



General Assembly

Distr.
GENERAL

A/44/696

3 November 1989

ENGLISH

ORIGINAL: ARABIC/ENGLISH/FRENCH/
RUSSIAN/SPANISH

Forty-fourth session
Agenda item 96

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED
NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

International conditions and human rights

Report of the Secretary-General

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I. INTRODUCTION

1. In paragraph 12 of resolution 34/46 of 23 November 1979, the General Assembly requested the Secretary-General to prepare a report on international conditions and human rights. In its resolution 36/133 of 14 December 1981, the General Assembly, having taken note of the Secretary-General's report (A/36/462), requested him to submit to the Assembly, from the thirty-eighth session on, a biennial progress report updating his initial report.
2. Since the first request of the General Assembly, the Secretary-General has submitted the initial report and three progress reports (A/38/511, A/40/677 and A/42/585). This, the fourth biennial progress report submitted pursuant to Assembly resolution 36/133, is intended to supplement the information contained in earlier reports.
3. In a note dated 3 February 1989, the Secretary-General invited Governments to submit information and their views on the subject. In addition, and according to the request contained in resolution 34/46, appropriate letters were sent to specialized agencies concerned and pertinent United Nations bodies.
4. As at 4 October 1989, substantive information had been received from the Governments of the Byelorussian Soviet Socialist Republic, Chad, Ecuador, Mexico, Portugal, the Syrian Arab Republic and the Union of Soviet Socialist Republics.
5. Substantive information had also been received from the International Civil Aviation Organization, the International Labour Organisation, the International Bank for Reconstruction and Development and the World Health Organization.
6. In the replies that they have submitted, Member States have drawn attention to the following issues: international peace and security and human rights; the impact of the arms race on human rights; international co-operation and human rights; elimination of racial discrimination and apartheid; decolonization; development and international economic conditions; legislative activity and the implementation of international instruments in the field of human rights; activities of international organizations; measures undertaken at national level; and information.
7. In their replies, specialized agencies elucidated the pertinent activities of their organizations, a large part of which related to the promotion and protection of human rights coming within the above-mentioned organizations' areas of concern.
8. In the replies submitted to the Secretary-General, some Governments and organizations underline the necessity to intensify the struggle against racism, racial discrimination and apartheid. They maintain that the eradication of these evils is central to the achievement of the current objectives of the United Nations in maintaining world peace and securing social progress. All forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security.

9. As the Secretary-General stated in his report on the work of the Organization to the General Assembly at its forty-fourth session,

"Nothing that has been done can lighten the burden on the human conscience imposed by the frequent, sometimes massive, violations of human rights in different parts of the world. The institutionalized system of racial discrimination in South Africa continues to be a most glaring example; in other areas also, the gross mistreatment of ethnic groups, the systematic practice of torture, the killings of unarmed demonstrators, the disappearances of individuals, summary arrests and executions furnish a more deplorable record. The year under review has brought little relief.

"Such acts not only cause moral outrage; they also lead to political consequences injurious to the long-term interests of peace. If anything is writ large on current experience, it is the truth that the stability of national and international society can only rest upon a foundation of assured human rights. Issues of human rights provide the deeper tones and shadings to political and social relations within and among nations." 1/

10. The replies submitted by Governments and organizations refer to several aspects and issues of the complex interrelationship between international conditions and human rights. In this context, it is worth recalling the conclusion reached by the Secretary-General in his statement to the second regular session of 1989 of the Economic and Social Council: "how fragile is the line between economic and social distress and the conflicts of violence, the torrents of refugees, and other realities of the world today. The political and economic diplomats at the United Nations move for the most part in separate orbits, but it seems to me that at the present time their worlds overlap and should intermesh more than ever in the history of the United Nations." 2/

II. REPLIES RECEIVED FROM GOVERNMENTS

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[2 August 1989]

1. In the information on this question submitted earlier to the United Nations Secretariat, the Byelorussian Soviet Socialist Republic expressed its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights.

2. Ensuring the full enjoyment of human rights is one of the most urgent tasks of the age. Many States have acquired considerable experience in the protection and promotion of various specific rights, and the exchange of such positive experience could become one of the most important areas of constructive international

co-operation, which must be based on strict observance of the purposes and principles of the Charter of the United Nations. There is no need to seek any additional means of attaining this goal: the organizational structure and the present possibilities of the United Nations system of organs make it possible for questions relating to the promotion and protection of human rights to be given perfectly satisfactory consideration. At the same time, what is needed is an intensification of the efforts of States themselves.

3. In the opinion of the Byelorussian SSR, the fight against mass and flagrant violations of human rights, above all in situations constituting a threat to international peace and security which are a consequence of the policies of apartheid, racism and aggression and the suppression of national liberation movements and progressive forces, must remain a fundamental element in the work of the United Nations with respect to the promotion and protection of human rights. This approach is based on the Charter of the United Nations and is embodied in a number of General Assembly resolutions, including resolution 32/130.

4. Public information is an effective means of encouraging respect for human rights, the exchange of experience and the development of co-operation in this field.

5. It is vital to link the efforts of the international community in the protection and promotion of human rights with activities designed to provide every individual with essential information on the broad problems of human rights. The United Nations information centres are called upon to play an important role in this connection.

6. The international community is faced today with an extremely important task - the education of peoples in a spirit of respect for human rights and fundamental freedoms. The Byelorussian SSR supports the call for the creation of a world human rights culture, which in turn presupposes the wide dissemination of information and education in the field of human rights.

7. One of the fundamental goals of international co-operation in the field of human rights is to promote a secure life in conditions of freedom, dignity and peace for all peoples and for all persons. An essential condition for the promotion of human rights and fundamental freedoms is that Member States should assume specific obligations by ratifying or acceding to international instruments in this field, and, consequently, that the work within the United Nations system of setting standards in the field of human rights and universal acceptance and implementation of the relevant international instruments should be encouraged.

8. The Byelorussian SSR believes that, in order to facilitate the full enjoyment of all human rights without diminishing the personal dignity, it is necessary to promote the rights to education, work, medical treatment, leisure, proper nourishment, and so forth, through the adoption of measures at the national level, including measures providing for the right of workers to participate in the management of the State.

9. The approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof.
10. It must be remembered that the right to development is a right by virtue of which every human person, every people and every population group has the opportunity to improve its well-being and secure its human dignity in conditions of full respect for fundamental freedoms and the principles of justice. The right to development thus has both an individual and a collective character and is based on the principles of the Charter of the United Nations and other international human rights instruments.
11. The improvement and universal implementation of international human rights standards in the course of international co-operation, the enhancement of the effectiveness and the extension of the geographical area of application of these standards must in the end lead to the establishment of a universal humanitarian realm and facilitate the creation in the world of a lasting international humanitarian order, which could indeed become the basis of a world human rights culture.

CHAD

[Original: French]

[10 June 1989]

1. At the national level, the legislation of Chad, specifically the Fundamental Act of the Republic, which governs political life, guarantees the fundamental freedoms and rights of the individual and of associations and groups. It assigns the Government the duty of practising greater justice with respect to the most disadvantaged social classes (art. 18 (a)).
2. Since the Fundamental Act of the Republic has served the country in special circumstances, the Government of Chad, wishing to improve and strengthen conditions that are favourable to respect for human rights and to their protection and promotion, has drawn up a new draft constitution on which a referendum will be held in the very near future. This draft gives an important place to the fundamental freedoms and rights of the people of Chad.
3. Within the United Nations Chad has contributed to the adoption of resolutions and international instruments concerning human rights. It is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. It is currently taking steps to accede to other human rights Conventions adopted within the context of the United Nations.

4. Respectful of the right of peoples to self-determination which is set forth in the Charter of the United Nations, Chad endorses that fundamental principle and has raised it into a constitutional principle. The Fundamental Act of the Republic assigns the Government the duty of supporting the legitimate struggle of peoples under racial and colonial domination (art. 18 (b)).

5. Chad upholds and reaffirms this principle at all times in international bodies, denouncing foreign interference by any State in the affairs of another.

6. Outside the United Nations, Chad is a party to the African Charter on Human and Peoples' Rights and to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

ECUADOR

[Original: Spanish]

[1 June 1989]

1. It is worth pointing out that Ecuador has reported on these matters in the periodic reports it has submitted in accordance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination and it wishes to draw attention to those documents.

2. Without prejudice to the above, the Government of Ecuador has pledged, at the national and international level, to continue working to improve conditions within Ecuador so that all individuals may have full enjoyment of their human rights. At the same time, it wishes to point out, as noted in General Assembly resolution 36/133, that many of these conditions stem from the prevailing unjust international economic order which interferes with the effective enjoyment of these rights by large sectors of the population of developing countries.

MEXICO

[Original: Spanish]

[4 September 1989]

1. The international scene is currently characterized by constant and far-reaching changes and the driving force of political, economic, social and cultural phenomena makes it difficult for nations to anticipate with any degree of certainty what turn international events will take in the future. Despite the general uncertainty, it can be said that in the future the outcome of international developments will be determined by growing interdependence at the regional and global level.

2. The international economic crisis has made it difficult primarily for the developing countries, and also for Mexico, to fully implement the principles set forth in the Universal Declaration of Human Rights.
3. The trade and financial relations affecting the developing world have stood in the way of the latter's development and have thereby adversely affected full enjoyment of economic and social rights by its peoples. The high level of indebtedness of the developing countries has political, economic and social repercussions, making indebtedness a grave problem for the development, independence and social stability of those countries.
4. Because of the allocation of resources for the continuation of the arms race, the economic and social needs of broad sectors of the world's population have not been met. Rising military expenditures have heightened the international economic crisis.
5. The Government of Mexico recognizes that the right to development is an inalienable human right and that nations and individuals alike have a right to equal opportunity for development.
6. In the view of the Mexican Government the term "right to development" means the overall process leading to the continuing improvement in the living conditions and well-being of the population, and ensuring the material conditions necessary for the full exercise of all human rights.
7. In December 1982, the Federal Executive moved to update and incorporate the principles relating to development in the Political Constitution of the United Mexican States. Articles 25, 26, 27 and 28 of the Constitution establish and regulate the participation of public, social and private sectors in the development process, specifying their respective areas of competence in accordance with the general interest of Mexico and the rule of law.
8. In that connection, article 25 of the Constitution states that

"It is the responsibility of the State to direct national development so as to ensure that it is comprehensive, that it strengthens the nation's sovereignty and democratic régime and that, by promoting economic growth and employment and a more just distribution of income and wealth, it permits the full exercise of freedom and dignity by individuals, groups and social classes, whose safety is safeguarded by this Constitution."
9. The Government of Mexico remains convinced that the right to development will be encouraged through international co-operation defined in accordance with the purposes of the Charter of the United Nations.
10. The National Development Plan 1989-1994 is an expression of the interest which the Government of Mexico takes in promoting the right to development of the entire population. The said plan seeks to give priority to social demands in such areas as education, health, employment, housing, urban services, social welfare and so forth.

11. Throughout history the Mexican Government has attached great importance to the protection of human rights and fundamental freedoms and to the implementation, promotion and protection of civil, economic, social and cultural rights. Accordingly, it is a State party to the following international instruments adopted in this respect:

(a) Convention on Asylum. Date of ratification: 6 February 1929.

(b) International Convention for the Suppression of Traffic in Women and Children. Date of accession: 10 May 1932.

(c) Slavery Convention of 1926. Date of accession: 8 September 1934; date of ratification: 3 February 1954.

(d) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Date of accession and ratification: 21 February 1956.

(e) Convention on Diplomatic Asylum. Date of accession and ratification: 6 February 1957.

(f) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Date of ratification: 30 June 1959.

(g) International Convention on the Elimination of All Forms of Racial Discrimination. Date of ratification: 20 February 1975.

(h) International Covenant on Civil and Political Rights. Date of accession and ratification: 23 March 1981.

(i) International Convention on the Suppression and Punishment of the Crime of Apartheid. Date of accession: 14 March 1980.

(j) International Covenant on Economic, Social and Cultural Rights. Date of accession and ratification: 23 March 1981.

(k) American Convention on Human Rights, "Pact of San José". Date of accession: 24 March 1981.

(l) Convention on the Elimination of All Forms of Discrimination against Women. Date of ratification: 23 March 1981.

(m) Convention on Territorial Asylum. Date of ratification: 3 April 1982.

12. The Government of Mexico considers that international co-operation is an important factor in the promotion of respect for human and social rights of nations and individuals alike and that it fosters the establishment of international peace and security.

13. At the national level, the Mexican Government has taken measures to legislate respect for the human and social rights of all individuals.

14. As far back as 1917, the Political Constitution of the United Mexican States established individual guarantees and social rights; it also laid the political and legal bases for the elaboration of extensive secondary legislation to foster economic and social development in Mexico and, in particular, to protect the rights of Mexico's working classes.

15. Title I, chapter I, articles 1 to 29 of the Political Constitution set forth the individual guarantees enjoyed by all individuals within the country; they include:

"Article 1. All individuals in the United Mexican States shall enjoy the guarantees granted by this Constitution, which cannot be restricted or suspended except in such cases and under such conditions as are herein provided."

"Article 2. Slavery is forbidden in the United Mexican States. Slaves who enter national territory from abroad shall, by this act alone, recover their freedom and enjoy the protection afforded by the laws."

"Article 4. Everyone has a right to health protection."

"Article 14. No one shall be deprived of life, liberty, property, possessions or rights without a trial by a duly established court in which the essential formalities of procedure are observed and in accordance with laws issued prior to the act."

16. The Government of Mexico, conscious of the need to promote measures to encourage respect for the human rights of the population, recently established a Division of Human Rights in the Ministry of the Interior and issued a pardon granting freedom to individuals who have behaved well during their term in prison and who are considered not to present a danger to society.

PORTUGAL

[Original: French]

[25 September 1989]

1. Portugal has the honour to draw attention to all the elements which reflect the positions and measures Portugal has developed to ensure enjoyment of civil and political, and economic, social and cultural rights, the complementarity of which it has always recognized.

(a) Reports submitted by Portugal under the international human rights conventions which it has ratified;

(b) Comments recently submitted to the Centre for Human Rights and intended for the United Nations Yearbook on Human Rights (Note DH-5.2.1, of 21 July 1989, with reference to Note G/SO 213 (1), of 16 May 1989);

(c) Statements made by the Portuguese delegation in the Commission on Human Rights, in particular regarding item 11 of the agenda of the Commission's forty-fifth session.

SYRIAN ARAB REPUBLIC

[Original: Arabic]

[1 September 1989]

I. Under General Assembly resolution 41/131 of 4 December 1986

1. Paragraph 4

The Constitution of the Syrian Arab Republic provides for the promotion of human rights and fundamental freedoms. Articles 25 to 39 of the Constitution read as follows:

"Article 25: 1. Freedom is a sacred right. The State shall guarantee the personal freedom of citizens and safeguard their dignity and security.

"2. Supremacy of the law shall be a basic principle of society and the State.

"3. Citizens shall be equal before the law in rights and duties.

"4. The State shall guarantee the principle of equal opportunity among citizens.

"Article 26: Every citizen shall have the right to participate in political, economic, social and cultural life. The law shall regulate such participation.

"Article 27: Citizens shall exercise their rights and enjoy their freedoms in accordance with the law.

"Article 28: 1. Every accused person shall be presumed innocent until condemned by a final judicial verdict.

"2. No one shall be subject to investigation or arrest except as provided by the law.

"3. No one shall be subject to physical or mental torture or to humiliating treatment. The law shall establish penalties for such acts.

"4. The rights of litigation, appeal and legal defence shall be safeguarded by law.

"Article 29: There shall be no crime or punishment except as laid down by a provision of the law.

"Article 30: The provisions of laws shall apply only from the date of their entry into force and shall have no retroactive effect. The law may, however, provide otherwise in non-penal matters.

"Article 31: Dwellings are inviolable and may be entered or searched only in those cases stipulated by law.

"Article 32: Privacy of postal correspondence and telephonic communications shall be guaranteed in accordance with the provisions set forth in the law.

"Article 33: 1. A citizen may not be expelled from the territory of the homeland.

"2. Every citizen shall have the right of free movement within the territory of the State unless restricted by judicial decision or by the implementation of laws relating to public health and safety.

"Article 34: Political refugees on grounds of their political principles or in defence of freedom shall not be extradited.

"Article 35: 1. Freedom of belief shall be safeguarded, and the State shall respect all religions.

"2. The State shall guarantee the free performance of all religious rituals provided this does not violate public order.

"Article 36: 1. Work is a right and duty of all citizens which the State shall endeavour to ensure for all.

"2. Every citizen shall be entitled to a wage in accordance with the nature and utility of his work; the State shall guarantee this right.

"3. The State shall establish hours of work, shall guarantee social security benefits to workers, and shall regulate their right to rest and holidays as well as compensation and remuneration.

"Article 37: Education shall be a right guaranteed by the State. It shall be free at all stages and compulsory at the elementary stage ...

"Article 38: Every citizen shall have the right to express his opinion freely and publicly in speech, writing and other forms of expression ...

"Article 39: Citizens shall have the right of assembly and demonstration ..."

Articles 44 and 45 stipulate the following:

"Article 44: 1. The family is the basic unit of society and shall have the protection of the State.

"2. The State shall protect ... marriage ...; it shall protect mothers and children and care for youth ...

"Article 45: The State shall guarantee to women all opportunities ... It shall endeavour to remove impediments that hinder their development ..."

The Constitution also guarantees to citizens of both sexes over a set age the right to choose their representatives on an equal footing. The law guarantees to every citizen the right to nationality, the right to own property, the right to fair compensation for requisitioned property and the right to join a trade union or professional association. The Syrian Constitution thus enshrines the human rights proclaimed in its various articles, and they are also confirmed in other legislation. The Penal Code lays down penalties for crimes of terrorism in articles 304 and 305 and for incitement to sectarianism, factionalism or racism in articles 307 and 308, thereby also ensuring respect for human rights. There is therefore nothing in Syrian legislation that would prevent accession to treaties or international instruments already in existence or in preparation setting forth specific obligations with respect to human rights, provided that they are in keeping with the general principles of human rights guaranteed by the Syrian Constitution. We are of the view that the primary focus should be on the right of peoples to exercise self-determination and to choose their own economic and social systems, that such should be the implicit standard of the United Nations system as a gauge of the true extent of commitment to human rights and that work should proceed with a view to ensuring the implementation and acceptance of the basic standards set. The Ministry of Foreign Affairs scrutinizes all of the conventions and treaties on human rights to which the Syrian Arab Republic has acceded, and reference can be made to them.

2. Paragraph 5

In the absence of international legislation to penalize human rights violations in one manner or another and to be of general assistance in their suppression, no solution to such violations can be devised. The solution therefore lies in the endeavour to elaborate such legislation and its ancilliary measures in such a manner as to guarantee implementation and compliance.

3. Paragraph 11

The Ministry of Foreign Affairs has in its possession documents which indicate the extent of the commitment of the Syrian Arab Republic to promoting international co-operation on the basis of respect for the independence of all States and their principles. This is shown by the treaties to which the Syrian Arab Republic is a

signatory and by the international organizations it has joined with a view to furthering such co-operation and its support for the rights accorded to them.

4. Paragraph 13

The extent of Syria's co-operation with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms can be seen from the documentation of the Ministry of Foreign Affairs and the relevant authorities concerned. With a view to greater co-operation, legislation can be enacted penalizing any violation of the human rights guaranteed by the Constitution or those enshrined in the Universal Declaration of Human Rights. Reference may also be made to the legal texts indicated in which penalties are laid down for certain violations.

II. Under paragraph 10 of General Assembly resolution 36/133

The information contained in the preceding paragraphs, particularly that relating to the provisions of the Syrian Constitution and that available at other Ministries, can form the basis of the information submitted to the Secretary-General of the United Nations in order to assist him in the preparation of his biennial progress report to the General Assembly.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[19 June 1989]

1. The human race is becoming increasingly aware that its survival is incompatible with disunity. Divergences of an ideological, socio-economic, political or any other kind cannot be allowed to be determining factors at a time when the threat to the very existence of our planet has become a real one.
2. Contemplating the common fate of our indivisible, interlinked and therefore interdependent world, we see new thinking which sets man and humanism at the basis of world policy and international relations as the way out of crisis situations.
3. In our opinion, the way to preserve civilization's viability is to recognize the primacy of values common to all mankind and the supremacy of the idea of mankind over an infinitely great number of centrifugal forces.

"We shall not be able to eliminate centres of mass starvation, deal with drug addiction and AIDS, overcome terrorism, or put an end to gross violations of the rights of individuals and entire nations until we recognize that all those things are our common concern, until we rise above a narrow, egoistical understanding of our own interests, and until we draw up guidelines for joint international action in keeping with current requirements."

4. These words, spoken by M. S. Gorbachev during his visit to the United Kingdom, express the essence of the Soviet Union's approach to world affairs.
5. Comparing today's situation with the situation that existed just a few years ago, the change is striking. Dialogue and co-operation are increasingly firmly established in the current political vocabulary and are becoming the rule for international intercourse. Their first results have been the beginning of a real reduction in armaments, the settlement of regional conflicts and a steady improvement in the international climate.
6. Soviet forces have returned from Afghanistan. The Soviet Union, which advocates a political settlement of the situation in Afghanistan, will strictly comply with the Geneva Agreements and urges all parties to act in the same spirit.
7. As a result of the good will shown by all sides involved in the process of the decolonization of Namibia, there is now a real prospect of securing its independence. For such a possibility to become a reality, strict fulfilment of the obligations arising out of the agreements for a settlement in south-western Africa and from resolution 435 (1978) and subsequent decisions of the Security Council on Namibia, is essential.
8. The prerequisites for the beginnings of a settlement of the oldest and most complex regional conflict, the Middle East conflict, have recently emerged. Today, the problem of practical preparations for an international conference on this question is coming to the fore.
9. Reactions to the earthquake in Armenia in various corners of our planet were a real breakthrough into the world of future international relations. The scale and nature of the sympathy, support and assistance that we accepted with great gratitude and sincerity became a kind of symbol of radical change in the international moral climate.
10. The tragedy in Armenia showed that human and moral factors are gaining strength and authority in world politics and in the evolution of international affairs.
11. The experience of recent years enables us to speak of the possibility of a peaceful order built on the principles of freedom of choice, recognition of the many different forms of social development, consideration for a balance of interests, and respect and tolerance for the views and positions of others. In other words we are speaking of the de-ideologization of relations between States.
12. The Soviet Union advocates the development of co-operation in the humanitarian sphere and in the field of human rights. This task, together with the repudiation of stereotypes that have developed over decades and the overcoming of the traditional stereotyped image of the enemy will require the efforts and contributions of all countries. It is impermissible to use questions of human rights to incite confrontation, to settle political and ideological scores, to blackmail and to threaten.

13. The tool of States in the humanitarian sphere of international relations should be responsible and constructive dialogue, not preaching and self-opinionated rhetoric. The aim of such dialogue should be to seek points of convergence on the basis of values common to all mankind and with respect for freedom of choice.

14. A great deal depends on whether the right tone is found for discussions of the complex and delicate questions of human rights as a whole and in each specific case. It is very important to try to achieve business-like discussions, to avoid making accusations for accusations' sake, and to seek mutual understanding and agreement, not superficial propaganda effects. We would like to hope that, in this respect, we shall meet with the understanding of the overwhelming majority of States.

15. One example of the effectiveness of such an approach was the adoption at the forty-third session of the United Nations General Assembly of resolutions 43/129, 43/130 and 43/131 on questions relating to the new international humanitarian order, international co-operation in the humanitarian field, and humanitarian assistance.

16. International co-operation in the field of human rights is inconceivable unless their treaty basis is further developed and reinforced in every way and unless all States strictly observe the obligations that they have undertaken.

17. The principles and standards set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights and other most important agreements must become universal. These documents reflect the consensus of the world community on how the human rights that ought to be observed by all States should be seen and understood.

18. Effective international monitoring is an important means of ensuring confidence in the sphere of human rights.

19. Having declared its intention to broaden its participation in the United Nations machinery for the monitoring of human rights and in that established under the Helsinki process, the Soviet Union is preparing to undertake and is already undertaking specific practical measures. By a Decree of the Presidium of the Supreme Soviet of the USSR dated 10 February 1989, the Soviet Union recognized the compulsory jurisdiction of the International Court of Justice in the interpretation and application of a number of important international conventions in the field of human rights.

20. The question of acceding to the Optional Protocol to the International Covenant on Civil and Political Rights is being considered. Other possible measures to help to enhance the effectiveness of international monitoring machinery and procedures are being studied.

21. Human rights extend far beyond the limits of the competence of diplomats and politicians alone. Optimum utilization of the positive, constructive potential of non-governmental mass organizations and movements will bring the international dialogue in this sphere closer to the vital earthly problems and needs of ordinary people.

22. The Soviet Union agrees with the point of view that the fundamental emphasis in United Nations activities for the protection and safeguarding of human rights should be placed on the implementation of the body of fundamental agreements established in this sphere over the past 40 years. That does not, however, rule out the need to continue international standard-setting activities.
23. The USSR welcomes the efforts of the Commission on Human Rights to draw up a convention on the rights of the child, a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and declarations on the independence of the judiciary and on the rights of minorities.
24. The Soviet Union is demonstrating its approach not only in words but also in practical action: in United Nations human rights bodies, in European forums and in bilateral contacts.
25. The results of the latest sessions of the United Nations General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities show that the policy of overcoming confrontation in the humanitarian field has won the approval of most countries.
26. This is also reflected in the fact that an increasing number of resolutions are being adopted by consensus. Propagandistic rhetoric is giving way to a concerned search for mutually acceptable solutions. The whole weight of the discussions is shifting to a different plane, to a comparison of ideas and approaches and a search for generally acceptable forms of co-operation.
27. In this regard, a real breakthrough in the area of humanitarian co-operation occurred in Vienna. Representatives of the States participating in the Conference on Security and Co-operation in Europe drew up fundamentally new standards for intercourse between States. The Vienna agreement is therefore not simply a regional phenomenon in today's interdependent world. It opens up wide prospects for co-operation for the whole world community.
28. Confidence-building and the development of co-operation in the field of human rights presupposes not only attention to what is happening in neighbouring countries, but first and foremost a sober and self-critical analysis of the state of affairs in one's own country.
29. From the standpoint of the enjoyment of human rights, there are no ideal countries in today's world. Painstaking efforts to put its own house in order are therefore the test of the sincerity of a State's foreign policy and of its appeals to other parties. Not for nothing is it said that a State's image depends primarily on how it behaves towards its own citizens.
30. In the USSR, specific measures are planned to implement the Concluding Document of the Vienna follow-up meeting, including its provisions in the field of human rights.

31. We are assessing the situation in our country soberly and self-critically, with much reflection, argument and action, both to overcome the consequences of stagnation and to ensure accelerated socio-economic development and the democratization of society. In doing this, we recognize clearly that the attainment of these goals is conditional on the need to liberate the creative potential of society and of each of its members to engage citizens actively in the life of the community and the State, and to protect their legitimate rights and interests.

32. As M. S. Gorbachev said in Kiev: "The main conclusion is that we should proceed resolutely along the path of radical economic and political reform and towards the spiritual and moral rebirth of society."

33. The recent elections in the USSR were conducted for the first time on the basis of a new electoral law. Their results show that elections are not now a matter of a mere formal procedure but genuine, full-fledged elections of representatives of the people to the highest organs of power.

34. This is an immense achievement compared with the practice that existed in our country in the past. The first Congress of People's Deputies is the result of an interrelated economic, political and spiritual process in the heart of Soviet society. The situation in the country and the mandate given to the Deputies by the voters during the electoral campaign call for deep and attentive analysis and radical solutions adapted to the circumstances. The new team of People's Deputies faces the very complex task of filling out the concept of a State based on the rule of law with specific legislative "substance".

35. This involves the adoption of laws such as a law on freedom of conscience, a law on glasnost, a law on the press, a law on public associations and organizations, and so forth.

36. Draft amendments to the Criminal Code are ready and awaiting their turn. On 16 December 1988, draft Principles of the Criminal Legislation of the USSR and the Union Republics were published in our country for discussion by all the people.

37. The humanization of criminal justice is the dominant theme of the planned innovations. We are striving to observe a kind of principle of "restraint in imposing penalties". Articles of the criminal law connected with the use of capital punishment are being reviewed. More lenient punishments than imprisonment are being introduced for less dangerous crimes. Banishment and exile are being abolished.

38. Judicial reform will ensure the independence of the courts. Guarantees of respect for the principle of the presumption of innocence will be reinforced.

39. These and other proposed reforms will constitute the firm normative foundations of Soviet democracy and will represent a real contribution by the USSR to the implementation of the generally recognized international standards and norms in the field of human rights.

III. REPLIES RECEIVED FROM SPECIALIZED AGENCIES

INTERNATIONAL CIVIL AVIATION ORGANIZATION

[Original: English]

[6 March 1989]

While this is a subject which is not directly related to ICAO's field of activity, it would seem appropriate to mention that the Assembly of ICAO, at its most recent session in 1986, adopted resolution A26-5, which reiterates the United Nations call to all nations and peoples of the world to exert pressure on South Africa to abandon its apartheid policies and urges all ICAO Contracting States to ban air links and suspend or terminate bilateral air transport agreements with South Africa. The Council of ICAO was instructed to keep in constant review the developments in South Africa and all measures taken in accordance with resolution A26-5. It will report on its review to the General Assembly at its forty-fourth session. ICAO also continues to apply strictly its resolutions A15-7 and A18-4 condemning the apartheid policies of South Africa and restricting its attendance at ICAO meetings and receipt of ICAO documentation.

INTERNATIONAL LABOUR ORGANISATION

[Original: English]

[12 June 1989]

1. The reports of ILO supervisory bodies deal as usual with specific aspects of human rights coming within the competence of ILO, and include:

(a) Reports of the Committee of Experts on the Application of Conventions and Recommendations (Report III (part 4 A) and III (part 4 B)) to each session of the International Labour Conference;

(b) Reports of the Conference Committee on the Application of Conventions and Recommendations (included in the Record of Proceeding of the International Labour Conference);

(c) Reports of the Governing Body Committee on Freedom of Association (available initially as Governing Body documents, and then published in the ILO Official Bulletin, Series B);

(d) Reports on representations and complaints made respectively under articles 24 and 26 of the ILO Constitution (available as indicated in (c) above).

2. In addition, information on the results of the operation of the various ILO supervisory procedures mentioned above, in the fields covered by the International Covenant on Economic, Social and Cultural Rights, is supplied in ILO reports to the Economic and Social Council (E/1988/6 and E/1989/6).

3. It may be noted that special emphasis was placed, in the 1988 report of the Committee of Experts and of the Conference Committee on the Application of Conventions and Recommendations, on the fortieth anniversary of the Universal Declaration of Human Rights, coinciding with the fortieth and thirtieth anniversaries respectively of two ILO instruments on fundamental human rights: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). A general survey carried out by the Committee of Experts in 1988 on the implementation of Convention No. 111 and its accompanying Recommendation No. 111, is contained in Report III (part 4 B) to the 75th session (1988) of the International Labour Conference.

4. Also in 1988, part I of the report of the Director-General to the International Labour Conference, which deals usually with a selected theme, was devoted to the subject "Human Rights - A common responsibility"; in 1989, the report deals with economic recovery and employment.

5. Part II of the report of the Director-General to each session of the Conference gives a summary account of activities of the ILO in the previous year, a large part of which are concerned with the promotion and protection of human rights coming within the ILO's areas of concern. Attention is drawn to the special reports of the Director-General concerning action against apartheid and to the reports on the situation of workers in Arab occupied territories (appendix III to part II of the report of the Director-General).

6. Finally, mention should be made of the World Labour Report, Vol. 3, published in 1987, which together with Vol. 1, published in 1984, and Vol. 2, 1985, give an overview of the main labour issues in the world.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

[Original: English]

[22 June 1989]

The Bank's Articles of Agreement direct the Bank to take into account only economic considerations in its decision-making. Thus, the Bank cannot become directly involved in human rights, particularly those of a civil or political nature, in its borrowing member countries. However, the Bank has played, and continues to play, within the limits of its mandate, a significant role in promoting various economic and social rights. World Bank assistance programmes are designed to foster economic growth, reduce poverty and encourage expanded resource flows for development in borrowing countries. Bank lending therefore supports a broad spectrum of development projects aimed at increasing productivity, expanding employment opportunities and improving living standards of all participants, especially the poor, in the development process. The Bank has so far provided over \$200 billion in financing for development. Bank assistance to reduce poverty is of special relevance to the objectives of these resolutions, in particular, bank activities in the social sectors aimed at improving nutritional standards,

enhancing the quality of education and health services, and helping Governments foster full partnership of women in development.

WORLD HEALTH ORGANIZATION

[Original: English]

[26 June 1989]

1. The principles of the Constitution of the World Health Organization clearly affirm the right to health. The Constitution states that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition".
2. The Thirtieth World Health Assembly (1977) in resolution WHA30.43 decided that the main social target of Governments and WHO in the coming decades should be "the attainment by all peoples of the world by the year 2000 of a level of health that will permit them to lead a socially and economically productive life". Primary health care, as set out in the Declaration of Alma-Ata, is based on equity and social justice, and is the key to attaining this target. The focus of international health work has shifted largely to prevention of ill health, removal of health risks and promotion of good health while affirming the right to adequate treatment and care. WHO's work is pursued on the basis of the Global Strategy for Health for All by the Year 2000, which was adopted by the Thirty-fourth World Health Assembly in resolution WHA34.36, May 1981, and endorsed by the United Nations General Assembly in its resolution 36/43 of 19 November 1981.
3. The second global report on monitoring progress in implementing strategies for health for all was presented to the Forty-second World Health Assembly in May 1989. The report, which was compiled on the basis of reports from 143 Member States, arrives at the following conclusions:

"There has been a slow but steady progress in reorienting health systems based on the principles of primary health care.

"Some progress in the health status of populations is evident in most countries in terms of infant mortality, maternal mortality and life expectancy. But many of the leading public health problems associated with communicable diseases will constitute major challenges for the developing countries, in many of which the health services have also begun to feel the impact of the increasing prevalence of noncommunicable diseases. The AIDS epidemic has shaken the world's complacency about health, especially in the developed countries, particularly as no breakthrough either for prevention (except through behavioural change) or for treatment is yet in sight. In some of the developing countries, the continuing economic crisis which has led to an increase in poverty levels has also caused a decline in general health and nutrition status, particularly of vulnerable population groups".

/...

4. The analysis, however, reaffirms that the vision of health for all is still valid. Given the support required, concrete and strategic action can be taken to strengthen implementation of the Strategy within the unique situation of each country. In resolution WHA42.2, May 1989, the Health Assembly urged Member States to maintain their political commitment to reduce the inequities among different population groups, to strengthen the infrastructure of the health services and to continue the development and reorientation of their health systems on the basis of an affordable and sustainable primary health care approach.
5. WHO's global strategy for the prevention and control of AIDS encompasses the medical, ethical, legal, socio-economic, cultural and psychological implications of AIDS. The Forty-first World Health Assembly in resolution WHA41.24 urged Member States "to foster a spirit of understanding and compassion for HIV-infected people and people with AIDS through information, education and social support programmes"; and "to protect the human rights and dignity of HIV-infected people and people with AIDS and of members of population groups, and to avoid discriminatory action against and stigmatization of them in the provision of services, employment and travel".
6. Another aspect of the right to health is WHO's contribution to peace and freedom from fear of nuclear war. At the request of the World Health Assembly, the Director-General established in 1981 an international committee of scientists and experts to study and report on the effects of nuclear war on health and health services. Two reports, known as the WHOPAX reports, were published in 1984 and 1987, the latter constituting WHO's contribution to the International Year of Peace, 1986. The experts concluded that no health services anywhere in the world would be able to deal significantly with the appalling health consequences of nuclear war, especially since the health services themselves would be largely destroyed or incapacitated. In the circumstances, the experts emphasized the importance of preventing a nuclear conflict.
7. Over the past several years the Director-General of WHO has reported to the Health Assembly on action taken to support specific population groups suffering the consequences of aggression and of disasters and to ensure their right to health. These include the displaced persons, refugees and transient populations in the African front-line States, similar groups in Lebanon and Cyprus and the Arab population in the occupied Arab territories including Palestine. The Forty-second Health Assembly (May 1989) adopted resolutions to continue and intensify support to these peoples. In particular, the Health Assembly requested the Director-General to field a WHO mission to evaluate the health situation in Namibia. On the basis of the findings an initial programme of health assistance to independent Namibia can be established. Action has already been taken to implement this request.
8. Finally, the WHO publication, Apartheid and Health, 1983, has thrown light on the negative consequences of the system of apartheid on health. Efforts are being made to update this information and to ensure that the current and future health needs of the South African population subjugated by apartheid are kept in view. A vision of the possibilities of health for all in post-apartheid South Africa will serve to strengthen the resolve of those opposed to the policy of apartheid.

Notes

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 1 (A/44/1), sect. VII.

2/ Press Release SG/SM/1005, ECOSOC/1316 of 5 July 1989.
