



SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. ABULHASAN (Kuwait)

CONTENTS

- AGENDA ITEM 97: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
- AGENDA ITEM 98: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)
- AGENDA ITEM 99: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
- AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
- AGENDA ITEM 101: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS (continued)
- AGENDA ITEM 106: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2 750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.3/43/SR.43
25 November 1988
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 3.05 p.m.

AGENDA ITEM 97: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/43/230, A/43/263, A/43/320, A/C.3/43/8)

AGENDA ITEM 98: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/43/3, A/43/480)

AGENDA ITEM 99: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)

AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/43/3, A/43/40, A/43/56, A/43/290-S/19744, A/43/291-S/19745, A/43/371-S/19894, A/43/518)

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

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

1. Miss SENAYA (Togo), speaking on agenda item 100, said that her country attached considerable interest to the promotion and protection of human rights as an element in integral economic, social and cultural development and, in particular, to the standard-setting work accomplished by the United Nations in that field. Indeed, human rights, the prerogative of every individual, irrespective of race, sex, language or religion, were at the heart of international efforts to establish peace, stability and well-being on a sound footing. The first three preambular paragraphs of the Universal Declaration of Human Rights should serve as a constant source of reflection and inspiration guiding the daily work of Governments, particularly those of the developing countries, for peace could never exist where poverty, illiteracy and disease prevailed.

2. At the national level, her country had used the "international bill of human rights" as a springboard for various activities to promote development, security, justice and environmental preservation. It was also a party to the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. To ensure their implementation, it had adopted measures with respect to non-discrimination and equality between men and women, the right of the individual to life, liberty and security, the right to a fair trial, freedom of movement, the right to privacy and the protection of the family and the child. In that connection, Governments must educate their populations concerning the nature of their rights and the means whereby they could exercise those rights. To that end, the President of her country had established a National Commission on Human Rights, an autonomous institution whose twofold objective was to guarantee the protection of human rights in Togo and to promote those rights by making recommendations to the Government, organizing seminars and providing guidance in its sphere of competence. Any individual who deemed that his civil or political rights had been violated, as well as thirdpersons or non-governmental

(Miss Senaya, Togo)

organisations, could submit a claim to the Commission. The Commission was to keep information confidential, unless the circumstances required otherwise. To ensure its equitable and objective operation, its members were immune from legal action, and anyone seeking to impede its smooth functioning could be subject to prosecution. All those measures confirmed her country's determination, no matter what the internal or external difficulties it might encounter, to remain a State bound by the rule of law. In that connection, her country wished to thank the Secretary-General for the advisory services and technical assistance provided at its request to guarantee and promote human rights in its territory.

3. The fortieth anniversary of the adoption of the Universal Declaration of Human Rights provided a fitting opportunity to reaffirm the overriding importance and great value of the International Covenants on Human Rights, whose elaboration had been inspired by the desire to meet the requirements of freedom, justice and dignity of the individual and thereby to promote development of the individual as the object and the central subject of the development process.

4. Mrs. MARCOULLIS (Cyprus), speaking on agenda items 100 and 101, congratulated the Human Rights Committee for its excellent report (A/43/40), the serious manner in which it discharged its functions, and the independence, integrity and dedication of its members. More publicity should be given to the work of that Committee in order to promote respect for the rights and freedoms enshrined in the Covenant under which it had been established. It should also receive the support it needed to permit it to function at full capacity. Her delegation welcomed the steps taken by the Committee on Economic, Social and Cultural Rights to improve the reporting system and, in particular, to resolve the problem of overdue reports, measures which had been endorsed by the Economic and Social Council in its resolution 1988/4 and which should help to improve and rationalise the functioning of the Committee. Given the importance of that Committee for the promotion of economic, social and cultural rights, its work, too, should be given wider publicity. She also welcomed the results of the meeting of the chairpersons of the human rights treaty bodies. Constructive debates had helped to strengthen the dialogue among the various bodies in order to solve problems pertaining to the submission of reports by States Parties. Many of the recommendations adopted at the meeting should make it possible to rationalise the reporting system, enhance the functioning of the bodies to which they were submitted and assist many countries in discharging their reporting obligations. Those meetings should be convened regularly.

5. With regard to the report of the Secretary-General on the status of the International Human Rights Covenants (A/43/518), her delegation expressed its concern at the small number of new ratifications and accessions. It urged countries which had not yet done so to become parties to those instruments, likewise urging the United Nations and its competent human rights bodies to consider ways to make them universally applicable. Her country hoped that the fortieth anniversary of the adoption of the Universal Declaration of Human Rights would serve as the occasion for all States to redouble their efforts to promote the implementation of that instrument throughout the world, and expressed its commitment to do its utmost in that regard.

6. Mr. MITREV (Bulgaria) reaffirmed his country's keen interest in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights which were well known for their efficiency, objectivity and open-mindedness. The further broadening of international co-operation to ensure the universal implementation of the International Covenants on Human Rights required a more active participation by all Member States, greater respect for the obligations undertaken and the withdrawal by some States parties of reservations expressed on certain important provisions of the Covenants. It was essential that all Member States should recognize once and for all the interdependence and indivisibility of all civil, political, economic, social and cultural rights. His country could not accept that certain States, particularly those which had achieved a high level of development and had never experienced underdevelopment, should declare that economic, social and cultural rights were less important than civil and political rights.
7. Turning to the question of torture, which was practised in varying degrees in many parts of the world, he said that his country was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that an expert from his country was a member of the Committee against Torture, which had just held its first session and issued its first report. While his delegation agreed that the Committee should have the necessary means to function properly, the request for a further meeting of the Committee, even before the first report had been considered, seemed to be premature. In the interest of rationalization, his delegation also felt that the Special Rapporteur on the question should concentrate on those countries which were not parties to the Convention and therefore not subject to the Committee's scrutiny.
8. His delegation welcomed the fact that a draft convention on the rights of the child would soon be ready. It also supported the ongoing international efforts to combat religious intolerance and favoured the drafting of an international instrument on the subject. That instrument should prohibit all forms of religious intolerance, whether directed against believers or non-believers, and whether practised by Governments or by various religious denominations. The two Rapporteurs on the subject should take those considerations into account in their work.
9. Bulgaria was party to virtually all the international human rights instruments, and it welcomed the efforts to reduce the burden caused by the obligation to submit reports too frequently. That question had been raised at a number of meetings and at the current session, and suggestions had been made for rationalizing the reporting procedure. Some of those proposals were interesting and deserved further consideration, while others sought to have individual rapporteurs or closed working groups do the tasks which had previously been done by the treaty bodies themselves, and, in the final analysis, would simply replace the diversity and dialogue that characterized the current work of those bodies by a superficial and subjective approach.
10. Turning to the issue of scientific and technological developments and human rights, his delegation stressed the importance of the 1969 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the

(Mr. Mitrev, Bulgaria)

Benefit of Mankind, a comprehensive and unbiased document that provided the basis for United Nations activities in the field. In view of the obvious need, in the nuclear age, to promote the right to life, peace and security, his Government intended to sponsor a draft resolution on the right to life which, it hoped, would be adopted by consensus. Bulgaria was interested in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning other aspects of the impact of science and technology on human rights, such as protection of the mentally-ill, the effect of computers on the right to privacy, and the dumping of toxic wastes. The Sub-Commission and, for that matter, all competent United Nations human rights bodies should adopt a broader outlook and address the impact of technology on the right to work, technology and the survival of mankind, ethics in advanced scientific research, and access to technology and the right to development.

11. Mr. BUZO (Byelorussian Soviet Socialist Republic), speaking on agenda items 99, 100 and 101, said that the standard-selling activity carried out within the framework of the United Nations system provided a sound basis for the development of international co-operation with a view to ensuring the true exercise of human rights, which were indivisible and interdependent.

12. According to the report of the Secretary-General (A/43/518), as at 31 July 1988, 92 States had become party to the International Covenant on Economic, Social and Cultural Rights, and 87 to the International Covenant on Civil and Political Rights. His delegation reiterated its appeal to those States that had not already done so to become parties to the Covenants and to implement policies enabling all their citizens to enjoy all the human rights enshrined in them.

13. The Byelorussian SSR was party to the two International Covenants on Human Rights. The restructuring under way in that country affected all aspects of social relations and was directed above all towards improving the exercise of individual rights under conditions of socialism. The Byelorussian SSR reported regularly and in detail to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on all changes made in its legislation and its practice with regard to implementation of the Covenants. His delegation welcomed the spirit of constructive co-operation that characterized the work of those bodies. Their activity not only helped to improve national legislation and practice but also promoted development and international co-operation in humanitarian matters while respecting the sovereignty of States. The general observations made by experts on a number of articles in the Covenants and the drafting of working methods more suited to the tasks of the committees were of great importance. In their work, the human rights treaty bodies must conform scrupulously to the powers and mandates given to them, which only the States parties to the particular instrument were empowered to alter.

14. With regard to agenda item 99, he noted that, despite all that the United Nations system had done over the past 40 years, the situation of children in the world remained deplorable. According to statistics of UNICEF and ILO, hundreds of

(Mr. Buro, Byelorussian SSR)

millions of children lived in abject poverty, and nearly 50 million had to work to stay alive. The initiative undertaken by Poland to propose the drafting of an international convention on the rights of the child therefore deserved broad support by the international community. A first reading of the draft convention had been completed, and his delegation called upon all States represented in the relevant working group of the Commission on Human Rights to see to it that the draft was finished as soon as possible so that it could be adopted by the General Assembly. The interests of children the world over were at stake.

15. Mr. INGLES (Philippines) said that on the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, the United Nations had not yet succeeded in defining the standards which should govern the enjoyment and protection of all human rights and fundamental freedoms. Much remained to be done to ensure implementation of the numerous international human rights instruments.

16. Intolerance and discrimination on grounds of religion or belief continued to occur in many parts of the world. Yet as the Permanent Observer of the Holy See had declared, the exercise of religious freedom threatened no one; rather, it contributed to a sense of dignity and civic responsibility. The affirmation by the Filipino people of its right to freedom of thought, conscience and religion had been a decisive factor in the peaceful revolution of February 1986 in the Philippines. In that context, his delegation paid tribute to the work done by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in defence of freedom of religion.

17. The developments that had taken place in the field of science and technology in the past 40 years had exceeded all expectations. While they had helped to improve the general standard of living and had contributed to the realization of human rights, they had also raised fundamental issues regarding the enjoyment of those rights. His delegation noted with satisfaction the pioneering work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in safeguarding human rights from the dangers of such developments, particularly with regard to the removal of toxic and dangerous wastes. The Philippines deplored the attempts of certain industrialized countries to dump toxic and dangerous wastes in the exclusive economic zones or in areas adjacent to the territorial waters of developing countries, which were helpless to cope with the threat to their health and ecosystems.

18. His delegation was confident that the draft convention on the rights of the child could be adopted in 1989. It was pleased to note that the text adopted in 'first reading contained provisions recognizing the right to life of the child and States parties' obligation to ensure to the maximum extent the survival and development of the child. His Government was working energetically on constitutional provisions that would protect all the rights of the child, particularly the right to life of the unborn child. In that context, he noted that the rights of the child before birth were not being addressed by the convention, whereas the Preamble to the Declaration of the Rights of the Child had referred to the question. There were still several issues that needed to be resolved in second reading.

(Mr. Ingles, Philippines)

19. On the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, many States had still not become parties to the International Covenants on Human Rights, did not consider themselves bound by article 41 of the International Covenant on Civil and Political Rights or did not recognize the Optional Protocol. That was an unsatisfactory state of affairs, and his delegation wondered how a State could have any moral authority to demand that another State should respect human rights and fundamental freedoms or to accuse it of violating such rights and freedoms if it was not party to the Covenants itself. That could only undermine faith in those instruments, if not in the United Nations itself.

20. Many States parties to the United Nations human rights instruments had been late in complying with their reporting obligations under those instruments. That problem, complicated by the increasing number of such instruments, could seriously undermine the effectiveness and integrity of the international human rights reporting and monitoring systems. It was therefore important to identify and review the difficulties encountered by those States and to lengthen the interval between reports so as to avoid duplication, while allowing for occasional special reports on new or exceptional developments.

21. Mrs. PULIDO (Venezuela), referring to item 97, said that religious intolerance continued to be a matter for concern and that, 40 years after the adoption of the Universal Declaration on Human Rights, millions of people were still being persecuted for their religious beliefs.

22. The principle of non-discrimination on religious grounds was embodied not only in the Declaration, but also in the Charter; it had been reaffirmed in the International Covenants on Human Rights and in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief. Nevertheless, she considered it necessary for a new international instrument to be adopted, reiterating, but giving more substance, to the principles embodied in the Declaration.

23. The Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities were doing some very valuable work. Her delegation welcomed the appointment of a Special Rapporteur to deal with the matter, and hoped that that person's mandate would be extended.

24. All those activities should be backed up by information and education, areas in which non-governmental organizations and religious bodies could also participate. In that connection, her delegation expressed satisfaction with the information work of the Centre for Human Rights. Nevertheless, in the last resort, it was up to the States themselves to apply scrupulously the international instruments to which they were parties.

25. Referring to item 106, she regretted that the evidence provided by the Special Rapporteurs indicated that the number of reported cases of torture continued to increase, and that the methods used were apparently becoming more and more sophisticated. It was vital, therefore, for the international community to

(Mrs. Pulido, Venezuela)

continue in its efforts to combat torture. She noted with satisfaction that the number of States ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or acceding thereto had increased, and said that Venezuela itself was about to ratify it.

26. She was glad that a new body responsible for monitoring respect for human rights (the Committee against Torture) had already begun its activities, and hoped that it would be able to complete the task assigned to it.

27. With regard to item 99, millions of children continued to die from infectious diseases or as the victims of malnutrition, physical violence or drug abuse. In order to remedy such a scandalous situation, the international community must be able to reinforce the bodies responsible for protecting children and guaranteeing their normal development.

28. Accordingly, Venezuela strongly supported the Polish Government's initiative with regard to the drafting of a convention on the rights of the child, and had co-authored the draft resolution on the subject. Furthermore, it had closely followed the work of the open-ended working group on the text of the future convention. It would take part in that group's next meeting, which would be devoted to a second reading of the draft, and hoped that it would be possible to resolve the remaining difficulties.

29. Her delegation had studied with considerable interest the report on the meeting of the persons chairing the treaty bodies, which had been held recently, in accordance with resolution 42/105, to discuss the problems arising with regard to the submission of reports by Member States, parties to those treaties. Her delegation considered it necessary to follow up the proposal concerning the provision of technical assistance and consultation for the States parties to assist them with drafting of their reports.

30. Mrs. USENKO (Ukrainian Soviet Socialist Republic), speaking on item 100, said that, far beyond being a simple collection of binding legal rules, the International Covenants on Human Rights had become a vital element in international relations. There was no longer any valid reason for Member States not to become parties to the Covenants. Since the achievement of international co-operation through the development and promotion of respect for human rights and fundamental freedoms was one of the purposes of the Organisation laid down in the Charter, if Member States did not become parties to the Covenants and did not, therefore, participate in the field of humanitarian co-operation, they were failing to fulfil one of their fundamental duties.

31. The fortieth anniversary of the adoption of the Universal Declaration should provide the opportunity to intensify the efforts to ensure maximum accession to the Covenants. The socialist countries considered universal acknowledgement of the human rights instruments a vital condition for the enjoyment of all those rights.

(Mrs. Usenko, Ukrainian SSR)

32. Since human rights were indivisible and interdependent, States must treat civil and political rights, and economic, social and cultural rights in the same way. The Ukrainian Soviet Socialist Republic was firmly against any selective approach to human rights in the sense of promoting the protection of some rights at the expense of others, and failing to deal with problems arising in that area in order to satisfy short-lived political interests.

33. Her delegation expressed satisfaction with the activities of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights. Because those bodies were open to dialogue, and would co-operate with the States submitting reports to them, and because their members were highly competent in their fields, they were able to examine practically and objectively the problems encountered by States in applying the provisions of the Covenants.

34. The democratization process currently in progress in the Ukrainian Soviet Socialist Republic placed greater emphasis on the development and enjoyment of rights by each individual. New methods were being adopted in order to accelerate economic and social development and to resist excessive bureaucracy. The current legal reform was designed to codify the law, to increase the independence of the courts, of the public prosecutor and of lawyers, and so on. All such matters would be duly discussed in the periodic reports submitted by the Ukrainian SSR to the Human Rights Committee and to the other expert bodies set up in accordance with the international instruments on human rights.

35. International co-operation in the humanitarian field did not preclude criticism of human rights violations wherever they were committed. The United Nations and the international community as a whole could not and should not ignore such violations, particularly when they were committed blatantly on a massive scale. All criticism must be expressed responsibly, however, with the respect for other countries and peoples, and with reference to the rules embodied in the International Covenants and in the other basic instruments. A country was only entitled to make such criticisms if it were a party to the instruments in question, in particular, the Covenants, and if it implemented their provisions in full in its territory.

36. Miss CHENG (Democratic Kampuchea), referring to items 97, 100 and 106, said that the Charter and the Universal Declaration set out common standards which it was important to observe in order to maintain and reinforce international peace and security. The Declaration and the International Covenants constituted a code of conduct governing social and economic interactions and international relations, which applied to all members of the human family; they reflected the will of people to exercise their inherent right to live in honour and dignity. That was only possible, however, if they could exercise their inalienable right to self-determination, upon which political, social and economic development depended.

37. It was deplorable, however, that in some parts of the world elementary principles of international law continued to be violated, as in the case of those living under apartheid or in countries suffering from aggression and foreign occupation.

(Miss Cheng, Democratic Kampuchea)

38. Kampuchea itself had been invaded by Vietnamese armed forces, which had occupied it for 10 years, committing massive and systematic violations of human rights. The country's independence had become only a memory and the people's right to determine freely its own destiny had been trampled underfoot; furthermore, the right to pursue economic and social activities had been strictly curtailed, causing widespread starvation, death and displacement. The situation had provoked strenuous popular resistance.

39. Notwithstanding the growing opposition, the occupying forces continued to oppress the people, arresting and imprisoning without trial civilians who were accused of collaborating with the resistance forces. There was still a great many detainees, although many had died as a result of torture or other forms of inhuman and degrading treatment, regardless of the existence of the International Covenants, the Universal Declaration, the Convention against Torture and the Geneva Conventions, which prohibited the use of torture.

40. Clearly the occupying forces would stop at nothing in order to achieve their ends. They sought to absorb Kampuchea into the "Indo-China Federation" by eliminating Kampuchea's national identity, and by changing its demographic make-up with the introduction of about one million Vietnamese settlers into the fertile region of Great Lake Tonle Sap. Those settlers had received paramilitary training and were assisting the occupying forces in spreading terror and despoiling lands and property. They had taken possession of large tracts of territory and were immune from criminal prosecution.

41. The occupying forces had stepped up their forced labour scheme (code-named K-5). Since 1985, about one million Kampuchean, young and old, men and women, had been forcibly rounded up to work in battle zones, forests and mountains infested with malaria and minefields. Tens of thousands of persons, had met their death in that way or had become incapacitated for life. Many had caught malaria, which was spreading throughout the rest of the country.

42. The occupying forces were using religion as a means of further eliminating national sentiment. Buddhist monks had been subjected to harassment; many had been arrested and defrocked. Moreover, Hinayana Buddhism, practised in Kampuchea for centuries, had been forcibly incorporated into the Mahayana Buddhism practised in Viet Nam. Ancient and revered temples (such as those in the province of Battambang) had been confiscated for use as prisons and torture centres.

43. Despite their determined and growing resistance to the occupying forces, the Kampuchean fervently desired an end to the war in order to be able to live in peace and liberty in a political, social and economic system they had chosen free from coercion. For 10 years, the Kampuchean people and the international community had been calling for the complete and unconditional withdrawal of the occupying forces from Kampuchea so that a four-party national reconciliation Government could be formed under the leadership of Samdech Norodom Sihanouk. The new Government would organize free and general elections under international supervision. Viet Nam had flatly rejected that reasonable request and continued its disinformation tactics.

(Miss Cheng, Democratic Kampuchea)

44. The Government of Democratic Kampuchea was deeply indebted to the international community for its efforts to find a fair and durable solution to the problem. She hoped that, inspired by the improved political climate at the international level, Viet Nam would finally listen to reason and accept the peace proposal of the coalition Government of Democratic Kampuchea, respect the basic rights of the Kampuchean people and give up its expansionist strategy. As long as Viet Nam stubbornly rejected every proposal and defied the international community, it would only strengthen the resistance of the Kampuchean people, isolate itself on the international scene and bring on its economic ruin and social disaster.

45. Mr. FAWZY (Egypt), referring to item 99, said that his country attached great importance to the problems of the child, the resource of the future, and hoped that the elaboration of the draft convention on the rights of the child would be completed shortly.

46. Egypt had issued a charter proclaiming 1989-1999 as a Decade for Egyptian Child Care and Protection. The objectives of the Decade included, inter alia, making use of scientific development in the field of child health care; educating children according to the principle that the right to read was sacred; introducing the Egyptian child to all aspects of culture; and providing social, health, and psychological care to disabled children.

47. Beyond merely national concerns, Egypt was also interested in the future of the Arab child and welcomed the establishment of the Arab Council for Childhood.

48. Referring to item 97, he said that article 40 of the Egyptian Constitution stipulated that all citizens were equal before the law and had all the same privileges and duties without discrimination as to race, sex, language, religion or conviction. Article 46 of the Constitution emphasized the right to choose and practise one's religion.

49. Referring to items 100, 101 and 106, he said that Egypt respected its obligations under the International Covenants. It was a matter of concern to his country that some States seemed to be ignoring more and more the basic rights embodied in the Universal Declaration, the Covenants and even the Charter. It was to be hoped that all States would follow one standard with respect to basic rights, encompassing implementation of the principle of the diversity of civilizations, cultures, and political and social systems, and also the right of all peoples to self-determination.

50. Ms. MARTINS GOMES (Portugal), referring to item 97, said that the two reports presented by the Special Rapporteur of the Commission on Human Rights (E/CN.4/1988/45 and Add.1) revealed that violations of basic rights due to religious intolerance continue to be a widespread phenomenon in nearly all regions of the world. The United Nations should concentrate on enhancing the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Her delegation approved of the action being taken by the Special Rapporteur of the Sub-Commission on Prevention of

(Ms. Martins Gomes, Portugal)

Discrimination and Protection of Minorities and was glad that his report (E/CN.4/Sub.2/1987/26) appeared in all the working languages of the United Nations. The activities of the Special Rapporteur of the Commission on Human Rights must have the full support of the United Nations and the co-operation of Governments.

51. Referring to item 98, she said that in the very near future, the Commission would have two comprehensive documents before it, transmitted by the Sub-Commission. Those two documents, dealing with the protection of persons detained on grounds of mental health and the effect of computerized files on the private lives of individuals, would afford the Commission a better understanding of the problems in those areas.

52. Referring to item 99, she said that the Portuguese Committee for UNICEF had recently organized in Lisbon a meeting of experts to draft the text of the future convention on the rights of the child. It was to be hoped that the experts could conduct a thorough technical review of the draft when they met again, and that the convention could be adopted in the near future.

53. Referring to item 106, she said that in a statement made at a previous meeting, the representative of Greece had addressed the issue on behalf of the 12 States members of the European Community. Portugal attached great importance to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it had signed on the very first day that the Convention was open for signature. Portugal was also about to ratify the Convention, at which time, it would make the declarations provided for under articles 21 and 22.

54. With regard to items 100 and 101, she stressed the rather impressive number of countries which had ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other human rights treaties adopted by the United Nations.

55. However, the gap persisted between words and deeds, and between legislation and practice. In too many parts of the world, observance of human rights only remotely reflected the obligations undertaken under international treaties. Obviously, Governments were primarily responsible for remedying the situation, but the United Nations could efficiently supervise the enforcement of existing treaties.

56. In that connection, her delegation welcomed some initiatives, such as that of the Netherlands Government requesting the Netherlands Human Rights and Foreign Policy Advisory Committee to provide information on the functioning of the various monitoring mechanisms (A/C.3/43/5). It also welcomed the report of the meeting of persons chairing the bodies established under international human rights instruments. To resolve the problem of overdue reports, it would be useful if the Secretariat held regularly scheduled consultations with representatives of the States concerned. Furthermore, technical assistance to States parties in fulfilling their reporting obligations should be provided in a regular and, where needed, individualized manner within the framework of the Programme of Advisory Services in the field of human rights. Regional and subregional training courses

(Ms. Martins Gomes, Portugal)

should continue to be organized and assistance should be provided to Governments which requested it by sending to the country concerned a qualified expert who would help local experts to prepare the reports. It would also be appropriate to harmonize and consolidate the guidelines for the submission of reports, to co-ordinate the periodicity of reporting under various United Nations instruments and to accelerate the consideration of periodic reports. No doubt, one of the most serious problems currently facing the monitoring committees was financial in nature, owing to the United Nations budgetary crisis and the failure of many States parties to pay their contributions to the treaty bodies.

57. In view of such a situation, it was essential, in order to preserve the efforts made so far by the United Nations, that the States parties should honour their financial obligations under the treaties they had ratified. Her delegation would like the Secretary-General to take energetic measures to recover the arrears and ensure future timely payments.

58. The General Assembly also had a duty to ensure the financing of each of its committees from the regular budget of the United Nations and to make whatever other financial arrangements were necessary to enable the committees to operate effectively.

59. Portugal supported the recommendation of the persons chairing the treaty bodies concerning the appointment of one or two experts to prepare a study on possible long-term approaches to the supervision of new instruments. It also believed that the persons chairing those bodies should meet on a regular basis.

60. New human rights instruments should be elaborated and particular importance given to the future Optional Protocol to the International Covenant on Civil and Political Rights, which was concerned with the abolition of the death penalty.

61. With regard to future standard-setting activities, her Government would welcome much more specialized and substantial assistance on the part of the Secretariat (preparatory research in connection with the drafting of new instruments, co-ordination of and attention to existing standards in the drafting of future instruments, etc.). To that end, the Secretariat would need to have sufficient staff, which was currently not the case, as was clear from the situation of the Centre for Human Rights.

62. Mrs. MOLOJWANE (Botswana), speaking on agenda item 99, said that according to the Declaration of the Rights of the Child adopted by the General Assembly in 1959, children should be given opportunities and the necessary facilities to enable them to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity and that it was the responsibility of all nations to carry out that task. However, children throughout the world were victims of physical, psychological and even sexual abuse, suffered from malnutrition and were the object of trafficking; others were left homeless and lived in the streets. Moreover, infanticide was still practised in many societies for various socio-economic, socio-religious and demographic reasons. Living in a violent environment, children learned quickly to respond with violence.

(Mrs. Molojwane, Botswana)

63. Despite its limited resources, Botswana was doing everything possible to protect children. According to the 1981 census, children under 15 years of age constituted 46.8 per cent of the population. A significant proportion of children came from single-parent households (mostly unmarried mothers), frequently with insecure and therefore unpredictable sources of income. Children from such households were the most vulnerable.

64. Since attaining independence, Botswana had established social services and the quality of life of the entire population and that of children in particular had steadily improved through the expansion of health services, free primary and secondary education, social welfare and the Government's policy of accelerated rural development and job creation. By endeavouring to ensure improved delivery of programmes, providing drinking water, and increasing adult literacy rates, the country had succeeded in reducing infant mortality, which had declined from 97 (1971 census) to 68 (1981 census). Early childhood mortality had decreased from 126 in 1971 to 94 in 1981. Although those rates were unfortunately still high, it was hoped that the current development plan (1985-1991) would make it possible to reduce them considerably. In 1980 the Government had established a day-care teachers training centre; local authorities had been encouraged to assist those day-care centres, which were run to the greatest extent possible by non-governmental organisations.

65. Her Government believed that the public must be made aware of the problems facing children and that an interdisciplinary approach must be adopted to resolve them. It was through the radio and public meetings organised by community leaders and extension workers that the necessary information on child care was transmitted to urban and rural areas.

66. Miss ENKHTSETSEG (Mongolia), speaking on agenda item 00, said that the Universal Declaration of Human Rights was a historic document which had constituted an important step in the protection of human rights inasmuch as it was a legally binding code of conduct for States. The celebration of the fortieth anniversary of the instrument in December 1988 would enable the international community not only to evaluate the work done but also to try to promote co-operation with regard to humanitarian questions.

67. Mongolia attached great importance to the two Covenants on Human Rights and welcomed the fact that the number of States parties had increased somewhat. However, the situation left much to be desired; nevertheless, it was by acceding to the Covenants that States would best demonstrate their dedication to the Charter itself. Mongolia, as a signatory to both Covenants thought, like the majority of States, that civil, political, economic and social rights were indivisible and that parallel action at the national and international levels was the best means of ensuring their implementation.

68. Since its establishment, the Mongolian People's Republic had taken socio-economic measures to guarantee for its citizens the enjoyment of their fundamental rights. It had set up, inter alia, a system of national education,

(Miss Enkhtsetseg, Mongolia)

social insurance and health services and had undertaken cultural activities. In recent years, it had promulgated a civil code and an act on the rights and duties of foreigners in the Republic and had adopted a new revised edition of the penal code.

69. Although it was essentially the responsibility of the State to guarantee and defend human rights, her delegation considered that international co-operation in that field was equally important inasmuch as it made it possible to combine the efforts of States and individuals to resolve pressing problems and to create decent living conditions. The committees entrusted with the task of monitoring the implementation of the International Covenants on Human Rights should play a more important role in that field.

70. After taking note of the report of the Human Rights Committee (A/43/40), her delegation thought, like the Under-Secretary-General for Human Rights, that the Committee had continued to fulfil its mandate correctly and succeeded in enlarging the dialogue with States parties with regard to the International Covenant on Civil and Political Rights. Moreover, the members of that Committee had tried, at meetings with the representatives of the States parties to the Covenants which were very late in submitting their reports, to find a solution to that problem.

71. With regard to the implementation of the International Covenant on Economic, Social and Cultural Rights, her delegation welcomed the work done by the Committee on Economic, Social and Cultural Rights. At its second session, the Committee had considered the second periodic report of Mongolia concerning articles 10 to 12 of the Covenant (E/1986/4/Add.9). Its members expressed satisfaction at the substantial progress made by Mongolia in implementing the rights in question. Mongolia was prepared to continue to co-operate with the Committee in the years ahead.

72. Her delegation supported the recommendations of the Committee (E/1988/14) that States Parties should be requested to submit a single comprehensive report within two years of the entry into force of the Covenant for the country concerned and every five years thereafter and welcomed the Committee's decision to revise and simplify the guidelines for reports of States parties. Her delegation expressed satisfaction at the fact that the Economic and Social Council had endorsed those recommendations in its resolution 1988/4. In its general comments and recommendations on some articles of the Covenant, the Committee had given an authoritative interpretation which would assist States Parties in discharging their obligations under the Covenant, thus promoting its further implementation.

73. Her delegation also wished to express its support in principle for the conclusions and recommendations adopted by the chairmen of bodies established under international human rights instruments who had met at Geneva in October 1988.

74. Her delegation held the view that protection and promotion of human rights in all countries could be achieved only under peaceful conditions. Indeed, as was stressed in the Declaration on the Right of Peoples to Peace, life without war was

(Miss Enkhütsetseg, Mongolia)

the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental freedoms proclaimed by the United Nations. That was why her delegation believed that the struggle for peace and security was a sacred duty of all States which could not be separated from the quest to ensure human rights throughout the world.

75. Mr. AL-SABAH (Kuwait), speaking on agenda item 99, said that the rights of children must be protected and their survival guaranteed, not only because they were the generation of the future, but also because they were a highly vulnerable group without the physical or material resources to defend themselves. International machinery must be set up to protect them from the injustices, exploitation and acts of cruelty to which they were subjected. To ensure that the rights of the child did not bring about the destruction of the family, they must be made consistent with the legal system and the values of their societies.

76. It was deplorable that thousands of children died throughout the world of illnesses which could be avoided. The difficult economic situation prevailing in many developing countries, and the repercussions which it had on social programmes because of the limited resources which those countries could devote to programmes to promote the welfare of children, were the main cause of the dangers to which the world's children were exposed. Those economic difficulties were often accompanied by natural disasters which aggravated the situation still further. The international community must therefore take vigorous action to improve the international economic situation through long-term development programmes.

77. Many children were also victims of armed conflicts, occupation and racial discrimination, a situation which the international community must endeavour to remedy.

78. Special attention must be accorded to the forced labour of children. One hundred million children below the age of 15 worked instead of going to school, which limited their future prospects. While it might not always be possible to build a future for them, they should at least be made ready to cope with it.

79. Mrs. BARGHOUTI (Observer for the Palestine Liberation Organization) recalled the long list of Zionist crimes against the Palestinian people, the massacres, expulsions, demolitions of houses, torture, detentions and collective punishments, night raids, abductions of children, the practice of immuring people in their houses or burying them alive and the general climate of insecurity. Since the beginning of the heroic uprising of the Palestinian people, tens of thousands of individuals had been arrested, and more than 15,000 of them were still imprisoned in conditions of extreme hardship. Shortly before the popular uprising in the occupied territories the Zionist detention camps had already been filled to overflowing. As a result, the occupation authorities had been forced to convert many dilapidated buildings and military camps into prisons.

(Mrs. Barghouti, Observer, PLO)

80. A brief look at the Ansar 3 camp, described by the Israelis themselves as a "boiler", was sufficient to give an idea of the conditions of detention in Israeli jails. That camp, which was situated in a desert area where the temperature rose to 45° C during the day and fell to less than 0° C at night and was infested with reptiles, insects and rats, was by far the most horrifying. Israeli interrogators subjected Palestinian detainees to harsh questioning and did not hesitate to resort to physical and psychological torture to extract confessions. The tents were left open from 5 a.m. to midnight and the detainees, regardless of their age or state of health, were forced to sit on the bare, burning sand for three or fours a day. The food was inadequate and of very poor quality and, like the water, was exposed to sandstorms. Showers were rationed to one every two months and lasted only a few minutes. Worse still, only one change of underclothing was authorized, which explained the high incidence of skin infections.

81. The situation in the camp had been described by journalists in The New York Times and the Guardian. They had stressed the fact that the detainees did not even have the right to a trial and that the prison authorities themselves did not know what they were supposed to have done. Amnesty International and the Red Cross had condemned such barbaric practices and had declared the transfer of detainees from the occupied territories to within the frontiers of the Zionist entity to be contrary to the provisions of the Fourth Geneva Convention. According to the Amnesty International report, 33 Palestinian demonstrators had fallen under Israeli bullets during December 1987. Hundreds had been sentenced summarily and the instances of torture and atrocities had increased. In addition, political activists, including those detained for crimes of conscience, were still subject to administrative detention measures.

82. Faced with such horrible conditions, more than 3,500 detainees in Ansar 3 camp had staged a hunger strike on 10 August 1988 to demand the closure of the camp, which they had named the "camp of slow death". The military police responsible for the camp had nevertheless turned a deaf ear, had persisted in their policy of deliberate negligence and had refused to receive any fact-finding mission. It was high time, therefore, for the international community to intervene to put an end to the suffering of the Palestinian people and expose to the light of day the racist and Fascist nature of the Zionist policy. International agencies such as the Red Cross and Amnesty International should act firmly to persuade Israel to put an end to its State terrorism and close down Ansar 3.

The meeting rose at 5.30 p.m.