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SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. KABORE (Burkina Faso)

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The meeting was called to order at 3.45 p.m.

TRIBUTE TO THE MEMORY OF MR. RENE MOAWAD, PRESIDENT OF THE LEBANESE REPUBLIC

1. The CHAIRMAN, on behalf of the Committee, paid tribute to the memory of Mr. René Moawad, President of the Lebanese Republic.
2. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. René Moawad, President of the Lebanese Republic.

AGENDA ITEM 95: PREPARATION AND ORGANIZATION OF INTERNATIONAL LITERACY YEAR  
(continued) (A/C.3/44/L.57)

Draft resolution A/C.3/44/L.57

3. The CHAIRMAN announced that the following countries had also become sponsors of draft resolution A/C.3/44/L.57: Afghanistan, Bulgaria, Côte d'Ivoire, Ecuador, Ethiopia, Guatemala, Guinea, Malaysia, Mali, Niger, Pakistan, Rwanda, Samoa, Senegal and Sri Lanka. The draft resolution had no programme budget implications.
4. Draft resolution A/C.3/44/L.57 was adopted without a vote.
5. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 95.

AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)  
(A/C.3/44/L.42, L.46, L.48 and L.49)

Draft resolution A/C.3/44/L.42

6. The CHAIRMAN announced that the following countries had also become sponsors of draft resolution A/C.3/44/L.42: Brazil, El Salvador, Greece, Haiti and Ireland. The draft resolution had no programme budget implications.
7. Mr. GALAL (Egypt), speaking in explanation of vote, said that his delegation would vote against the draft resolution for the following reasons. First, it confused human rights concepts with the concept of criminal justice, which required that the criminal be punished. Second, the right to life was sacred, but it should not be distorted by upholding the criminal's right to life and ignoring the victim's equal right to life. That would simply encourage criminals. Third, if the countries which advocated the protocol regarded it as optional, they should keep it to themselves and not impose it on the international community. Fourth, his delegation considered it more important to accede to the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Suppression and Punishment of the Crime of Apartheid than to defend the

(Mr. Galal, Egypt)

rights of criminals. Fifth, the draft protocol represented a racist, imperialist idea which certain countries were seeking to impose on the 115 countries which still had the death penalty. Lastly, if, as the sponsors claimed, the draft resolution was not binding on the international community, his delegation wondered what was the point of it. Such a claim challenged the validity of resolutions adopted by the General Assembly.

8. Miss AIQUAZE (Algeria) said that international legal instruments adopted by the United Nations must reflect the concerns of all Member States if they were to be universal. It was clear, however, that universal action on the proposed optional protocol now before the Committee was impossible. The sponsors of the draft resolution had known that the abolition of capital punishment was highly controversial and that a large number of Member States had resolutely opposed it during the drafting of the optional protocol. More thought should have been given to the advisability of producing a legal instrument which obviously could not win the support of the entire international community. That lack of support could be attributed to the fact that the proposed instrument had taken the form of a protocol to the International Covenant on Civil and Political Rights, thereby appearing to establish a link between capital punishment, which was provided for in the criminal law of many Member States, and one of the human rights enunciated in the Covenant. Such a linkage would in fact go against article 6 of the Covenant.

9. Algeria's Criminal Code provided for the death penalty only in the case of very serious crimes. It was imposed very rarely, not systematically, and there were various appeals procedures. The President had the right to grant a pardon or postpone or commute the sentence and frequently exercised it, and the dossiers of people who had been sentenced to death were always transmitted automatically to the President whether or not an appeal had been lodged.

10. Despite her country's serious reservations on the advisability of the proposed action, her delegation noted that the proposed protocol was optional and would therefore abstain in the vote on the draft resolution.

11. Mr. ZIADA (Iraq) said that his delegation would vote against the draft resolution, which ran counter to the democratic process. Less than one third of United Nations Member States had abolished the death penalty, which meant that the vast majority maintained it. If the draft resolution was adopted, that would mean either that many countries were hypocritical or that they had succumbed to pressure. That would be an extremely undemocratic approach for a Committee which was supposed to defend human rights, democracy and self-determination.

12. Mr. AL-SAUD (Saudi Arabia) said that abolition of the death penalty was contrary to the principles of his country's religion as enshrined in the Koran. It was also a violation of the right to life, which was guaranteed by the laws of his country. The death penalty aimed at protecting human rights and was a sanction against anyone who tried to take away human life. Statistics showed that crime had fallen in countries which maintained the death penalty, and its abolition could therefore lead to an increase in the number of crimes and victims. Legal systems

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(Mr. Al-Saud, Saudi Arabia)

which abolished the death penalty were not really protecting the lives of others. He suggested that the draft resolution should be set aside.

13. Mr. ALAIE (Islamic Republic of Iran) said that under Islamic law, the destruction of even one human being who had not committed an offence was tantamount to the destruction of a whole society. Capital punishment was by no means a violation of human rights, nor did its absolute rejection signify respect for the value of the human person. Legal history and contemporary law showed that not to impose the death penalty for professional criminals and for serious crimes against defenceless people contradicted the whole philosophy of mankind's existence. His country could not therefore support the draft resolution.

14. Ms. SYAHRUDDIN (Indonesia) said that her delegation would vote against the draft resolution. Although the death penalty existed under Indonesian law, it was used only in extreme cases and in accordance with due process of law. People on trial were provided with legal counsel and, in the event of a death sentence, had the legal right to appeal for pardon or for the sentence to be commuted. In the absence of an appeal by the convicted person or his or her legal counsel, an appeal might be made by an officer of the court. Appeals were made to the President of the country and were considered mainly on humanitarian grounds.

15. Ms. GAO Yanping (China) said that her delegation would vote against the draft resolution. While the desire to abolish the death penalty was commendable, it would be impossible to abolish it throughout the world at the present time. The majority of countries maintained the death penalty and even if the draft protocol were adopted and implemented, abolition would not be universal. Supporters of the draft resolution claimed that it did not impose an international obligation or any pressure, on other countries, yet it was clear from its final paragraph that further follow-up measures, including pressure on other countries, were likely to follow its adoption. China still imposed the death penalty, the relevant regulations being reflected in the Secretary-General's report in document A/44/592.

16. Ms. TUKAN (Jordan) said that, according to the Muslim religion, the right to life was sacred and no individual or society had the right to take life away. On religious grounds, therefore, her delegation could not support the abolition of the death penalty. Maintaining the death penalty had a positive, deterrent effect. The punishment must fit the crime. Retention of the death penalty in her country's legal system did not mean that it was often applied. Crimes meriting death were very rare, but the sentence could be imposed where necessary. Her delegation would therefore vote against the draft resolution.

17. Mrs. WARZAZI (Morocco) said that the draft resolution was addressed to those countries that had already abolished the death penalty, albeit without consulting their populations, and that those countries obviously did not need such an international instrument for themselves. The optional protocol was intended only to exert pressure on other countries to repeal laws designed to protect people. Morocco had not applied the death penalty for a long time, but it recognized that

(Mrs. Warzazi, Morocco)

for poor countries that could not afford sentences of life imprisonment, the death penalty was a necessary protection. Morocco would vote against the draft resolution.

18. Mr. AL-RAWAS (Oman) said that his delegation would vote against the draft resolution because the Koran stipulated that criminals must be punished and the law of God must apply to the crime of taking a human life. His country applied the death penalty only rarely.

19. Mr. MEHNAT (Afghanistan) said that his delegation opposed the draft resolution because abolishing the death penalty conflicted with Islamic law and his country's Constitution.

20. Mrs. MISHAAN (Guatemala) said that her delegation supported the draft resolution but that her country's laws did provide for the death penalty in extreme cases.

21. Mr. HASHI (Somalia) endorsed the views already expressed by the representatives of Muslim countries. The draft resolution was insensitive to his country's values and religion and he would vote against it.

22. Mr. OURESHI (Pakistan) said that his delegation opposed the draft resolution because his country's laws conformed to Islamic law. Pakistan still had the death penalty, but it was accompanied by appeals procedures to protect the rights of those sentenced.

23. At the request of the representative of Saudi Arabia, a recorded vote was taken on draft resolution A/C.3/44/L.42.

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Colombia, Costa Rica, Cyprus, Czechoslovakia, Democratic Kampuchea, Denmark, Ecuador, El Salvador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Samoa, Spain, Sweden, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Bahrain, Bangladesh, China, Comoros, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kuwait, Malaysia, Maldives, Morocco, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, United Republic of Tanzania, United States of America, Yemen.

**Abstaining:** Algeria, Antigua and Barbuda, Bahamas, Barbados, Botswana, Burkina Faso, Burundi, Cameroon, Chile, Congo, Côte d'Ivoire, Cuba, Djibouti, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Guinea, Guyana, India, Israel, Jamaica, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mozambique, Myanmar, Paraguay, Romania, Rwanda, Singapore, Sri Lanka, Suriname, Swaziland, Trinidad and Tobago, Turkey, Uganda, Zaire, Zambia, Zimbabwe.

24. Draft resolution A/C.3/44/L.42 was adopted by 55 votes to 28, with 45 abstentions.

25. Miss DIOP (Senegal), speaking in explanation of vote, said that her delegation had voted against the draft resolution because, while Senegal was philosophically opposed to the death penalty, it felt that it was premature to abolish it before ascertaining that the necessary sociological conditions existed and without prior public debate. Her country had not applied the death penalty in 20 years, which was tantamount to abolition.

26. Ms. ILIC (Yugoslavia) said that her delegation had voted in favour of the draft resolution. Her own country still had the death penalty but used it very rarely, and death sentences were usually commuted. A discussion of its abolition was currently under way in Yugoslavia

27. Mr. RAVEN (United Kingdom) said that his country would not accede to the optional protocol because, in the United Kingdom, Parliament must have the final decision on the death penalty. His delegation had voted for the draft resolution because it acknowledged the desire of certain countries to take on an international obligation binding them to abolition of the death penalty, but it had done so with due regard for the fact that the protocol was entirely optional and was without implications for those countries that did not wish to adhere to it.

28. It was difficult to achieve unanimity on such a complex moral issue, and successive British Governments had taken the view that the decision whether or not to abolish or reintroduce it should be left to individual Members of Parliament voting according to their own consciences. The United Kingdom therefore would not take on an international obligation on the abolition of the death penalty.

29. Mr. BEN-YOHANAN (Israel) said that his delegation had abstained in the vote, but noted that Israel had already abolished the death penalty for capital crimes. The only occasion on which Israel had applied the death penalty was in the case of Adolph Eichmann, and it had done so then in accordance with its laws on the punishment of Nazi criminals.

30. Mr. CHOWDHURY (Bangladesh) said that his delegation had voted against the draft resolution. Bangladesh had the death penalty but used it only rarely, with due process and as a deterrent, and only for heinous crimes that had been proved beyond the shadow of a doubt. Ample appeals procedures and other safeguards were available to prevent abuse, and commutation and clemency were also available as a last resort.

31. Mr. ITO (Japan) said that his delegation had voted against the draft resolution because the abolition of the death penalty had to be studied very carefully and in the context of the policies and domestic circumstances of each particular State. An international agreement should be universally applicable and it was pointless therefore to have one that would apply only to a limited number of States, views on the death penalty being evenly divided. It would be more appropriate to await the outcome of the debate on that issue currently under way in the Commission on Human Rights.

32. Mr. TSHIMBALANGA (Zaire) said that his delegation had abstained in the vote because it had received no instructions from its Government.

33. Ms. JOSHI (Nepal) said that her delegation had voted in favour of the draft resolution because the death penalty had already been abolished in Nepal.

Draft resolution A/C.3/44/L.46

34. The CHAIRMAN announced that Bulgaria, El Salvador, Senegal and Venezuela had also become sponsors of draft resolution A/C.3/44/L.46. The draft resolution had no programme budget implications.

35. Draft resolution A/C.3/44/L.46 was adopted without a vote.

Draft resolution A/C.3/44/L.48

36. The CHAIRMAN announced that Guatemala had also become a sponsor of draft resolution A/C.3/44/L.48. He recalled that the draft resolution had been revised orally by the sponsors, by adding the words "in co-operation with" between the words "United Nations" and "specialized agencies" in operative paragraph 5. The draft resolution had no programme budget implications.

37. Mr. BOUTET (France), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the Twelve objected to the use of the word "interdependence" in the title of the draft resolution and to the content of the fifth preambular paragraph, because civil and political rights could be granted immediately, before the attainment of economic rights. The Twelve also objected to the reference in the eighth preambular paragraph to the relationship between disarmament and development. The Twelve would therefore abstain in the vote.

38. Mr. WALLDROP (United States of America) said that his delegation would abstain in the vote because the draft resolution did not meet all its concerns. He could accept that the two categories of human rights were independent, but not that they were indivisible. Each article of the Universal Declaration of Human Rights was valid on its own, and independently of the others. He therefore objected to the title of the draft resolution, to the fifth preambular paragraph and to operative paragraph 6.

39. A recorded vote was taken on draft resolution A/C.3/44/L.48, as orally revised.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Canada, Chile, Denmark, El Salvador, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

40. Draft resolution A/C.3/44/L.48, as orally revised, was adopted by 116 votes to none, with 24 abstentions.

41. Mr. ENGFELDT (Sweden), speaking in explanation of vote on behalf of the Nordic countries, said that the Nordic delegations had abstained in the vote on draft resolution A/C.3/44/L.48. While it represented a substantial improvement over General Assembly resolution 43/113, the resolution just adopted still presented some difficulties which the Nordic countries hoped could be resolved in next year's resolution on the subject.

42. Mr. ITO (Japan) said that his delegation had abstained in the vote on draft resolution A/C.3/44/L.48 because it had difficulty accepting the concept of the indivisibility and interdependence of economic, social, cultural, civil and political rights. Careful consideration must be given to the differences between the two categories of rights. The absence of certain economic, social and cultural rights could not be used as a justification for any delay in granting civil and political rights.



Draft resolution A/C.3/44/L.49

43. The CHAIRMAN announced that Guatemala and Guinea had also become sponsors of draft resolution A/C.3/44/L.49. The draft resolution had no programme budget implications.

44. Mr. SALLES (Brazil) said that earlier in the session, his delegation and several others had asked the sponsors to postpone consideration of the draft resolution believing that it required further study and negotiations. Because he continued to have serious reservations about the text as it stood, he proposed that its consideration should be postponed.

45. It was so decided.

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)  
(A/C.3/44/L.58)

Draft resolution A/C.3/44/L.58

46. The CHAIRMAN announced that Ecuador, El Salvador, Guatemala and Honduras had also become sponsors of draft resolution A/C.3/44/L.58. The draft resolution had no programme budget implications.

47. Draft resolution A/C.3/44/L.58 was adopted without a vote.

48. The CHAIRMAN announced that the committee had concluded its consideration of agenda item 106.

AGENDA ITEM 107: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS  
(continued) (A/C.3/44/L.54, L.55 and L.56)

Draft resolution A/C.3/44/L.54

49. The CHAIRMAN announced that Guatemala had also become a sponsor of draft resolution A/C.3/44/L.54. The draft resolution had no programme budget implications.

50. Mr. GALAL (Egypt) said that examination of the revised draft by the Commission on Human Rights, as requested in operative paragraph 4, would require conference services and thus had programme budget implications.

51. Miss KAMAL (Secretary of the Committee) said that the Commission on Human Rights would be considering the revised draft at its regular session. There were therefore no programme budget implications.

52. Draft resolution A/C.3/44/L.54 was adopted without a vote.

Draft resolution A/C.3/44/L.55

53. The CHAIRMAN announced that Guatemala had also become a sponsor of draft resolution A/C.3/44/L.55, which had no programme budget implications.

54. Draft resolution A/C.3/44/L.55 was adopted without a vote.

Draft resolution A/C.3/44/L.56

55. The CHAIRMAN announced that Bolivia, Guatemala and Peru had also become sponsors of draft resolution A/C.3/44/L.56, which had no programme budget implications.

56. Draft resolution A/C.3/44/L.56 was adopted without a vote.

57. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 107.

AGENDA ITEM 112: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/44/L.51, L.52 and L.53)

Draft resolution A/C.3/44/L.51

58. The CHAIRMAN announced that Burundi and Guatemala had also become sponsors of draft resolution A/C.3/44/L.51, which had no programme budget implications.

59. Draft resolution A/C.3/44/L.51 was adopted without a vote.

Draft resolution A/C.3/44/L.52

60. The CHAIRMAN announced that Cyprus, El Salvador, Guatemala and Paraguay had also become sponsors of draft resolution A/C.3/44/L.52, which had no programme budget implications.

61. Draft resolution A/C.3/44/L.52 was adopted without a vote.

Draft resolution A/C.3/44/L.53

62. The CHAIRMAN announced that Guatemala had also become a sponsor of draft resolution A/C.3/44/L.53, which had no programme budget implications.

63. Draft resolution A/C.3/44/L.53 was adopted without a vote.

64. Mr. ITO (Japan) said that he was not entirely convinced of the need for operative paragraph 4 of the resolution. Adoption of the draft resolution did not imply approval for an increase in administrative costs, yet such an increase might become necessary as a result of the inclusion of the Voluntary Fund for Victims of Torture among the programmes for which funds were pledged at the United Nations Pledging Conference for Development Activities.

65. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 112.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/44/3, A/44/402, A/44/403, A/44/404, A/44/426, A/44/440, A/44/462, A/44/482, A/44/573, A/44/600, A/44/620, A/44/622, A/44/635, A/44/657, A/44/669, A/44/671; A/C.3/44/1 and 4; A/44/67, A/44/68, A/44/71, A/44/99, A/44/119, A/44/153, A/44/171, A/44/238 and Corr.1, A/44/320, A/44/325, A/44/355-S/20704, A/44/367, A/44/377, A/44/378, A/44/381, A/44/466, A/44/504, A/44/580, A/44/706, A/44/728; A/C.3/44/8)

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued) (A/44/98, A/44/171, A/44/409-S/20743 and Corr.1 and 2, A/44/551-S/20870, A/44/539, A/44/668 and A/44/689-S/20921)

66. Ms. VUKI (Fiji) said that at a time of easing tensions and far-reaching socio-political changes, the emphasis placed on human rights instruments in the report of the Economic and Social Council (A/44/3) was most appropriate. Her delegation wished to express its support for the significant roles played by special representatives and special rapporteurs in gathering information on and analysing the various human rights situations. In that connection, the report had drawn attention to the legitimate concern of some countries that data collection should be handled carefully in order to avoid any politically motivated accusations regarding the fabrication of information. Furthermore, the application of selective procedures could lead to a biased approach.

67. Her delegation supported the Council's recommendations that reporting procedures should be re-evaluated to make them less cumbersome for States parties. Implementation of a programme of advisory services and technical assistance to which States parties could have easy access would be a commendable move.

68. Drug abuse control was a matter of increasing concern to her country. The problem of drug abuse in the island developing nations of the South Pacific was not as critical as in other countries of the larger region of the Economic and Social Commission for Asia and the Pacific (ESCAP). It was perhaps for that reason that her own region received minimal amounts of aid for drug abuse control. Her country was concerned that not enough attention was being paid to preventing the spread of drug abuse before it reached critical levels. Activities such as educational programmes and efforts to combat the use of certain regions as transit posts, which were being carried out in her own region, should be given greater emphasis. She therefore welcomed the expansion of ESCAP activities aimed at prevention.

The meeting rose at 5.30 p.m.