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SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. KABORE (Burkina Faso)

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The meeting was called to order at 3.10 p.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 to 27 and Corr.1, E/CN.4/Sub.2/1988/SR.13, 16, 18 to 24 and 26, E/CN.4/1989/SR.26 to 33)

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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. CABRAL (Guinea-Bissau) said, in connection with agenda item 95, that, paradoxically, although science and technology had made great progress in recent times a large part of humanity remained unable to acquire knowledge of them because of the unequal development of societies. Illiteracy continued to be a great barrier which, together with underdevelopment and poverty, kept many individuals from enjoying the benefits of progress. From that point of view, solidarity and international co-operation acquired basic importance, as was shown by the efforts made by the United Nations and particularly UNESCO to organize the International Literacy Year, which should serve to promote the eradication of illiteracy. Cognizant of its duty to ensure the greatest possible co-ordination of the activities to be carried out during the International Literacy Year, his Government had established a national commission which had already begun working to prepare for the Year's activities in his country. It had also established a national literacy and adult education council which would co-operate closely in the activities to be carried out in his country during the Year.

(Mr. Cabral, Guinea-Bissau)

2. Turning to agenda item 108, he welcomed the completion of the draft convention on the rights of the child. That convention represented a systematization of standards of child protection which in many cases had been embodied in various international legal instruments but had not yet been gathered into a single instrument. In view of the fundamental nature of the convention his delegation urged the General Assembly to adopt it by consensus.

3. After mentioning the work being carried out for children in his country by UNICEF and the World Health Organization, he noted that his country had just proclaimed 12 September, the birthday of the liberator and human rights champion Amilcar Cabral, National Children's Day. That was an indication of the importance Guinea-Bissau attached to protecting the fundamental rights of the child.

4. Mr. WILENSKI (Australia) said that in the 41 years since adoption of the Universal Declaration of Human Rights, the international community had developed a substantial body of human rights law, most of it within the framework of the United Nations. That legal structure was a remarkable achievement, not least because it represented a fundamental departure from previous approaches to international relations and international law. All member States should seek to strengthen that framework, extending it where appropriate and ensuring its effective implementation. For that reason, his delegation welcomed the submission of two new draft instruments at the current session of the General Assembly and looked forward to their adoption.

5. There was much scope for more effective implementation of existing human rights standards. One important contribution to that would be the accession of more States to the human rights instruments, particularly the two Covenants. His Government urged member States which had not yet acceded to those instruments to do so in order better to protect human rights in all countries. A valuable feature of the framework of human rights instruments was that it encouraged States to regard the observance of human rights standards as a global task which could be approached in a non-confrontational manner. The examination by expert committees of States parties' reports under the various treaty provisions was a means of steadily encouraging improved performance. It also demonstrated that observance of human rights standards in individual countries was an appropriate subject for international consideration and comment.

6. Turning to agenda item 108, he said that his Government would warmly welcome adoption of the convention on the rights of the child as the culmination of many years' painstaking work. The draft did not entirely respond to all the concerns of all Governments, but Australia considered the compromise solutions that had been adopted acceptable. His delegation would therefore not support any reopening of any provision of the draft.

7. One problem left for the General Assembly to resolve was that of funding the implementation of the convention. His Government had already expressed its concern about relying on funding from the general budget of the United Nations. In the absence of measures to obtain funding from other sources, the use of the regular budget would probably lead to a decrease in the Organization's human rights

(Mr. Wilenski, Australia)

activities in other areas. Nevertheless, his delegation would not oppose the wishes of the majority if it was decided that the regular budget should be used to finance the implementation of the convention.

8. Turning to agenda item 98, he noted that the other important instrument before the current session of the General Assembly was the draft second optional protocol to the International Convention on Civil and Political Rights. That instrument also should be adopted. More and more Governments had abolished the death penalty in recent years; Australia had done so in 1985. Those decisions reflected a desire to respect the right to life without exception. Many other countries which formally retained the death penalty either did not impose it or automatically commuted death sentences. As was noted in the Special Rapporteur's report (E/CN.4/Sub.2/1987/20), the countries which had abolished the death penalty wished to have their commitment acknowledged and consolidated in an international legal instrument. Adoption of that instrument at the current session would be the culmination of nine years' work on the question in the United Nations. It was unfortunate that there remained some misunderstanding concerning the effect of the optional protocol. As its name implied, and as the Special Rapporteur's report made clear, it was not an instrument establishing a universal standard such as, for example, the convention on the rights of the child. The second optional protocol should be regarded, in the same way as the first optional protocol, as worthy of adoption as an international human rights instrument even though many States were unable or unwilling to accede to it. Each State would decide on whether or not to become a party to it on the basis of its own legal or cultural system. There was thus no reason why States not in a position to accede to the protocol should seek to prevent others from doing so. For those reasons, his delegation urged the relatively small number of delegations still opposed to adoption of the optional protocol to acknowledge that the second optional protocol did not challenge the values or legal systems of countries which did not wish to accede to it.

9. With regard to agenda item 106, he said that Australia supported United Nations efforts to eliminate all forms of religious intolerance, and consequently, supported its public information and other activities relating to freedom of religion. With regard to item 112, he said that Australia had become a party to the Convention against Torture in August 1989. In affirming its full support for that Convention, Australia wished to express its concern at the reservations made by some countries, which were not compatible with the spirit or the objectives of the Convention. It was the sovereign right of States to make reservations and declarations, but only in so far as they were not contrary to the purposes of the Convention in question. To do otherwise was directly contrary to both the Vienna Convention on the Law of Treaties and the norms of international law.

10. He wished to restate Australia's long-standing view that the promotion of economic, social and cultural rights, on the one hand, and civil and political rights, on the other, was of equal importance. His delegation did not accept arguments that the attainment of one set of rights should be set aside until progress was made in promoting the others. In no way were fundamental civil and political rights a "luxury" which countries could only fully afford after achieving a high standard of living. His delegation was very conscious of the difficult

(Mr. Wilenski, Australia)

economic environment of many developing countries and the need for international co-operation to assist in improving that environment. For example, it would be necessary to move towards a less protectionist trading régime. It would also be advisable to foster co-operation between United Nations bodies concerned with the realization of economic, social and cultural rights and the major financial and developmental institutions.

11. Mr. BUZO (Byelorussian Soviet Socialist Republic), referring to agenda item 108, said that his delegation welcomed the introduction of the draft Convention on the Rights of the Child, which represented the careful work of many United Nations bodies, specialized agencies and non-governmental organizations. The draft Convention marked a significant step forward in international co-operation in humanitarian matters. His delegation supported the draft Convention on the Rights of the Child, and hoped that it would be approved during the current session of the General Assembly. His country also held the view that the new Committee on the Rights of the Child should be financed from the regular budget of the United Nations.

12. With regard to item 98, on the International Covenants on Human Rights, he said that his country had submitted the periodic reports on the implementation of each one of those Covenants. The submission of national reports was important because it enabled all countries to exchange experiences in the important area of application of the Covenants. His country supported both Covenants and considered it necessary that all countries adhere to them.

13. Mrs. TASKINUD-DIN (Pakistan) said that her country fully supported the objectives of the International Literacy Year, which was a challenge and an opportunity to solve the pressing problem posed by 900 million adults who were currently deprived of access to education. In its observance of the Year, Pakistan was planning to carry out a series of activities for the promotion of literacy, with the participation of the different ministries. The new and democratically elected Government of Pakistan attached the highest priority to education, and had increased the budget allocation to that sector for the current financial year by 70 per cent.

14. The Constitution of Pakistan contained provisions to protect the rights and freedoms of its citizens, in accordance with the provisions of the International Covenants on Human Rights. However, because of the situation prevailing until recently in her country, Pakistan had not been in a position to accede to the two international covenants, a matter which was now being actively pursued.

15. Her delegation believed that all human rights were indivisible and interrelated and as such, economic and social rights were just as important as civil and political rights. Unfortunately, poverty and underdevelopment still affected millions of people in the developing countries, in what amounted to the most serious and gross violation of the right to life and well-being. The primary victims were small children; according to UNICEF, more than 14 million children under the age of five died each year in the developing countries because of deprivation. In that context, the examination and approval of the draft Convention

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(Mrs. Taskinud-din, Pakistan)

on the Rights of the Child was envisaged for the current session of the General Assembly. The proposed Convention would be a useful supplement to the existing instruments in the area of human rights, many of which referred implicitly or explicitly to the rights of the child. Her delegation was proud of being actively associated in the elaboration of the draft Convention and trusted that it would be approved.

16. The democratically elected Government in Pakistan was deeply committed to ensuring basic human rights and fundamental freedoms and was taking all possible measures to prevent any possibility of torture or other cruel, inhuman or degrading treatment or punishment. On assuming office, the new Prime Minister had decreed that the death sentences of prisoners should be commuted to life imprisonment, and that all political prisoners should be released. The Government of Pakistan was currently considering accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

17. Her delegation was proud that Pakistan had returned to the path of democracy by holding democratic elections. The Prime Minister of Pakistan had recently proposed formation of an association of democratic nations which shared two features essential to all democracies: the holding of periodic and genuine elections and respect for human rights. The members of such an association could help each other by ensuring impartiality of elections and providing democratic systems with a moral force which had a great influence in international relations.

18. Finally, her delegation supported the "Guidelines for the regulation of computerized personal data files" contained in the report of the Secretary-General (A/44/606), since it believed that technological developments must be employed for social, economic and cultural progress and for the full realization of the potential of man, not for violating the human rights and freedoms.

19. Mr. SIRIRATH (Democratic Kampuchea) said that his delegation supported the tireless efforts of the United Nations in the area of human rights, within an overall search for international security and development. Nevertheless, it was regrettable that, despite the progress made, serious violations of human rights continued to occur in various parts of the world, such as South Africa, Palestine and Cambodia. Since the International Conference on Cambodia, held in Paris in August 1989, the world had clearly seen the complete absence of political will and sincerity on the part of Hanoi to resolve the problem through a comprehensive political settlement that would include the withdrawal of all its forces, under United Nations supervision, and the formation of a provisional quadripartite Government. Viet Nam admitted that it had not the slightest intention to end its colonialist occupation and annexation of Cambodia and, instead of proceeding to withdraw its troops, had sent to Cambodia a larger number of troops, in keeping with its intention to turn its war of aggression into a so-called "civil war".

20. It had become apparent over the last 11 years that few problems confronting modern civilization had been as destructive as Viet Nam's design to progressively change the demographic composition and geographic nature of Cambodia, in order to

(Mr. Sirirath, Democratic Kampuchea)

annex it into its "Indo-China federation". Hanoi's plan could also be seen in the systematic establishment of settlements. The settlers, numbering about 1 million, had penetrated all sectors of society, thus helping to maintain the status quo. Consequently, the Cambodian people demanded that the issue of Vietnamese settlers be resolved within a comprehensive political settlement of the so-called problem of Kampuchea.

21. Having been indifferent to the fate of their own people, the aggressors had even less concern for the Cambodian people, whom they regarded as enemies. Thousands of prisoners and detainees had died as a result of acts of torture and other cruel, inhuman or degrading treatment or punishment. Committed with impunity, those acts were comparable to the crimes known under international law as crimes against humanity.

22. The full magnitude of the disaster brought about by the occupiers was evident in the crimes against the psychological and spiritual well-being of the people of Cambodia, who were not able to exercise their right to freedom of religion and belief. Temples had been plundered, and practices alien to Buddhism, known in Cambodia for centuries, had been imposed. Many monks had been arrested for preaching a message of love, tolerance and peace which was contrary to the occupiers' communist ideology.

23. For all those reasons and in conformity with the will of the Cambodian people, the Cambodian national resistance and the coalition Government, under the leadership of Samdech Norodom Sihanouk, would not submit while the occupiers were not prepared to seek a comprehensive political settlement enabling the people to exercise its right to self-determination through the holding of free elections under United Nations supervision. His delegation further believed that a United Nations peace-keeping force should guarantee the independence, sovereignty, and permanent neutrality of Cambodia.

24. Viet Nam was attempting to pursue its goal in Cambodia at all costs, whereas Cambodia was resisting submission to the Vietnamese occupation at all costs. The Cambodian people desired national reconciliation, which would create a more just and adequate political, economic and social environment that was not socialist or communist, but a liberal democratic parliamentary régime with a free market economy.

25. In conclusion, his delegation reiterated its full commitment to United Nations human rights activities, especially those relating to the imminent adoption of the draft Convention on the Rights of the Child.

26. Mr. ALFARO PINEDA (El Salvador) said that the implementation of the principle of periodic and genuine elections had led to the beginnings of better times for El Salvador, where every Salvadorian had the right freely to elect representatives to various offices through popular elections. Free elections signified that the State was not an end in itself, but the means whereby individuals could exalt and transcend themselves. Those who denied free expression to their people could never hope for stability and well-being to prevail among the governed.

(Mr. Alfaro Pineda, El Salvador)

27. In El Salvador, a political evolution had occurred which had culminated in the election of the current democratic Government. It had received from the people a clear mandate to re-establish peace. That political process could not be isolated from the general situation in El Salvador in recent years characterized by denial of the Salvadorian people's right to self-determination.

28. His Government had reaffirmed the political will to strengthen and consolidate the democratic process, offering a path towards national reconciliation through serious and sincere dialogue making possible the achievement of peace and stability in El Salvador. However, the Farabundo Martí National Liberation Front (FMLN), which during the presidential elections on 19 March had carried out a series of armed and violent actions to prevent the people from voting, had the preceding weekend perpetrated an attack against civilian and military targets, including the private residence of the President of the Republic and the homes of other high officials. His country was outraged that there were countries which continued to give various forms of aid to those armed elements, whose contempt for freedom was a result of their inability to perform useful work, which was the lot of mankind. Faced with their actions which could lead to a new period of darkness and confusion, his Government reaffirmed its commitment to continue the fight to defend the structures which afforded El Salvador the opportunity to belong to the truly free world.

29. Mr. VOICU (Romania) said that 10 years earlier, Romania had introduced, on behalf of 41 sponsors, a draft resolution entitled "The right to education", which had been adopted by the General Assembly on 17 December 1979 (resolution 34/170). After reviewing the provisions of the resolution, he said that it represented a common heritage of the international community, which would be observing the International Literacy Year in 1990. Romania, which had supported the observance of International Youth Year in 1985, fully supported that new initiative and was aware of the magnitude and complexity of the tasks to be carried out during International Literacy Year. The problem of illiteracy and insufficient educational facilities affected nearly 900 million adults, and both Governments and peoples must recognize that scourge, which constituted an offence to human dignity and an obstacle to development. International Literacy Year was not to be an end in itself, but a vital element in a comprehensive strategy for combating illiteracy, as had been emphasized by the General Conference of UNESCO. The process of education could make an indispensable contribution to the achievement of social progress, mutual understanding and co-operation among nations. The role of education and the necessity of eradicating illiteracy had been stressed by many thinkers. In that respect, he mentioned the ideas of the greatest Romanian poet, Mihai Eminescu, the centenary of whose death had been observed that year under UNESCO auspices. Romania reaffirmed its commitment to the objectives of International Literacy Year and considered that, in accordance with the relevant programmes of UNESCO and other international organizations and bodies, every effort should be made for the success of the Plan of Action for the eradication of illiteracy by the year 2000.

(Mr. Voicu, Romania)

30. Referring to the draft Convention on the Rights of the Child, whose final text was contained in document A/44/616, he recalled that his delegation was among the sponsors of the resolution relating to the draft Convention, even though the text was not perfect. He commented in particular on article 28 of the draft convention dealing with the right of the child to education, which laid down the obligation of States Parties to make available compulsory and free primary education, as well as to encourage the development of different forms of secondary education, including general and vocational education, and to take appropriate measures such as the introduction of free education and offering financial assistance in case of need. He also stressed the importance of article 29, paragraph 1 (d), which specified that States Parties agreed that the education of the child should be directed, inter alia, to the preparation of the child for responsible life in the spirit of understanding, peace, tolerance and friendship among all peoples. His country believed that the adoption of the Convention on the Rights of the Child would give new impetus to the efforts to implement fully the provisions of the Guidelines for further planning and suitable follow-up in the field of youth.

31. In Romania, everyone now had access to free education. Starting in 1974/75, the period of compulsory schooling had been lengthened from 7 to 10 years, and beginning in 1989 it would rise to 12 years. Between 1965 and 1988, the Romanian educational system had trained more than 3.7 million workers and foremen and some 660,000 highly skilled experts. During the next five-year plan, the educational system would provide vocational training for almost 2 million people and higher education would be improved and updated to meet the needs of the national economy and the requirements of technical and scientific progress.

32. Mr. PIBULSONGGRAM (Thailand) recalled that 1989 marked the thirtieth anniversary of the Declaration of the Rights of the Child as well as the tenth anniversary of the International Year of the Child, and referred to the imminent adoption by the General Assembly of a convention on the rights of the child. More than one third of the population of his country was under 16 years of age. In the draft Convention, children's rights were grouped under three headings: survival, development and protection.

33. Regarding survival, primary health care was available in nearly 90 per cent of villages, which had contributed to the overall improvement in the health and welfare of children. In 1988, the mortality rate of children under the age of five declined to 51 per 1,000 live births from a previous figure of 149 per thousand in 1965. Over 80 per cent of children had been fully immunized, and all children were expected to be immunized by 1990.

34. The right to development encompassed access to information, education, cultural activities, including the right to freedom of thought, conscience and religion. Ninety-seven per cent of Thai children were in school by the time they were seven and many began school much earlier. In 1987, there was one school for every two villages in Thailand; in 1988, 94 per cent of the male population and 88 per cent of the female population were literate. Information on children's rights continued to be incorporated into the school curriculum nation-wide.

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(Mr. Pibulsonggram, Thailand)

35. Regarding the protection of children, in Thailand only one child in five was working at age 14, and the minimum working age had been increased from 12 to 13 years.

36. Thailand would soon host the World Conference on Education for All, organized jointly by UNICEF, UNESCO, UNDP and the World Bank, to be held from 5 to 9 March 1990.

37. Mrs. VARGAS (Nicaragua), recalling the importance of the Universal Declaration of Human Rights and other basic instruments in that field, said she regretted that many Member States were not yet parties to the International Covenants on Human Rights. She drew attention to her country's efforts to establish a legal and institutional framework which would embody civil and political guarantees and measures to protect individual and collective rights. For instance, article 46 of the Nicaraguan Constitution gave formal recognition to the five most important international instruments in the field of human rights: the Universal Declaration of Human Rights, the American Declaration on the Rights and Duties of Man, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the American Convention on Human Rights.

38. Nicaragua, together with other countries, was co-sponsoring a draft resolution on the adoption of a second optional protocol, on the abolition of the death penalty, but it respected the sovereign right of each State to decide on such a fundamental question.

39. On the question of enhancing the effectiveness of the principle of periodic and genuine elections, she said that her country could not permit democracy to be equated with a liberal political model in which economic hegemony was transformed into political and social hegemony. Nicaragua had a comprehensive approach to democracy, which was defined not only by voting and election procedures, but also by the defence and predominance of the interests of the majority.

40. In connection with the Esquipulas II agreements, she said that on 3 March 1989, her Government had requested the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to establish a group of observers to verify that the Nicaraguan electoral process was genuine at every stage. The group had already submitted its first report to the General Assembly in document A/44/642, expressing its satisfaction at the impartiality and the broad-based and flexible approach which characterized the electoral process in Nicaragua. Furthermore, Mr. Elliott Richardson, the Personal Representative of the Secretary-General on the Observer Mission, had personally been able to verify the effective functioning of the electoral process, which would culminate in the elections on 25 February 1990.

41. Article 1 of the Nicaraguan Constitution stated that independence, sovereignty and national self-determination were inalienable rights of the people, and that any foreign interference in the internal affairs of Nicaragua, or any attempt to

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(Mrs. Vargas, Nicaragua)

restrict those rights, was an attempt on the life of the people. On 17 October 1989, the United States Senate had passed a bill appropriating \$9 million to finance the promotion of "democracy and national reconciliation" in Nicaragua. Her country felt that such legislative action was inadmissible, since the United States Congress did not have jurisdiction or competence in the legal affairs of another country. The approval of such funds violated elementary legal and moral norms of respect and international coexistence, as well as the principles of General Assembly resolution 43/157, on enhancing the effectiveness of the principle of periodic and genuine elections, which affirmed that each State had the right freely to choose and develop its political, social, economic and cultural systems.

42. Mr. MEZZALANA (Italy), referring to agenda item 98, said that the increase in the number of new international instruments demonstrated the general acceptance of fundamental human rights. Given the quantity of such instruments, which covered practically the entire field, his delegation did not feel that there was a need for new conventions. In its view, it would be useful to make a comparative study of national legislations, in order to verify to what extent additional legislative action by States would promote the enjoyment of internationally protected human rights.

43. Human rights had become a central issue for the international community. Gradually, an awareness had developed that no human being should be deprived of life by the State. However, disagreement still existed with regard to abolishing the death penalty, although there were signs of a trend towards doing so. The Italian Constitution prohibited capital punishment; the approval of an instrument such as the second optional protocol would establish a link between States which had already abolished the death penalty. For those reasons, his delegation was in favour of the adoption of the second optional protocol.

44. With regard to agenda item 112, his country had been one of the States which had promoted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. After ratifying the Convention, Italy had recognized the competence of the Committee against Torture to receive and consider communications from another State party or from individuals relating to alleged violations. He urged other countries to take similar action.

45. With respect to agenda item 115, his delegation hoped that the proposed new category of human rights based on solidarity would be defined through a process of consultation involving Governments, international organizations and non-governmental organizations.

46. Turning to agenda item 114, he said that the authority to govern was based on the will of the people, as expressed in genuine and periodic elections. Decisions on the implementation of that principle were the responsibility of States, but the identification of common ground on the subject was the task of the United Nations; therefore, his delegation welcomed the introduction of the new item.

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47. Mr. TSHIMBALANGA (Zaire) said that he appreciated the efforts made to codify the rules of international law, especially the international human-rights instruments. The Universal Declaration of Human Rights and the International Covenants reaffirmed that all human rights and fundamental freedoms were indivisible and interdependent, and that the promotion and protection of one category of rights did not exempt States from the obligation to promote and protect others. Zaire, a country which respected human rights, had acceded to the Declaration and ratified the two International Covenants and the Optional Protocol. In addition, it had ratified the Banjul Charter on Human and Peoples' Rights and established a department on the rights and freedoms of Zairians. His Government also appreciated the tribute which the Commission on Human Rights had paid it by ceasing to be concerned about the human-rights situation in Zaire.

48. With regard to agenda item 107, he hoped that scientific and technological progress would be in the interest of peace and development for the benefit of all mankind.

49. Mr. SCHERK (Austria) said that his country had actively participated in the deliberations of the Commission on Human Rights on the second optional protocol, because it considered the death penalty to be a violation of the most fundamental human right, the right to life, as embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Austria also believed that the intention of article 6 of the Covenant was to encourage countries to abolish capital punishment, and to limit the application of the death penalty in those countries which had not yet abolished it.

50. Experience in Austria had shown that, during the periods in which the death penalty had been in force, it had not had a deterrent effect, and that its abolition had not led to an increase in so-called capital crimes. On the contrary, in the previous decade, without capital punishment, Austria had recorded one of the lowest per capita rates of serious crimes in the world. His country had also been one of the first to ratify Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty. What was being discussed was an optional protocol, in other words, States would not be under an obligation to abolish the death penalty. Accordingly, he called upon States not to oppose the initiative of those countries wishing to accept the abolition of capital punishment as an international commitment, and hoped that the optional protocol would be adopted without a vote.

51. With regard to agenda item 112, he appreciated the efficient work of the Committee against Torture, and welcomed the holding of further meetings and consultations in the future. The issue of financing should be resolved in the same way as similar problems encountered by other human rights bodies. Lastly, he called upon States which decided to become parties to the Convention against Torture to do so without making reservations to the Convention.

52. Mr. ENGO (Cameroon), speaking on agenda item 108, said that the rights of the child were especially important from the point of view of the responsibility of the current generation to equip children with the tools needed to make their way in the modern world. The presentation of the draft Convention on the Rights of the Child could not have been more timely, given that 1989 was the thirtieth anniversary of the General Assembly's adoption of the Declaration of the Rights of the Child. His Government supported the draft Convention and was satisfied with its contents, especially article 28, which emphasized children's right to education, article 23, which outlined children's right to assistance from the State in case of physical or mental handicap, and article 21, which extended international legal protection to adopted children, particularly in cases of inter-country adoption.

53. In Cameroon, a child came of age at 21. But his country was prepared to accept that the age of majority should be 18, as stipulated in article 1 of the draft Convention. However, article 38 in its current form allowed children to be sent into combat from the age of 15. That would violate principles of Cameroonian legislation intended to protect children. Cameroon thought that the Convention should stipulate that children under the age of 18 should not be conscripted or exposed to combat.

54. His delegation welcomed the provisions of the draft Convention which would direct public authorities to protect children from the effect of such social problems as extreme poverty. However, his delegation would have liked to see more emphasis put on the relationship between extreme poverty and problems with the mental and physical development of children. Throughout Africa and much of Latin America, the deterioration in the economic situation was having very adverse effects on the living conditions of children. In the 37 poorest countries, spending on health had been reduced by 50 per cent per head and on education by 25 per cent per head over the past few years. In almost half of the 103 developing countries for which recent information was available, the number of children enrolled in primary schools was falling. The worsening of the situation in those countries was also responsible for the fact that half a million young children had died there within the last 12 months. His delegation hoped that adoption of the Convention would give further impetus to the launching of a real development pact between the industrialized and the developing countries. The noble objectives embodied in the Convention would never be fully implemented if the current economic stagnation that affected so many countries was not overcome by the adoption of global measures.

55. Cameroon was in favour of the Convention entering into force quickly. That would encourage its wider ratification by States. His Government also leaned strongly towards the option of financing implementation of the Convention through the regular budget of the United Nations.

56. Miss DIEGUEZ (Mexico) said that the draft Convention on the Rights of the Child was being submitted for consideration and adoption by the General Assembly at a time when the thirtieth anniversary of the Declaration of the Rights of the Child was being celebrated. The text of the draft Convention represented 10 years of hard work, which had produced a broad document containing provisions on human

(Miss Diegues, Mexico)

rights in general, as well as special rules aimed at protecting the particular interests of children, the most vulnerable segment of the world's population. Although it was not perfect, the draft Convention was the international community's greatest achievement on the subject to date. Its adoption would be a most important step, because it would mean recognizing adult society's responsibility for the survival, development and protection of children. They were the first to suffer in crisis situation; as UNICEF had revealed, the debt problem and recession of the 1980s had hit children particularly hard and half a million of them had died in the past year as a result of the stagnation of development.

57. Her delegation believed one of the most important provisions of the draft Convention to be the one on the obligation of States to guarantee that every child enjoyed his or her rights without discrimination. In addition, torture and inhuman treatment were prohibited; in that connection, it was truly alarming to discover how far the children of Namibia and South Africa were from having their fundamental rights recognized. The draft Convention also took account of very special situations which could only involve children, such as adoption, guardianship, the right to an identity or the treatment of minors, as well as other situations of a more general nature, such as conscription or refugee status. The last was particularly important because the United Nations High Commissioner for Refugees had reported that about half of the world's refugees were children under 18 years of age. The draft Convention also sought special protection for children who were victims of the drug problem.

58. Mexico had one of the biggest populations of children, in Latin America and the Caribbean at least. Despite the current economic crisis, the Mexican authorities had made great efforts to continue allocating resources to the education and health sectors. Being convinced that it was necessary to have an international legal framework containing broad provisions on the rights of the child, Mexico had taken an active part in preparing the draft Convention and had already begun legal studies to integrate it into the country's domestic legislation. Her delegation appealed for the spirit of consensus that had enabled the draft Convention to be adopted by the Commission on Human Rights to be maintained in the General Assembly.

59. Miss BACHTOBI (Tunisia) said that the draft Convention on the Rights of the Child provided a suitable legal framework for the international community to undertake to guarantee the well-being and protection of its most precious resources.

60. In Tunisia, children and adolescents under 15 years of age represented 39 per cent of the total population. The beginning of a new era in the country had brought with it the political will to promote the rights of that sector of the population. Her delegation noted with interest that the provisions in the draft Convention were consistent with the political stance of her Government, and trusted that it would be adopted by consensus despite its shortcomings, on which Tunisia would make known its reservations.

(Miss Bachtobji, Tunisia)

61. In view of the interest aroused by the draft Convention on the Rights of the Child among the member countries of the Arab Maghreb Union, her Government, in collaboration with UNICEF, had organized a Maghreb seminar on the subject in June 1989. The work undertaken by the participants in the seminar had culminated in the adoption of the Tunis Declaration, which contained a number of recommendations concerning the protection of children in rural areas, the protection of disabled children, the role of information in improving children's living conditions in the Maghreb and in Arab countries, and the establishment of a high-level Maghreb council on children. The participants in the seminar had recommended in the Tunis Declaration that the draft Convention on the Rights of the Child should be adopted in accordance with the observations made by member countries of the Arab Maghreb Union.

62. Mr. WALDROP (United States of America) said that his delegation reserved its right to reply in due course to the remarks made by the representative of Nicaragua in connection with agenda item 114.

The meeting rose at 5.55 p.m.