

United Nations
GENERAL
ASSEMBLY



FORTY-THIRD SESSION

Official Records*

THIRD COMMITTEE
40th meeting
held on
Friday, 11 November 1988
at 3 p.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

later: Mr. GALAL (Egypt)

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Distr. GENERAL
A/C.3/43/SR.40
23 November 1988
ENGLISH
ORIGINAL: FRENCH

88-57115 0938S (E)

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

AGENDA ITEM 107: FAMILIES IN THE DEVELOPMENT PROCESS (continued)
(A/C.3/43/L.21/Rev.1 and A/C.3/43/L.30)

1. The CHAIRMAN said that draft resolution A/C.3/43/L.21/Rev.1 and the amendments (A/C.3/43/L.30) had no financial implications for the programme budget. If the Committee members had no comments, he proposed that they should take a decision simultaneously on both texts.
2. Mr. MATELA (Poland) said that the amendments proposed by Egypt were the outcome of open, in-depth discussions and negotiations at which a remarkable spirit of co-operation had prevailed. After reaching agreement, the delegations concerned had decided to submit the following new amendment:
3. In operative paragraph 5 of draft resolution A/C.3/43/L.21/Rev.1, the second line should read: "intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council to submit to the".
4. In addition, the word "as" should be deleted from the third preambular paragraph of the English version.
5. If the Committee accepted those changes, Egypt would withdraw the amendments it had proposed (A/C.3/43/L.30).
6. Mr. GALAL (Egypt) confirmed that, after the statement by Poland, the Egyptian delegation did not maintain its amendments. The concept of the family was expressed sufficiently clearly in operative paragraph 1 of draft resolution A/C.3/43/L.21/Rev.1, since it referred to resolution 42/134, which had been adopted the previous year by the General Assembly on the same subject and defined the family as the natural and fundamental group unit of society.
7. There was some inconsistency, however, between the title, which referred to development, and the body of the text, which proposed an international year of the family - two ideas which came within the purview of two different committees. Proclaiming a year of the family would be a good idea but what was most important was to base it on a satisfactory concept stressing the moral values of the family which were irreplaceable in combating, for example, such phenomena as violence or drugs.
8. His delegation was satisfied that reference had been made to the question of the International Human Rights Covenants, since there must be full accession to those instruments.
9. Miss AL-MULLA (Kuwait) appreciated the efforts made by the delegations, especially those of Poland and Egypt, to achieve a consensus. She would, however, have preferred the draft to provide a clearer definition of the concept of the

(Miss Al-Mulla, Kuwait)

family, such as that given in the initial draft resolution A/C.3/43/L.21, but in a spirit of co-operation would not insist on that point.

10. The CHAIRMAN said that, in the absence of any objections, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.21/Rev.1 without a vote.

11. It was so decided.

12. Mr. VAN WULFFTEN-PALTHE (Netherlands) recalled that his country's position on family matters had been amply explained at international meetings, in particular at the previous session of the United Nations General Assembly and in its reply to the Secretary-General's request for States' comments with a view to preparing the report (A/43/570) provided for in resolution 42/134.

13. His Government saw no merit in proclaiming an international year of the family. While it recognized the family as a basic unit of society, it also recognized the diversity of its forms and structures according to different contexts. It therefore advocated the strengthening of the family and comparable social units, but was concerned that an international debate on the question might encourage negative views or even bias and discrimination against households other than the traditional nuclear family.

14. Family concerns were quite different in developed societies and developing countries. The former focused on issues such as family law, single-parent households, children's rights, the social and economic position of the elderly, equality of the sexes and alternative lifestyles, whereas the latter faced other kinds of problems such as health, food, nutrition, housing and the eradication of poverty.

15. His delegation pointed out that only recently had the Human Rights Committee invited States to define the concept of the family according to their social systems.

16. Finally, it accepted the proposed amendment to paragraph 5 of draft resolution A/C.3/43/L.21/Rev.1, since it was for Governments themselves to decide which NGOs they wished to consult.

17. Mrs. PEARSE (Australia) said that her delegation had joined in the consensus on the draft resolution because of its non-restrictive definition of the family which did not detract from the progress made in the promotion and protection of the rights of each family member.

18. Australia accepted the amendment to operative paragraph 5, on the understanding that it should be seen in the context of the national efforts referred to in the sixth preambular paragraph and that such an amendment could not apply broadly to all the references to NGOs in the numerous draft resolutions considered on the subject at the current session and at previous ones.

19. Mr. McGANN (United States of America) said that his delegation had joined in the consensus on the draft resolution in the conviction that the family was the basic unit of society on which national and regional social development programmes should be focused. However, the United States was not in favour of proclaiming an international year of the family, since events of that kind had too often proved ineffective and counterproductive. Since much remained to be done to ensure the success of an international year on so important a question, the United States of America considered such an initiative to be premature.
20. Mr. AL-MAJED (Bahrain) said that his delegation, which had joined in the consensus on the draft resolution, considered it necessary to reaffirm the role of the family as an element of societal cohesion and would accept no other interpretation going beyond that concept.
21. Mrs. RIDDELL (New Zealand), said her delegation had joined in the consensus on the draft resolution. It favoured the participation of all intergovernmental and non-governmental organizations, whether or not they were in consultative status with the Economic and Social Council.
22. Mr. KRENKEL (Austria), speaking as a sponsor of the draft resolution, welcomed the consensus that it had received, reaffirmed the importance of the family as the basic unit of society and did not consider it appropriate to limit the participation of the NGOs, which might well set a precedent in other areas.
23. Mrs. KIMATA (Japan) said that her delegation had joined the consensus on the draft resolution, although it did not fully approve of the wording of paragraph 5.
24. Mr. LINDHOLM (Sweden), speaking on behalf of the Nordic countries, said that they had joined the consensus on the draft resolution, but doubted the utility of an international year of the family: such activities were very costly and it was essential to prevent their proliferation and to prepare them carefully. The Nordic countries also were concerned that an international year devoted to the family might interfere with efforts to achieve equality between men and women. In any event, the relationship between family and employment must be stressed.
25. Mr. HENNESSY (Ireland) said that his delegation had joined the consensus on the draft resolution, but had reservations about the amendments to paragraph 5, because it was inappropriate to limit the participation of the NGOs.
26. Mr. BEAULNE (Canada) drew attention to the role of the family as the basic unit of society. It might be useful to devote an international year to the subject, provided that it focused upon activities at national and regional levels and bore in mind the different local contexts.
27. Mrs. BARISH (Costa Rica), speaking as a sponsor of the draft resolution, reaffirmed the importance of the family and expressed support for proclaiming an international year on the subject. The participation of NGOs should not be limited because of the precedent that that might be set for later resolutions.

28. Mr. SHAUKAT (Pakistan) said that his delegation had joined the consensus on the draft resolution, but would have liked to see, in the third preambular paragraph, a clearer definition of the family as the basic unit of all society and the fundamental building-block of the nation.

29. The CHAIRMAN said that sponsors of draft resolutions did not have to give explanations of vote. It was to be hoped that the procedure would be respected in the future.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
(continued) (A/C.3/43/L.27/Rev.1)

AGENDA ITEM 95: FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN TO THE YEAR 2000 (continued) (A/C.3/43/L.23, L.26, L.28, L.29 and L.25)

Draft resolution A/C.3/43/L.27/Rev.1

30. The CHAIRMAN said that the draft resolution had no financial implications for the programme budget and that Turkey and Iceland had joined the sponsors.

31. Mrs. BARISH (Costa Rica) said that her country did not appear, as it should have, among the sponsors of the draft resolution, and she asked that that mistake should be corrected.

32. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.27/Rev.1 without a vote.

33. It was so decided.

Draft resolution A/C.3/43/L.23

34. The CHAIRMAN said that draft resolution A/C.3/43/L.23 had financial implications for the programme budget.

35. Mr. RWANBUYA (Chief, Economic, Social and Human Rights Service) said that, under paragraph 5 of draft resolution A/C.3/43/L.23, the General Assembly would endorse Economic and Social Council resolution 1988/19, in which the Council had decided, inter alia, that the duration of the thirty-fourth session of the Commission on the Status of Women should be extended to 10 days.

36. Prior to the adoption of that resolution, the Economic and Social Council had been informed that the Commission on the Status of Women, which normally met for eight working days, would require two additional days of conference servicing at a cost of \$167,300. In addition, subsistence allowance would be required for six staff and four observer representatives of national liberation movements recognized by the Organization of African Unity (OAU) and specifically invited to the Commission in accordance with General Assembly resolution 3280 (XXIX). The extra amount would be \$2,700.

(Mr. Rwanbuya)

37. A request for additional funds had already been presented to the General Assembly (A/C.5/43/5). It stated that the requirements for 1990 would be included in the Secretary-General's proposed programme budget for the 1990-1991 biennium. The Advisory Committee on Administrative and Budgetary Questions had reviewed the proposal (A/43/7/Add.1). The Fifth Committee had considered the Secretary-General's report together with the report of the Advisory Committee and had recommended that the additional funds requested be approved.

38. Mr. BEN HAMIDA (Tunisia) said that, following consultations with several delegations, it had been decided to add, after the seventh preambular paragraph, a new paragraph: "Taking note of the Economic and Social Council resolutions on questions concerning women,".

39. It was also proposed to add, at the end of paragraph 13, following the words "developing countries", the following words: "as well as Economic and Social Council resolution 1988/49, in which the Council calls upon the Secretary-General to devote a separate section in the World Economic Survey to the economic aspects of the situation of women and their contribution to economic development". Furthermore at the end of paragraph 2 the date should be 1997 and not 1996.

40. Those amendments were the result of consultations among several delegations, including the Group of 77, during which Tunisia had demonstrated a spirit of openness in the hope that the resolution would be adopted by consensus.

41. Mr. VAN WULFFTEN-PALTHE (Netherlands) asked what would be the exact duration of the thirty-fourth session of the Commission on the Status of Women.

42. Mr. BEN HAMIDA (Tunisia), referring to Economic and Social Council decision 1988/19, said that the session would last 10 days.

43. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee wished to adopt draft resolution A/C.3/43/L.23, as amended by Tunisia, without a vote.

44. It was so decided.

Draft resolution A/C.3/43/L.25

45. The CHAIRMAN, noting that draft resolution A/C.3/43/L.25 had no financial implications, said that if there were no objections he would consider that the Committee wished to adopt the draft resolution without a vote.

46. It was so decided.

Draft resolution A/C.3/43/L.26

47. The CHAIRMAN said that draft resolution A/C.3/43/L.26 had no financial implications for the Organization's programme budget.

48. Mrs. MUKHERJEE (India) said that paragraph 9 should be amended to read: "Requests the Secretary-General to transmit the report of the Administrator of UNDP on the activities of the Fund, in accordance with resolution 39/125, to the General Assembly at its forty-fourth session."

49. Mrs. WARZAZI (Morocco) wanted the word "ménagent" in the penultimate line of the fourth preambular paragraph of the French text to be replaced by "assurant".

50. The CHAIRMAN said that in the absence of any objections he would consider that the Committee wished to adopt draft resolution A/C.3/43/L.26, as amended by the representatives of India and Morocco, without a vote.

51. It was so decided.

Draft resolution A/C.3/43/L.28

52. The CHAIRMAN, noting that draft resolution A/C.3/43/L.28 had no financial implications for the Organization's programme budget, recalled that when submitting the draft resolution the representative of Mexico had requested that the words "in accordance with the provisions of the Charter" should be added at the end of paragraph 2.

53. Mrs. PELLICER (Mexico) said that to assist in arriving at a consensus the United Kingdom had withdrawn its amendment. She added that Ghana, Iraq, Morocco and Samoa wished to join the sponsors of the draft resolution.

54. Mrs. NAHAS (United States of America) said that the United States would remain a sponsor of the draft resolution as it was convinced that the Secretary-General would anyway respect the provisions of the Charter when proposing a person for the position concerned.

55. The CHAIRMAN said that if there were no objections he would consider that the Committee wished to adopt draft resolution A/C.3/43/L.28 without a vote.

56. It was so decided.

57. Mrs. HELKE (United Kingdom), explaining the position of her delegation, said that it associated itself with the consensus on the understanding that paragraph 2 was subject to the provisions of the Charter. The Secretary-General would in any event appoint the person who seemed to him best qualified, without systematically favouring one sex or the other.

58. Mrs. NYMAN (Finland), speaking on behalf of the Nordic countries, said that it was quite natural for the Secretary-General to designate a woman to serve as the focal point of activities intended to improve the status of women in the Secretariat; the wording of paragraph 2, however, suggested that there was a danger of conflict with the prerogatives of the Secretary-General, who had the right to appoint the person of his choice to any post in the Secretariat.

59. Mrs. MUKHERJEE (India) said that it was to be hoped that the provisions of the Charter applied equally to the two sexes.

60. Mr. VAN NULFFTEN-PALTHE (Netherlands), explaining his position, said that his delegation had not wanted to jeopardize the consensus but wished nevertheless to emphasize that the Secretary-General should proceed in the normal way to make the appointments he judged most suitable, and that the wording of paragraph 2 almost ran counter to that prerogative.

Draft resolution A/C.3/43/L.29

61. The CHAIRMAN noted that draft resolution A/C.3/43/L.29 had no financial implications for the Organization's programme budget.

62. Mr. LINDHOLM (Sweden) expressed his delegation's reservations concerning paragraph 2, which appealed to all Governments to give wide publicity to the Declaration on the Participation of Women in Promoting International Peace and Co-operation. He wondered if that statement was really necessary since the Convention on the Elimination of All Forms of Discrimination against Women already had binding force. He therefore proposed deleting the word "wide" in the first line of the paragraph, adding that he had been in contact with the delegation of the German Democratic Republic on the subject.

63. The CHAIRMAN said that if there were no objections he would consider that the Committee wished to adopt draft resolution A/C.3/43/L.29, as amended by Sweden, without a vote.

64. It was so decided.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/C.3/43/L.24)

65. The CHAIRMAN recalled that in its resolution 1988/63 the Economic and Social Council had recommended guidelines for international decades for adoption by the Assembly. He said that since agenda item 12 had been allocated to the Second Committee, the Chairman of that Committee had sent him a letter (A/C.3/43/L.24, annex) requesting the views and comments of the members of the Third Committee on aspects of the guidelines that might fall under the mandate of the Committee. Given how little time was available, he suggested that delegations wishing to formulate views and comments on the subject should submit them to him in writing by 15 November so that he could communicate them to the Chairman of the Second Committee. If there were no objections, he would consider that the Committee wished to act accordingly.

66. It was so decided.

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

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

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

AGENDA ITEM 100: INTERNATIONAL COVENANT ON HUMAN RIGHTS (continued) (A/43/3, 40, 56, A/43/290-S/19744, A/43/291-S/19745, A/34/371-S/19894, A/43/518)

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

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

67. Mrs. KIMATA (Japan) said that the International Covenants on Human Rights, which set high standards for the protection and promotion of those rights, were fundamental legal instruments in that field, yet only some 90 States had become parties to them. Her delegation therefore urged all States which had not yet done so to become parties to the Covenants.

68. The enjoyment of two categories of rights (civil and political rights on the one hand and economic, social and cultural rights on the other) was vital to the building of the ideal society. The effort to achieve the latter should not, however, be used as an excuse for not guaranteeing the former.

69. Human rights should be respected de facto and not merely de jure. It was for that reason that the gap between standards and reality must be bridged while being careful not to politicize those rights or to employ a double standard when considering the human rights situation in different countries.

70. The implementation of the Covenants must be closely monitored by the United Nations. First, a free exchange of views on human rights situations everywhere in the world was crucially important. In particular, the practice of closing off discussion on certain resolutions by means of no-action motions should not be allowed.

71. Second, all States parties must comply with their reporting obligations. In that regard, her delegation welcomed the recommendation by the Committee on Economic, Social and Cultural Rights, endorsed by Economic and Social Council resolution 1988/4, that States parties should submit a single report within two years of the Covenant's entry into force for them and every five years thereafter. Her delegation welcomed the meetings by the persons chairing the six monitoring bodies entrusted with the consideration of reports to be submitted under the relevant human rights instruments, which were aimed at reducing the burden on the States parties and finding a solution to the backlog in their submission of reports. Furthermore, there should be maximum utilization of the advisory services

(Mrs. Kimata, Japan)

which, by providing technical assistance, enabled States parties to comply more fully with their reporting obligations.

72. Third, it was necessary to collect as much factual information as possible on the human rights situation in certain countries. The system of special rapporteurs and representatives was quite useful in providing an objective picture, but the co-operation of the Governments concerned was essential. Her delegation welcomed the sending of a mission to Cuba in September 1988 by the Commission on Human Rights to observe the human rights situation there.

73. Fourth, the procedures provided for in Economic and Social Council resolution 1503 (XLVIII) were of critical importance since they empowered the Commission on Human Rights, through its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to consider all communications received by individuals and groups on alleged violations of human rights.

74. Fifth, the organizations of the United Nations system should make every effort to avoid politicization of issues and to focus their deliberations on matters directly relating to the advancement of human rights.

75. With regard to item 99, her delegation deplored the situation of millions of children around the world. It had high regard for the efforts made by the Member States to elaborate a draft convention on the rights of the child. It was essential that the text should be universal in nature, so that it would be accepted by as many States as possible.

76. With regard to item 97, her delegation emphasized the importance which it attached to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. According to the Special Rapporteurs, the rights enshrined in the Declaration were still being infringed in many parts of the world. The causes must be sought not only in the legal norms but also in the social and cultural spheres. As to the advisability of codification, it was a complex and delicate matter which required full and careful study. Furthermore, religious and other non-governmental organizations, and people at the grass-roots level, should take part in the consideration of the question. Her delegation believed that stress should be placed on the effective implementation of the Declaration rather than on codification. In the long run, the solution seemed to lie in education and public information.

77. Since 1984, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities had been engaged in the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights. Her delegation had examined with interest the report submitted by the Special Rapporteur as well as the text of the draft protocol; it believed, however, that it was difficult to apply an internationally uniform solution to the question of abolishing capital punishment. In her country, the death penalty was rarely invoked.

(Mrs. Kimata, Japan)

78. The Centre for Human Rights had been seriously affected by the financial constraints which the United Nations system was experiencing. Her delegation was concerned that the quality of the Organization's work might suffer as a result, and hoped that the Fifth Committee would fully and carefully study the financial problems surrounding the Centre, in the light of the crucial need to make human rights a top priority.

79. Her country, whose Constitution reflected the objectives of the Charter of the United Nations and guaranteed to all of its people the enjoyment of all fundamental human rights, would spare no effort in the further protection and promotion of those rights.

80. Mr. KABORE (Burkina Faso), speaking on item 99, paid tribute to the strong determination to protect children from all kinds of abuse which the Member States had exhibited during the elaboration of the draft convention on the rights of the child. Africa shared that concern, since the Heads of State and Government of the Organization of African Unity had designated 1988 as the year of protection, survival and development of the African child. While expressing its appreciation for the excellent quality of the draft convention, his country would nevertheless like to see mention made in article 3, paragraph 4, of the need for monitoring the situation of children who had undergone "simple" or "full" adoption so as to strengthen the provisions of article 18. To that end, he suggested that the paragraph should be reformulated to read:

"The States Parties to the present Convention shall ensure competent supervision of the officials and personnel of institutions responsible for the care of children, the families having proceeded to 'simple' or 'full' adoption and shall ensure that they prepare periodic reports on the situation of the children."

81. His country hoped that its proposal would be taken into consideration at the final reading of the draft convention by the Commission on Human Rights at Geneva. In order to draw attention to the importance of the rights of the child, it would also be desirable for the Convention to be adopted in 1989, the year which marked the thirtieth anniversary of the Declaration on the Rights of the Child and the tenth anniversary of the International Year of the Child.

82. Mr. Galal (Egypt) took the Chair.

83. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on item 98, emphasized the importance which his country attached to the links between human rights and scientific and technological developments.

84. Science and technology could create the material conditions necessary for the prosperity of society and the blossoming of the individual (for instance, by helping to eliminate hunger, disease, poverty, and economic and social backwardness), but they could also endanger the survival of mankind. Indeed, the destructive power stored in arsenals, which represented a threat to all mankind, could not be forgotten. Furthermore, as the Italian representative had eloquently

(Mr. Ogurtsov, Byelorussian SSR)

pointed out, mankind was on the brink of environmental disaster. Faced with the development of ever more sophisticated weapons of mass destruction, one could only welcome the Treaty concluded between the Soviet Union and the United States on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, which was a first step on the road to eliminating nuclear weapons, ending the arms race and recognizing the right to life.

85. It was only through the strengthening of international peace and security, peaceful coexistence, détente, support for the struggle which peoples were waging for their independence and freedom, and the restructuring of international economic relations on an equitable basis that it would be possible to further international co-operation and ensure that scientific and technological advances were beneficial to development.

86. The Byelorussian SSR, which had been one of the sponsors of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, as well as of numerous resolutions on human rights and scientific and technological progress, considered that those provisions should be fully implemented by all States.

87. Proceeding to item 106, he said that his delegation had taken an active part in the formulation and adoption of the Convention against Torture, which the Byelorussian SSR had signed and ratified.

88. It must be recognized, however, that the Convention could not be sufficient in itself to eradicate the causes of that abhorrent phenomenon. Torture was in fact the inevitable consequence of a policy of mass and flagrant violations of human rights. It went without saying that Byelorussian legislation absolutely prohibited the use of torture. His delegation remained prepared to co-operate in the elimination of that infamous practice and other cruel, inhuman or degrading treatment.

89. Mr. TELLMANN (Norway), speaking on behalf of the Nordic countries on agenda item 106, welcomed both the entry into force of the Convention against Torture, which constituted a further element in the legal framework for human rights established over the years by the international community, and the submission to the General Assembly by the Committee against Torture of its first report. The campaign against torture must also include assistance to victims and their families and, for that purpose, all Governments were invited to contribute to the United Nations Voluntary Fund for Victims of Torture.

90. Proceeding to agenda item 100, he said that the Nordic countries had participated actively in the formulation of new instruments on human rights and would continue to do so so long as those instruments were consistent with the existing body of human rights law and were precise enough to give rise to identifiable rights and obligations. Those countries, however, stressed the need for better application of, and universal adherence, to existing standards and for further ratifications of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights as

(Mr. Tellmann, Norway)

well as the Convention against Torture. It was also important to ensure the proper functioning of the bodies established under the international instruments on human rights. The lack of publicity on the work of those bodies compounded other problems which impaired their functioning and could only harm the prestige of the United Nations.

91. With regard to agenda item 101, the Nordic countries noted with great satisfaction that the meeting of the Chairmen of the bodies established under the relevant human rights instruments, which had been held at Geneva in October 1988, had been a success. Among the serious problems identified at that meeting were the late submission of reports of States parties and sometimes also the non-submission or poor quality of reports. It was a matter of great concern that many States parties were not fulfilling their reporting obligations under the relevant international instruments. The Nordic countries urged the States concerned to do their utmost to submit their overdue reports and the treaty bodies should take whatever action was necessary to encourage States to do so. It would be interesting to know the exact number of States which were late in submitting their reports to the five competent bodies. While the Nordic countries were in favour of providing technical assistance and advisory services to States parties under the programme of advisory services for human rights, and of holding regional or subregional training courses on the preparation of reports, for the specific purpose of helping States which were contemplating ratification of one or more of those instruments, they thought that, given the high cost of such seminars and the scarce resources available, the Secretary-General should rather consider increasing expert assistance. It would also be useful, when formulating the various parts of the advisory services programme and also when preparing the manual which the Commission on Human Rights and UNITAR were working on for the use of States parties in preparing reports, to consult the bodies for which those reports were intended. Lastly, it might be advisable to consolidate the guidelines for the initial part of each State party's report in order to avoid unnecessary duplication and delay.

92. With regard to the Covenant on Economic, Social and Cultural Rights, the Nordic countries hoped that the decision to submit only one consolidated report every five years, instead of a partial report every three years, and the decision to simplify the guidelines concerning the choice of information to be included in those reports would help to eliminate delays, improve the quality of the reports submitted and increase States' awareness of the indivisibility of economic, social and cultural rights.

93. One of the major problems also highlighted during the meeting of Chairmen of the treaty bodies was that of improving the functioning and working methods of those bodies. It must not be forgotten that the quality of work done by the special rapporteurs and working groups, increasingly called upon in connection with the preliminary consideration of each report, depended on the availability of secretarial services between and during sessions. The Nordic countries therefore urged the Secretary-General to take action to ensure efficient staffing resources for the treaty bodies, in particular the Committee on the Elimination of Discrimination against Women. The meeting of the Chairmen of the treaty bodies had called upon the General Assembly to consider, as a matter of the highest priority,

(Mr. Tellmann, Norway)

the possibility of financing the activities of those bodies under the regular budget of the United Nations, or to make other financial arrangements. The Nordic countries had on several occasions expressed their concern at the refusal of some States parties to meet their financial obligations, in particular vis-à-vis the Committee on the Elimination of Racial Discrimination and the Committee against Torture. The operational expenses of those bodies should be borne by the regular budget of the United Nations, and he hoped that that solution, which had not been adopted for existing human rights instruments, would be adopted for those in process of negotiation. The Nordic countries also called on the Member States which had made a declaration that threatened to undermine the efficient functioning of the Committee against Torture to withdraw its declaration.

94. In conclusion, and taking into account the results of the meeting of Chairmen of the treaty bodies, he requested that meetings of that kind should be held on a regular basis.

95. Mr. YOUSIF (Iraq) said that his country, aware of the importance of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief as a human rights instrument, co-operated with the United Nations in its implementation. Iraq had provided all the information requested by the General Assembly in its resolution 42/97, and had made a number of proposals at the last meeting of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with a view to eliminating religious intolerance.

96. For Iraq, intolerance was based essentially on a denial of the right to be different, which engendered discrimination, exclusion and segregation against millions of persons throughout history who had ever been displaced or exterminated individually or in groups. A distinction should be made between a religion per se and the practices to which certain people resorted in the name of religion, because religious intolerance was often a result of those practices rather than of religion itself. Iraq, an Arab and Moslem country, believed that Islam was a religion which, since its origin, had accepted pluralism and the right to be different, a right which the Koranic texts obliged practising Moslems to respect. Since its birth in an intolerant world governed by the well-known principle of cujus regio ejus religio, whereby a sovereign imposed his religion on his people, Islam had been a revolutionary religion, because it affirmed the right of peoples to their own beliefs. In the Moslem religion, it was the sovereign who must bow before the precepts of religion, and not the reverse.

97. There was another danger, that of mixing religion and politics, which could lead, as experience had shown and continued to show, to interference in the internal affairs of other States and to war and armed and religious conflicts. Certain countries often made use of the right to be different and of religious pluralism in third world countries for political ends in order to break those countries up into micro-States and thereby serve their imperialist aims. Iraq, seeking to implement the provisions of the Declaration to the letter, fought against that danger and had succeeded in preserving its national unity. It shared the opinion of the Special Rapporteur of the Commission on Human Rights appointed to examine incidents and governmental actions in all parts of the world that were

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incompatible with the provisions of the Declaration, in paragraph 7 of his report (A/CN.4/1988/45 and Add.1), regarding the central role of Governments in combating such incidents and trends, such as acts committed by certain groups or individuals. It was necessary to bear in mind article 30 of the Universal Declaration of Human Rights. As the Special Rapporteur of the Commission noted in paragraph 8 of his report on the emergence of new religious movements, it was undeniable that those movements, wherever they appeared and on whatever ideology they were based, should enjoy all the guarantees of freedom of thought and freedom of belief provided for in the Declaration, but it should not be forgotten that some of their practices could jeopardize the health or physical integrity of their members. Iraq wondered whether one should speak of a new religion whenever a new religious movement emerged. The Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had, in his study of the current dimensions of the problems of intolerance and discrimination on the grounds of religion or belief (A/CN.4/Sub.2/1987/26), drawn attention to the danger arising from the use of drugs by certain groups under the guise of religion. Iraq had therefore requested the Special Rapporteur of the Commission at the forty-fourth session of the Commission on Human Rights to take care, whenever necessary, not to be misled by appearances and to adopt an objective stance vis-à-vis the religious groups within the meaning of the Declaration in order to ensure that the Declaration was not used for purposes incompatible with the objectives of the Charter of the United Nations. Those remarks in no way diminished Iraq's interest in the report of the Special Rapporteur of the Commission, and he reaffirmed Iraq's commitment to the Declaration, to its implementation and to international co-operation to that end.

98. Mr. DE AZAMBUJA (Brazil) commended the work of the United Nations in the field of human rights, in particular its work in sensitizing world public opinion to the need to respect the human rights of each individual, not only to ensure the maintenance of international peace and security but especially as an unconditional moral imperative for all. In particular, he welcomed the United Nations thematic approach, which was evident from its adoption of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, the Declaration on the Rights of the Child, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention against Torture; thanks to that approach, the Organization had been able to avoid the pitfall of the politicization of human rights. Brazil was resolved to continue its co-operation with the Commission on Human Rights and with the various special rapporteurs, who also made a useful contribution to human rights. His delegation welcomed the decision of the Economic and Social Council to extend for two-year periods the mandates of its special rapporteurs.

99. At the national level, he noted the entry into force, on 5 October 1988, of the new Brazilian Constitution, article 4 of which stated that Brazilian foreign policy would be based, inter alia, on the principle of the prevalence of human rights; moreover, the provisions of the Constitution incorporated all of the internationally accepted standards of respect for human rights. At the

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international level, Brazil would soon accede to the International Covenants on Human Rights and ratify the Convention against Torture. At the last session of the Commission on Human Rights, Brazil had been a sponsor of several resolutions related to the prevention of torture, and had taken part in the meeting of States parties to the Convention against Torture and in the first session of the Committee against Torture, held at Geneva in April 1988. In that regard, Brazil was concerned at the financial burden to be carried by States parties under the Convention, which was especially onerous for developing countries; as the Commission on Human Rights had noted in its resolution 1988/31, that was likely to delay the Convention's universal acceptance.

100. Brazil attached great importance to the question of the elimination of religious intolerance. By virtue of its history, Brazil had been at the confluence of different religions and had learned very early the value of religious tolerance and of freedom of religion. Consequently, it would continue to support the activities of the United Nations in that field, and looked forward to reading the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the issues and factors which should be considered before any drafting of a further binding international instrument on freedom of religion and belief took place, as had been requested by the Commission on Human Rights.

101. Turning to the question of a draft convention on the rights of the child, he said that Brazil had participated for 10 years in all the relevant activities, in particular in the consultations on the future United Nations convention on the rights of the child, held in September 1988 at Lisbon, in association with UNICEF. He welcomed the completion of the first reading of the draft convention, and supported Commission on Human Rights resolution 1988/75, in particular its last preambular paragraph and paragraph 6, regarding the necessity of taking account of the cultural values and needs of developing countries where children experienced the most problems, in order to achieve universal recognition of the rights in the future convention. Brazil concurred with the Commission's view that all countries should take an active part in the second reading of the draft convention.

102. Finally, Brazil attached great importance to the work of the United Nations, in particular that of the Commission on Human Rights dealing with the effect of scientific and technological developments on human rights. In particular, it supported the notion that knowledge was in itself a human right. In accordance with the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, co-operation among States with a view to strengthening the scientific and technological capabilities of developing countries was an essential factor in the speedy implementation of all human rights in those countries. Similarly, access to scientific knowledge and technological capability was an element of the right of individuals and peoples to development, and contributed in large part to the exercise of that right which was embodied in the Declaration on the Right to Development, an instrument to which Brazil attached special importance.

The meeting rose at 5.40 p.m.