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SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. KABORE (Burkina Faso)

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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/44/33, A/44/40, 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)

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. LOPATKA (Poland) said that the adoption and entry into force of the Convention on the rights of the child would be an important step in the development of international standards for the promotion and protection of human rights and fundamental freedoms. Indeed, the very process of drafting the convention had contributed to a better understanding of children's rights and of human rights in general. He wished to pay tribute to the States, United Nations bodies and non-governmental organizations that had contributed to the drafting process.

2. The drafters of the convention had had to find a way of harmonizing the varied and sometimes contradictory values and interests of the world's societies. The convention's main objective was to ensure special legal protection for children and, in so doing, it reinforced certain safeguards set forth in other international instruments, in particular the Declaration of the Rights of the Child, and also provided some new ones. By setting new standards in the field, the convention would promote a quality of life for children which was conducive to their political, mental and social development, irrespective of the particular features of their environment. In addition, it would play an important role in mobilizing

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(Mr. Lopatka, Poland)

international efforts to assist national governments in overcoming any difficulties encountered in implementing its provisions. Lastly, it would be an important contribution to the development and promotion of human rights from the specific perspective of children.

3. The draft convention did not simply list minimum standards for the protection of children but also made it incumbent upon States parties to create conditions facilitating active participation by children in the social and political life of their countries. Furthermore, States parties would be guided by article 41 to implement child protection measures that went beyond the provisions of the convention.

4. As it stood, the draft convention was not perfect but provided a solid basis for seeking even more effective measures for the protection of children. Several countries felt that article 38, concerning protection of children in cases of armed conflict, did not reflect their concerns fully and fell short of the protection afforded by international humanitarian law. In that connection too, it was to be hoped that the application of article 41 would result in improved protection for children in such situations. Some States had also called for stronger provisions concerning the rights of the child before and after birth and for provisions that would better reflect the legal, religious and social differences among countries. The draft convention was meant to be a compromise, however, and to be universal in character. In the interest of pragmatism, it would be best not to jeopardize that compromise.

5. His delegation hoped that the consensus that had already been reached on the draft Convention would be maintained and that as many States as possible would join his own in signing and ratifying the instrument at the earliest possible date.

6. Close and effective international co-operation would be needed in the future to ensure that the convention afforded children the desired protection. The establishment of a Committee on the Rights of the Child, as provided for under article 43, which would be assisted by international agencies, would promote co-operation among States, intergovernmental bodies and non-governmental organizations in that effort. Considering the importance of the task to be entrusted to that committee and the unfortunate experience of other committees which were dependent on States for their resources, his delegation believed that the Committee on the Rights of the Child should be funded from the United Nations regular budget. It was therefore in favour of retaining, and removing the square brackets from, the first sentence of article 43, paragraph 11, and of deleting the remaining text of that paragraph and the entire text of paragraph 12. Current paragraph 10 bis would then become paragraph 11 and paragraph 11, as amended, would become paragraph 12.

7. While the need for international co-operation and the special needs of developing countries with respect to children were given due consideration in the convention, those issues could be further enhanced through the proclamation of an international year of the family. Lastly, draft adoption of the convention would

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(Mr. Lopatka, Poland)

help to ensure the necessary protection for disabled, abandoned or orphaned children and would be the best way to celebrate the thirtieth anniversary of the Declaration of the Rights of the Child and the tenth anniversary of the International Year of the Child.

8. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been an important contribution to expanded international co-operation in the field of human rights. The legal guarantees for the exercise of freedom of conscience in the Byelorussian SSR ensured the right of all citizens to choose the form of belief that suited their convictions. Under Soviet legislation, religious groups could be established in order to meet the religious needs of believers. Soviet social legislation was based on tolerance for different opinions and beliefs, including religious beliefs.

9. The impressive achievements of science and technology had made it possible to undertake the task of eliminating hunger, disease, poverty and economic and social backwardness. Significant progress could be made towards solving crucial problems only if science and technology were used exclusively for the good of mankind. Weapons of mass destruction continued to be stockpiled, however, and even more destructive weapons were being created.

10. The Byelorussian SSR had been a sponsor of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and a number of General Assembly resolutions in that field, and stressed the need for their full implementation by all States. Strengthening peace and international security, halting the arms race, supporting the just struggle of peoples for independence and restructuring international economic relations on an equitable basis were all necessary to ensure successful international co-operation in the field of science and technology.

11. It was necessary to prevent the socially harmful consequences of urbanization and industrialization and to ensure a balance between scientific progress and the moral development of mankind. The uncontrolled development of science and technology could be prejudicial to the enjoyment of human rights. In that connection, he expressed support for the efforts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities in drawing up principles and guarantees for the protection of mentally ill persons.

12. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which the Byelorussian SSR had signed in 1985, should make an important contribution to efforts to eliminate the shameful practice of torture. The massive and blatant violations of fundamental human rights, including the practice of torture, resulting from the policies of apartheid, racial discrimination, colonialism, neo-colonialism and genocide were cause for particular alarm. In all international forums, the Byelorussian SSR had consistently advocated the adoption of effective, comprehensive measures against the practice of torture. Its legislation totally prohibited the use of any form of torture and other cruel or inhuman treatment or punishment.

13. MR. LIKHANOV (Union of Soviet Socialist Republics) called upon all delegations to adopt the draft convention on the rights of the child by consensus at the current session of the General Assembly. He represented the Soviet Children's Fund, which provided assistance to children living in poverty. The Fund attached particular importance to the draft provisions relating to parentless, mentally and physically disabled and refugee children. There were currently more than 1 million orphans in the Soviet Union and, among its activities, the Fund arranged for families to act as guardians and adopt orphans.

14. Involving children in military operations was inadmissible and amoral. He therefore shared the position of a number of delegations and non-governmental organizations that the minimum age for service in the armed forces should be raised. The Soviet Union had established the minimum draft age at 18, a higher age than that provided for under the draft convention.

15. The Soviet Children's Fund had taken measures to improve the health care and living conditions of children in Soviet Central Asia, and was particularly concerned at the effect of the Chernobyl disaster on the health of children living in the affected areas. Accordingly, he called upon the world community, particularly scientists in the United States, Japan, the Federal Republic of Germany and other countries, to establish an international children's medical radiology centre in the disaster area. Speedy implementation of projects of that kind would be the best way to pursue the goals of the draft convention.

16. He was confident that the USSR Supreme Soviet would ratify the convention and bring domestic legislation into line with its provisions. The Soviet Children's Fund sought to promote the adoption of a law on the rights of the child, which would supplement existing legislation with the obligations laid down in the convention. The proposed Committee on the Rights of the Child would play a paramount role in ensuring the implementation of the convention.

17. Ms. HALONEN (Finland) said that while the final adoption of the convention on the rights of the child would be a landmark event, it was ultimately up to national legislatures to give full effect to the convention's principles and norms. The draft convention was a remarkable instrument for a variety of reasons. First, it affirmed the human rights of the child as an independent person and not just as a member of a family or a group. Secondly, it contained a balanced combination of ideas derived from the major cultural traditions of the world. Rather than seeking to universalize any one approach, it built upon what was common to all cultures while leaving ample room for specific traditions. Thirdly, it avoided ideological conflict by giving equal consideration to civil and political rights and to economic, social and cultural rights. While it fully acknowledged the child as an independent person with a set of given rights, the convention also recognized that without a proper environment, in the broadest sense of the word, those rights lost a great deal of their meaning. In fact, owing to its strong emphasis on protecting children from the effects of negative social environments, whatever their causes, the convention was important to both developed and developing States.

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(Ms. Halonen, Finland)

18. While social welfare was given high priority in Europe, many existing agreements did not give a prominent place to the rights of children. As a consequence, the convention would undoubtedly have an impact on legislation and practice in the industrialized countries. The new dangers threatening children in those countries, including mechanization, the pressures of commercialization, and increasing isolation, made the aims of the convention even more relevant.

19. The convention contained many provisions that had never been set forth in a binding international instrument. Among them, she wished to stress article 3, which affirmed that in all actions concerning children, the best interests of the child should be a primary consideration; article 10, which provided that States parties should deal with applications for family reunification in a positive, humane and expeditious manner; and article 23, which requested States to pay special attention to the needs of and ensure the dignity of mentally and physically disabled children.

20. The draft convention was not without ambiguities and compromises. Certain provisions, in particular those relating to the definition of the child, the use of children in armed conflict, children's freedom of thought, conscience and religion, and children of minorities, might have gone further. Despite those flaws, however, the convention represented a very important step towards the universal promotion of human rights. Some had questioned the need for a new convention, arguing that its contents merely repeated those of existing international conventions. While it was true that many of its provisions already appeared in other instruments, the convention was not and never had been superfluous. Not only did it go significantly beyond other international instruments in certain areas, but it also established new rights for children. Furthermore, article 41 ensured that no State could use the convention as a justification to avoid obligations laid down in other international instruments to which that State was a party.

21. Criticism had also been levelled at the programmatic nature of the convention's provisions. Many instruments of similar format had provided countries with social goals, however, and had stimulated them to enact relevant legislation. Among the most notable of those instruments was the International Covenant on Economic, Social and Cultural Rights, which had had an important effect on national social welfare legislation in her own country.

22. Finland had recently introduced a number of reforms in the interests of children and was thus already in compliance with many of the provisions of the draft convention. At the same time, much remained to be done and the convention could provide the impetus for policies in her country aimed at expanded protection for children.

23. While it might have wished for a set of provisions with a more immediate effect, her delegation was not discouraged by the the second part of the convention. In particular, it welcomed the fact that United Nations specialized agencies and bodies would be able to be represented at meetings of the Committee on the Rights of the Child to be established under the convention. It also assumed

(Ms. Halonen, Finland)

that the United Nations, with the specialized agencies, particularly UNICEF would take the measures required by the implementation of the convention, for instance, the organization of meetings at various levels. Finland would support such measures actively. Lastly, her Government wished to express its firm preference for financing the committee's meetings from the regular United Nations budget, the most effective means of guaranteeing the proper functioning of the implementation machinery.

24. Mr. SMITH (United States of America) said that his country had participated actively in the drafting of the convention on the rights of the child and believed that it marked a notable step forward in the protection of the rights of children. His delegation hoped that the General Assembly would adopt the draft as it now stood. Having introduced the initial draft over 10 years previously, the Polish Government deserved much of the credit for the conclusion of the convention and, in that connection, he wished to pay tribute to Mr. Lopatka for his work as Chairman of the working group on the draft convention. He wished also to acknowledge the valuable contribution to the drafting process made by non-governmental organizations, which had encouraged the setting of high standards in the convention.

25. The draft convention dealt with many difficult issues and was the result of compromise and concessions. Like many others, his Government was not completely satisfied with some of those compromises. Given the importance of the convention's early adoption, however, it did not wish to reopen negotiation on any part of the text.

26. His Government supported fully the inclusion in the preamble of the draft convention of language from the 1959 Declaration of the Rights of the Child, to the effect that the child, by reason of his physical and mental immaturity, needed special safeguards and care before as well as after birth. The positive effects for both mothers and infants of basic maternal, prenatal and neonatal care were only just being fully recognized in his country. In that connection, the United States Agency for International Development had launched a new project for maternal and neonatal health and nutrition in developing countries.

27. His Government endorsed the convention's reaffirmation of the right of the child to freedom of thought, conscience and religion. At the same time, it would have preferred an even stronger reaffirmation of freedom of religion. In particular, it would have been desirable for the convention to include specific references, as did other international instruments, to such supplementary rights for children as the freedom to have or change a religion, the right to worship according to their beliefs alone or with others, and the right to teach, learn and practice their religion in public and in private.

28. His Government firmly believed that the expenses of the Committee on the Rights of the Child, to be established by the convention, should be borne exclusively by the States ratifying it. That committee was to be an instrument of the States parties to the convention; they alone had the right to nominate and elect its members and were bound to submit reports to it. Furthermore, since the

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(Mr. Smith, United States)

convention would enter into force once it had been ratified by 20 States, it was inappropriate for the entire United Nations membership to fund a body created to serve what would initially be a very small number of States. Financing by States parties would be more likely to preserve the independence of the committee, leaving it completely free to decide how to use its funds.

29. His Government was particularly concerned about family reunification and therefore welcomed the provision requesting States parties to deal with reunification applications in a positive, humane and expeditious manner.

30. The prevention of physical and mental abuse of children demanded constant vigilance, against a background of moral and ethical awareness at all levels of society. Child abuse, in all its forms, was all too prevalent throughout the world. Governments must be committed to providing legal and administrative protection to children and to supporting social and educational programmes that could prevent abuse.

31. With the active encouragement of its President, his country had promoted child adoption measures within the framework of legal safeguards and competent adoption agencies. President Bush was scheduled to sign into law a bill designating the last week of November as National Adoption Week in the United States. That initiative would increase public awareness of the rewards of adoption for children and parents alike, promote legal adoption and encourage the adoption of children with mental and physical handicaps. His Government was keenly aware of the latter group of children and fully supported the convention's appeal for a full and decent life for them. He hoped that Governments would make a strong commitment to that particular goal and ensure full social integration for children with special needs.

32. Mr. OUEDRAOGO (Burkina Faso) said that his country had long wanted to devote itself to the consideration of children's and women's concerns. In that connection, with the support of UNICEF and national and international non-governmental organizations, it had hosted a meeting on the rights of the child in April 1989. His Government was committed to respecting human rights and fundamental freedoms for all and considered the rights of the child to be an integral part of human rights in general. In order to ensure the survival, development, protection and participation of children, their parents had to be guaranteed the same rights. It was in that context that his country endorsed the draft convention on the rights of the child.

33. In the face of such problems as environmental degradation, drug abuse and reverse financial flows, many delegations were concerned about the future which the world's children would inherit. Regional conflicts, especially those in Palestine and southern Africa, created devastating, intolerable living conditions for children. His country viewed articles 2 and 3 of the draft convention as being particularly relevant to those concerns and as representing the corner-stone of the entire convention. The best interests of the child meant creating conditions for his or her full growth and development to adulthood. That in turn required the settlement of regional conflicts, a goal to which the entire international community should contribute actively.

34. Ms. NINH (Viet Nam) said that concern for the well being and happiness of children was an integral part of her country's traditions and its current social policies. During the International Year of the Child, her Government had adopted a law on the protection, care and education of children, which laid down the fundamental rights of the child and defined the shared responsibility of the family, State and society in that regard. Viet Nam had recently decided to allocate funds and encourage contributions to upgrade and build schools, hospitals and other facilities to meet children's needs. Under an agreement between Viet Nam and the United States of America, over 27,000 Amerasian children and their relatives had been resettled in the United States. Thus, practical action was being taken to improve the lot of those unfortunate children.

35. The draft convention on the rights of the child was comprehensive in scope, fairly concrete and action-oriented. While her delegation appreciated the importance of articles which were protective or deterrent in nature, it attached particular importance to the need for affirmative action to create the best possible conditions for the development of children. In draft article 34 (b) and (c), she proposed the deletion of the word "exploitative" since retaining that word might imply that there could be non-exploitative use of children in prostitution and pornography. With regard to the financing of the proposed Committee on the Rights of the Child, Viet Nam supported the first version of article 43, paragraph 11, and believed that the United Nations as a whole should be responsible for the expenses involved. Although the draft text could perhaps be further refined, it was preferable to have a legal instrument that enjoyed universal support and could be more easily enforced. Lastly, she expressed satisfaction at the very important contribution made by UNICEF and hoped that the draft convention could be adopted by consensus at the current session of the General Assembly.

36. Mr. GALAL (Egypt) said that the first six years of school were free and compulsory in Egypt. Religious tolerance had been inherent in Egyptian culture since the days of the pharaohs and was upheld by the Koran. His delegation denounced religious intolerance in theocratic States and urged such States to reconsider their position. The criticism and pressure to which Moslem minorities were subjected in certain countries were a particular source of concern.

37. Egypt was a party to most of the international human rights instruments, particularly the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Egypt honoured its obligations under those instruments and even prescribed punishment for law enforcement officials who violated the principles of humanitarian treatment of prisoners. Under Egypt's pluralistic political system, many parties were represented in parliament and published their own party newspapers. In the area of science and technology, it was important to be alert to the potential danger of computerizing personal files and, in that connection, his delegation supported the guidelines contained in document A/44/606. The current arrangement of holding meetings of the Human Rights Committee in Geneva and New York should be maintained.

(Mr. Galal, Egypt)

38. For the past decade, his delegation had been actively involved in the open-ended working group of the Commission on Human Rights on a draft convention on the rights of the child. The Egyptian delegation had co-ordinated the position of the Moslem group at Geneva during the second reading of the draft convention and had worked hard to arrive at a compromise language. Egypt had participated in a League of Arab States seminar, held in Tunisia, which had recommended adoption of the draft convention. It had also sponsored, at the summit meeting of the Organization of African Unity held at Addis Ababa in July 1989, a draft resolution calling for the adoption of the convention and the proclamation of a decade of the African child.

39. Many provisions of the draft convention had already been implemented in Egypt. A seminar to study the draft convention had been held at Alexandria in 1988, with the participation of national experts and the Executive Director of the United Nations Children's Fund (UNICEF). At the seminar, a number of suggestions had been put forward concerning the second reading of the draft convention and the President of Egypt had declared 1989-1999 the decade of Egyptian children. The objective of the decade would be to afford children full educational and psychological protection. Lastly, at a meeting of Arab countries held at Cairo in July 1989, a draft resolution on the rights of the child, sponsored by Egypt, had been adopted.

40. The death penalty was not so much an issue of human rights as of legal philosophy and cultural and religious concepts. The Egyptian penal code provided for capital punishment, on the premise that fair punishment must be meted out to those who took the lives of others. According to reports prepared by the United Nations and Amnesty International, countries wishing to abolish the death penalty were clearly in the minority. Countries which claimed to value human rights would do better to adhere to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which could save the lives of millions of innocent people, than to concern themselves with a second optional protocol on the death penalty. An optional protocol would only serve to increase crime by giving criminals licence to kill and escape punishment.

41. Archbishop Renato R. MARTINO (Observer for the Holy See) said that, in the words of Pope John Paul II, the right to religious freedom could well be the touchstone for the observance of all other fundamental rights. Indeed, as the Pope had indicated, leaders of nations had come to realize that those who held religious beliefs were an asset to society.

42. Fundamental rights flowed from man's very nature. The right to life, physical integrity, and freedom of conscience, thought and religion must not be viewed as concessions by the State, but rather as realities which predated the State's own juridical system. The Pope had urged States to respect freedom of religion even when they accorded special protection to one particular religion. Unfortunately, in more than one country, believers - particularly Catholic believers - felt oppressed. At the forty-third session of the General Assembly, his delegation had pointed to encouraging signs of increased religious freedom in Central and Eastern

(Archbishop Martino, Observer, Holy See)

Europe. In that connection, Pope John Paul II had recently expressed the hope that the Ukrainian Catholic Church would be recognized by the competent State authorities.

43. His delegation had participated in the Vienna Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe. It had welcomed the adoption of the Vienna meeting's Concluding Document, particularly its provisions establishing verification mechanisms. The Concluding Document was extremely concrete and contained specific recommendations on free access to places of worship; the right of communities to organize according to their own hierarchical and institutional structures; the right to acquire, possess and use religious materials in the practice of religion; the right to give and receive religious instruction; the access of religious communities to the media; and the establishment of direct contacts with other religious communities at home and abroad. As the Pope had said, the extent to which those commitments were implemented would be an indication of stagnation or development. Certain countries would even have to modify their legislation on religious freedom, as Poland had done with its Law on Guarantees of Freedom and Conscience and Belief (A/C.3/44/3).

44. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the designation of a special rapporteur to monitor its implementation, had represented a significant advance in the protection of religious freedom. The working paper prepared by Mr. van Boven for the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/32) would be extremely useful in the elaboration of an international convention on the question. His delegation had observed repeatedly that there was no shortage of international instruments on religious freedom. What was lacking was respect for the principles they embodied. His delegation hoped that if an international convention was elaborated, it would not merely condemn religious intolerance but also recognize and respect freedom of religion in a positive way.

45. Mrs. JOSHI (Nepal) said that many children, particularly in the developing and least developed countries, lacked even the most basic necessities, without which intellectual and social development were impossible. Poverty in the developing world was responsible for child labour, as well as for inadequate health care and education. Her own country suffered from high infant mortality and low school attendance rates. The Government had therefore instituted policies designed to promote the physical well-being of children even before birth through prenatal care, to provide free primary education, to discourage school drop-outs, to rehabilitate disabled children and to protect children from unlawful exploitation. It had also prohibited child marriages and was providing care for homeless children and orphans. The country's community health programme, which included the provision of maternity services, midwives and health workers, was expected to reduce infant mortality to 45 per thousand by the year 2000. A vast network of child health-care services would make maternal health care, immunization, oral rehydration therapy and health education available throughout the country. Environmental health units would be established to protect drinking water and food from contamination.

(Mrs. Joshi, Nepal)

46. The Governments's child welfare efforts were being supplemented by those of a number of non-governmental organizations under royal patronage and by the South Asian Association for Regional Co-operation (SAARC), a regional organization active in formulating plans and programmes to improve the conditions of children in South Asia. SAARC stressed the importance of taking the special needs of children into account in national development planning and the concept that human resources development should focus on the well-being of children. SAARC had also called for the adoption of the draft convention on the rights of the child.

47. UNICEF had also been playing a vital role, particularly in immunization and oral rehydration therapy, and had helped to save millions of children from death and from crippling diseases. Its efforts in such areas as primary health care, nutrition and food security, joint nutrition support programmes, poverty alleviation and childhood disability prevention programmes, as well as emergency relief to children in cases of national disasters, had helped children everywhere. UNICEF and WHO had established health goals that would save the lives of 100 million children and protect many others from crippling diseases by the end of the century.

48. In that context, the draft convention on the rights of the child was an important international instrument that would provide a framework for the co-ordination of national efforts to promote child survival, protection and development. Its ratification would not only lead to achieving national, regional and global child welfare objectives but would also make the world community realize that the rights of children were not a matter of charity but an integral component of human rights.

49. Miss MORALES (Costa Rica) said that the convention on the rights of the child was an innovative instrument which more clearly defined and harmonized international norms protecting a particularly vulnerable and dependent group of human beings. In Costa Rica, the National Child Welfare Board, an autonomous institution, was responsible for enforcing the rights of the child and, in 1987, the position of children's advocate had been created as an additional guarantee in that regard.

50. In the interest of adopting the convention by consensus, particularly on the occasion of the anniversary of the Declaration of the Rights of the Child, her delegation had refrained from proposing certain changes in the text. It did, however, believe that article 9, as currently worded, legitimized an abnormal situation by allowing the State to withhold information on the whereabouts of a child's parents if such information was deemed detrimental to the child. Her delegation was concerned that the provision on the right of access to international jurisdiction could be violated by the State of which the injured party was a national. Diplomatic immunity should not be invoked in such cases.

(Miss Morales, Costa Rica)

51. While her delegation respected the wording of article 38 (3) on the recruitment age for military service, it strongly supported raising the age limit and welcomed the efforts initially made by Angola, Austria, India, Mozambique, and the Nordic countries, to that end. Although the same principle was embodied in Protocols I and II of 1977 to the Geneva Conventions, the convention on the rights of the child should have been used to take more forceful action to prevent the participation of children in armed conflicts.

52. Her delegation agreed with the representatives of Austria and Viet Nam that paragraph 10 ~~his~~ should be incorporated in article 40. Lastly, the use of terminology from adult penal law in the article on the anti-social or delinquent conduct of minors stigmatized children. Instead, emphasis should have been placed on preventive programmes for those sectors of the child population who were most likely to commit crimes.

53. Mr. BRÄNTIGAM (Federal Republic of Germany) said that his delegation supported fully the statement made on behalf of the 12 States members of the European Community at the beginning of the debate on the International Covenants on Human Rights, on the rights of the child and on torture. He would therefore confine his observations to the proposed second optional protocol to the International Covenant on Civil and Political Rights, which was the product of extensive discussions, reports and analyses in various United Nations bodies. The Economic and Social Council had approved the recommendation of the Commission on Human Rights that the General Assembly should take action on the proposed text. Member States had had ample opportunity to express their views on the question of capital punishment and the death penalty, and his Government proposed that the Committee should adopt a resolution that would contain in an annex the text of a second optional protocol aiming at the abolition of the death penalty. His delegation would introduce such a draft resolution in detail in a few days.

54. His own country's painful experience with the abuse of power under a bloody dictatorship had led it to abolish the death penalty. The death penalty had no significant influence on the crime rate and there was always the danger of an irreversible miscarriage of justice. The purpose of his Government's initiative was not to pass judgement on countries that did not wish to abolish the death penalty and, since the protocol was optional, its adoption would not imply any legal commitment for any country. The purpose was to provide those States that wanted it with an international legal instrument that went beyond domestic regulations. That approach had already been used in developing international human rights instruments, many of which had been signed and ratified only by a certain number of Member States. Since the draft resolution took full account of the interests of Member States that favoured the death penalty, he urged those States to show understanding for the intentions of the supporters of a second optional protocol and not to oppose the draft resolution.

55. Mrs. BLANDON de CEREZO (Guatemala) described an unprecedented demonstration in August 1989, in which Guatemalan children from all parts of the country had delivered a petition to the President of the Republic in favour of the convention on the rights of the child. In full solidarity with those children, her delegation supported the adoption of the convention and appealed to all delegations to join in the consensus. The convention was consistent with the spirit of the Guatemalan Constitution, in which the State guaranteed and protected human life from the moment of conception.

56. The convention had aroused great interest at both the national and the regional level in Central America. The third meeting of Central American First Ladies, held at San Salvador in September, had adopted a resolution supporting the convention and urging its adoption by the General Assembly. Another resolution adopted at the meeting called on every Central American country to accede to, ratify and implement the convention.

57. In Guatemala, an ad hoc commission, chaired by the President of the Republic, would hold its first national seminar on the convention on the rights of the child at the end of November. UNICEF, too, had done much to publicize the contents of the draft convention and, together with other governmental and non-governmental organizations, was doing extremely important work for the children of Central America.

58. Mr. CORELL (Sweden), speaking on behalf of the Nordic countries on the draft second optional protocol to the International Covenant on Civil and Political Rights, said that the Covenant itself did no more than limit the use of the death penalty. Still, article 6 of the Covenant strongly suggested that its abolition was desirable, and the Commission on Human Rights had concluded that abolition would constitute progress towards the enjoyment of human rights. The Nordic countries had all abolished capital punishment and in 1971 the General Assembly itself had reaffirmed that its ultimate aim was the progressive restriction of the number of offences for which the death penalty might be imposed, leading to its total abolition.

59. The draft second optional protocol had been carefully prepared and had taken into account the views both of Governments that favoured and Governments that opposed abolition of the death penalty. A number of countries had declared that they were not in a position to abolish capital punishment because of their legal and religious systems, but no State could or would ever be forced to accept an optional protocol, which did not in any case impose any obligation but simply made it possible for States parties to the Covenant to make a commitment, if they wished, not to use capital punishment. States that could not yet abolish capital punishment should therefore have no reason to oppose an optional protocol, and he hoped that the proposed text would be adopted by the Committee without a vote.

60. Mr. FORTIER (Canada) said that the world's failure adequately to promote the well-being of children had made it urgently necessary for the international community to supplement existing instruments for the protection of children with a convention on the rights of the child. The convention had been carefully drafted

(Mr. Fortier, Canada)

to promote the survival of children by considering their basic health needs and civil rights and the need to protect them against exploitation. The convention was vital, because children needed special protections above and beyond those provided in other instruments. It stated that the best interests of the child should be the criterion for State intervention to protect the rights of the child, and it recognized that economic, social and cultural rights must be implemented in a different manner from civil and political rights.

61. The draft convention reflected the important contributions of many States, international agencies and non-governmental organizations. Once adopted, Canada would work for its ratification, within the framework of its own political processes, and he was optimistic that ratification would be prompt.

62. His delegation regretted, nevertheless, that no way had been found to improve the standards set forth in article 38, on children in armed conflicts. The wording of that article should not be interpreted as lowering the standards set forth in the 1977 Geneva Protocols. Article 14, on freedom of thought, conscience and religion, must be read in the light of the provision of the International Covenant on Civil and Political Rights on which it was based. The fact that the convention had been drafted with a view to accommodating diversity should not hinder its implementation. The proposed Committee on the Rights of the Child must be the instrument through which the implementation of the convention was enhanced, and it must therefore have the moral and financial support of the United Nations. The Committee's members must be elected for their independence and qualifications.

63. His delegation attached great importance to the effective implementation of standards in the human rights field. Before any new standard-setting initiatives were attempted, careful attention must be paid to such questions as the financing of United Nations monitoring bodies, the reporting obligations of States and the role and nature of existing and future monitoring bodies. His delegation welcomed in that connection the impending release of the Secretary-General's note on effective implementation. States parties to fundamental human rights instruments should also make every effort to encourage non-parties to ratify them, and compliance with reporting obligations must be improved.

64. Canada was pleased to announce that it had submitted its declarations in respect of articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby accepting the various complaint mechanisms. Those declarations were critical to the struggle against human rights abuses and he urged other States to take similar steps under that Convention as well as under other United Nations human rights instruments. Monitoring bodies did not exist to criticize but rather to highlight problems and help States solve them in order to make the protection of human rights more effective.

The meeting rose at 1.10 p.m.