



SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 97: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (A/43/230, 263, 320)

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AGENDA ITEM 101: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS (A/C.3/43/5)

AGENDA ITEM 106: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/43/46, A/43/226-S/19649, A/43/519, 779)

1. Mr. MARTENSEN (Under-Secretary-General for Human Rights) said that the range of issues before the Third Committee testified to the breadth of human rights concerns and their relevance to international society. The need to promote religious tolerance was more compelling than ever. Similarly, it was absolutely crucial to ensure that technological developments evolved in a way that was compatible with respect for human rights. The rights of children and the fight against torture were in the vanguard of international endeavours and were the subject of two new conventions, one of which was currently being prepared. The International Covenants constituted the very foundation of the international human rights programme.

2. Turning to the question of the elimination of all forms of religious intolerance, he recalled that the General Assembly, in its resolution 42/197, had reaffirmed that freedom of thought, conscience and belief was a right guaranteed to all without discrimination. It requested the Commission on Human Rights to consider the study by Mrs. Odio Benito, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. At its forty-fourth session, the Commission had noted with appreciation the study of the Special Rapporteur. It had requested the Sub-Commission to prepare a compilation of provisions relevant to the elimination of religious intolerance and to study the issues and factors which should be considered before any drafting of a further binding international instrument on that matter. At its fortieth session, the Sub-Commission had decided to request one of its members, Mr. Theo Van Boven, to prepare a working paper with a view to assisting it in carrying out that task at its forty-first session.

3. On the question of human rights and scientific and technological developments, he recalled General Assembly resolutions 42/98, 42/99 and 42/100. Since 1984, the Commission had been considering the means of using the results of scientific and technological developments for the promotion of human rights and fundamental

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freedoms. Nevertheless, it had not yet formulated concrete conclusions and recommendations and consideration of that issue continued.

4. In pursuance of the request made by the General Assembly in its resolution 42/98, the Sub-Commission had established a working group to prepare a draft body of guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health. At its fortieth session, the Sub-Commission had adopted that draft and recommended that the Commission request the Secretary-General to transmit it to Governments, specialized agencies and non-governmental organizations for comments and suggestions.

5. At the same session, the Sub-Commission had considered the revised guidelines in the field of computerized personnel files, particularly as they affected the privacy of the individual. The Sub-Commission had recommended to the Commission that it adopt those guidelines and submit them to the General Assembly for further consideration.

6. At that session too, the Sub-Commission had adopted a resolution on movement and dumping of toxic and dangerous products and wastes. It requested the Governments of the countries producing toxic wastes to ban their exportation to States which did not have the technical capability for their environmentally sound disposal and to ensure that they did not imperil human health or the ecosystem, in their countries and in other countries of the world.

7. Agenda item 99 concerned the draft convention on the rights of the child. The year 1989 would mark the thirtieth anniversary of the Declaration on that subject. The anniversary should be an inspiration for greater efforts for the protection of children. It was not acceptable to permit a situation to continue whereby generations of children grew up in almost total deprivation. The most fundamental solidarity demanded that the international community assume its responsibility for the future and protect its most precious human resources.

8. The Commission on Human Rights was responsible for the preparation of the draft convention on the rights of the child. It had established an open-ended working group which, at its session held at Geneva from 25 January to 5 February 1988, had agreed on the draft convention on first reading. The working group would hold a second reading at Geneva from 28 November to 9 December 1988, as authorized by the Economic and Social Council. Despite the financial constraints currently being faced, no effort had been spared to ensure that that important meeting obtained the necessary services. It was to be hoped that the anniversary, in 1989, of the Declaration on the Rights of the Child would coincide with the completion of the work on the convention.

9. As of 1 October 1988, 92 States had become parties to the International Covenant on Economic, Social and Cultural Rights and 87 to the International Covenant on Civil and Political Rights. Besides, five others had ratified the Optional Protocol to the International Covenant on Civil and Political Rights, which brought to 43 the number of States that had done so. In addition, two States Parties had made the declaration provided for in article 41 of the International

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Covenant on Civil and Political Rights whereby they recognized the competence of the Human Rights Committee to receive and consider communications from a State Party claiming that another State Party was not fulfilling its obligations under the Covenant. That brought to 23 the number of States Parties that had made the declaration. He also recalled resolution 42/103, whereby the General Assembly had renewed its call to States that had not yet done so to become parties to the International Covenants on Human Rights.

10. As the report of the Human Rights Committee (A/43/40) showed, the Committee had continued to discharge its mandate in a positive manner, and had been successful in further expanding its dialogue with States parties, notably during the consideration of periodic reports. Experience had made it clear that the Committee could not function effectively unless its requirements for support were fully met. He paid tribute to the members of the Human Rights Committee, who had continued to take an active interest in the various national and regional training activities organized by the Centre for Human Rights, by participating in them personally as lecturers. He wished to express his sincere appreciation for their invaluable assistance.

11. The Committee on Economic, Social and Cultural Rights had held its second session in Geneva from 8 to 25 February 1988. The Committee had considered 15 reports submitted by States parties, in accordance with the programme established. He recalled the problems that arose with respect to reporting under the human rights instruments. The General Assembly had been dealing with those problems for six years already. The problems were twofold: on the one hand, the number of overdue reports had continued to grow significantly in recent years, thereby making it increasingly difficult for the treaty bodies to fulfil their monitoring functions; on the other hand, there was the accumulated backlog of reports which had been received but which those bodies had been unable to consider. In its resolution 42/105, the General Assembly had requested the Secretary-General to convene, in October 1988, a meeting of the chairpersons of the bodies established under the international instruments to review the problems and make suggestions. The meeting of chairpersons had been held in Geneva from 10 to 14 October 1988. The chairpersons had adopted 22 conclusions and recommendations. They had recommended, *inter alia*, that the Secretary-General should provide States parties with technical assistance and advisory services on a regular basis, to assist them in fulfilling their reporting obligations.

12. Referring to agenda item 106, "Torture and other cruel, inhuman or degrading treatment or punishment", he noted that the Third Committee had before it the report of the Secretary-General on the status of the Convention against Torture (A/43/519). As the report indicated, as at 1 November 1988, the Convention had been ratified or acceded to by 37 States and signed by 33. The first meeting of the States parties to the Convention had been convened by the Secretary-General at the United Nations Office at Geneva on 26 November 1987 to elect the members of the Committee against Torture and to decide the modalities of discharging their financial obligations under the Convention. In its resolution 1988/36 of 8 March 1988, the Commission on Human Rights had welcomed with deep satisfaction the entry into force of the Convention on 26 June 1987 as a major step in

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international efforts to promote universal respect for and observance of human rights and fundamental freedoms. The Committee against Torture had held its first session at the United Nations Office at Geneva from 18 to 22 April 1988. It had adopted its rules of procedure as well as a large number of rules relating to its functions.

13. In 1981 the General Assembly had decided to come to the aid of victims of torture by establishing the Voluntary Fund for Victims of Torture, which was charged with receiving voluntary contributions from Governments, organisations and individuals, and with distributing them, in the form of humanitarian, legal and financial aid, to individuals who had been tortured and to their relatives. The Fund was administered by the Secretary-General with the advice of a Board of Trustees that met yearly to make recommendations concerning grants. Since the activities of the Fund had begun, the scope and number of projects had greatly increased. Detailed information was contained in the report of the Secretary-General (A/43/779).

14. In conclusion, he stressed the importance for the bodies supervising implementation of the human rights instruments of the advice and support of the members of the Third Committee. While he had devoted some attention to areas he believed had been somewhat neglected, such as information, advisory services and external relations, he remained firmly committed to the core of the United Nations human rights programme, namely, the international human rights instruments and the mechanisms for monitoring their implementation within the international community.

15. Mr. VAN DIJK (Netherlands), speaking on agenda item 101, said that after the adoption of the Universal Declaration of Human Rights, the efforts of the international community in the area of human rights had focused mainly on standard-setting. Although further standard-setting might still be desirable, stress should henceforth be placed on the implementation of the human rights instruments already adopted.

16. The Netherlands and other States were concerned with implementation, and had called for the establishment of machinery to monitor the implementation of each new instrument; but the existence of monitoring procedures did not itself guarantee effectiveness. That was a matter of concern not only to his Government, but to many other Governments and to the supervisory bodies themselves. The functioning of those procedures was not the sole responsibility of the States parties; it was also the general responsibility of the United Nations.

17. The problems were of several kinds. First of all, there were financial difficulties. The failure of some States parties to the human rights instruments to pay their contributions had resulted in cuts in personnel and in meeting facilities. The Committee on the Elimination of Racial Discrimination, for example, had already had to cancel one of its sessions, and the Committee against Torture was threatened with the possibility of finding itself in a comparable situation before it had even begun to carry out its functions.

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18. The enormous backlog of periodic reports due from States parties was also a serious obstacle. More than 500 reports were currently overdue, not only because of lack of political will on the part of the States, but also because of the practical difficulties faced by many of them.

19. Lastly, for lack of time and staff, some committees were unable to consider the reports submitted to them promptly, which did not encourage Governments to submit their reports, and greatly undermined the effectiveness of the monitoring exercise.

20. To remedy that state of affairs, his country had formulated several specific proposals, which the Netherlands Minister for Foreign Affairs had submitted to the Secretary-General of the United Nations during the latter's recent official visit to the Netherlands, and which were contained in document A/C.3/43/5. In his delegation's view, only the initial reports submitted by countries should be comprehensive; subsequent ones might concentrate on updating previous submissions. Duplication in reporting should be avoided as much as possible, and to that end readers should be referred to other recent reports containing the relevant information.

21. Moreover, to States confronted with practical problems or lack of experienced personnel to prepare the reports, technical assistance and advisory services should be provided under the United Nations Programme of Advisory Services.

22. The Secretary-General should encourage timely reporting through regular consultations with representatives of States parties. As far as the consideration of reports in committees was concerned, several measures could be suggested to improve its efficiency. A rapporteur or small working group could prepare a brief analysis of the report and a list of suggested points for discussion. The processing of reports could also be speeded up by creating sub-committees of representative composition to consider reports before presenting them to the plenary committee. Stricter limits might also be placed on the duration of statements by government representatives and committee members. Finally, to speed up consideration of the large number of reports that had not yet been dealt with, the committee concerned might decide to consider various consecutive reports of the same State simultaneously.

23. It should not be forgotten that some human rights instruments empowered the corresponding committee to consider communications from individuals. Although at present there were not many communications of that kind, their number might be expected to increase considerably in the years ahead and to place an extra burden on the already overloaded committees and their secretariats. The sub-committees that the Netherlands was recommending would prove useful in that context.

24. The various secretariats, which provided the committees with the necessary services and did the bulk of the preparatory work, played a vital role. Their effectiveness should not be hampered by a shortage of staff or a lack of equipment. That was why the General Assembly had been called upon to give priority to more adequate staffing of the secretariat of the Committee on the Elimination of

(Mr. Van Dijk, Netherlands)

Discrimination against Women, which was provided by the Branch for the Advancement of Women at Vienna. For the other committees concerned with human rights, the Centre for Human Rights at Geneva acted as secretariat and had neither sufficient qualified staff nor adequate computer equipment.

25. His Government, together with other countries, intended to submit a draft resolution requesting the Secretary-General to review the staffing needs of the various human rights treaty bodies. The Secretary-General should remind States parties to the various human rights instruments that they were required to fulfil their financial obligations under those instruments. It was the responsibility of the General Assembly to seek, as a matter of the highest priority, ways of ensuring adequate financing for the committees monitoring implementation of those instruments. Less than 1 per cent of the United Nations budget was earmarked for tasks relating to human rights, and that was evidently disproportionate to the importance of that field of the Organization's activity.

26. Lastly, his Government endorsed the recommendation of the meeting of chairpersons of human rights treaty bodies to give priority to the preparation, by the Centre for Human Rights in collaboration with UNITAR, of a reporting manual which might assist States and new members of the various treaty bodies in carrying out their task, as well as the recommendation to entrust an independent expert with the task of studying possible long-term approaches to the monitoring of new human rights instruments in the light of the views expressed in the Third Committee.

27. Mr. HENNESSY (Ireland), speaking on agenda item 97, paid tribute to Mr. Ribeiro, Special Rapporteur on incidents and governmental actions inconsistent with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, for the care with which he had discharged his mandate. In his first report to the Commission on Human Rights, Mr. Ribeiro had noted that the practice of intolerance based on religion or belief occurred in varying degrees in nearly all regions of the world, whatever their economic, social or ideological systems. After carefully considering his second report, the Commission on Human Rights had adopted resolution 1988/55, supported by the delegation of Ireland and many other delegations, which, on the one hand, called upon Governments to co-operate with the Special Rapporteur and, on the other hand, invited him to bear in mind, in carrying out his mandate, of the need to seek the views and comments of the Government concerned on any information which he intended to include in his report. In fact, striking an optimum balance between the concern to pursue a purposeful dialogue with affected countries concerned and the imperative of bringing to light the most grave violations of human rights was the essence of the challenge assumed by every special rapporteur dealing with human rights.

28. His delegation also appreciated the study by Mrs. Elizabeth Odio Benito on the current dimensions of the problems of intolerance and discrimination based on religion or belief and welcomed the decision taken by the Commission on Human Rights at its forty-fourth session to publish that study in all the official languages of the United Nations and to distribute it widely. The report would make a positive contribution to the continuing debate on ways and means of promoting

(Mr. Hennessy, Iceland)

implementation of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

29. An important conclusion to be drawn from the material provided by Mr. Ribeiro and Mrs. Odio Benito was that Governments could do much to ensure that the provisions of the Declaration were better respected. They must first ensure that their own legislation and administrative practices were not such as would encourage discrimination against individuals on grounds of religious practice or belief. They must also ensure that civil servants and government officials generally were trained to respect the beliefs of all with whom they came in contact.

30. Intolerance in matters of religion or belief was frequently a product of ignorance and fear, and only education could change attitudes in that area. That was why teachers and all whose job it was to train young people had a particular responsibility in that regard. It was also important for religious leaders to encourage their followers to accept those who did not share their views.

31. In the view of his delegation, the United Nations had a vital role to play in mobilizing, on the basis of the 1981 Declaration, all those who by virtue of their position in society were able to exert a special influence on public opinion.

32. Miss NAKHIRANKANOK (Thailand) spoke on agenda item 99 in her capacity as Thailand's Goodwill Ambassador and Miss Universe 1988.

33. It had always been her desire to help disadvantaged children and, on her recent return to Thailand, she had visited private and public orphanages and establishments for abandoned and handicapped children. She believed that everyone could contribute in his or her own way to improving children's lives, and she had participated in numerous fund-raising events arranged by charitable organizations. Children were the most valuable resource of all nations. Every opportunity should be given them to develop their potential and become responsible and productive citizens. In a world full of advanced technologies, medical expertise and economic resources, it was inexcusable that children were neglected, abused and malnourished.

34. Mobilization of the international community by WHO and UNICEF to achieve the goal of universal child immunization by 1990 was one example of the potential offered by technological progress. Her delegation fully supported the appeal made by the Secretary-General to accelerate progress towards that goal.

35. Thailand was trying to improve the lot of its children and youth. Its policy aimed at providing better welfare protection for working children and young people, promoting positive leisure activities, developing vocational skills and interesting the public and private sectors in those activities. The programmes implemented covered four main areas, namely, prevention, protection, rehabilitation and development.

36. On the problem of child labour, her Government had instructed 14 agencies to undertake preventive and curative short-term and long-term measures. The Labour Protection Act had been revised to give fuller consideration to the basic rights of

(Miss Nakhirankanok, Thailand)

the child. Efforts were also being made to inform the general public, parents and guardians and to enlist them in combating the exploitation of child labour.

37. In Thailand, children had the opportunity to receive non-formal education and vocational training. Compulsory education was soon to be extended to the secondary school level, and some 20 million children out of a total population of 54 million would benefit as a result.

38. Various initiatives had been taken in favour of abandoned and abused children; they included financial assistance, educational grants, adoption, after-care services and counselling. Furthermore, educational information on responsible parenthood was being disseminated to the public and was well received.

39. Multilateral co-operation also played an important role. In February 1988, the Thai Government had organized, with the help of UNICEF and the International Society for the Prevention of Child Abuse and Neglect, an important regional conference on the protection of working children and abandoned children. On that occasion, thoughtful policies and strategies as well as co-operative actions at the national and regional levels had been recommended. As a member of the Executive Board of UNICEF, Thailand was pleased to be able to exchange views and experiences at the international level on the situation of women and children. Thailand also considered it an honour that since 1949 the regional office of UNICEF had been established in its territory. Her Government would continue to work closely with that organisation for the good of children throughout the region.

40. Thailand was gratified that the international community had focused attention on the protection of children, as manifested by the draft convention on the rights of the child. In November 1988, Thailand would hold a national seminar to examine the draft convention in detail and would transmit the results of the seminar to the Commission on Human Rights for information.

41. In conclusion, efforts to create a better world for children still faced serious challenges: child mortality, malnutrition, infectious diseases, and child prostitution and trafficking. As a first step towards solving those problems, countries must rededicate themselves to the provisions of the Declaration of the Rights of the Child adopted three decades previously. In that connection, Thailand would be prepared to work with the international community to devise programmes and activities to commemorate, in 1989, the anniversary of the Declaration.

42. Archbishop MARTINO (Permanent Observer of the Holy See) said that the Catholic Church appreciated the diligent efforts made by the international community to ensure ever wider respect for the basic rights and fundamental freedoms of the human person.

43. In the opinion of his delegation, religious freedom was a cornerstone of the structure of human rights. However, 40 years after the adoption of the Universal Declaration of Human Rights, it had to be admitted that millions of people in the world were still suffering oppression, persecution, and discrimination because of

(Archbishop Martino, Observer,
Holy See)

their religious convictions. That state of affairs, in itself intolerable, was also a threat to peace. In fact, believers contributed to public morality, to solidarity among individuals and to peace among peoples. In fighting to put an end to persecution and discrimination against believers, the Catholic Church was conscious of serving humanity by defending the dignity of the human person.

44. Like all fundamental human rights, religious freedom had its origin in a person's very nature and nothing and no one could destroy it. Society and the State must recognize that right and safeguard it against any kind of coercion by individuals or social groups. The State had a duty to guarantee the exercise of that right and believers had a responsibility to contribute to the well-being of the civil society to which they belonged, in the constant pursuit of justice and peace.

45. The Holy See once again commended the United Nations not only for its solemn proclamations on human rights - and specifically on the right to religious freedom - but also for having laid the foundations for their juridical protection and promotion by means of covenants, conventions and declarations under which States parties assumed precise obligations in the matter. It would be useful, following the adoption of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to elaborate a supplementary binding international instrument in order to facilitate concerted action in the field of religious freedom. In the meantime, the Holy See reaffirmed that the numerous victims of religious intolerance should not have to wait for years to obtain justice. States should demonstrate political will and adopt and implement the existing instruments.

46. The Holy See delegation considered it an obligation to express publicly its profound dismay at the unwarranted pressures exerted in certain countries on believers of all religious persuasions. The right of individuals and communities to practise their faith privately and publicly was still subject to repressive legislation, and the right of parents to give their children religious instruction still met with interference, as did the internal administration of religious communities. In some countries, it was migrant workers or refugees who were denied the right to practise their religion. His delegation drew the attention of the international community to such abuses and appealed to all States to respect religious convictions fully and to authorize their individual and collective expression.

47. The Holy See had noted some encouraging signs in recent months. The solemn celebration of the Millennium of Christianity in Russia had given rise to high-level meetings of religious and political leaders. That event, like the new law on freedom of conscience currently being drafted in the Soviet Union, could be regarded as a first step towards the establishment of a dialogue in that country between believers and the State. Efforts along that path should be continued, for the exercise of religious freedom threatened no one but, rather, helped citizens to gain a full understanding of their duties and responsibilities.

48. Mr. CHRYSANTHOPOULOS (Greece), speaking on agenda item 106 on behalf of the 12 member States of the European Economic Community, said that torture was an affront to civilization.
49. Article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the appointment of a Special Rapporteur to examine questions relevant to torture were all steps taken by the international community to combat that abhorrent practice. Despite those efforts, however, the number of countries practising torture had increased, as was clear, in particular, from the report of the Special Rapporteur.
50. The Twelve welcomed the entry into force on 26 June 1987 of the Convention against Torture, to which they were either already parties or hoped to become parties at an early date.
51. After studying the report of the Committee against Torture and the report of the Secretary-General on the status of the Convention, the Twelve noted with regret that, as a result of the financial crisis, the Committee against Torture, like so many other bodies established under international human rights instruments, was unable to function effectively. At its very first session, it had met for only five days instead of the scheduled three weeks. They therefore urged States parties to make the necessary financial arrangements to enable the Committee to carry out its functions efficiently. With regard to the declaration made by one State party at the time of ratification of the Convention, regarding expenses for the Committee, the Twelve hoped that the State party in question would reconsider its position, which was not in conformity with international law, and would withdraw its declaration.
52. The Twelve fully supported the work of the Special Rapporteur to examine questions relevant to torture, whose mandate had been recently extended for two years by the Commission on Human Rights. The role he played was all the more useful in that his functions did not duplicate those of the Committee against Torture. The Special Rapporteur was entrusted with the task of examining the situation concerning torture in all States Members of the United Nations, while the Committee's task was to monitor compliance with the relevant international instruments. The Twelve nevertheless supported the conclusion reached by the chairpersons of the human rights treaty bodies that informal exchanges of views should be encouraged between the Rapporteur and those bodies on questions of common interest. The Twelve wished, in that connection, to stress the need for the Rapporteur and the Committee to have the necessary financial and human resources.
53. The United Nations Voluntary Fund for Victims of Torture had, since 1983, allocated approximately \$3 million for special projects concerned essentially with addressing the psychological counselling needs of torture victims and their families. While looking forward to the day when the Fund would no longer be necessary, the Twelve considered that Governments should make further contributions

(Mr. Chrysanthopoulos, Greece)

to the Fund, if possible on a regular basis, in order for it to continue to finance projects of that type.

54. Mr. FRAMBACH (German Democratic Republic) said that in order to establish the co-operation and dialogue needed for the promotion of human rights in an international framework and to avoid sterile polemics on that subject, it was necessary to have recourse to existing international instruments, particularly the International Covenants on Human Rights. It was regrettable that on the eve of the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, the opportunities offered by those instruments had not yet been exhausted and in particular that influential States had not so far become parties to the Covenants or to other major international instruments in the field of human rights. There was no need to produce new texts, for it would suffice to apply rationally those which already existed, bearing in mind that international instruments could never be a substitute for measures taken by Governments at the national level.

55. His delegation wished to pay a tribute to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights for the constructive work they had done, particularly with regard to the harmonisation of their reporting procedures. It also welcomed the latter Committee's efforts to make its work as efficient as possible. Although that Committee must work towards a consensus and avoid confrontation, it should not seek uniformity at all costs but rather a convergence of views, so as to reflect the diversity of the modern world. It should also avoid any excessive fragmentation of its work, for in delegating direct action to working groups, the Chairman or individual members might erode its authority.

56. The Committee on Economic, Social and Cultural Rights should likewise demonstrate flexibility in its discussions and in the consideration of reports, for excessive rigidity would be detrimental to the initiation of a frank and constructive dialogue between that Committee and Member States and would delay consideration of the reports submitted to it, which would be inconsistent with the request made by the General Assembly in resolution 42/105. In that connection, his country had reservations about an advance examination of the reports, the use of questionnaires and requests for specific data, all of which might transform that consideration into an investigation procedure.

57. His country had noted with interest the general comment on article 17 of the International Covenant on Civil and Political Rights adopted by the Human Rights Committee, which provided useful guidance regarding the measures to be taken at the national level to implement the Covenants and the kind of information to be included in the reports submitted by States. Such comments were to a certain extent authoritative, but they were not binding and in no way restricted the margin of discretion which States possessed with regard to the Covenants.

58. His country continued to support the efforts made by the bodies established under the international human rights instruments, by the Centre for Human Rights and by the meetings of States Parties to cope with the problem of overdue State reports and to help States in complying with their reporting obligations. In

(Mr. Frambach, German Democratic Republic)

particular, it favoured the recommendations on that subject adopted at the meeting of the persons chairing the various bodies established under the international human rights instruments, held in Geneva in October 1988. It was significant, in that connection, that the Human Rights Committee and the Committee on Economic, Social and Cultural Rights had concluded that there were limits to what could be achieved in the way of harmonizing and co-ordinating procedures and that a certain amount of overlapping was inevitable and indeed desirable.

59. With regard to the elimination of all forms of religious intolerance, he observed that although the 1981 Declaration had proved its worth in practice, it could in no way be a substitute for a binding international instrument. He therefore approved of the drafting of such an instrument, provided that the necessary time was devoted to the preliminary work. In that regard, the proposal concerning the preparation of relevant analytical studies was interesting.

60. As to the impact of science and technology on human rights, his country continued to attach priority to the implementation and further elaboration of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and to a discussion of the possibility of giving the developing countries wider access to the achievements of science and technology. In that context, his delegation had studied with interest the suggestions made at the most recent meeting of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning questions such as the transport of toxic wastes to Africa and discrimination against persons suffering from AIDS.

61. Concerning the convention on the rights of the child, it was his country's understanding that as a result of the consultations in November and December, the text of the convention would be ready in essential parts and that the Commission on Human Rights would be in a position to submit it to the General Assembly for adoption at its forty-fourth session. His country would do all it could to achieve that objective.

62. Mr. MEZZALAMA (Italy), speaking on agenda item 98, said that scientific and technological progress was exerting an increasing influence on respect for human rights and fundamental freedoms. Although that progress was essential for the realization of some rights, particularly those codified in the International Covenant on Economic, Social and Cultural Rights, and contributed to the evolution of human rights as a whole, it could also have a negative influence and be the origin of violations of those same rights.

63. Scientific and technological progress led to a general improvement in the standard of living that gave rise to the hope that human rights would become a universal reality. The appearance of new needs created new requests for freedoms and powers. Scientific and technological progress favoured the development of democracy and the protection of social rights. Scientists should therefore be protected and research activities encouraged. However, given the dangers inherent in some discoveries, a balance must be struck between freedom of research and social duties.

(Mr. Messalana, Italy)

64. The uncontrolled development of science and technology could indeed jeopardize the enjoyment of human rights. That was particularly clear in the case of disciplines such as biotechnology and computer science. Human activity relating to biological evolution could have unforeseeable consequences and the question arose whether it might soon be necessary to proclaim man's right to biological and genetic integrity. Computer science was radically changing the very structure of social and interpersonal relationships, posing the problems of the control and manipulation of information, of interference with privacy and of the violation of individual intellectual autonomy. In that context, his delegation welcomed the efforts made by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to elaborate general principles concerning the computerized indexing of individuals and guarantees for the protection of persons detained on grounds of mental ill health or suffering from mental disorder.

65. Mankind was also threatened by the progressive destruction of the environment. The concept of the right to a healthy environment was still a controversial juridical issue. It was becoming increasingly clear, however, that scientific and technological development could lead to massive pollution. Research should therefore be promoted with a view to countering that danger, which threatened fundamental human rights, particularly the rights to life and health.

66. Science and technology were instruments which mankind should use to create and not to destroy. There could be no progress without respect for human rights. Now more than ever, man was in a position to defend his dignity, ensure his well-being and enhance his most noble and precious qualities. It was essential to seize that opportunity and to enable science and technology to contribute to the protection and promotion of the individual and thus ensure a better future for mankind.

The meeting rose at 5.05 p.m.