ASSISTANCE TO REFUGEES IN AFRICA: REPORT OF THE SECRETARY-GENERAL

Draft resolution A/C.3/39/L.37

20. Mr. RUSI (Finland) introduced the draft resolution on the report of the United Nations High Commissioner for Refugees on behalf of the sponsors. He noted that the delegations of Argentina, Central African Republic, Comoros, Congo, Cyprus, France, Honduras and Somalia should be added to the list of sponsors.

21. Two main themes had emerged from the general debate on the item: one, that the activities of the High Commissioner were purely humanitarian and non-political in character, and the other, that the main objective of those activities must be to find durable solutions to the problems of refugees. Those were also the main themes of the draft resolution. In addition, the resolution emphasized that to attain those durable solutions the UNHCR needed the help and co-operation of all States, as well as of other concerned agencies of the United Nations system, intergovernmental and non-governmental organizations. The sponsors hoped that the adoption of the draft resolution would further strengthen the ability of UNHCR to carry out its responsibilities for the benefit of the refugees.

22. The sponsors hoped that, as in previous years, the draft resolution on the report of UNHCR would be adopted without a vote.

Draft resolution A/C.3/39/L.38

23. Mrs. ENGU (Cameroon), introducing draft resolution A/C.3/39/L.38 on behalf of the African Group, said that while the text was largely self-explanatory, particular attention should be given to the preambular paragraphs expressing

(Mrs. Engo, Cameroon)

concern at the persistent and serious problem of large numbers of refugees on the African continent and the economic and social burden borne by African countries of asylum, and emphasizing the vital importance of the complementarity between refugee aid and development assistance. All pertinent organizations of the United Nations system as well as relevant regional, intergovernmental and non-governmental organizations were called upon to lend their support to the realization of the goals of the Second International Conference on Assistance to Refugees in Africa. She hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 101: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS: REPORT OF THE SECRETARY-GENERAL (continued) (A/39/193, 194, 407, 421, 551 and Corr.1, 577, 646; A/C.3/39/8; A/C.3/39/L.33/Rev.1)

24. Mrs. CASTRO de BARISH (Costa Rica) said that the subject of drug abuse and drug trafficking was of crucial importance to all countries. Her delegation particularly appreciated the efforts and initiatives of the other countries of Latin America to create a greater awareness of the threat presented by those evils which had reached such magnitude that they deserved to be called crimes against humanity.

25. The Government of Costa Rica had made extensive efforts to combat the traffic in drugs and had always been willing to work in co-operation with other countries to that end. She noted that the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, with headquarters in Costa Rica since 1975, had been established to serve as a regional centre for the exchange and dissemination of information, training, research and direct assistance in the area of crime prevention, which also included the prevention and control of drug abuse and drug trafficking. Costa Rica had also been the venue of a meeting which had established priorities for regional action, particularly with the Andean Group, and preliminary conversations had been held between the Latin American Institute and the Director of the United Nations Fund for Drug Abuse Control to study possibilities for co-operation. It was her delegation's view that the approach to the problem, as noted in the Secretary-General's report (A/39/193 and 194), should be an integrated one covering not only the elimination and substitution of crops and the training of law enforcement agents but also studies on other ramifications of the problem. Her Government was prepared to aid in the effort to increase regional and interregional co-operation in activities to combat the traffic in drugs and drug abuse.

Draft resolution A/C.3/39/L.33/Rev.1

26. Mrs. ASHTON (Bolivia), introducing draft resolution A/C.3/39/L.33/Rev.1 of which the Central African Republic had become an additional sponsor, said that the last two words in paragraph 11 of the Spanish text should be deleted. She noted that the draft resolution had been revised for technical reasons and in no way differed in substance from the original text. The draft resolution was a follow-up to General Assembly resolutions 38/93, 38/98 and 38/122 and other similar resolutions. It reflected the international scope of the problem and the resulting need to find a solution through multilateral co-operation among Member States,

(Mrs. Ashton, Bolivia)

which must assume the principal responsibility for eradicating the evil of drug abuse, in collaboration with the United Nations system. They were encouraged to contribute or to continue contributing to the United Nations Fund for Drug Abuse Control, and the Secretary-General was requested to make arrangements for a meeting in 1986 of heads of national agencies for preventing drug abuse, and for convening interregional seminars to study the experience gained by the United Nations system and by Member States in integrated rural development programmes for replacing illicit crops. The sponsors hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 102: 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.3/39/L.36 and L.39)

- (a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 38/124;
- (b) NATIONAL INSTITUTIONS FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL

Draft resolution A/C.3/39/L.36

27. Mrs. FIÓREZ PRIDA (Cuba), introducing draft resolution A/C.3/39/L.36, of which São Tome and Príncipe had become an additional sponsor, said that the draft resolution represented a careful balance of the views of the various regional groups and delegations, particularly in the third, sixth, ninth, eleventh, twelfth and twentieth preambular paragraphs. Operative paragraph 2 contained a new element, peace, as one of the primary aims of international co-operation in the field of human rights. Paragraph 6 included an additional reference to mass and flagrant violations of human rights as a concern of the United Nations, and paragraph 11, referring to the right to development, was entirely new. Paragraph 13 contained a reference to established "norms" as well as principles and the existing disparity between them and the actual situation of all human rights and fundamental freedoms in the world. Paragraph 15 had been reformulated on the basis of resolutions of the Human Rights Committee, and paragraph 18 requested the Secretary-General to submit to the General Assembly at its fortieth session a detailed report containing information on the progress made in the drafting of a Declaration on the Right to Development. The sponsors were available for consultation if other delegations had any difficulties with the draft resolution, and they hoped that the Committee would give it its full support.

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

28. Mr. RATHORE (India) introduced the draft resolution on national institutions for the promotion and protection of human rights (A/C.3/39/L.39) on behalf of the sponsors.

29. He reiterated the sponsors' belief that national institutions played a significant role in the promotion and protection of human rights. Without adequate national machinery, international efforts would prove fruitless. He noted that all

(Mr. Rathore, India)

the concepts in the draft resolution were drawn from previous General Assembly resolutions. The additional information, comments and observations requested from Member Governments in resolution 38/123 were contained in the Secretary-General's report (A/39/556). The main thrust of the draft resolution, therefore, was to request the Secretary-General, in the light of his earlier reports and of further information received, to prepare and submit to the General Assembly a consolidated report for eventual publication as a United Nations handbook on national institutions for the use of Governments. The aim was to encourage Member States to exchange experience on establishing or strengthening national institutions. The sponsors hoped that the draft resolution would be adopted without a vote.

AGENDA ITEM 92: INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN: REPORT OF THE SECRETARY-GENERAL (continued)

Draft resolution A/C.3/39/L.25

30. Mrs. DOWNING (Secretary of the Committee) read out the following new wording for paragraph 1 of draft resolution A/C.3/39/L.25: "Reiterates its resolution () by which it endorsed the Statute of the International Research and Training Institute for the Advancement of Women as approved by Economic and Social Council decision 1984/124".

The meeting rose at 4.45 p.m.