



SUMMARY RECORD OF THE 46TH MEETING

Chairman: Mr. ABULHASAN (Kuwait)

CONTENTS

- AGENDA ITEM 103: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS (continued)
- AGENDA ITEM 104: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)
- AGENDA ITEM 105: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)
- 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)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 103: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS (continued)
(A/C.3/43/L.39, L.42 and L.43)

Draft resolution A/C.3/43/L.39

1. The CHAIRMAN announced that Malta and Ghana wished to become sponsors of the draft resolution and that Guyana should also be included in the list of sponsors. The draft resolution did not have any implications for the programme budget of the United Nations. If he heard no objection, he would take it that the Third Committee wished to adopt draft resolution A/C.3/43/L.39 without a vote.

2. It was so decided.

Draft resolution A/C.3/43/L.42

3. The CHAIRMAN informed the Committee that the draft resolution did not have any programme budget implications. The following countries had become sponsors: Pakistan, Indonesia, Barbados, Greece, Singapore, Samoa and Ghana. If he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.42 without a vote.

4. It was so decided.

Draft resolution A/C.3/43/L.43

5. The CHAIRMAN informed the Committee that the draft resolution did not have any programme budget implications and that the following countries had become sponsors: Trinidad and Tobago, Fiji, Ghana, Malta, Philippines, Thailand, Singapore and Samoa.

6. Mrs. ASHTON (Bolivia), after announcing that Pakistan had also become a sponsor of draft resolution A/C.3/43/L.43, suggested several technical corrections to the text.

7. In the Spanish version, the word "global" should be inserted after the word "problema" in the first line of the third preambular paragraph.

8. The first line of the seventh preambular paragraph should read as follows: "Recognizing that measures to prevent and control supply and to combat illicit trafficking". The rest of the paragraph remained unchanged.

9. In the last line of the ninth preambular paragraph, in the English version, the word "hitherto" should replace the words "so far". Also in the English version, in the second line of operative paragraph 9 of part I, the word "forums" should be replaced by the word "fora". Lastly, in the first line of operative paragraph 11, the word "the" should be inserted after the comma.

(Mrs. Ashton, Bolivia)

10. In the last line of operative paragraph 12, the words "and financial resources" should be inserted after the words "technical co-operation".
11. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.43 without a vote.
12. It was so decided.
13. Mr. WALDROP (United States of America) said that his delegation welcomed the merging of the two earlier versions of the draft resolution into a single version. With respect to operative paragraphs 4 and 5 in part II, it was his delegation's understanding that the Secretary-General would implement the recommendations of the Commission on Narcotic Drugs.

AGENDA ITEM 104: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/43/L.31, L.32, L.33, L.34, L.35 and L.40)

14. The CHAIRMAN informed the Committee that the draft resolutions before it under agenda item 104 had no programme budget implications.

Draft resolution A/C.3/43/L.31

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.31 without a vote.

16. It was so decided.

Draft resolution A/C.3/43/L.32

17. The CHAIRMAN announced that a vote had been requested on the draft resolution.

18. Mr. GOLEMANOV (Bulgaria) asked which delegation had requested a vote.

19. Mrs. KAMAL (Secretary of the Committee) said that the delegation in question did not wish to reveal its identity.

20. Mr. GOLEMANOV (Bulgaria), joined by Mr. RODRIGUEZ (Peru), Mrs. MUKHERJEE (India) and Mr. HELLER (Mexico), questioned the procedure followed by the Secretariat and insisted that the delegation requesting a vote be identified.

21. Mr. WULFFTEN PALTHE (Netherlands), referring members of the Committee to rule 127 of the rules of procedure of the General Assembly, said that it was up to the Secretariat to decide whether or not the delegation must identify itself.

22. Mr. GRODIG (Federal Republic of Germany) said that his delegation also wished to know which delegation had requested a vote, but nevertheless considered it more important for the Committee to get on with its work.

23. The CHAIRMAN put the draft resolution to the vote.

24. A recorded vote was taken on draft resolution A/C.3/43/L.32.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Malta.

25. Draft resolution A/C.3/43/L.32 was adopted by 107 votes to 24, with 1 abstention.

26. Mrs. MUKHERJEE (India), going back to the procedural point raised previously, said that she was in total disagreement with the representative of the Netherlands. In her view, any representative was entitled to ask which delegation had requested a vote on a draft resolution.

27. Mrs. VASSILIOU-ZACHAROPOULOS (Greece), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the Twelve had voted against draft resolution A/C.3/43/L.32. While acknowledging the progress made in the formulation of the draft resolution, the Twelve would have liked its sponsors to adopt a more balanced approach. They called on delegations to enter into negotiations as soon as possible at the next session on the draft resolution to be submitted on that question, so that a compromise text could be agreed on without delay.

28. Mrs. BARISH (Costa Rica) endorsed the position taken by the representative of India on the procedural problem which had just arisen. Her delegation had not taken part in the vote on draft resolution A/C.3/43/L.32, the wording of which it did not consider satisfactory. For instance, in the seventh preambular paragraph, the words "and of all persons" should have been added after the words "the right of all peoples". That comment also applied to the sixth preambular paragraph, in which the right "of persons" should also have been mentioned. Her delegation intended to raise that issue in the plenary.

29. Mr. RODRIGUEZ (Peru), going back to the procedural question concerning the request for a vote, referred to rule 27 of the rules of procedure of the General Assembly concerning the submission of the credentials of representatives and members of delegations. From a legal standpoint, there was no doubt that that rule should be interpreted in terms of identification by name. Accordingly, any procedure initiated by a delegation presupposed the prior identification of the country originating the procedure. To take any other approach would be to introduce a discretionary element which was provided for neither in the Charter of the United Nations nor in the rules of procedure of the General Assembly.

30. Mrs. OLENDE (Kenya), referring to the procedural point at issue, observed that since the Third Committee's task was precisely to defend the rights of individuals, it might well be asked why representatives were not entitled to know the name of the delegation which had requested a vote on the draft resolution.

31. The CHAIRMAN said that, in stating that the delegation in question wished to remain anonymous the Secretary had acted in all good faith. He urged the Committee to get on with its work.

Draft resolution A/C.3/43/L.33

32. Mrs. VASSILIOU-ZACHAROPOULOS (Greece), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the Twelve would abstain in the vote on draft resolution A/C.3/43/L.33. Despite the importance that they attached to agenda item 104, the Twelve questioned the validity of the draft resolution, as indeed they did that of the resolutions referred to in its preamble. They regretted that there was a tendency to distort the concept of human rights by placing emphasis on collective approaches, when what was involved in human rights was the individual. The Twelve took the view that it was necessary to avoid any undue broadening of the concept by associating with it issues such as disarmament which did not fall within the competence of the Third Committee. In addition, it was unacceptable to the Twelve that the enjoyment of human rights should be subjected to any condition whatsoever. Lastly, the draft resolution did not sufficiently emphasize that all human rights violations, wherever and under whatever political or social system they occurred, were a source of legitimate concern to the United Nations and the international community.

33. A recorded vote was taken on draft resolution A/C.3/43/L.33.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Netherlands, Norway, Philippines, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

34. Draft resolution A/C.3/43/L.33 was adopted by 112 votes to 1, with 25 abstentions.

35. Ms. RIDDELL (New Zealand), speaking in explanation of vote, said that her delegation had voted in favour of the draft resolution but wished to state its reservations concerning operative paragraph 16, in which the General Assembly decided that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof. In her delegation's view, that provision was premature.

36. With regard to the reference in the twenty-first preambular paragraph to paragraph 17 of the Economic Part of the Final Document of the Ministerial Meeting of the Movement of Non-Aligned Countries, her delegation had opposed General Assembly resolution 42/173 to which that paragraph referred. Moreover, if New Zealand had been a member of the Commission on Human Rights, it would not have supported resolution 1988/22 referred to in the twenty-third preambular paragraph.

37. Mr. FAHIYE (Somalia) said that his delegation had voted in favour of the draft resolution. However, it had reservations concerning operative paragraph 11, the wording of which did not seem very balanced.

Draft resolution A/C.3/43/L.34

38. The CHAIRMAN drew attention to several changes in the draft resolution. First, the draft resolution was being submitted under item 104, not 104 (c), draft resolution A/C.3/43/L.35 being the only draft resolution to be submitted under item 104 (c). The words "RIGHT TO DEVELOPMENT" must therefore be deleted from the wording of the agenda item. Lastly, the title of the draft resolution, "Right to development" must also be deleted.

39. Mr. HUSAIN (Pakistan) said that the above amendments had been made to draft resolution A/C.3/43/L.34 after it had been agreed that draft resolution A/C.3/43/L.35 would be adopted without a vote. There was therefore a close link between the two texts.

40. Mr. WALDROP (United States of America) said that his delegation would not take part in the vote on draft resolution A/C.3/43/L.34.

41. A recorded vote was taken on draft resolution A/C.3/43/L.34.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Federal Republic of, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Denmark, Finland, Greece, Iceland, Ireland, Israel, Italy, New Zealand, Norway, Spain, Sweden.

42. Draft resolution A/C.3/43/L.34 was adopted by 115 votes to 9, with 13 abstentions.

43. Mrs. KIMATA (Japan), speaking in explanation of vote, said that her delegation believed the Third Committee should not be considering a draft resolution of an essentially economic nature.

44. Mr. RODRIGUEZ (Peru) said that his delegation did not understand how anyone could maintain that the Third Committee was not competent to consider a draft resolution which referred to the new international economic order, debt and hunger. It seemed discriminatory to consider certain human rights from both a theoretical and a practical standpoint but to consider the right to development from the theoretical perspective only. As a number of leading legal scholars had said, the right to development was not synonymous with the right to coexistence and indifference. It was a right by virtue of which the current doctrine of non-interference with market forces must gradually give way to a more humanitarian international economic order. The right to development was rooted in the principles of solidarity, co-operation and equity; its aim should be to reduce, and if possible, eliminate the gap between the wealthy nations, which were in the minority, and the poor nations, which made up the majority.

Draft resolution A/C.3/43/L.35

45. The CHAIRMAN said that Brazil had become a sponsor of the draft resolution.

46. Mr. WALDROP (United States of America) said that his country would not participate in the decision on draft resolution A/C.3/43/L.35.

47. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

48. It was so decided.

49. Mr. LINDHOLM (Sweden), explaining the position of the Nordic countries on draft resolutions L.33, L.34 and L.35, said that in its resolution 32/130, the General Assembly had stated that all human rights and fundamental freedoms were indivisible and interdependent and should be given equal attention. The Nordic countries fully supported that approach to human rights and found its erosion over the years regrettable. They could not accept formulations such as the human rights of peoples, or that pre-conditions should be established for the exercise of individual human rights. Neither did they believe that the rights of States or collective rights should be stressed over the rights of the individual.

Draft resolution A/C.3/43/L.40

50. The CHAIRMAN said that Italy and Samoa had become sponsors of draft resolution A/C.3/43/L.40.

51. Ms. KAMAL (Secretary of the Committee) read out the Australian oral revisions of draft resolution A/C.3/43/L.40. The fifth preambular paragraph had been revised to read:

"Emphasizing the importance of adherence by all Governments to the principles contained in the Universal Declaration of Human Rights and believing that the fortieth anniversary of its adoption has provided a focus and renewed impetus to the promotional activities of the United Nations system in the field of human rights."

The words "of the world public information campaign on human rights" should be inserted after "programme" at the end of paragraph 8.

52. Mrs. PEARCE (Australia) added that "in particular" should be replaced by "including" in the second line of paragraph 11.

53. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt the draft resolution, as orally revised, without a vote.

54. It was so decided.

AGENDA ITEM 105: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/C.3/43/L.36, L.37 and L.38/Rev.1)

55. The CHAIRMAN said that the draft resolutions submitted under the agenda item had no financial implications.

Draft resolution A/C.3/43/L.36.

56. The CHAIRMAN said that Democratic Yemen, Denmark and the Philippines had become sponsors of the draft resolution.

57. Mr. MADADHA (Jordan) said that, in the first line of the fifth preambular paragraph, the word "innovative" should be changed to "creative".

58. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.36, as orally revised, without a vote.

59. It was so decided.

Draft resolution A/C.3/43/L.37

60. Ms. KAMAL (Secretary of the Committee) said that the draft resolution had been orally revised by its sponsors. Those revisions consisted of deleting "international, regional and bilateral" before the word "mechanisms" in paragraph 3, and adding the words "and working with strictly humanitarian motives" after "International Humanitarian Issues" in paragraph 5.

61. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that, as requested by a number of States, it had been decided that the draft resolution would be revised further so that it could be adopted by consensus. In the third preambular paragraph, "inter alia" should be inserted after the word "proclaims". The fifth preambular paragraph should be revised to read:

"Noting that international co-operation in the humanitarian field could contribute to attaining the ideals of a new international humanitarian order."

In paragraph 6, the words "on a voluntary basis" should be added before "to forward to the Secretary-General". Lastly, paragraph 8 should be deleted.

62. Mr. GALAL (Egypt) said that his delegation wished to be part of the consensus requested by the Soviet Union.

63. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.37, as orally revised, without a vote.

64. It was so decided.

Draft resolution A/C.3/43/L.38/Rev.1

65. Mr. BOLOT (France), introducing the revised version of draft resolution A/C.3/43/L.38, said that the title of the draft resolution was now "Humanitarian assistance to victims of natural disasters and similar emergency situations". References to the Universal Declaration of Human Rights and the Covenants had been eliminated. The twelfth preambular paragraph had been recast; the revised version stated that "the principles of humanity, neutrality and impartiality must be given utmost consideration by all those involved in providing humanitarian assistance". Former paragraph 2 had been eliminated. In the current paragraph 2, the word "affected" had been added after the words "the sovereignty of" and the words "within their respective territories" after the words "humanitarian assistance". In paragraph 4, States were qualified by the words "in need of such assistance". Paragraphs 5 and 8 specified that humanitarian assistance was provided only "where needed". Paragraph 6 requested States in proximity to the affected areas to "participate closely in international efforts with the affected countries with a view to authorizing the transit of humanitarian assistance;". There the word "authorizing" should be replaced by "facilitating"; that amendment had not been reflected in the revised document. Lastly, in harmony with two other resolutions adopted under agenda item 105, paragraph 9 requested that the question should be reconsidered at the forty-fifth session of the General Assembly. His delegation had felt obliged to accept those important changes proposed by various delegations for the sake of openness, understanding and respect for the concerns of each country. It was unthinkable that a text relating to assistance for disaster victims should not be accepted unanimously by the international community, and that was why France, on behalf of the 25 sponsors - including Burkina Faso, Guatemala and Samoa, which had just joined them - wished the draft resolution to be adopted by consensus. The humanitarian assistance referred to in the draft resolution did

(Mr. Bolot, France)

not duplicate the assistance that the ICRC must provide to the victims of armed conflicts under the terms of the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977. Lastly, he noted that the Spanish version of the revised draft resolution did not reflect all the revisions.

66. The CHAIRMAN said that the Committee would decide on the draft decision at a future date.

67. Mrs. WARZAZI (Morocco) said that, in view of the terrible scourge that was currently afflicting the countries of Africa and the Near East, including Morocco, which were the victims of a locust plague, her delegation wished to become a sponsor of draft resolution A/C.3/43/L.38/Rev.1.

AGENDA ITEM 97: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
(A/C.3/43/L.53)

68. Mr. HENNESSY (Ireland), introducing draft resolution A/C.3/43/L.53 on behalf of the sponsors, said that since the adoption by consensus in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, his delegation had made a practice of recording each year in draft resolutions submitted to the Third Committee relevant new developments that deserved the attention of the General Assembly. While the measures taken specifically to implement the Declaration were being considered by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it should none the less be brought to the notice of all Members of the United Nations that the issue was of universal application.

69. Draft resolution A/C.3/43/L.53, which updated General Assembly resolution 42/97, was based on Commission on Human Rights resolution 1988/55. The text of paragraphs 1 and 2 was identical with that of the corresponding provisions of General Assembly resolution 42/97. Only the sixth preambular paragraph, concerning the current dimensions of the problems of intolerance and discrimination based on religion or belief, did not appear in that resolution. Paragraph 9 referred to the renewal for two years of the mandate of the Special Rapporteur, in other words, to the maintenance of mechanisms for monitoring implementation of the Declaration that would be as useful as comparable mechanisms for examining other serious violations of human rights in the world. The purpose of paragraph 10 was to encourage the Commission on Human Rights, when it considered the question of a binding international instrument in respect of the implementation of the Declaration, to take into account the principles set forth in General Assembly resolution 41/120.

70. The sponsors hoped that document A/C.3/43/L.53, like all previous draft resolutions on the subject, would be adopted without a vote.

AGENDA ITEM 98: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued) (A/C.3/43/L.45, L.47 and L.48)

Draft resolution A/C.3/43/L.45

71. **Mr. RAVEN** (United Kingdom), introducing draft resolution A/C.3/43/L.45, of which Bolivia, Côte d'Ivoire and Singapore had become sponsors, said that the United Nations had been concerned for many years about the protection of persons detained on the grounds of mental ill-health. There was undeniable proof of the abuse of psychiatry in the case of persons detained on non-medical grounds. His delegation welcomed the adoption by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a draft body of guidelines, principles and guarantees for the protection of mentally ill persons. It would like the Commission on Human Rights, at its forty-fifth session, to give due attention to that new and specific contribution to the protection of the individual rights of all mentally ill persons.

72. In the past, draft resolutions on that question had been adopted by consensus. His delegation hoped that draft resolution A/C.3/43/L.45 would receive the same treatment.

Draft resolution A/C.3/43/L.47

73. **Mr. OGURTSOV** (Byelorussian Soviet Socialist Republic) said that the sponsors of draft resolution A/C.3/43/L.47, which had been joined by the Libyan Arab Jamahiriya, wished, as in previous years, to draw the attention of all States to the importance of implementing the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. Scientific progress was one of the principal factors in the development of human society and the draft resolution referred to the relevant provisions of the Declaration on Social Progress and Development. The sponsors also requested the Commission on Human Rights to assist the Sub-Commission on Prevention of Discrimination and Protection of Minorities in preparing a study on use of the results of progress in science and technology to ensure the right to work and to development.

74. Draft resolution A/C.3/43/L.47 was balanced and met the interests of countries belonging to different regional groups and having different social and political systems. He hoped that it would be supported in its current form by all the members of the Third Committee.

Draft resolution A/C.3/43/L.48

75. **Mr. YAKOVLEV** (Union of Soviet Socialist Republics) said that the right to life was a fundamental right enshrined in all the basic instruments, particularly the International Covenants on Human Rights. In respect of the individual, that right could be limited only in exceptional circumstances, such as the punishment of a criminal. For peoples, it was an absolute right. To deprive the people of the right to life led, as history had shown, to genocide. It was also an absolute

(Mr. Yakovlev, USSR)

right of mankind, which could become the victim of what scientists today called ecocide. The scientific and technical revolution heightened the risk of violations of that right, and it was their concern over that negative aspect of progress that the sponsors had reflected in draft resolution A/C.3/43/L.48, which was before the Third Committee.

76. The draft resolution should be considered by the delegations in the general context of the situation of human rights. Its purpose was to stimulate the United Nations and all peoples and States to direct their efforts jointly to the establishment of conditions that would make it possible to guarantee and strengthen the right to life of individuals, nations and all mankind. It had been prepared on the basis of recommendations formulated by the Commission on Human Rights at its most recent session and should therefore be acceptable to the Third Committee. Moreover, the sponsors had taken care to reflect as closely as possible the wishes and views of other delegations, particularly of one group of States that had wished to refer in it to the problem of disarmament. Although it felt that that question was within the purview of the First Committee, the Soviet Union had acceded to that request and revised the draft resolution. A number of changes had also been made to meet the objections expressed by other delegations. The Soviet Union hoped that the delegations would appreciate the position expressed in the draft and make the necessary concessions so that it could be adopted by consensus.

AGENDA ITEM 99: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
(A/C.3/43/L.46)

Draft resolution A/C.3/43/L.46

77. MR. NOWORYTA (Poland), introducing draft resolution A/C.3/43/L.46 on behalf of the sponsors, including Brazil which had just been added to the list, said that the initiative taken by Poland in proposing the elaboration of a convention on the rights of the child had provided an opportunity for defining more precisely and harmonizing the humanitarian standards concerning children, to fill many gaps existing in that regard in the current provisions of international law and to determine the results of that detailed study in the context of a single binding international instrument. His delegation noted with satisfaction that the work of the open-ended working group engaged in elaborating that instrument was in its final phase. It was expected that the final draft would be submitted to the Commission on Human Rights at its forty-fifth session and then to the General Assembly at its forty-fourth session, through the Economic and Social Council. The convention could thus be adopted in 1989, a symbolic date marking the thirtieth anniversary of the Declaration of the Rights of the Child and the tenth anniversary of the International Year of the Child, in accordance with the target set by the General Assembly in its resolution 42/101. Confident that the adoption of the convention would make a useful contribution to the exercise of human rights and to the improvement of the situation of children in the world, it was with great satisfaction that Poland had seen its proposal supported by a growing number of Governments. It thanked all those who had participated in the work of the open-ended working group, particularly UNICEF, for their support.

(Mr. Noworyta, Poland)

78. Draft resolution A/C.3/43/L.46 was based on previous texts adopted on the same question by the Commission on Human Rights, the Economic and Social Council and the General Assembly. His delegation expressed the hope that it would be adopted by consensus.

79. Mr. PETERS (Netherlands) said that his delegation had become a sponsor of draft resolution A/C.3/43/L.46. With regard to the last preambular paragraph, it was advisable to refer to the provisions of General Assembly resolution 41/120 concerning the establishment of international standards in the field of human rights. While it was useful to proceed to a second reading of the draft convention which would take account of the ideas expressed in the above-mentioned paragraph, it was none the less true that the final text should be in conformity with the provisions of all existing legal instruments in the field of human rights. He expressed the hope that the second reading could be completed in sufficient time to make possible the adoption of the convention by the General Assembly at its forty-fourth session.

AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

(A/C.3/43/L.44 and L.54)

Draft resolution A/C.3/43/L.44

80. Mr. FRAMBACH (German Democratic Republic), introducing the draft resolution on the indivisibility and interdependence of economic, social, cultural, civil and political rights (A/C.3/43/L.44), said that the text was to a great extent similar to that of resolution 42/102 adopted the previous year by an overwhelming majority of States. The draft resolution recalled, in the eleventh paragraph of the preamble, that the implementation, promotion and protection of economic, social and cultural rights had not received sufficient attention within the framework of the United Nations system and therefore appealed to all States, in paragraph 2, to pursue policies directed towards the implementation, promotion and protection of all the rights recognized in the International Covenants on Human Rights and other international instruments.

Draft resolution A/C.3/43/L.54

81. Mr. SKIBSTED (Denmark) announced that Costa Rica had become a sponsor of draft resolution A/C.3/43/L.54.

82. Introducing the draft concerning the International Covenants on Human Rights, he said that it came within the context of General Assembly resolutions 41/119 and 42/103. Furthermore, the third preambular paragraph reproduced the terms of the second preambular paragraph of Economic and Social Council resolution 1988/5, and the eighth paragraph those of the second preambular paragraph of Council resolution 1988/42.

83. The draft resolution took note with appreciation of the results of the meeting of the chairpersons of human rights treaty bodies, which had been held at Geneva

(Mr. Skibsted, Denmark)

from 10 to 14 October 1988, and recalled that the year 1988 was the fortieth anniversary of the Universal Declaration of Human Rights. Lastly, referring to the fourth and fifth preambular paragraphs and to paragraphs 1, 2 and 3 of the draft resolution, he pointed out that the sponsors of the text had taken great care to accord equal importance to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. His delegation hoped that the draft resolution would be adopted without a vote.

AGENDA ITEM 101: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS (continued) (A/C.3/43/L.49, L.51 and L.52)

84. The CHAIRMAN said that draft resolution A/C.3/43/L.50 would be introduced at a later date.

AGENDA ITEM 106: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/43/L.49, L.51 and L.52)

Draft resolution A/C.3/43/L.49

85. Mr. PETERS (Netherlands) said that his delegation understood that the draft resolution on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been introduced in the Committee on very short notice. It was all the more grateful to the many delegations which had supported the text and hoped that, after considering it, other delegations would join the sponsors. The text before the Committee was similar to that of General Assembly resolution 42/123 adopted in 1987. It was highly important to pursue the work begun since the adoption by the General Assembly at its thirty-ninth session of the Convention against Torture. In the operative part of the draft resolution, the General Assembly welcomed the first report of the Committee against Torture, took note of the report of the Secretary-General on the status of the Convention against Torture and requested him to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee. Lastly, the General Assembly again invited all States to become parties to the Convention and to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention. He hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/43/L.51

86. Mr. LINDHOLM (Sweden) recalled that the United Nations Voluntary Fund for Victims of Torture had been established in 1981 by General Assembly resolution 36/151. The Fund, which was administered by the Secretary-General with the assistance of a Board of Trustees, received, as indicated in the report (A/43/779), numerous requests for assistance.

87. In the draft resolution, which largely reproduced resolution 42/122 adopted in 1987, the General Assembly expressed its gratitude to all those who had contributed to the Fund for Victims of Torture, called upon all Governments, organizations and

(Mr. Lindholm, Sweden)

individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund, invited Governments to make contributions to the Fund, if possible on a regular basis, and requested the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund to make the Fund and its humanitarian work better known. He hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/43/L.52

88. Ms. FUNDAFUNDA (Zambia), introducing draft resolution A/C.3/43/L.52, of which the Congo and Sweden had become sponsors, said that it sought to put an end to the inhuman treatment of children in detention in South Africa and Namibia. In particular, it demanded, in its paragraph 4, the immediate dismantlement of the so-called "rehabilitation camps" or "re-education centres" in South Africa. Her delegation hoped that the draft resolution would be adopted without a vote.

The meeting rose at 5.50 p.m.