



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/SR.56
9 April 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 March 1990, at 7 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

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Closure of the session

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The meeting was called to order at 7.15 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS (agenda item 11) (continued) (E/CN.4/1990/91)

1. The CHAIRMAN said that the morning meeting had been suspended to allow time for informal consultations in an effort to find a constructive formula for a follow-up to the report (E/CN.4/1990/91) submitted by the Chairman of the Commission's informal open-ended working group. As a result of those consultations, agreement had been reached on the text of a draft consensus decision. She read out the draft decision in question:

"The Commission on Human Rights takes note of the report of the working group set up to formulate recommendations pursuant to operative paragraph 3 of General Assembly resolution 44/167, published as document E/CN.4/1990/91. It requests it to continue its work as a sessional working group during the forty-seventh session, with a view to presenting its recommendations to the Commission, and encourages delegations to hold informal consultations among themselves on this matter."

2. The draft decision was adopted by consensus.

3. Mr. KOSIN (Yugoslavia), speaking on behalf of the States members of the non-aligned movement, said that they wished to stress their commitment to a constructive and continuing dialogue on the question of ways and means of making the work of the Commission more effective. The informal working group had made some progress on the question in the course of the current session and the delegations he represented would have been glad if that progress could have been reflected in a consensus resolution.

4. The subject involved many wide-ranging issues, and also had legal and financial implications that called for detailed consideration and analysis and for consultations with national authorities.

5. If the dialogue was to have a successful outcome, it should be carried out by means of a fully transparent and democratic process. Such a process would require the full participation of all the members of the Commission.

6. On that understanding, the States members of the non-aligned movement welcomed the consensus decision that had just been taken.

7. Mr. STANEVSKI (Union of Soviet Socialist Republics) said that, while his delegation would not oppose the consensus reached, it took the view that the question of the relation between the enlargement of the membership of the Commission and the efficiency of its work had not yet been sufficiently considered. He urged that any decision on the question should be deferred until the following year.

8. Mr. ABRAM (United States of America) said his delegation supported the decision that work on enhancement should continue. It was his understanding that, when that work was completed, the Economic and Social Council would be in a position to discharge its mandate under General Assembly resolution 44/167.

9. Mr. STEEL (United Kingdom) endorsed the previous speaker's comments.

10. Mr. MARTIUS (Federal Republic of Germany) said that General Assembly resolution 44/167, to which reference had just been made, combined the concepts of enhancement of the Commission's work and enlargement of its membership as two sides of the same coin. That was a fact that should be taken into consideration in future discussions on the subject.

11. Mr. BOSSUYT (Belgium) said that, although the results of the working group's deliberations had fallen short of expectations, it had nevertheless enabled members better to understand each other's concerns. He therefore welcomed the decision that the group should continue its work at the Commission's next session, and was sure that, in the meantime, informal consultations between delegations would greatly contribute to the eventual success of efforts to find a solution.

12. Ms. ANDREYCHUK (Canada), speaking on behalf of the observers for Australia and New Zealand as well as her own delegation, said that, in their view, the consensus decision just taken fell seriously short of a result in terms of enhancement that would have enabled the Economic and Social Council to discharge the responsibility assigned to it by General Assembly resolution 44/167.

13. However, she hoped that the Council would eventually be in a position to discharge that responsibility, and pledged the full co-operation of the delegations whose spokeswoman she was in all efforts to achieve that end.

DRAFT PROVISIONAL AGENDA FOR THE FORTY-SEVENTH SESSION OF THE COMMISSION
(agenda item 26) (E/CN.4/1990/L.1)

14. The CHAIRMAN drew the attention of members of the Commission to the draft provisional agenda for its forty-seventh session (E/CN.4/1990/L.1). The Commission was expected only to take note of the draft agenda proposed, an action which would in no way prejudge the work of its forty-seventh session.

15. Mr. STIGLICH (Peru) said that the topic which appeared as item 9 of the draft provisional agenda ("Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;") had been considered at the current session as sub-item (a) of agenda item 7. In the provisional agenda for the following year's session, therefore, it should once again appear as sub-item (a) of item 7, and not as an independent item. "Popular participation in its various forms as an important factor in development and in the full realization of human rights" would then become agenda item 7 (b).

16. Mrs. GONZALEZ MARTINEZ (Mexico) asked if the Secretariat could clarify the comment made under item 3. She would also like to know why paragraph (i) (Report of the Government-elect of Chile) appeared in the documentation list for item 13.
17. Mr. PACE (Secretary of the Commission) said the comment made under item 3 referred to the need for the Commission to decide, at its forty-seventh session, under which item of the agenda it wished to take up the report of the independent expert on the human rights situation in Guatemala, referred to in paragraph 14 of resolution 1990/80.
18. The entry under item 13 (paragraph (i)) had been included in response to paragraph 9 of resolution 1990/78. However, in view of the fact that the text of that resolution left it doubtful whether, in fact, there would be any report by the Government-elect of Chile, it would be quite in order for the Commission to omit any reference to it. The intention of the Secretariat had been simply to provide as complete a list as possible of the documentation the Commission could expect to have before it in 1991.
19. Mrs. GONZALEZ MARTINEZ (Mexico) thanked the Secretary for his explanation. Since it appeared unlikely that the report in question would be available to the Commission, she proposed that paragraph (i) should be deleted.
20. Mr. ZODIATES (Cyprus), referring to item 13 (a) (Question of human rights in Cyprus), asked that the report of the United Nations Secretary-General on Cyprus be included in the documentation list, in accordance with the decision taken by the Commission at the conclusion of the debate on item 12.
21. The CHAIRMAN said that, if she heard no objection, she would assume that the Commission wished to take note of the draft provisional agenda for its forty-seventh session (E/CN.4/1990/L.1), as orally amended.
22. It was so decided.
23. Mr. STEEL (United Kingdom), speaking in his capacity as co-ordinator of the Group of Western European and other countries, read out a draft decision which, he said, was substantially the same as that adopted annually by the Commission over the past 10 years. Although it had not proved necessary to hold the full quota of 30 meetings provided for, he thought it prudent to request cover for them in case of need.
24. It would be noted that the draft decision requested that the costs of the 30 meetings should be met, if possible, within existing financial resources. The decision also requested that the Chairman of next year's session should make every effort to organize the work of the session within the normal allotted time.
25. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), said it was estimated that the cost of servicing 30 additional meetings would amount to \$436,700 for interpretation into six languages, 75 pages of in-session documentation, and summary records for 30 meetings in 3 languages (English, French and Spanish).
26. However, provision had been made in the 1990/1991 programme budget not only for the meetings scheduled at the time of budget preparation, but also

for any meetings that might be authorized subsequently, provided that the number and distribution of meetings in the 1990/1991 biennium was consistent with the pattern of meetings in the previous biennium. On that basis, it was estimated that no additional resources would be required for conference servicing.

27. The draft decision in question was adopted.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-SIXTH SESSION OF THE COMMISSION (agenda item 27) (E/CN.4/1990/L.10 and Add.1-25; E/CN.4/1990/L.11 and Add.1-5)

28. The CHAIRMAN invited the Commission to consider its report to the Economic and Social Council.

29. Mr. HYNES (Canada), Rapporteur, introducing the draft report contained in documents E/CN.4/1990/L.10 and Addenda and E/CN.4/1990/L.11 and Addenda, said that all parts of the report were currently available except those contained in E/CN.4/1990/L.11/Add.5.

30. Following the practice established some years previously, the report provided a purely factual account of the Committee's proceedings. A substantive account of individual statements and exchanges of views would be found in the series of summary records issued by the secretariat. He invited comments on the draft report, adding that any purely editorial corrections could be submitted to the secretariat after the meeting, for incorporation into the final document.

Chapters III, XXI, XXII and XXIII (E/CN.4/1990/L.10 and Add.1-3)

31. Chapters III, XXI, XXII and XXIII were adopted.

Chapter IV (E/CN.4/1990/L.10/Add.4)

32. Mr. HYNES (Canada) Rapporteur, said that, in paragraph 4, the Islamic Republic of Iran should have been included in the list of observers having made statements. In paragraph 15, the Islamic Republic of Iran should also have been included among the sponsors of draft resolution E/CN.4/1990/13.

33. Chapter IV, as orally revised, was adopted.

Chapter V (E/CN.4/1990/L.10/Add.5)

34. Mr. HYNES (Canada) Rapporteur, said that a new paragraph 24 should be added to read: "Draft resolution E/CN.4/1990/L.90, submitted under agenda items 5 and 22, was considered under agenda item 22 (see Chapter XXII)".

35. Chapter V, as orally revised, was adopted.

Chapter VI (E/CN.4/1990/L.10/Add.6)

36. Mr. HYNES (Canada), Rapporteur, said that a new paragraph should be inserted after paragraph 7, reproducing the draft resolution in E/CN.4/1990/L.21.

37. Chapter VI, as orally revised, was adopted.

Chapter VII (E/CN.4/1990/L.10/Add.7)

38. Mr. HYNES (Canada) Rapporteur, said that the reference to Pax Romana in paragraph 7 should be deleted and a new paragraph added to read: "The Commission also heard a joint statement made by Pax Romana on behalf of the following non-governmental organizations: International Federation of Rural Adult Catholic Movements; Pax Christi International; Pax Romana; and the World Union of Catholic Women's Organizations".

39. A paragraph should be inserted after paragraph 16 reproducing the draft resolution in E/CN.4/1990/L.31 and another paragraph should be inserted after paragraph 26, reproducing the draft resolution in E/CN.4/1990/L.28.

40. Chapter VII, as orally revised, was adopted.

Chapter VIII (E/CN.4/1990/L.10/Add.8)

41. Mr. HYNES (Canada), Rapporteur, said that the penultimate document on the list in paragraph 2 should be described as follows: "Written statements submitted by the Fourth World Non-Governmental Organizations Commission, an association of non-governmental organizations in consultative status (categories I and II) and on the Roster (E/CN.4/1990/NGO/59)."

42. Mr. JOHNSON (United States of America) said that paragraph 10 should be amended to read as follows: "A statement announcing non-participation in the adoption of the draft resolution was made before its adoption by the representative of the United States of America."

43. Chapter VIII, as orally revised and amended, was adopted.

Chapter IX (E/CN.4/1990/L.10/Add.9)

44. Mr. HYNES (Canada), Rapporteur, said that a further entry should be added to the list in paragraph 2 to read: "Letter dated 22 January 1990 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/63)".

45. A paragraph should be added after paragraph 11 reproducing the draft resolution in E/CN.4/1990/L.9 and, after paragraph 38, a paragraph should be added reproducing the draft resolutions in E/CN.4/1990/L.2 and L.2/Rev.1.

46. In paragraph 43, "Philippines" should be inserted between "Peru" and "Portugal" in the list of countries abstaining. After paragraph 49, a paragraph should be added reproducing the draft resolutions in E/CN.4/1990/L.3 and L.3/Rev.1.

47. Mr. TRAN HOAN, (Observer for Viet Nam) asked that it be made clear that the Note by the secretariat (E/CN.4/1990/64), referred to in paragraph 2, concerned letters sent to the Chairman of the Commission by the head of the Vietnamese delegation.

48. Chapter IX, as orally revised, was adopted.

Chapter X (E/CN.4/1990/L.10/Add.10)

49. Mr. JOHNSON (United States of America) said that paragraph 35 (a) did not make it clear what amendment had been made to the third preambular paragraph of the resolution concerned. Similarly, paragraph 35 (b) did not indicate what new paragraph had been inserted. He assumed that the final report would include those two texts.

50. On that understanding, chapter X was adopted.

Chapter XI (E/CN.4/1990/L.11)

51. Chapter XI was adopted.

Chapter XII (E/CN.4/1990/L.10/Add.12)

52. Mr. ZHANG Yishan (China) said that paragraph 22 stated that the representative of Pakistan had moved that the Commission take no decision on draft resolution E/CN.4/1990/L.47, whereas paragraph 25 read: "For the text of the decision, see chapter II, section B, decision 1990/106". Since, in fact, the Commission had voted in favour of taking no decision on the draft resolution in question, paragraph 25 was superfluous and should be deleted.

53. Chapter XII, as orally amended, was adopted.

Chapter XIII (E/CN.4/1990/L.10/Add.13)

54. Chapter XIII was adopted.

Chapter XIV (E/CN.4/1990/L.10/Add.14)

55. Mr. HYNES (Canada), Rapporteur, said that Sweden should be deleted from the list of sponsors of draft resolution E/CN.4/1990/L.63 in paragraph 19.

56. Mr. WHITAKER SALLES (Brazil) said that, in paragraph 29, the words "the right to live in a sound and healthy environment and consequently the right to health", and the words "and the right to the highest attainable standard of health, including its environmental aspects" should be placed between inverted commas.

57. Chapter XIV, as orally revised and amended, was adopted.

Chapters XV, XVI and XVII (E/CN.4/1990/L.10/Add.15-17)

58. Chapters XV, XVI and XVII were adopted.

Chapter XVIII (E/CN.4/1990/L.10/Add.18)

59. Mr. BARKER (Observer for Australia) pointed out that Australia should be included in the list of observers having made statements on agenda item 18 (para. 4).

60. Chapter XVIII, as orally amended, was adopted.

Chapter XIX (E/CN.4/1990/L.10/Add.19)

61. Mr. ZHANG Yishan (China) pointed out that paragraph 62 stated that the representative of Iraq had moved, in accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission "take no action" on the draft decision. That wording was inconsistent with paragraph 22 of chapter XII of the report, which recorded that the representative of Pakistan had moved, in accordance with the same rule, that the Commission "take no decision" on the matter in question. The two texts should be brought into line.

62. Mr. HYNES (Canada), Rapporteur, said that the correction would be made.

63. Mr. van BANNING (Observer for the Netherlands) said that the sponsors of the revised draft decision E/CN.4/1990/L.85/Rev.1, referred to in paragraph 59, were not precisely the same as the sponsors of the original draft decision E/CN.4/1990/L.85 listed in paragraph 58. The sponsors of the revised draft decision should therefore be mentioned in paragraph 59.

64. Mr. HYNES (Canada), Rapporteur, said that an additional paragraph 66 should be added to read: "For the text as adopted, see chapter II, section B, decision 1990/113".

65. Chapter XIX, as orally revised and amended, was adopted.

Chapter XX (E/CN.4/1990/L.10/Add.20)

66. Mr. JOHNSON (United States of America) requested that a new paragraph 6 be added to read: "The representative of the United States of America made a statement in explanation of vote after the vote". The following paragraphs would then be renumbered accordingly.

67. Chapter XX, as orally amended, was adopted.

Chapters XXIV and XXV (E/CN.4/1990/L.10/Add.24-25)

68. Chapters XXIV and XXV were adopted.

69. There being no comments by members, the Commission took note of documents E/CN.4/1990/L.11 and Add.1-5, containing resolutions and decisions it had already adopted.

70. The draft report to the Economic and Social Council on the forty-sixth session of the Commission on Human Rights, contained in documents E/CN.4/1990/L.10 and Add.1-25 and E/CN.4/1990/L.11 and Add.1-5, as orally revised and amended, was adopted.

71. The CHAIRMAN announced that, in accordance with rule 21 of the rules of procedure and after consultation with the regional groups, the following members of the Commission had been nominated to serve, in their personal capacities, in the Working Group on Situations: Mr. El Ghali Benhima (Morocco), Mr. Zhan Daode (China), Mr. Todor Ditchew (Bulgaria), Mr. Oswaldo de Rivero Barreto (Peru), and Mr. Goetz-Alexander Martius (Federal Republic of Germany).

72. If she heard no objection, she would take it that the Commission wished to approve those nominations.

73. It was so decided.

74. The CHAIRMAN said that the Commission had thus concluded its consideration of all the items on its agenda.

CLOSURE OF THE SESSION

75. The CHAIRMAN said the only yardstick by which the Commission could measure the success of its work was the extent to which it had been successful in helping to prevent further human rights violations. She believed that it could, in fact, take pride in the contribution it had made to recent positive developments in standard-setting in the human rights field.

76. As a result of the work of the Commission, the United Nations General Assembly had, at its last session, adopted the Convention on the Rights of the Child, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. In addition, the General Assembly had made progress in the preparation of a convention on the protection of the rights of migrant workers and their families.

77. At the current session, the standard-setting work had continued. It was a source of great satisfaction to her that the Commission's open-ended working group, after 12 years of dedicated work, had completed a first reading of a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. She also welcomed the significant progress made by the Commission's working group on the draft body of guidelines, principles and guarantees for the protection of mentally-ill persons, as well as the great strides made by the working group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms.

78. Although those working groups were in theory open to all Member States, she had observed that in practice, very few had participated. Since the work of the groups was currently entering an important phase, she hoped that there would be wider participation, not only by States but also by non-governmental organizations.

79. The Commission had succeeded in adopting substantive decisions on the realization of economic, social and cultural rights and on the right to development, as well as on the effects on the enjoyment of human rights of foreign debt and economic adjustment policies. It had also adopted decisions on new issues, including human rights and the environment, trade-union rights, and the consequences of acts of violence committed by armed groups and drug traffickers on the enjoyment of human rights.

80. Not only the decisions that had been adopted, but also the proposals put forward but not yet acted on, provided an indication of the work that still remained to be done in the field of the promotion and protection of human rights. The Commission's main concern must be that violations of human rights and fundamental freedoms unfortunately continued to occur and the closure of

the current session did not mean that its work was finished. The monitoring mechanisms set up by the Commission played a key role in fulfilling its mandate, and it was for all involved in those mechanisms - the Centre for Human Rights, Governments, and non-governmental organizations - to work together enthusiastically in discharging their responsibilities.

81. It was her own personal concern that there should be a universal culture of human rights and that the same dynamism and conviction in the service of the cause of human rights should be found in all regions of the world. She thought that the Commission should give serious consideration to the possibility of holding some of its sessions in other regions of the world, thus helping to promote recognition of a universal culture of human rights, based on the principles of the United Nations Charter and the International Bill of Human Rights. That was her dream which, she hoped, would one day become a reality.

82. In the course of its current session, the Commission had held 54 meetings and had heard 883 statements. It had adopted 81 resolutions and 13 decisions, most of them without a vote, thanks to the spirit of consensus that had prevailed throughout. The Commission had also had the privilege of being addressed by high-ranking dignitaries from all regions of the world - including, for the first time, a Head of State - a fact which demonstrated the importance Governments had come to attach to its work.

83. She regretted that it had not been possible for her to hold personal talks with all delegations in the course of the session, but hoped that she would have the opportunity of meeting them all during the remainder of her chairmanship.

84. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 9.20 p.m.