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SECOND (SOCIAL) COMMITTEE
First regular session of 1990
Agenda item 3

HUMAN RIGHTS QUESTIONS

Report of the Second (Social) Committee (Part I)

1. The Second (Social) Committee considered human rights questions (agenda item 3) at its 12th to ___ meetings, from 15 to ___ May 1990. It had before it the following documents:

(a) Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on apartheid, racial discrimination and racism, and the systematic denial of human rights and fundamental freedoms (A/45/170-E/1990/32);

(b) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (A/45/210-E/1990/21);

(c) Letter dated 22 December 1989 from the Secretary-General to the President of the Economic and Social Council transmitting the advisory opinion of the International Court of Justice dated 15 December 1989 on the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations (E/1990/15 and Add.1);

(d) Report of the Commission on Human Rights on its forty-sixth session (E/1990/22 and Corr.1 and Add.1); 1/

1/ Official Records of the Economic and Social Council, 1990, Supplements Nos. 2 and 2A.

(e) Report of the Committee on Economic, Social and Cultural Rights on its fourth session (E/1990/23); 2/

(f) Report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others (E/1990/33);

(g) Note by the Secretariat transmitting an extract from the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights (E/1990/37);

(h) Note by the Secretariat transmitting the general comments on the non-discrimination clauses of the International Covenant on Civil and Political Rights, adopted by the Human Rights Committee at its thirty-seventh session (E/1990/44);

(i) Report of the Secretary-General on the situation and developments regarding the logistical and human rights resources support for the activities of the Centre for Human Rights (E/1990/50);

(j) Note by the Secretary-General on allegations regarding infringements of trade union rights: implementation of Economic and Social Council resolution 1989/82, paragraph 9 (E/1990/87 and Add.1);

(k) Statement submitted by the Four Directions Council, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/1990/NGO/2);

(l) Statement submitted by the American Association of Jurists, Arab Organization for Human Rights, International Commission of Health Professionals for Health and Human Rights, International League for the Rights and Liberation of Peoples, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Service, Justice and Peace in Latin America and World Student Christian Federation, non-governmental organizations in consultative status with the Economic and Social Council, category II, and the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/1990/NGO/4).

2. At its 12th to 16th meetings, the Committee held a general discussion on the item. At its 12th meeting, on 15 May, the Committee heard an introductory statement by the Deputy Director of the Centre for Human Rights.

3. Also at the 12th meeting, statements were made by the representatives of Ireland (on behalf of the States Members of the United Nations that are members of the European Economic Community), the United States of America, France,

Czechoslovakia, the Union of Soviet Socialist Republics and Mexico and the observers for Chile and Egypt.

4. At the 13th meeting, on 16 May, the Rapporteur of the Committee on Economic, Social and Cultural Rights made a statement.

5. Also at the 13th meeting, statements were made by the representatives of Canada, the Ukrainian Soviet Socialist Republic, the German Democratic Republic and Cuba and by the observers for Denmark (on behalf of the Nordic countries), the Byelorussian Soviet Socialist Republic, Myanmar and Viet Nam. The observer for the International Confederation of Free Trade Unions, a non-governmental organization in consultative status with the Council, category I, also made a statement.

6. At the 14th meeting, on 16 May, statements were made by the representatives of Yugoslavia and by the observers for Mongolia, Australia, the Philippines and Nigeria. The observer for the World Federation of Trade Unions and the World Muslim Congress, non-governmental organizations in consultative status with the Council, category I, also made statements.

7. At the 15th meeting, on 17 May, statements were made by the representatives of Guinea, New Zealand, China, Brazil and Bulgaria and by the observers for Sri Lanka, Lebanon, Hungary, Peru, Norway, Argentina, Romania and Poland.

8. At the 16th meeting, on 17 May, statements were made by the representatives of Algeria, Sweden, Indonesia, Nicaragua, Pakistan, Japan, Venezuela, Iraq, Cuba, India and Greece and by the observers for Cambodia, the Byelorussian Soviet Socialist Republic, El Salvador and Cyprus.

Recommendations contained in the report of the
Commission on Human Rights

9. Chapter I of the report of the Commission on Human Rights on its forty-sixth session (E/1990/22 and Corr.1) contained 9 draft resolutions and 29 draft decisions recommended for adoption by the Council. Programme budget implications of the proposals were set out in annex III to the addendum to the report (E/1990/22/Add.1).

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

10. At the 17th meeting, on 18 May, the Committee adopted draft resolution I, entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa", by a recorded vote of 32 to 7, with 7 abstentions (see para. 61 below, draft resolution I). The voting was as follows: 3/

3/ The delegations of Algeria, Lesotho and Zambia subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft resolution.

In favour: Bahamas, Bahrain, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire.

Against: France, Germany, Federal Republic of, Italy, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Finland, Greece, Ireland, Japan, New Zealand, Sweden.

Right to freedom of opinion and expression

11. At the 17th meeting, on 18 May, the Committee adopted draft resolution II, entitled "Right to freedom of opinion and expression" (see para. 61 below, draft resolution II).

Compensation for victims of gross violations of human rights

12. At the 17th meeting, on 18 May, the Committee adopted draft resolution III, entitled "Compensation for victims of gross violations of human rights" (see para. 61 below, draft resolution III).

Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

13. At the 17th meeting, on 18 May, the Committee adopted draft resolution IV, entitled "Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care" (see para. 61 below, draft resolution IV).

Guidelines on the use of computerized personal files

14. At the 17th meeting, on 18 May, the Committee adopted draft resolution V, entitled "Guidelines on the use of computerized personal files" (see para. 61 below, draft resolution V).

Rights of persons belonging to national, ethnic, religious and linguistic minorities

15. At the 17th meeting, on 18 May, the Committee adopted draft resolution VI, entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities" (see para. 61 below, draft resolution VI).

Question of 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

16. At the 17th meeting, on 18 May, the Committee adopted draft resolution VII, entitled "Question of 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" (see para. 61 below, draft resolution VII).

Working Group on Situations of the Commission on Human Rights

17. At the 17th meeting, on 18 May, the Committee adopted draft resolution VIII, entitled "Working Group on Situations" (see para. 61 below, draft resolution VIII).

Status of the individual and contemporary international law

18. At the 17th meeting, on 18 May, the Committee adopted draft resolution IX, entitled "Status of the individual and contemporary international law" (see para. 61 below, draft resolution IX).

Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

19. At the 17th meeting, on 18 May, the Committee adopted draft decision 1, entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination" by a recorded vote of 33 to 3, with 11 abstentions (see para. 62 below, draft decision I). The voting was as follows: 4/

In favour: Bahamas, Bahrain, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Canada, Japan, United States of America.

Abstaining: Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

20. After the draft decision was adopted, a statement was made by the representative of Ireland (on behalf of the States Members of the United Nations that are members of the European Economic Community).

4/ The delegations of Algeria and Lesotho subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft decision.

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

21. At the 17th meeting, on 18 May, the Committee adopted draft decision 2, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", by a recorded vote of 34 to 1, with 13 abstentions (see para. 62 below, draft decision II). The voting was as follows: 5/

In favour: Bahamas, Bahrain, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, German Democratic Republic, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Canada, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

22. At the 17th meeting, on 18 May, the Committee adopted draft decision 3, entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination" (see para. 62 below, draft decision III).

23. After the draft decision was adopted, the representative of the United States of America made a statement.

The right to development

24. At the 17th meeting, on 18 May, the Committee adopted draft decision 4, entitled "The right to development" (see para. 62 below, draft decision IV).

25. After the draft decision was adopted, statements were made by the representatives of Japan and the United States of America.

5/ The delegations of Algeria and Lesotho subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft decision.

Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

26. At the 17th meeting, on 18 May, the Secretary of the Committee orally corrected draft decision 5, entitled "Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems", by replacing the words "authorizes the inclusion of" with the words "requests the Secretary-General to include" before the words "the annual recurrent cost". The Committee then adopted the draft decision, as orally corrected (see para. 62 below, draft decision V).

Effective functioning of bodies established pursuant to United Nations human rights instruments

27. At the 17th meeting, on 18 May, the Committee adopted draft decision 6, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments" (see para. 62 below, draft decision VI).

Situation of human rights in South Africa

28. At the 17th meeting, on 18 May, the Committee adopted draft decision 7, entitled "Situation of human rights in South Africa" (see para. 62 below, draft decision VII).

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

29. At the 17th meeting, on 18 May, the Committee adopted draft decision 8, entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" (see para. 62 below, draft decision VIII).

Question of enforced or involuntary disappearances

30. At the 17th meeting, on 18 May, the Committee adopted draft decision 9, entitled "Question of enforced or involuntary disappearances" (see para. 62 below, draft decision IX).

Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

31. At the 17th meeting, on 18 May, the Committee adopted draft decision 10, entitled "Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur" (see para. 62 below, draft decision X).

Situation of human rights in Romania

32. At the 17th meeting, on 18 May, the Committee adopted draft decision 11, entitled "Situation of human rights in Romania" (see para. 62 below, draft decision XI).

Summary of arbitrary executions

33. At the 17th meeting, on 18 May, the Committee adopted draft decision 12, entitled "Summary of arbitrary executions" (see para. 62 below, draft decision XII).

Situation of human rights in Afghanistan

34. At the 17th meeting, on 18 May, the Committee adopted draft decision 13, entitled "Situation of human rights in Afghanistan" (see para. 62 below, draft decision XIII).

Situation of human rights in Haiti

35. At the 17th meeting, on 18 May, the Committee adopted draft decision 14, entitled "Situation of human rights in Haiti" (see para. 62 below, draft decision XIV).

Situation in Equatorial Guinea

36. At the 17th meeting, on 18 May, the Committee adopted draft decision 15, entitled "Situation in Equatorial Guinea" (see para. 62 below, draft decision XV).

Advisory services in the field of human rights

37. At the 17th meeting, on 18 May, the Committee adopted draft decision 16, entitled "Advisory services in the field of human rights" (see para. 62 below, draft decision XVI).

38. Before the draft decision was adopted, the representative of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Finance of the Secretariat made a statement in reply to a question raised by the representative of Cuba.

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

39. At the 17th meeting, on 18 May, the Committee adopted draft decision 17, entitled "Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 62 below, draft decision XVII).

Discrimination against people infected with the human immunodeficiency virus (HIV) or people with the acquired immunodeficiency syndrome (AIDS)

40. At the 17th meeting, on 18 May, the Committee adopted draft decision 18, entitled "Discrimination against people infected with the human immunodeficiency virus (HIV) or people with the acquired immunodeficiency syndrome (AIDS)" (see para. 62 below, draft decision XVIII).

Sale of children

41. At the 17th meeting, on 18 May, the representative of Cuba orally proposed to amend draft decision 19, entitled "Sale of children", by replacing the words "for a period of one year" with the words "for a period of two years".
42. At the same meeting, the representative of the Programme Planning and Budget Division replied to a question raised by the representative of the United Kingdom of Great Britain and Northern Ireland on the programme budget implications of the draft decision.
43. Also at the same meeting, the representative of the United Kingdom orally proposed an amendment calling for the replacement of the words "approves the Commission's request to the Chairman" by the words "requests the Chairman".
44. At the same meeting, a statement was made by the representative of Kenya.
45. Following a statement by the Chairman of the Committee, the Committee adopted the draft decision, as orally amended by the representatives of Cuba and the United Kingdom (see para. 62 below, draft decision XIX).

National institutions for the promotion and protection of human rights

46. At the 17th meeting, on 18 May, the Committee adopted draft decision 20, entitled "National institutions for the promotion and protection of human rights" (see para. 62 below, draft decision XX).

Situation of human rights in El Salvador

47. At the 17th meeting, on 18 May, the Committee adopted draft decision 21, entitled "Situation of human rights in El Salvador" (see para. 62 below, draft decision XXI).

Situation of human rights in the Islamic Republic of Iran

48. At the 17th meeting, on 18 May, the Committee adopted draft decision 22, entitled "Situation of human rights in the Islamic Republic of Iran" (see para. 62 below, draft decision XXII).

Assistance to Guatemala in the field of human rights

49. At the 17th meeting, on 18 May, the Committee adopted draft decision 23, entitled "Assistance to Guatemala in the field of human rights" (see para. 62 below, draft decision XXIII).

Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

50. At the 17th meeting, on 18 May, the Committee adopted draft decision 24, entitled "Measures to combat racism and racial discrimination and the role of the

Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 62 below, draft decision XXIV).

51. Before the draft decision was adopted, the representative of the Programme Planning and Budget Division made a statement in reply to a question raised by the representative of the United Kingdom of Great Britain and Northern Ireland.

52. The representative of the United States of America also made a statement before the draft decision was adopted.

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

53. At the 17th meeting, on 18 May, the Committee adopted draft decision 25, entitled "Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities" (see para. 62 below, draft decision XXV).

Traditional practices affecting the health of women and children

54. At the 17th meeting, on 18 May, the Committee adopted draft decision 26, entitled "Traditional practices affecting the health of women and children" (see para. 62 below, draft decision XXVI).

International year for the world's indigenous people

55. At the 17th meeting, on 18 May, the representative of Colombia proposed to amend draft decision 27, entitled "International Year for the World's Indigenous People", by deleting the words "or another appropriate year" after the words "in 1993". The Committee accepted the amendment.

56. At the same meeting, the representative of Colombia proposed to amend the draft resolution further by replacing the words "indigenous people" with the words "indigenous peoples". Following statements by the representatives of Mexico, Canada, Nicaragua, the United States of America, the Netherlands and Brazil, the representative of Colombia withdrew the amendment.

57. At the same meeting, the Committee adopted the draft decision, as orally amended (see para. 62 below, draft decision XXVII).

Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989

58. At the 17th meeting, on 18 May, the Committee adopted draft decision 28, entitled "Working Group established pursuant to paragraph 3 of General Assembly resolution 44/167 of 15 December 1989" (see para. 62 below, draft decision XXVIII).

Organization of the work of the forty-seventh session of the Commission on Human Rights

59. At the 17th meeting, on 18 May, the Committee adopted draft decision 29, entitled "Organization of the work of the forty-seventh session of the Commission on Human Rights" (see para. 62 below, draft decision XXIX).

60. At the same meeting, after the draft resolutions and draft decisions were adopted, a statement was made by the representative of the German Democratic Republic.

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

61. The Second (Social) Committee recommends to the Economic and Social Council the adoption of the following draft resolutions:

[For the text of draft resolutions I-IX, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. A.]

62. The Second (Social) Committee also recommends to the Economic and Social Council the adoption of the following draft decisions:

[For the text of draft decisions I-IV, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 1-4.]

DRAFT DECISION V

Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

The Economic and Social Council, noting Commission on Human Rights resolution 1990/21 of 23 February 1990, approves the annual recurrent cost of the system proposed by the Task Force on Computerization appointed by the Secretary-General ^{6/} and requests the Secretary-General to include the annual recurrent cost in the programme budget for the biennium 1992-1993 when the proposed system is expected to become operational.

[For the text of draft decisions VI-XVIII, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 6-18.]

^{6/} See E/CN.4/1990/39, para. 63.

DRAFT DECISION XIX

Sale of children

The Economic and Social Council, noting Commission on Human Rights resolution 1990/68 of 7 March 1990, requests the Chairman of the Commission to appoint for a period of two years a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes, and also approves the Commission's request to the Secretary-General to give the Special Rapporteur any necessary assistance.

[For the text of draft decisions XX-XXVI, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 20-26.]

DRAFT DECISION XXVII

International year for the world's indigenous people

The Economic and Social Council, noting Commission on Human Rights decision 1990/113 of 7 March 1990, decides to recommend that the General Assembly proclaim an international year for the world's indigenous people in 1993, in accordance with established procedures governing the proclamation of international years.

[For the text of draft decisions XXVIII and XXIX, see the report of the Commission on Human Rights (E/1990/22), chap. I, sect. B, draft decisions 28 and 29.]
