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THIRD COMMITTEE
41st meeting
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at 10 a.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. RITTER (Panama)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 98: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

AGENDA ITEM 99: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS:
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AGENDA ITEM 102: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS
CONVENTIONS ON HUMAN RIGHTS (continued)

AGENDA ITEM 107: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/42/451, A/42/701)

AGENDA ITEM 106: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

1. Mr. TOTH (Hungary) said that the lasting importance of the International Covenants on Human Rights lay in the fact that they had set forth the fundamental principles of international co-operation in the field of human rights in a form that was legally binding. However, the adoption and monitoring of those instruments did not automatically mean that human rights violations would end; it was up to the United Nations to translate those principles into practice. Universal acceptance of and strict compliance with the International Covenants could serve as a firm basis for guaranteeing individual rights and freedoms, democratizing the internal life of States, and achieving trust, harmony and co-operation among States.

2. In that connection, it was of fundamental importance that States parties to the Covenants comply with their reporting obligations. His country had been among the first to become a party to the International Covenants and presented reports regularly to the relevant monitoring bodies, which provided an unique opportunity for countries to discuss both their achievements and their difficulties in promoting human rights.

3. His country had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It strongly condemned the continuing widespread use of torture and other cruel practices in many countries; all such practices were prohibited explicitly by Hungary's Constitution and laws.

4. His Government attached particular importance to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and guaranteed full freedom of religion and belief to all its citizens. Freedom of conscience was guaranteed under the Constitution, as was the autonomous functioning of churches.

(Mr. Toth, Hungary)

5. As long as it was used for the benefit of mankind, scientific and technological progress was one of the most important factors for accelerating social and economic development. The misuse of science and technology could, however, contribute to accelerating the arms race.
6. Children were the most vulnerable group among the world's population and must therefore be given special care, assistance and protection. The situation of children in many parts of the world was critical and called for urgent national and international action. The year 1989 would mark the thirtieth anniversary of the Declaration of the Rights of the Child and the tenth anniversary of the International Year of the Child. His delegation hoped that those anniversaries would be commemorated by completion of work on the draft Convention on the Rights of the Child, so that it could be adopted at the forty-fourth session of the General Assembly.
7. Ms. BLATTMANN (Norway), speaking on behalf of the Nordic countries, said that economic, social and cultural rights and civil and political rights were interdependent and mutually reinforcing. Although the rights set forth in the two Covenants differed in nature and required different approaches, implementation of one Covenant did not justify failure to implement the other.
8. Serious efforts were needed to achieve universal adherence to the Covenants and ensure their practical application. She urged those Member States which had not yet done so to ratify or accede to the Covenants and the Optional Protocol to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the latter Covenant.
9. The supervisory bodies which monitored implementation of the Covenants must be able to fulfil their functions satisfactorily. It was regrettable therefore that the Human Rights Committee had been forced to cancel its autumn 1986 session because of austerity measures. Every effort should be made to avoid further cancellations of sessions of that Committee and to avoid reductions in the resources allocated to all the human rights supervisory bodies.
10. States parties must make all possible efforts to avoid the erosion of human rights by the unjustified curbing of civil rights during states of emergency. It was in such circumstances that the individual was in the greatest need of protection against abusive State power. In those situations, Governments should co-operate closely with the Human Rights Committee by making all relevant information available.
11. It was encouraging that the Committee on Economic, Social and Cultural Rights was making serious efforts to develop efficient working methods. She called that Committee's attention to "The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights" and recommended that both it and States parties consider them carefully.

(Ms. Blattmann, Norway)

12. Delays in fulfilling reporting obligations and failure to submit reports were matters of great concern. The Nordic countries hoped that the States parties concerned would take steps to submit their reports and, in that connection, supported the proposal for convening a meeting of the chairpersons of the various supervisory bodies in the field of human rights.

13. The Nordic countries had consistently supported the proposal for a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. It was regrettable that the Special Rapporteur's report on that matter (E/CN.4/Sub.2/1987/20), which was being considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had yet to be forwarded to the Commission on Human Rights with the Sub-Commission's recommendations.

14. The Nordic countries welcomed the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and appealed to all countries to take appropriate steps to accede to that Convention. With regard to the declaration made by one State party, at the time of ratification concerning expenses for the Committee against Torture, she hoped that the State concerned would reconsider the matter.

15. While the Convention against Torture had an important role to play, other measures were also necessary. Consequently, the Nordic countries supported fully the appointment by the Commission on Human Rights of a Special Rapporteur on torture. Careful consideration should be given to the idea of a system of on-site visits to detention centres in countries where torture had allegedly taken place. It was understood that the purpose of such a system would be to provide advice to Governments rather than to denounce them.

16. The United Nations Voluntary Fund for Victims of Torture had been established on the initiative of the Nordic countries to provide assistance to the victims of torture and their families. The Fund needed to receive contributions on a regular basis and she hoped that Member States would take appropriate action in that regard.

17. Ms. GAO Yanping (China) said that the international human rights instruments, formulated and adopted within the framework of the United Nations had a positive impact on the development of international law, especially international human rights law, and on co-operation among States in the field of human rights. The effectiveness of those instruments depended on the willingness of States parties to fulfil their treaty obligations in good faith, however. States parties and the United Nations must explore ways and means of genuinely guaranteeing their implementation.

18. The reporting system was an indispensable means of monitoring the implementation of the human rights instruments. Her delegation believed that appropriate reforms were needed to improve the reporting system under some of those instruments, however: intervals between reports should be lengthened and reports should be concise and explicit. The human rights instruments should be interpreted

(Ms. Gao Yanping, China)

and implemented in a comprehensive and flexible manner and due consideration should be given to the actual situation and difficulties of States parties. With concerted efforts, practical solutions could be found.

19. China had fulfilled in good faith its treaty obligations under the conventions to which it was a party, adopting legislative, judicial and administrative measures to implement them. It had taken an active part in the drafting of new international legal instruments on human rights and had contributed to the international protection and promotion of human rights. In December 1986, her Government had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. China consistently opposed torture, corporal punishment, the use of coercion to extract confessions, physical punishment or ill treatment, and had always supported the humanitarian rehabilitation of criminals. It was giving positive consideration to ratification of the Convention and was ready to work with other States with a view to abolishing torture and other cruel, inhuman or degrading treatment or punishment.

20. Her Government welcomed the progress made with regard to the draft convention on the rights of the child. Children were entitled to the best protection, care and education and should be allowed to develop morally, intellectually and physically. China had taken an active part in the working group on the drafting of the convention and endorsed the suggestion that the convention should be submitted to the General Assembly for adoption at its forty-fourth session in 1989, the thirtieth anniversary of the United Nations Declaration of the Rights of the Child.

21. Mr. GALAL (Egypt) said that his delegation appreciated the great efforts exerted by the Independent Commission on International Humanitarian Issues in arousing world concern for such issues. Similarly, his delegation commended the valuable report on the new international humanitarian order prepared by that Commission. In that connection, Egypt supported the draft resolution submitted by the Hashemite Kingdom of Jordan concerning promotion of that order.

22. His delegation considered the item on the rights of the child to be worthy of particular concern. Increased effort, however, would be required to complete the drafting of a convention on the rights of the child in order for it to be approved by the General Assembly in 1989. That year coincided with the thirtieth anniversary of the Declaration on the Rights of the Child and the tenth anniversary of the International Year of the Child. He expressed appreciation for the important role played by the United Nations Children's Fund (UNICEF) in promoting the well-being and development of children, and particularly in developing countries, including Egypt.

23. The child was entitled to a mother and father. Whereas parents were responsible for children's care and upbringing, the State had the duty to provide all facilities to ensure a peaceful environment for children. Indeed, the protection of mothers and children and the creation of favourable conditions for children to achieve growth were principles enshrined in the Egyptian Constitution.

(Mr. Galal, Egypt)

24. His delegation supported the efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to eradicate illiteracy. He called for increased efforts to aid developing countries in that field. Egypt had sponsored a national campaign to promote education in accordance with its Constitution.

25. Human rights were not confined to individuals within States, but extended to peoples, particularly to those peoples subject to colonialism and occupation. The whole international community must pursue efforts to enable the peoples of Namibia, South Africa, Palestine and other areas still subject to colonialism and foreign occupation to enjoy the right to self-determination.

26. In pursuance of Egypt's commitment to the principles of freedom and human rights, it had hosted a number of international, regional and Arab conferences on the question of human rights in Cairo. Moreover, a number of studies had been undertaken concerning the conditions of human rights in Arab countries and the drafting of an Arab Family Code.

27. Egypt had signed and ratified the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Egypt was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It had participated in the preparation of the African Covenant on Human Rights which had been adopted at the African Summit Conference convened in Addis Ababa in 1987.

28. Mrs. ITO (Japan) called upon those countries that had not yet done so to ratify both International Covenants on Human Rights, and stressed the point that difficulties in realizing economic, social and cultural rights could not excuse delays in implementing civil and political rights, which were designed to protect individuals by posing limits on State power. Concerning the draft of the Second Protocol to the International Covenant on Civil and Political Rights, she said that her Government's position, as reflected in document E/CN.4/Sub/2/1987/20, remained unchanged and that it was difficult to apply an internationally uniform solution to the question of whether or not capital punishment should be abolished. In Japan public opinion regarded the death penalty as an effective deterrent to heinous crimes, but it was used only sparingly.

29. Her delegation was concerned over the problem of reporting obligations under the international covenants. If the obligations were too burdensome, it would pose a serious obstacle to evaluating implementation, and that could adversely affect the efforts of the international community to protect human rights. She therefore recommended adjusting the periodicity of the conventions, co-ordinating the respective deadlines, eliminating duplication in the reports and establishing guidelines for their formulation. The advisory services and technical assistance programmes also helped States parties comply with their obligations and they should be improved, but within the limited resources available.

(Mrs. Ito, Japan)

30. The first meeting of the chairmen of the relevant monitoring bodies had been a useful one and there should be a second meeting in 1988 to deal with and make recommendations concerning the issues raised in General Assembly resolution 41/121.

31. In view of the importance for the implementation of human rights of eliminating illiteracy, unremitting efforts should be made to implement the relevant UNESCO programmes. Those efforts required world-wide support, however, and must therefore be purely humanitarian and educational, with no political implications. Global awareness of the problem of illiteracy must be enhanced and regional co-operation in that area should be encouraged.

32. Religious intolerance was also a serious violation of human rights, and one that could even affect peace and security. The religious rights enshrined in international law were being violated in many parts of the world for reasons that were social and cultural as well as legal, and religious intolerance resulted when religion was accompanied by prejudice. In Japan the problem did not exist because there was a tradition of religious tolerance and because religious freedom and the separation of religion and State was embodied in the Constitution. The problem of religious intolerance was very complicated, however, and a thoughtful approach was preferable to a monolithic and legalistic one. All segments of the population must be called upon to help deal with it and the ultimate solution required sustained efforts in the field of education and public information.

33. Mr. LY (Senegal) urged the international community to intensify its efforts to combat human rights violations. He hoped that more States would ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that a convention on the rights of the child would soon be completed.

34. The International Covenants on Human Rights were both equally important and the necessary resources must be made available to provide the publicity, information and training to help States parties meet their obligations under them. Special efforts must be made to identify the obstacles encountered in fulfilling reporting obligations, particularly in the developing countries, which should be provided with advisory services. Training courses for personnel involved in the preparation of reports had proved useful and should be continued and constructive dialogue based on mutual trust and understanding should be encouraged between the monitoring bodies and the States parties.

35. Maximum use must be made of the Economic and Social Council and the Commission on Human Rights in identifying the obstacles to the implementation of human rights and in promoting international co-operation to create the economic and social environment that would promote the development of civil and political rights. The monitoring bodies should be given greater publicity and regional efforts should be encouraged to promote human rights. He drew attention in that connection to the African Charter on Human and People's Rights.

(Mr. Ly, Senegal)

36. The question of human rights and fundamental freedoms was too important to be sacrificed on the altar of the current crisis of the Organization. The question must be dealt with calmly, objectively and in a spirit of understanding, and its solution would be facilitated by the establishment of a new international humanitarian order.

37. Mrs. OTUNBAEVA (Union of Soviet Socialist Republics) said that the Soviet Union supported the lofty humanitarian principles of the Universal Declaration of Human Rights. It was also a party to the International Covenants on Human Rights and was implementing their provisions. The adherence to the international human rights instruments of many States belonging to different social and political systems demonstrated the vitality of international co-operation in the area of human rights.

38. An unconvincing position was taken by certain States which, while virtually claiming authorship of the Universal Declaration, were stubbornly refusing to become parties to the International Covenants and even to recognize vitally important categories of human rights. Their position weakened the universality and effectiveness of the system of international principles and norms established by the United Nations. All States must therefore adhere not only to the International Covenants but also to the other important international instruments in the field of human rights. Her delegation supported the acceleration of work on the draft convention on the rights of the child, and also the adoption of other measures to develop and implement the principles of the Universal Declaration and the International Covenants.

39. At the current stage, the main issue was ensuring the survival of mankind and preservation of civilization. The right to life was being threatened by mankind's achievements in the scientific and technological revolution. The peoples had no alternative but to abandon old stereotypes of thinking and policy and adopt new thinking based on universal values of morality, reason and humanism. In calling for the guarantee of the right to life of each individual, the United Nations was recognizing man as the supreme value of human civilization.

40. The development of international humanitarian co-operation was of enormous significance under current conditions. Under the Charter, it was one of the main goals of the United Nations. The Universal Declaration and International Covenants, along with other international agreements, created a sound basis for developing such co-operation. Some States took a selective view of international humanitarian co-operation, limiting it to a particular list of problems, but in fact it should be much broader and cover a large variety of areas.

41. Her delegation supported the initiative of the Government of Jordan and the work of the Independent Commission on International Humanitarian Issues. The Commission and other representative forums had called for the development of international humanitarian co-operation and for making the human factor the centre of State relations and the work of the United Nations. International humanitarian co-operation must serve the purpose of uniting the efforts of States and peoples in

(Mrs. Otunbaeva, USSR)

solving acute problems and establishing decent conditions of life. As experience had shown, it cleared away enmity and mistrust between States. It should aim not to serve narrow and selfish interests, but to confirm universal human principles. A major contribution would then be made to establishing the foundations of a nuclear-weapon-free, non-violent world. There had been a broad response to the Soviet proposal to hold an international conference on humanitarian questions in Moscow in 1988.

AGENDA ITEM 105: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

Draft resolution A/C.3/42/L.36

42. Mrs. NIKOLIC (Yugoslavia), introducing draft resolution A/C.3/42/L.36 on behalf of the sponsors, who had been joined by Morocco and Sudan, expressed the hope that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/42/L.38/Rev.1

43. Ms. FERRIOL (Cuba), introducing draft resolution A/C.3/42/L.38/Rev.1 on behalf of the sponsors, who had been joined by Cameroon, said that as a result of consultations, two new preambular paragraphs had been included in the draft resolution. The future work of the United Nations to improve the effective enjoyment of human rights and fundamental freedoms was of special importance for developing countries. They believed that it was important for the General Assembly to continue to adopt draft resolutions on the subject.

The meeting rose at 11.55 a.m.