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43rd meeting  
held on  
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at 10 a.m.  
New York

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SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. KABORE (Burkina Faso)

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ORGANIZATION OF WORK

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20 November 1989

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The meeting was called to order at 10.15 a.m.

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

AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/44/40,  
A/44/331, A/44/364, A/44/409-S/20743 and Corr.1 and 2, A/44/441, A/44/592 and  
Add.1, A/44/662, A/44/710; E/1989/22; E/CN.4/Sub.2/1987/20;  
E/CN.4/Sub.2/1987/SR.22-27 and Corr.1, E/CN.4/Sub.2/1988/SR.13, 16, 18-24 and 26,  
E/CN.4/1989/SR.26-33)

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)  
(A/44/190 and Corr.1, A/44/271 and Corr.1, A/44/300, A/44/310, A/44/327, A/44/330  
and Corr.1, A/44/336, A/44/342, A/44/346, A/44/348, A/44/360, A/44/405, A/44/411,  
A/44/412, A/44/618, A/44/666; A/C.3/44/3)

AGENDA ITEM 107: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS  
(continued) (A/44/409-S/20743 and Corr.1 and 2, A/44/551, A/44/606)

AGENDA ITEM 108: ADOPTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)  
(A/44/240, A/44/306, A/44/393, A/44/616; A/C.3/44/7; A/C.3/44/L.44, L.45 and L.47)

AGENDA ITEM 112: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
PUNISHMENT (continued) (A/44/46, A/44/171, A/44/238 and Corr.1, A/44/443, A/44/477,  
A/44/623, A/44/706, A/44/708)

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. MAVROMMATIS (Cyprus) said that religious tolerance had always been one of the cornerstones of Cypriot society and the principle of religious freedom was embodied in article 18 of the Constitution. Greek Cypriots, who constituted 80 per cent of the population and belonged to the Greek Orthodox Church, had lived for centuries under conditions of economic interdependence, mutual respect and social harmony with their Turkish Cypriot compatriots, who represented 18 per cent of the population and were Muslims. It was obvious therefore that neither religious conflict nor even religious friction were or had ever been part of the problem of Cyprus.

2. His delegation fully supported the adoption of the draft convention on the rights of the child. While it was the result of compromise and did not necessarily reflect the views of every State, the convention was none the less a remarkable achievement in that it affirmed the human rights of the child as an individual and not merely as a member of a family or larger grouping. In general, the draft convention constituted significant progress towards the overall improvement of the situation of children in both developing and developed countries.

(Mr. Mavrommatis, Cyprus)

3. His Government would support the draft resolution containing the text of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. It believed firmly that the adoption of that resolution would not impose on any State an obligation to abolish the death penalty, nor would it pass judgement on any States whose views were at variance with those of the resolution. He appealed to the understanding of States that did not yet wish to abolish the death penalty and urged the Committee to adopt the draft resolution without a vote.
4. The improved international climate had had a beneficial effect on the enjoyment of individual rights and freedoms. The Human Rights Committee was able to follow an approach based on constructive dialogue aimed at helping States parties fulfil their obligations. In that connection, he recommended that Governments and individuals should read very carefully the general comment on discrimination adopted by the Human Rights Committee at its recent session at Geneva. That comment was extremely helpful in promoting and protecting human rights and fundamental freedoms.
5. Under article 37 (3) of the International Covenant on Civil and Political Rights, the Human Rights Committee should normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva. A proposal had been put forward recently in the Fifth Committee that all sessions of the Human Rights Committee should be held at Geneva. Experience had shown that a considerable number of developing countries were unable for financial reasons to send delegations to Geneva to present their reports. Time and again, the consideration of such reports had been postponed until a session was held at Headquarters. The proposal in question clearly ran counter to article 37 (3) of the Covenant. Accordingly, he urged the Chairman to look into the matter so that it could be resolved in accordance with both the letter and the spirit of the Covenant.
6. The CHAIRMAN said that he had taken note of the request made by the representative of Cyprus and would do what he could in that regard.
7. Mr. AGUILAR (Venezuela) said that everyone had the right to profess their religious faith freely. Throughout history, religious intolerance had led to tragic wars and interminable conflicts. Tolerance, on the other hand, ensured peaceful coexistence and must be promoted by States on the basis of an appropriate legal framework. In that connection, his delegation supported the adoption of an international instrument which developed further the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The work carried out in that field by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities was a valuable contribution to efforts to combat discrimination based on religion or personal belief.
8. Since human rights were indivisible and interdependent, equal attention must be given to both civil and political rights and economic, social and cultural rights. Venezuela had totally abolished the death penalty and attached priority to

(Mr. Aguilar, Venezuela)

the drafting of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. The draft optional protocol contained in document A/44/592 could meet the concerns of States that wanted an international agreement on the question. It was not a question of forcing States to abolish the death penalty but simply of enabling States that had already done so to make a joint statement on the subject through an international instrument.

9. He fully supported the request by the representative of Cyprus concerning the proposal to hold all sessions of the Human Rights Committee at Geneva. It was sometimes difficult and costly for States parties to send delegations to Geneva and, consequently, those countries sometimes requested postponement of the consideration of their reports until a session was held in New York. He also agreed with the representative of Cyprus concerning the need to give careful consideration to the general comment on discrimination recently adopted by the Human Rights Committee.

10. Venezuela had always attached great importance to protecting the rights of children. Although it had revised its laws governing the situation of minors, much remained to be done and the social impact of the country's foreign debt was making it more difficult to carry out measures in that field. Venezuela believed that an international instrument was needed that supplemented existing human rights norms and defined the rights of the child exclusively in terms of the child's best interests.

11. Venezuela felt that the draft convention could have provided broader protection for the rights of children, and had particular difficulties with the provisions of article 21 (c) and (d), given the clear evidence of trafficking in children for adoption. He trusted that individual Governments would adopt additional measures to prevent such trafficking. Further protection should also have been provided by establishing at 18 years the minimum age for participation in armed conflicts. Nevertheless, his delegation fully supported the draft convention in the belief that, as a universal instrument, it would make an invaluable contribution to present and future generations. Once the convention was adopted, his Government would take immediate steps to ratify it.

12. Venezuela attached importance to the activities being carried out by the United Nations system, particularly UNESCO, to mark International Literacy Year. In order to achieve the objectives of the Year, States must participate actively by initiating national literacy programmes.

13. Mr. ALLAFI (Libyan Arab Jamahiriya) said that, in speaking of the International Covenants on Human Rights, it must be borne in mind that human rights formed an integral whole and could not be separated from each other. There was neither justice nor logic in speaking of individual human rights and freedoms without at the same time speaking of those which affected entire peoples. It was not rational to show concern for the cause of certain individuals and to make the greatest efforts to assist them in leaving their homelands, only to oblige them to

(Mr. Allafi, Libyan Arab Jamahiriya)

migrate to another country, displace its people and establish settlements there. Neither was it rational to sponsor the cause of individuals whose right to life was said to have been violated and to ignore the fact that those individuals could themselves cause harm to others and jeopardize their right to life. Although his delegation believed deeply that individual civil and political rights were sacrosanct, since respect for individual human dignity was fundamental to the progress and prosperity of peoples, the view of those who sought to establish a distinction between two different kinds of human rights could not be accepted.

14. Accession to the International Covenants on Human Rights and other human rights instruments had been extremely slow, and a large number of States continued to ignore the repeated calls of the international community in that regard. Despite the relative easing of tensions in international relations in recent years, the world continued to witness flagrant violations of human rights and fundamental freedoms and the practice of the most heinous forms of torture. In those circumstances, his delegation strongly supported the idea of convening an international conference on human rights in 1993. The International Conference on Human Rights held at Tehran in 1968 had demonstrated the usefulness of such conferences in reaffirming and reinforcing the importance of existing human rights instruments.

15. On 16 May 1989, his country had become a party to the International Covenants on Human Rights and nine other international human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women. His country's accession to those instruments was in keeping with its new commitment to the protection and promotion of human rights and fundamental freedoms and its firm determination to meet its international commitments in that field in full.

16. On the occasion of the thirtieth anniversary of the Declaration of the Rights of the Child, his delegation believed that the most appropriate gift that could be made to the world's children would be the adoption of the draft convention on the rights of the child as a new instrument establishing international standards for the protection of children and providing a general framework for the promotion of programmes to improve their situation. As a participant in the sessions of the open-ended working group on a draft convention on the rights of the child, his delegation had already had the opportunity to voice its comments. Although, in its present form, the draft convention was not all that his country might desire, the Libyan Arab Jamahiriya was nevertheless pleased that it had ultimately been possible to achieve an agreed text. It was convinced of the need for the adoption of such a convention and, in the drafting of any international instrument, it was not possible to achieve perfection in the light of the multiplicity and diversity of the concerns of States. His delegation wished to reaffirm its commitment to the Tunis Declaration adopted by the representatives of the States members of the Arab Maghreb Union in June 1989, as well as to the resolution adopted by the Council of the League of Arab States in the same connection.

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**AGENDA ITEM 111: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS (continued)**  
(A/C.3/44/L.32-36, L.41)

Draft resolution A/C.3/44/L.32

17. Mr. WALKER (Jamaica), introducing draft resolution A/C.3/44/L.32 on behalf of the sponsors, said that Suriname wished to join in sponsoring the resolution.

18. Drug abuse and illicit trafficking had been at the top of the agenda of the current session of the General Assembly. All countries could benefit from United Nations help in combating the growing drug menace, but none more so than the small nations of the Caribbean, which were becoming tightly locked into a network of drug activities linking the northern and southern hemispheres. Faced with a highly organized group of interlocking cartels, they lacked the resources to respond adequately to what was recognized as an international problem. While they deeply appreciated the work already being done within the United Nations system, the United Nations role should be strengthened and expanded.

19. He wished to place special emphasis on operative paragraph 4, subparagraphs (a)-(e), of the draft resolution. With respect to subparagraph (f), concerning the preparation of a detailed proposal for a United Nations multilateral, multisectoral anti-drug capability, he said that, while the sponsors were convinced of the need for such a facility, which could assist the many small countries of the world whose sovereignty might be endangered by the drug menace, it was important to seek consensus. They therefore did not object to the suggestion that had been made to amend the draft resolution to ask only for a study of the proposal to create such a facility. Other suggestions made during informal consultations also might still be incorporated into the text. In that regard, the sponsors welcomed the suggestion to merge the draft resolution with other resolutions on the same subject, and would pursue consultations in that regard.

20. The sponsors attached the utmost importance to the upcoming special session on drugs and hoped that their proposals would contribute to its success.

Draft resolution A/C.3/44/L.33

21. Mr. AGUILAR (Venezuela), introducing draft resolution A/C.3/44/L.33 on behalf of the sponsors, who had been joined by Cyprus, Denmark, Guatemala, Ireland, the Netherlands, Suriname and Sweden, said that its main aim was to enable the General Assembly to conclude the work it had begun several years previously and which had led to the adoption in 1988 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The adoption of that important instrument had demonstrated once again the international community's strong commitment to the war against drugs.

22. The preambular part of the draft resolution reaffirmed the importance of the Convention, while operative paragraphs 1 and 2 recognized the valuable contributions of those who had participated in its preparation and adoption. Operative paragraph 5 took due account of the fact that lengthy ratification procedures might delay the entry into force of the Convention and invited States to apply its measures provisionally.

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(Mr. Aguilar, Venezuela)

23. Paragraph 8 was among the most important in the draft resolution. It demonstrated Member States' recognition of the need to provide the United Nations drug control bodies with the resources they needed to fulfil their new responsibilities under the Convention effectively. Public information activities relating to the Convention were also important and, in that connection, operative paragraph 11 recognized the role to be played by the Department of Public Information.

24. The Convention was important for the entire international community because its implementation would assist efforts to combat drug trafficking in such sensitive areas as funding and freedom of movement and organisation. The draft resolution incorporated several suggestions made by delegations and he hoped that, as in previous years, it would be adopted without a vote.

25. Mr. ITO (Japan) said that his delegation wished to become a sponsor of the draft resolution.

Draft decision A/C.3/44/L.34

26. Mr. MALAGA (Peru), introducing draft decision A/C.3/44/L.34 on behalf of the sponsors, said that a decision to change the title of an agenda item was, of course, merely procedural. However, in the light of the new magnitude acquired by the problem of drug abuse and illicit trafficking, it was especially important that the title of the item should reflect the content of discussions. The sponsors therefore hoped that the decision would be adopted unanimously.

Draft resolution A/C.3/44/L.35

27. Mr. OLEINIK (Ukrainian Soviet Socialist Republic), introducing draft resolution A/C.3/44/L.35 on behalf of the sponsors, said that the German Democratic Republic also wished to become a sponsor. His delegation had proposed to the Committee the idea of proclaiming a United Nations decade against drug abuse. Such a decade would serve as a framework for long-term, carefully planned measures designed to mobilize public opinion and create favourable political conditions at the global, regional and national level for implementing specific decisions to be taken at the forthcoming special session of the General Assembly. The decade should provide for the creation of a network of national committees to serve as a basis for the implementation of relevant United Nations decisions by governmental and non-governmental organisations, and should promote the dissemination of information about the international campaign and mobilize public opinion in support of it. He called on all delegations to support the proclamation of a decade against drug abuse, which could play a key role in overcoming that universal scourge.

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Draft resolution A/C.3/44/L.36

28. Mr. SUNDBERG (Sweden), introducing draft resolution A/C.3/44/L.36 on behalf of the sponsors, said that, because the world had a right to expect urgent, efficient action from the United Nations in combating illicit drugs, the sponsors attached great importance to the success of their initiative. Although the deadline had been extended, they had been unable to finalize consultations on the draft resolution and might still decide to present a revised version of it at a later date.

Draft resolution A/C.3/44/L.41

29. Mrs. ASHTON (Bolivia), introducing the draft resolution on behalf of the sponsors who had been joined by Bangladesh, Botswana, Cuba, Honduras, India, Indonesia, Malaysia, the Philippines and Spain, said that the draft resolution reflected the international community's serious concern at the adverse social and economic consequences, particularly for developing countries, of all aspects of drug trafficking. It also showed that the international community gave high priority to tackling the drug problem while taking due account of the different aspects of that problem in each country.

30. The preambular part of the draft resolution recognized the work being done by the United Nations drug control bodies and stressed the growing connection between drug trafficking and terrorism. She wished to introduce a new seventh preambular paragraph, which would read as follows: "Emphasizing the efforts made by countries that produce psychotropic substances for scientific, medicinal and therapeutic uses to prevent such substances from being channelled towards illicit markets and to keep production at a level in keeping with licit demand".

31. A new eighth preambular paragraph should also be added as follows: "Reiterating that the transit routes used by drug traffickers change constantly and that a growing number of countries in all regions of the world, and even entire regions, are particularly vulnerable to illicit transit owing, inter alia, to their geographical location".

32. She wished to thank all those delegations that had offered suggestions, some of which were still under consideration by the sponsors, and hoped that the draft resolution would be adopted by consensus.

AGENDA ITEM 96: 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.3/44/L.37-39, L.43)

Draft resolution A/C.3/44/L.37

33. Miss KAMAL (Secretary of the Committee) said that part of operative paragraph 11 of the draft resolution had been inadvertently omitted and that the following should be added at the end of the text of that paragraph as it appeared in document A/C.3/44/L.37: "and for the United Nations to harmonize its activities



(Miss Kamal)

in the field of human rights with those of other organizations, including the International Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law and, with regard to education for human rights, the United Nations Educational, Scientific and Cultural Organisation".

34. Mr. STUART (Australia), introducing draft resolution A/C.3/44/L.37 on behalf of the sponsors, said that Argentina, Finland and Senegal had also become sponsors. The draft resolution represented a merger in streamlined form of General Assembly resolution 43/128 and Commission on Human Rights resolution 1988/53.

35. The draft resolution was designed to focus attention on the importance of public information activities in the field of human rights, to enhance the cost-effectiveness of those activities, particularly the World Public Information Campaign on Human Rights, and to give those activities further practical impetus. The sponsors hoped that it would be adopted by consensus.

Draft resolution A/C.3/44/L.38

36. Ms. ILIC (Yugoslavia), introducing draft resolution A/C.3/44/L.38 on behalf of the sponsors, said that Bangladesh, Myanmar, Romania, Suriname and Viet Nam had also become sponsors. She drew attention to the preambular and operative parts and said that all references to the "Commission" should be amended to read "Commission on Human Rights" and all references to the "Declaration" should be amended to read "Declaration on the Right to Development".

Draft resolution A/C.3/44/L.39

37. Mr. MORA (Cuba) introduced draft resolution A/C.3/44/L.39 and said that Afghanistan, Mozambique, the Syrian Arab Republic and Zambia had become sponsors.

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

38. Ms. MEHTA (India) introduced draft resolution A/C.3/44/L.43 and announced that Nigeria and the Ukrainian SSR had become sponsors. She hoped that it would be adopted without a vote.

ORGANIZATION OF WORK

39. Mrs. WARZAZI (Morocco) proposed that when the Committee came to consider the item on refugees, it should hear a report from the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan.

40. It was so decided.

The meeting rose at 12.20 p.m.