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SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. KABORE (Burkina Faso)

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15P.

The meeting was called to order at 3.12 p.m.

AGENDA ITEM 95: PREPARATION AND ORGANIZATION OF INTERNATIONAL LITERACY YEAR  
(continued) (A/44/409-S/20743 and Corr.1 and 2)

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AGENDA ITEM 114: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND  
GENUINE ELECTIONS (continued) (A/44/254-S/20607, A/44/454 and Corr.1)

AGENDA ITEM 115: PREPARATION OF AN INSTRUMENT ON HUMAN RIGHTS BASED ON SOLIDARITY  
(continued) (A/44/409-S/20743 and Corr.1 and 2, A/44/551, A/44/706)

1. Mr. THAN (Myanmar) said that the typical Myanmar family consisted of three generations living under one roof - grandparents, parents and children - and that children received love from all the adults. Respect for the rights of the child was rooted in the nation's culture and tradition. Furthermore, the rights of the child were reinforced by the Children's Act and the 1974 Constitution. Children's welfare was provided for to the extent permitted by the resources of a developing country such as Myanmar. Primary education was free, and had been compulsory since the country had gained independence more than 40 years earlier; a nation-wide literacy campaign among adults and children had been successful. Under the national health programme, no efforts were being spared to attain the objective of health for all by the year 2000. In 1986, Myanmar had received the Sasakawa Award from the World Health Organization for the successful implementation of its primary health care programme, which had decreased the child mortality rate and eradicated, or substantially reduced, epidemic diseases.

2. His delegation believed that the draft Convention on the Rights of the Child would enable the world community to fulfil its moral obligation to protect the vulnerable and the powerless. The draft Convention, which incorporated provisions

(Mr. Than, Myanmar)

of other existing legal instruments and supplemented them with new concepts and norms, had the full support of his country, and he hoped that it would be adopted by consensus.

3. Mrs. SANTOS PAIS (Portugal), endorsing the comments made by the representative of France on behalf of the 12 States members of the European Community concerning the cluster of items under consideration, said she had a few points to make.

4. With regard to the International Covenants on Human Rights, her delegation believed that the growing number of ratifications underscored the relevance of the instruments and the commitment of States to ensuring compliance with them. However, it was now necessary to implement the Covenants through national action and the promotion of multilateral co-operation. The latter meant that all possible support must be given to the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, which had been established to oversee the implementation of the Covenants. Such co-operation was affirmed by the dialogue with those bodies which took place when States submitted periodic reports on the implementation of the International Covenants on Human Rights. In that connection, her Government took pride in having submitted its second periodic report to the Human Rights Committee. In the future, co-operation should be demonstrated through support to the organs established to ensure the effective enjoyment of human rights and through the adoption of other international legal instruments.

5. The General Assembly should take a position on two new legal instruments: the draft second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the draft Convention on the Rights of the Child.

6. As the draft second protocol was optional, it gave States the opportunity to emulate others which had already abolished the death penalty, either by amending their legislation or by refraining from applying the penalty. Portugal was one of the first States to have abolished capital punishment which, in its view, was frequently imposed on political adversaries. As a State party to the Covenant and the first Protocol, Portugal supported the adoption of the draft second protocol.

7. The draft Convention approached the question of the rights of the child from two angles: the child's entitlement to fundamental rights and freedoms, and the child's need for special protection to foster the harmonious development of his or her personality. Certain provisions of the draft Convention were not in keeping with the ideal promoted by her delegation, for example, the provision relating to the participation of children in armed conflicts; her delegation hoped that the definition of the child in article 1 of the draft Convention would prevail. At the same time, the instrument had very interesting aspects which should be preserved, particularly the role of the Committee on the Rights of the Child, which would be responsible for overseeing the implementation of the Convention. Her delegation was in favour of the adoption of the draft Convention.

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(Mrs. Santos Pais, Portugal)

8. It should be noted that, on 9 February 1989, her Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Portugal would shortly submit its first periodic report to the Committee against Torture. It thereby affirmed that the implementation of the Convention would help to eliminate torture and ensure respect for human rights.

9. Mr. TANKOANO (Niger) said that the observance of International Literacy Year in 1990 would promote a better understanding of the various problems connected with illiteracy and an intensification of efforts to counteract them. In addition to being a fundamental human right, literacy was essential to the well-being of mankind. A higher literacy rate among women in rural areas meant an improvement in the health and educational level of families. Illiteracy affected all countries: the developed world was feeling the effects of functional illiteracy, while in the developing countries, and especially in the least developed countries, where 98 per cent of all illiterates lived, national development was linked to the use of that human potential.

10. The problem of illiteracy was due not only to economic causes, but frequently to social and cultural factors. Overcoming illiteracy required a battle on several fronts, which was the reason for his country's endorsement of the objectives of International Literacy Year. The international community should use the Year to launch the Plan of Action for the Eradication of Illiteracy by the Year 2000, and combat the obstacles which were considerably slowing the progress of literacy, particularly by reducing drop-out rates in primary schools and instituting post-literacy programmes to prevent reversion to illiteracy.

11. In the fight against illiteracy, special attention should be paid to the least developed countries, where there were 179 million illiterates, and to the women in those countries, because 90 per cent of them could not read and write. Accordingly, the States involved and the international community should be particularly concerned with the education of women and girls.

12. Like other least developed countries, the Niger faced serious problems in the education sector. Nevertheless, since independence it had given high priority to literacy as an important factor for national development. The school enrolment ratio, 3.6 per cent in 1960, had risen to 20.8 per cent in 1986, an increase of 600 per cent in 27 years. In 1961 a UNESCO expert, at the request of the Government of the Niger, had been commissioned to design and plan a national literacy and education programme for adults. The first literacy campaign, carried out two years later, had shown satisfactory results. The Government had therefore decided to broaden the scope of the campaign to cover the entire nation. Later a national committee for transliteration of mother tongues had been established as a means of involving the entire community in the literacy campaign.

13. Subsequently, his Government had spared no effort in the fight against illiteracy. Between 1974 and 1976, 20,892 adults had received instruction at 986 literacy centres located throughout the country. Beginning in 1973, various activities designed to consolidate gains had been implemented. Since 1986,

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(Mr. Tankoano, Niger)

literacy activities had been subdivided into an intensive period of instruction, during which adults learned to read and write, and a consolidation phase, during which they learned arithmetic. In some cases, consolidation was followed by another phase of specialized training in various sectors. The authorities conducting the literacy campaign had not been able to achieve their objective of literacy for all, especially in rural areas. That was due to the scarcity of resources resulting from the difficult economic situation experienced by the Niger, along with developing countries in general and the least developed in particular. For that reason, his delegation supported the project envisaged in the UNESCO medium-term plan for 1990-1995, with the priority goal of primary education and education for women and girls.

14. Regarding the rights of the child, he said that a cause of great concern for the Governments of developing countries, particularly those of Africa, was the effects of the economic crisis as reflected in the situation of children, despite the priority placed on their welfare. As part of the activities carried out in Africa to promote the adoption of the draft Convention on the Rights of the Child, the Government of Senegal, in co-operation with UNICEF, had organized a seminar in late 1988 attended by representatives of the Economic Community of West African States (ECOWAS). The seminar had concluded that clear advances had been made in West Africa with regard to the protection of children, above all in the legal field. In March 1989 a pan-African symposium had been held in Bamako on the children of the continent. The participants, including artists and intellectuals, had focused on the question of community participation in health care and in various aspects of development. The interesting thing about that symposium was that it had attracted the attention of the heads of State of the Organization of African Unity (OAU), who had adopted several resolutions concerning the child. Several recommendations had been formulated at the Bamako symposium with a view to improving the situation of African children, whose health, education and development conditions had been particularly affected by the debt problem, economic recession, environmental degradation and armed conflict. The Secretary-General of OAU had reaffirmed its commitment to carry out a comprehensive study on a charter of the African child.

15. In 1985, children under the age of five had accounted for 19.4 per cent of the population of the Niger. The Government, aware that children were particularly vulnerable during the first five years of life, had organized an immunization programme, which was being implemented through a system of health centres and mobile teams. In the Niger, persons under the age of 18 were considered children and enjoyed social protection. It was illegal to employ children younger than 12. Among the measures that the Government had adopted to protect children were the establishment of new maternal and child health centres, the expansion of the immunization programme, the efforts to enrol as many children as possible in school and to tailor education to the real needs of society, and the drafting of a family code which would give particular consideration to the rights of women and children. Referring to the draft Convention on the Rights of the Child, he said that on 10 October 1989 the Minister of Foreign Affairs and Co-operation had reaffirmed to the General Assembly the strong support of the Niger for its adoption.

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16. Mr. ABDUL SAMAD (Kuwait) said that his country would participate in the activities of International Literacy Year. Referring to the Constitution of Kuwait, he noted that under articles 13 and 40, education was one of the fundamental rights of the people. In accordance with those constitutional norms and Islamic doctrine, Kuwait had carried out a massive adult literacy campaign during the past decade. The Literacy Act of 1980 stated that education was a national responsibility. Illiteracy was a burden to society, and the State as well as the private sector and non-governmental organizations should strive to eradicate it. Those efforts had already borne fruit: at the time of the 1957 census, 89 per cent of the population of Kuwait had been illiterate; currently the figure was less than 26 per cent. Literacy did not mean mere knowledge of the alphabet; the social and cultural level of illiterates should also be promoted for their own benefit and the progress of society. Kuwait urged all countries to participate actively in International Literacy Year and in the execution of the Plan of Action for the Eradication of Illiteracy by the Year 2000. The figure of 800 million illiterates world wide, particularly in developing countries, spoke for itself on the universal nature of that problem.

17. Mr. MALAGA (Peru) referred to the imminent adoption of the draft Convention on the Rights of the Child, and emphasized the importance of the UNICEF studies on the impact of the prolonged economic crisis in certain developing countries and the implementation of structural adjustment policies, which had imposed enormous restrictions on social welfare programmes for children. Unless primary health care programmes were greatly strengthened, by the year 2000 about 1 million children under the age of one would die in Peru. His Government was deeply concerned by the silent death of thousands of children in the Andean region, the cause of death being for the most part avoidable: malnutrition, disease, economic barriers which prevented them from completing primary school, exploitation in the work-place, and sexual abuse. On 22 May 1988, Peru had passed pioneering legislation for the protection of children, which defined as national priorities the reduction of the infant and maternal mortality rate, the increase in immunization levels and total health care, nutrition and early education. His Government also had made great efforts to achieve a minimum standard of care for urban children at risk. Those children were affected by the scourge of drug trafficking. At the forty-third session of the General Assembly, Peru had introduced an initiative to sensitize the international community to the use of children by drug traffickers. Once again it urged all Member States to impose exemplary penalties on drug traffickers who involved children in their criminal activities.

18. He praised UNICEF's work in Peru, and said that his country had actively participated in the meeting of the Andean Parliament held at Quito, Ecuador, from 27 February to 4 March 1989. Its agenda had given priority to the issue of the rights of the child. His delegation strongly supported draft resolution A/C.3/44/L.45 regarding the financing of the Committee on the Rights of the Child from United Nations resources. The Peruvian legislature had organized a working group to expedite the procedure for prompt ratification of the Convention on the Rights of the Child.

(Mr. Malaga, Peru)

19. Referring to agenda item 114, he reaffirmed Peru's strict adherence to the principle of genuine and periodic elections. On 12 November, municipal and regional elections had been held, demonstrating the civic maturity of the Peruvian people. Those elections, in which almost 10 million Peruvians had participated, represented the firm, calm and courageous response of the Peruvian people to the terrorism that had threatened to prevent them.

20. Miss ENKHTSETSEG (Mongolia), referring to International Literacy Year, noted that despite the major progress achieved in combating illiteracy, it remained a problem of planetary dimensions. According to estimates, there were 890 million illiterate adults, and in developing countries more than 100 million children from 6 to 12 years of age were not enrolled in school. Affluent countries were affected by the problem of functional illiteracy, a level of literacy inadequate to cope with the demands of a complex society. For those reasons, International Literacy Year deserved the full support of the international community. It should not be an end in itself, but an effective means to achieve the goal of education for all.

21. UNESCO was to be commended for its activities, particularly the establishment of the Intersectoral Task Force for the Year. One of the principal objectives of the Year was to create favourable conditions for launching world, regional and national plans of action by mobilizing international public opinion in support of literacy efforts. Mongolia attached great importance to the regional programmes for promoting literacy implemented over the past decade in Asia and the Pacific, Latin America and the Caribbean, Africa and the Arab States, and believed that the World Conference on Education for All, to be held in Thailand in March 1990 under the auspices of UNESCO, UNDP, UNICEF and the World Bank, would give a fresh impetus to literacy efforts throughout the world.

22. Some 85 countries had set up national committees or similar structures for the Year and launched national programmes to meet the objectives of the Year. Mongolia wished to appeal to Governments that had not yet done so to establish similar bodies and to develop programmes to enhance both literacy and functional literacy along the lines of the UNESCO Plan of Action for the Eradication of Illiteracy by the Year 2000. In Mongolia, the National Committee for the Year, headed by the Vice-Chairman of the Council of Ministers, was composed of high-ranking officials from various ministries and State committees dealing with matters relating to education, culture and professional training. She wished in particular to commend the non-governmental organizations for the role they were playing in the preparations for the Year, particularly through the establishment of the International Task Force on Literacy and through the launching of an ambitious programme to promote the objectives of the Year.

23. Mr. KOZUBEK (Czechoslovakia) said that the process of democratization under way in his country focused on the individual. In 1990, a bill concerning the drafting of a new constitution specifying and delimiting citizens' rights would be submitted. All categories of rights were interdependent and equally valid.

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(Mr. Kozubek, Czechoslovakia)

24. With regard to the second optional protocol, in Czechoslovakia the time was not yet ripe for the abolition of the death penalty, but the scope of the application of the death penalty was being increasingly restricted.

25. On the subject of item 108, Czechoslovakia believed that international protection of the child was a major priority at the current time. The convention on the rights of the child had the great merit of applying universally recognized rights to children; the General Assembly should therefore adopt the draft convention by consensus at the current session. Moreover, the verification machinery should be financed from the regular budget.

26. With regard to item 112, torture was one of the basest violations of human rights. It was highly regrettable that the Convention against Torture still did not have universal effect, since its application would help to solve a number of outstanding problems.

27. Mrs. KALMYK (Union of Soviet Socialist Republics) said that international law in the field of human rights represented recognition of the fact that moral standards were comminatory, regardless of social and economic differences between countries. The fundamental principle was tolerance, since all nations were interdependent and awareness of that fact was a basic characteristic of the current era. Countries were finally applying the principle of common sense, which unquestionably cut across all borders. The final documents of the Conference on Security and Co-operation in Europe, which had met in Vienna, showed that countries could reach a consensus in as tricky an area as that of human rights. The adoption of numerous instruments in the field revealed the trend towards the affirmation of the primacy of law. She wished to urge all Governments that had not yet done so to ratify the human rights covenants; much-improved verification and monitoring machinery played an extremely important role, since national and universal factors must be combined with a view to democratizing and humanizing international relations.

28. It was the Soviet Union's policy to participate increasingly in monitoring machinery, as demonstrated by its recognition of the jurisdiction of the International Court of Justice in the field of human rights. She hoped that the far-reaching legislative reform taking place in her country would make it possible for the Soviet Union to sign the optional protocol aimed at the abolition of the death penalty.

29. In the Soviet Union all rights were equally important, and they were interdependent and influenced one another. The provisions of the covenants could not be interpreted either arbitrarily or selectively.

30. Perestroika and democratization had led to an awareness of her country's own deficiencies; the Soviet Union was therefore endeavouring to adapt its laws in order to take account of its international commitments. The very fabric of life in the Soviet Union had necessitated a reform of the Soviet judicial system, and as a result the country now had a new Parliament. The core of the process of political

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(Mrs. Kalmyk, USSR)

reform was the democratization of society and its focusing on the universal values laid down in the Universal Declaration of Human Rights and the human rights covenants. Perestroika was already having an international impact, since it could help to promote progress and the development of world civilization.

31. Ms. LISSIDINI (Uruguay), referring to the optional protocol aiming at the abolition of the death penalty, said that her delegation endorsed the view expressed in the Special Rapporteur's report on that subject. Nothing could justify the death penalty, whose abolition had been decided upon in Uruguay in 1907 and had been laid down in the 1917 Constitution. Uruguay wished to appeal to countries that still had laws providing for the death penalty not to oppose adoption of the protocol; since the protocol was optional, no State need feel obliged to become a party to it.

32. Ms. TUKAN (Jordan), referring to item 95, said that her country was entirely convinced that education was a natural, fundamental right, in keeping with the principles of Islamic law. In Jordan primary, preparatory and secondary education were compulsory and free of charge for all, and students accounted for over one third of the total population. Many universities and institutes had been built, and there were facilities for studying abroad.

33. Jordan had participated with interest in the debate on the preparation of the draft convention on the rights of the child, which was a very important instrument. Children represented the most important population segment in society. Jordan therefore wholeheartedly supported the draft convention and urged Member States to adopt it by consensus.

34. With regard to item 114, a free, democratic election had recently been held in Jordan in order to renew the membership of the Parliament. Owing to the difficulties that the country was experiencing, it had not been possible to hold an election for years; fortunately, the election had now been held in a climate of equity and freedom.

35. With regard to item 98, her country considered premature the proposal to adopt a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the universal abolition of the death penalty. The sponsors of the proposal were in a minority. In view of the cultural, political and other differences still existing between countries, which gave rise to very serious difficulties in connection with the issue of the preparation of a second optional protocol, the question should be considered in greater depth with a view to achieving wider international agreement on the subject.

36. Ms. GEBRE-EGZIABHER (Ethiopia), referring to item 108, said that the promotion of the welfare of the child was one of her Government's priority objectives. Society's prosperity and progress depended on the proper upbringing of children. Ethiopia spared no effort to provide children with education and health care of the highest quality possible and to fulfil all their other needs. The draft convention on the rights of the child was a reaffirmation of the international community's

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(Ms. Gebre-Egziabher, Ethiopia)

firm commitment to ensure the well-being of the world's children. It guaranteed the fundamental rights of the child and would serve as a useful framework for Governments' activities for the benefit of children. Ethiopia therefore endorsed the draft convention and urged all countries to support its adoption.

37. With regard to item 95, the International Literacy Year would be very useful for supporting the efforts under way in all countries to eliminate illiteracy. Over the past decade Ethiopia had been waging a constant battle against illiteracy, which had resulted in a drop of 25 per cent in the country's illiteracy rate. As part of its endeavour to eliminate illiteracy, her Government had set a target of 8 million participants in basic literacy programmes to be undertaken concurrently with the 1989-1993 plan.

38. The eradication of illiteracy was not an easy task, particularly for developing countries. In addition to providing literacy programmes, it was necessary to provide services for the newly literate in order to prevent them from relapsing into illiteracy. Ethiopia had adopted programmes to maintain and build on the achievements made so far in the area of literacy. The 19 million newly literate individuals received adequate and suitable reading materials, and a large number of reading rooms were being set up. Ethiopia had incorporated the objectives of the International Literacy Year into its relevant national programmes and had adopted specific measures with a view to implementing the objectives of the Year. Moreover, it would participate actively in the World Conference on Education for All, to be held at Bangkok in March 1990.

39. Mrs. QUISUMBING (Philippines) welcomed the holding of International Literacy Year. The right to education was a basic human right which must be fully guaranteed and protected. The Constitution of the Philippines guaranteed the right of all citizens to education and assigned budgetary priority to it. Her country had a system of free and compulsory public education at the elementary level and, beginning with the 1988-1989 school year, free education at the high school level. The Government also encouraged out-of-school and indigenous learning systems and provided senior citizens, the disabled and out-of-school youth with training in civics and vocational and other skills. Her delegation shared the view that International Literacy Year provided an occasion for new initiatives and renewed commitments, with a view to reaching the goal of education for all. To that end, it pledged to give that noble cause full support.

40. Her Government was committed to promoting and protecting the human rights and fundamental freedoms of the Filipino people. The new Constitution contained numerous provisions guaranteeing human rights. On various occasions, her delegation had informed the Third Committee about the functions of the Philippine Commission on Human Rights, the body responsible for promoting and protecting human rights in her country. The current year had been of particular significance to the Philippines as a State party to the International Covenants on Human Rights. In April 1989, the Human Rights Committee had considered the initial report of the Philippines submitted in accordance with article 40 of the International Covenant

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(Mrs. Quisumbing, Philippines)

on Civil and Political Rights, and her delegation had had the opportunity to inform the expert body of its Government's determined efforts to implement its treaty obligations and safeguard human rights in the Philippines. Her delegation took note of the report of the Human Rights Committee contained in document A/44/40 and wished to make a minor correction to the text of paragraph 345, the first line of which should begin as follows: "The 1987 Constitution abolished the death penalty". During its consideration of the initial report, the Human Rights Committee had inquired about the status of the investigation on cases of disappeared persons, most of which had occurred under the previous, repressive régime. Her Government was fully committed to resolving the outstanding cases, and had invited the Working Group on Enforced and Involuntary Disappearances to visit the country in 1990.

41. The Philippines believed that the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty contributed to the enhancement of human dignity and the progressive development of human rights, particularly the right to life. Her delegation had therefore sponsored the draft resolution that would enable the General Assembly to adopt the new optional protocol. She recalled that the President of the Philippines had signed the instrument of ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights in 1987 and that the Philippine Senate had endorsed the ratification in May 1989.

42. The practice of torture and other cruel, inhuman or degrading treatment or punishment must have no place in any society. As a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, her Government was firmly resolved to implement the Convention to the fullest extent. To that end, several bills were under consideration by the Philippine Congress.

43. Her delegation welcomed the submission to the General Assembly of a draft convention on the rights of the child. Because they had no political power, children needed special protection. They did not vote and were therefore totally dependent on their parents or guardians to protect their rights. The draft convention provided universally accepted standards for the protection of children and an invaluable framework for advocacy on behalf of children world-wide. Her delegation welcomed the fact that the preamble to the convention recognized that the child, by reason of his physical and mental immaturity, needed special safeguards and care, including appropriate legal protection, before as well as after birth. Nevertheless, the protection of the unborn child referred to in the preamble should have been elaborated further in the substantive articles, in particular article 6. In addition to the measures enumerated in paragraph 2 of article 32, concerning child labour, provision should have been made so that working children could have access to health, nutrition and other basic social services. Her delegation believed that the Committee on the Rights of the Child should be financed from the regular budget of the United Nations. In view of the fundamental nature of the convention on the rights of the child, her country urged countries to adopt it by consensus.

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44. Mr. DLAMINI (Swaziland) pledged his delegation's support for the convention on the rights of the child and recalled that, in his address to the General Assembly at its current session, the King of Swaziland had declared that full respect for human rights and the dignity of all citizens were fundamental to the goals of his people.

45. It was not so long ago that children in the West had lived through the very difficult conditions of the Industrial Revolution. Today's children were subjected to equally serious physical and emotional abuse by adult society. His delegation was confident that the adoption of the convention would usher in a new era of parent-child relationships and with it a new binding international jurisprudence on the rights of the child. There was no doubt that the common future of mankind depended as much on co-operation and international relations as it did on the well-being of children. The only proper and humane investment that a rational society could make was to spend much of society's wealth for the best interests of the child.

46. His delegation acknowledged with regret that many countries, including Swaziland, lacked the means to live up to the ideals of the convention. That instrument described the rights of the child in a balanced and objective manner, avoiding elevation of the status of the child above that of its parents. His delegation also found nothing particularly objectionable in the articles of the convention.

47. While the convention defined a child as a human being under the age of 18 years, some countries, such as his own, set the age of majority at 21 years. The convention should generate an active dialogue in favour of 18 years as the age of majority. He wished to emphasize, however, that accepting the age of 18 as the dividing line between childhood and adulthood should not prejudice the interests of the child in terms of whatever assistance parents and society might otherwise be willing to provide beyond that age. His delegation had no objections to article 1 and noted that the term "child" did not apply solely to "legitimate" children, as was the case in many common law systems.

48. Care should be taken to ensure that the protection against punishment provided for under article 2 did not go so far as to undermine the very objective of the article; in other words, the child should not be allowed to hold and propagate the very opinions and beliefs that the article sought to proscribe.

49. With respect to article 3, the concept of the "best interests of the child" was already present in many jurisdictions in the areas of child adoption and custody. However, not all children were the subject of individually determined adoption or custody. Furthermore, the concept was often misconstrued as being directed only at the court as the highest guardian of the child. Parents and other individuals concerned with the well-being of children did not immediately acknowledge that they too were equally obligated to take the child's best interests into account. The convention would contribute to the greater socialization and internalization of the concept so that it was not viewed purely as a judicial concept. That did not, of course, mean that societies must restructure themselves

(Mr. Dlamini, Swaziland)

to make room for children, but that their attitude to children must undergo a profound change.

50. Article 6 referred to the child's "inherent right to life". His delegation believed that it was not necessary for the convention to indicate exactly when life began. The adoption and enforcement of the convention were not necessarily or critically dependent on clear articulation of the point at which responsibility under the convention began. Article 24 could be invoked in support of that position.

51. With respect to article 11, his delegation believed strongly that the illicit transfer of children should be considered a crime under international law which urgently required greater co-operation among States with a view to punishing offenders.

52. In his delegation's view, article 12 should underscore the dignity and humanity of the child, who was entitled to a fair hearing not only in judicial and administrative proceedings affecting it but in all situations having a direct or indirect bearing on its well-being.

53. With regard to article 13, some of the problems associated with youth could be attributed to the refusal of adult society to listen to children. Genuine efforts should be made to seek out the positive aspects of youthful expression and channel it to useful ends. Healthy children were not usually wantonly destructive. As far as the rights of disabled children were concerned, many parents, particularly in developing countries, lacked the means to provide for the livelihood of disabled children. Where children traditionally had to go out early in life to provide for themselves and their families, the disabled child was a double burden, to himself and his family. Governments and humanitarian organizations must redouble their efforts to alleviate the plight of those children and their parents. Sending disabled children to institutions was not the best answer, however, even though it might provide the best technical supports for those children. In most cases the home or family environment was still the best to ensure the dignity and promote the self-reliance of the disabled child and facilitate his active participation in the community.

54. He hoped that the criticisms made of the convention would not prevent its adoption and wide acceptance. Dissatisfaction with some parts of the convention should not deprive the child of the overall benefits likely to accrue from its acceptance. The benefits would still be real and effective, even where national laws already made adequate provision for the best interests of children in the various areas covered by the convention.

55. His delegation was confident that the convention would go a long way towards achieving a sane society which could only be the product of a healthy generation of children. It was the totality of the rights under the convention, not a specific set of those rights, that would bring about the overall improvement of the situation of children and the quality of the child's personality everywhere.

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56. Mr. PAPPALARDO (Paraguay) welcomed the fact that the draft convention on the rights of the child took account of a number of aspects of life which had for years governed human actions and were for the first time included in an instrument on the rights of children. He particularly welcomed the decision that in all actions concerning legal, administrative or social welfare matters a primary consideration should be the best interests of the child. As far as the right to life was concerned, in Paraguay, where 80 per cent of the population were below 30 years of age, abortion was not permitted except in cases of extreme emergency, such as therapeutic abortion.

57. Turning to article 38 of the draft convention, concerning the participation of children in armed conflicts, he recalled the battle of Acosta Ñu of 16 August 1869, a very important battle in his country's history, in which almost 1,500 men and 3,500 children between the ages of 9 and 15 had been killed. Every year on 16 August, the Day of the Child, Paraguay commemorated those children who had died for their country. It would be overjoyed if children were no longer exposed to any kind of aggression, least of all armed conflict.

58. He attached particular importance to the articles of the draft convention concerning sexual exploitation, abduction and torture, issues which were covered in Paraguay's Criminal Code and in the recently promulgated Children's Code. Paraguay had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 23 October and had launched a national campaign to eradicate any elements of torture existing on Paraguayan soil. The judiciary had also admitted a number of requests for the punishment of torturers and their accomplices and accessories.

59. Mr. WALDROP (United States of America), speaking in exercise of the right of reply, said that the Central American peace accords called on Nicaragua to allow free and fair elections. Those elections would test the Sandinistas' commitments because, to be truly fair, not only must they be free of fraud but the contending parties must be allowed an equal opportunity to campaign and the voters must have access to information and be able to exercise their choice free of coercion and intimidation. In addition to generous economic aid for their electoral campaign, the Sandinistas had at their disposal the entire State structure, which they controlled. If the opposition was to be able to compete, it must receive financial and material assistance. The National Endowment for Democracy, a non-partisan congressionally-funded private foundation, had responded to requests from democratic forces in Nicaragua by announcing that it would expand its programmes in Nicaragua, for which it would receive additional funding from the United States Government. The funds would be used for training the national opposition and developing its infrastructure, encouraging voters to go to the polls and facilitating the work of election monitoring and international observer delegations. The money would not be used to support the campaigns of particular candidates.

60. He urged all democratic Governments to continue to press for the opposition to be given a fair chance to compete against the ruling party in Nicaragua. Fair and genuine elections in Nicaragua would be an important step forward for the Central American peace process.

61. Mrs. VARGAS (Nicaragua), speaking in exercise of the right of reply, said that for eight years the international community had witnessed the efforts of the United States Government to overthrow the constitutional Government of Nicaragua by a mercenary military force financed by Congress. Nicaragua was now facing a new kind of interference in its internal affairs.

62. Her Government, with the other Central American Governments, had adopted and set in motion a peace plan designed to further democracy in Nicaragua. The plan had the full support of the United Nations and the Organization of American States. Nicaragua had requested the assistance of international organizations precisely so that there would not be just one judge at its trial, whose final judgement could already be predicted since the United States President had indicated his support for the opposition candidate. The time when the United States could impose its hand-picked candidates on the Nicaraguan people was a thing of the past.

63. Her delegation vigorously rejected the decision by the United States Congress to approve \$9 million for the Nicaraguan elections, a decision which it viewed as interference in the internal affairs of Nicaragua and a threat to its interests and its inalienable right to elect its authorities freely. She invited international organizations to observe the electoral process in her country and to see how the people elected their President, as in any Latin American democracy.

64. Mr. WALDROP (United States of America), speaking in exercise of the right of reply, said that the funds provided by the National Endowment for Democracy would be handled in accordance with Nicaraguan law: 50 per cent would end up in the hands of the Sandinistas. His delegation found it ironic that United States Government funds intended to promote democracy in Nicaragua would help to benefit the Sandinista régime.

The meeting rose at 6 p.m.