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SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. KABORE (Burkina Faso)

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The meeting was called to order at 10.20 a.m.

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

AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/44/40, A/44/33, 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/1909/22; 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. NDIAYE (Senegal), speaking on agenda item 112, said that there was a close correlation between respect for human rights and the maintenance of international peace and security. That was why his country had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention marked an important step in international efforts to promote the effective exercise of human rights and fundamental freedoms, and States must give practical effect to the international human rights norms that reflected universal human values.

2. Senegal's Constitution enshrined the principle of the sanctity of human life and the right to physical integrity and its criminal code provided severe penalties for acts of torture of any kind, whether committed by private individuals or public officials. The secret detention of individuals, where torture might take place away from public scrutiny, was punishable by loss of civil rights for the public officials involved. He drew attention in that connection to article 11 of the Convention against Torture.

(Mr. Ndiaye, Senegal)

3. His country did not invoke underdevelopment or economic vulnerability as pretexts for evading its moral responsibility to respect human rights. Despite the many difficulties that beset multi-party democracy in Africa, Senegal had decided to make conditions of arrest and detention fully compatible with the guarantee of individual liberties. Those conditions were carefully circumscribed, so as to prevent abuse and to ensure that interrogations were not used to extort confessions. Moreover, anyone could request that a detainee undergo a medical examination, and that request would have to be honoured. Senegal had thus gone further than the Convention in making sure that its administrative and judicial bodies respected individual freedoms.

4. One great weakness of the Convention was that only 48 Member States had ratified or acceded to it. That was particularly disturbing since, as a consensus document, the Convention was binding only on States parties and yet no society was safe from the scourge of torture. What was worse was that only 35 of the 48 signatories to the Convention had made the declarations provided for in articles 21 and 22. He therefore urged the Committee to adopt a resolution reminding the international community of the urgent need to remedy that situation.

5. Mrs. SAULLE (Italy) welcomed the consensus that had been reached on the draft convention on the rights of the child (A/44/616), although she believed that children would have been better served if the convention had set at 18 years the age at which children could be recruited for military service and take part in hostilities and had done more to protect disabled children.

6. Her delegation nevertheless supported the agreed text because it set important, binding standards, provided adequate machinery for monitoring its implementation, and contained a safeguard clause in the form of article 41, under which States could set standards even higher than the minimum standard set by the convention. She also welcomed the provision in the convention for a system of amendment. Her delegation therefore hoped that the Committee would adopt the convention by consensus.

7. Mrs. AIZPURUA (Panama) said that her delegation would welcome the production of a detailed manual on the preparation of States parties' reports that would facilitate the task both of Member States and United Nations human rights bodies.

8. The convention on the rights of the child (A/44/616) was an important instrument for protecting children, who in many parts of the world lacked the most basic necessities. Governments must take their responsibilities under the convention very seriously.

9. The right to education was crucial to the future of children and could be realised only when such problems as hunger, desertification and disease were tackled. The convention and International Literacy Year were thus important stages in guaranteeing the all-round development of children who represented their countries' future.

(Mrs. Aispurua, Panama)

10. Drawing attention to the seventh preambular paragraph of the convention, she said that Panama faced the problem of protecting its children against the dangers posed by foreign military presence in its territory. It hoped that the international community would help free it from the foreign interference and pressure that kept Panamanian children from enjoying fully the rights set forth in the convention. A proper future could be assured for Panama's children only if agreements were honoured, regardless of the political situations of signatory Governments.

11. Mr. CENKO (Albania) said that in a world in which 312 million children lived in poverty, 150 million children under the age of 15 worked in mines and 200 million children had no access to basic education, it was of paramount importance to create social and economic conditions that would prevent human rights laws designed to protect children from becoming a dead letter. In Albania, mothers and children were guaranteed all the financial, medical and educational support required to make the rights of the child a reality.

12. Job training was an essential factor in preparing children for life, and vocational training and physical work had been made an integral part of the school curriculum in Albania with a view to teaching children the value of work.

13. In Albania, children were taught an awareness of economic and social problems and, through their own organizations, learned to think and act independently. Radio and television broadcasts also provided a medium for children to voice their opinions. One priority remained the steady improvement of child protection laws to keep pace with the country's social development. The fact that Albania's population had tripled in 40 years and that its average age was 27 years was a tribute to the care devoted to children and their rights.

14. Mrs. KHOURY (Observer, Palestine Liberation Organization) said that the draft convention on the rights of the child was an important document intended to safeguard the rights of all children without exception and, above all, children born into exceptional circumstances. Among the latter category, the children of Palestine and South Africa were in urgent need of the protection which would be provided by the convention. Not only were they denied any of the privileges enjoyed by children in developed countries and, to a lesser extent, in developing countries, but they were also subjected to oppression, exploitation, imprisonment and killings.

15. Palestinian children were exposed to Israeli practices of terrorism, brutality and exploitation in the occupied Palestinian territories and elsewhere. Palestinian children living in refugee camps in Arab countries, particularly Lebanon, had been victims of Israeli military raids, invasions and massacres, which had left thousands of children dead, maimed or disfigured.

16. Palestinian children in the West Bank and Gaza had been living under Israeli military occupation for 22 years, during which time they and their parents had been physically and emotionally traumatized. Since the beginning of the intifadah,

(Mrs. Khoury, Observer, PLO)

Israeli violence against Palestinian children had reached new heights. Many youngsters had died or been severely injured as a result of brutal beatings which were officially condoned by the Israeli Government. The excessive and improper use of teargas by Israeli occupation forces had been responsible for the deaths of many adults and children and had also caused numerous miscarriages among pregnant women. More than 40,000 people had been detained in the past two years, of whom an estimated 75 per cent were young people under the age of 18 who, like all Palestinian political prisoners, were severely tortured. Testimony by children themselves indicated that they had been subjected to physical and psychological brutality and had been denied basic necessities.

17. Palestinian schools had been systematically attacked throughout the years of Israeli occupation. They had been repeatedly closed, refused permission to expand and denied adequate supplies. Students and staff had been harassed, beaten, detained and even killed. During the intifadah, the war against the Palestinian educational system had escalated. Thousands of students and teachers had been detained and the entire system had been shut down, in violation of international law.

18. The combination of abuse and denial of education would undoubtedly cause long-term psychological and social problems for Palestinian children. That population had enormous educational, physical and psychological needs which must be addressed by the international community. In order for those needs to be met, Israel must withdraw from the occupied territories. That could best be achieved by the convening of an international peace conference under United Nations auspices, with the participation of the five permanent members of the Security Council and all the parties to the conflict, including the Palestine Liberation Organization, on an equal footing.

19. Mr. YOSSIFOV (Bulgaria) said that the International Covenants on Human Rights remained the basis for promoting broad and effective international co-operation, which was the only way to solve world problems, in particular those relating to human rights. His country had always participated actively in the implementation of the provisions of the Covenants and, in that connection, wished to express its support for the valuable work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. The potential of the International Covenants was far from exhausted. Universalization of and strict compliance with the provisions of the Covenants, and the review and possible withdrawal of the reservations made by some States parties, were particularly important. It was also important that all Member States recognize that human rights were interrelated and pursue policies leading to the enjoyment and protection of the entire range of human rights and fundamental freedoms.

20. When used for peaceful purposes, science and technology made a direct contribution to socio-economic development, thereby improving living standards throughout the world. At the same time, however, scientific and technological achievements had often been responsible for disasters that threatened the very existence of human civilization. To ensure that those achievements were used

(Mr. Yossifov, Bulgaria)

solely for mankind's well-being, it was necessary to adopt a rational, balanced approach based on the provisions of the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

21. The draft convention on the rights of the child not only was a positive step towards establishing a legal basis for international co-operation in the field of human rights but also raised the minimum human rights standards applicable to children. While it would not bring about an automatic improvement in children's living conditions, the convention would draw international attention to their situation and promote efforts aimed at serving their best interests. The adoption, entry into force and implementation of the draft convention was only the first step in that process. It was in that context that his delegation hoped that the convention, as it now stood, would be adopted without a vote by the General Assembly.

22. Mrs. TEEKAMP (Netherlands) said that mass demonstrations in recent months had shown that people perceived the rights set forth in the International Covenants on Human Rights and the Universal Declaration on Human Rights as universal, basic rights. It was encouraging that some Governments now appeared to be yielding to popular demands. The most striking example had been the opening of the Berlin wall by the German Democratic Republic, which seemed ready to implement other individual rights as well.

23. Against that background, she commended the Human Rights Committee for the excellent work it had done over the years in implementing the International Covenant on Civil and Political Rights and the Optional Protocol thereto. The Committee had clearly devoted considerable attention to revising its procedures for considering States parties' reports and also communications received under the Optional Protocol. The growing awareness of the existence of the Covenant was evidenced by the increasing number of individuals who were exercising their right to use the individual complaint procedure. The Philippines had recently ratified the Convention and Optional Protocol and other countries had announced their intention of doing so in the near future. Her country welcomed those developments and viewed them as positive trends in the international protection of human rights. The Optional Protocol played a dynamic role in legal practice in her own country. In that connection, her Government appreciated the exchange of views it had had with members of the Human Rights Committee during the consideration of its second periodic report.

24. The second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty had been carefully drafted and merited the full attention of the Third Committee. The protocol was meant to serve as a binding instrument for States that wished to ratify it and was in no way prejudicial to the interests of States objecting to abolition of the death penalty. She hoped therefore that the latter States would not stand in the way of its adoption.

25. With respect to the rights of assembly and association set forth in the International Covenant on Civil and Political Rights, reports by monitoring bodies

(Mrs. Teekamp, Netherlands)

made it clear that trade union rights were being violated in many countries. Those violations ranged from prohibiting the formation of trade unions and free bargaining to illegal arrests, disappearances and killings of trade union members. Such violations were intolerable.

26. There was a close link between demands for the observance of trade union rights and demands for the granting of other basic human rights. In many developing countries and, more recently, in some Eastern European countries, trade unions had been either the only or one of very few means by which people could express their views. In many parts of the world, the struggle for labour rights was also creating conditions for increased respect for political, civil and cultural rights. While it was crucial that Governments should adhere to the international human rights instruments, effective supervision of their implementation by monitoring bodies and, in the case of trade union rights, by the International Labour Organisation was even more important. In general, the international climate appeared to favour the strengthening of United Nations human rights monitoring procedures as a whole.

27. Her delegation commended the Committee on Economic, Social and Cultural Rights for its thorough, efficient and creative work, in particular its decision to overhaul its procedures for the consideration of States reports and its elaboration of general comments on articles of the International Covenant on Economic, Social and Cultural Rights. The general comment on reporting obligations provided a clear analysis which should convince States parties to submit well-prepared and timely reports. Her delegation looked forward to the general comments on articles 22 and 23, which would identify the most appropriate means by which the international community might assist States in implementing the Covenant. That initiative demonstrated that the Committee intended to play a dynamic role in the international promotion of economic, social and cultural rights.

28. The report of the Committee against Torture contained for the first time a chapter on the consideration of initial reports from States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Her delegation welcomed the critical spirit in which the Committee had examined the legal aspects of the status of the Convention in relation to domestic law and the Committee's clear view of the practical aspects of the prevention of torture.

29. Her delegation awaited with interest the outcome of the meetings between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture. At the meetings held thus far, it had been agreed that the tasks of the Rapporteur and the Committee were different but complementary. However, bearing in mind that the mandate of the Special Rapporteur was action-oriented and where possible preventive in nature, any suggestions for re-defining his functions should be approached with the utmost care.

30. With respect to remedial action, she urged all Governments to make contributions to the United Nations Voluntary Fund for Victims of Torture, which provided assistance on a purely humanitarian basis.

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(Mrs. Teekamp, Netherlands)

31. While it was a positive development that 17 States had become parties to the Convention against Torture, some of those States had made some rather unfortunate reservations. In that connection, she wished to emphasize the reservations made by the Government of Chile, in particular the reservation to article 2, paragraph 3, which stated explicitly that an order from a superior officer or a public authority could not be invoked as a justification of torture. That article was an essential element in making the prohibition of torture effective, and any reservations aimed at restricting it must be regarded as contrary to the object and purpose of the Convention.

32. Mr. ITO (Japan) said that literacy was a fundamental human right and an indispensable basis for the development of nations and societies. It was deplorable that a quarter of the world's adult population was still illiterate. Overcoming that very grave problem required both self-reliant efforts on the part of the people and government of individual countries and concerted action by the international community as a whole. Japan highly appreciated the initiatives taken by UNESCO in that connection and was considering providing financial assistance to a UNESCO educational project for the Asia and Pacific region. His Government was also studying the possibility of providing technical and financial assistance to efforts to improve educational standards, especially in developing countries. The World Conference on Education for All, to be held at Bangkok in 1990, would be an important milestone in global co-operation in that field.

33. Referring to the draft convention on the rights of the child, he stressed the importance of reviewing all the circumstances in which children live and grow in the light of the emerging concept of the rights of the child. While the main purpose of the convention was to protect children after they were born, his Government respected the spirit of the ninth preambular paragraph, which stated that the child needed special safeguards and care before as well as after birth. In connection with article 43, his delegation believed that, as a matter of principle, the Committee on the Rights of the Child should be financed by the States parties to the convention. Funding from the regular budget of the United Nations would not be conducive to ensuring the true objective of the convention and would place yet another financial burden on the Organization.

34. He hoped that the new concept of the rights of the child would be fully understood and taken into account in national policies. The adoption of the draft convention was only the beginning of a long process. The convention must be acceded to by as many Member States as possible and must be implemented through concrete measures by individual countries. Lastly, international co-operation in that area must take into account the specific situation of children in each country.

35. Archbishop MARTINO (Observer for the Holy See) said that defending the rights of the child was a central obligation for the Church. It was very significant that the draft convention on the rights of the child recognized clearly the right to life of the unborn child. Although the Holy See would have preferred to see further elaboration of that right in the articles of the draft convention, it was confident that the ninth preambular paragraph would serve as a guide for

(Archbishop Martino, Observer,
Holy See)

interpreting the rest of the convention. He agreed with the delegations that had proposed that the age of recruitment for military service should be raised to 18 years. The right of parents to provide for the religious and moral education of their children should also have been formulated more specifically. States should guarantee the freedom of parents to educate their children according to their own religious convictions and to provide for their religious instruction. Despite those flaws, his delegation believed that the convention, if adopted, would mark significant gains for the world's children and for the cause of human rights. The Holy See therefore urged the Committee to adopt the draft Convention in its present form.

36. Mr. FRAMBACH (German Democratic Republic) said that the International Covenants on Human Rights had proved valuable in promoting international co-operation in the field of human rights. The work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights had been marked by thoroughness and a determination to avoid confrontation. In that connection, he stressed the need to focus on a candid and issue-oriented dialogue. It was a positive development that the Committee on Economic, Social and Cultural Rights had adopted its provisional rules of procedure and would endeavour to work on the basis of the principle of consensus. Lengthy debates about the competence of that Committee to ascertain and report on human rights violations were somewhat counterproductive, however. Assumption of such competence was at variance with the nature of the reporting procedure, the main purpose of which was to promote an exchange of information and a critical dialogue.

37. A frank discussion of the reports submitted by States parties was more important than drawing up general comments, even if the latter were a substantive product of the reporting procedure itself and helped States parties in drafting their reports. In that connection, his delegation welcomed general comment 17 (35) adopted by the Human Rights Committee on article 24 of the International Covenant on Civil and Political Rights. General comment No. 1 (1989) on reporting by States parties, adopted by the Committee on Economic, Social and Cultural Rights, was also generally acceptable.

38. In view of their considerable work-load, the two Committees should focus their attention on an in-depth discussion of the reports submitted by States parties. In that connection, the competence of each Committee could not automatically be transferred to its working groups or other subsidiary bodies. Furthermore, it was not advisable to allocate session time in advance for the deliberations of working groups, at the expense of plenary meetings.

39. His delegation supported efforts to streamline and enhance the effectiveness of the procedures of the two Committees and other human rights treaty bodies. The first steps had been taken to consolidate the diverse guidelines for the initial part of States parties' reports. In that regard, it should be kept in mind that the harmonization of guidelines should not invalidate the uniqueness of the objectives of each treaty body and that only guidelines relating to matters of

(Mr. Frambach, German Democratic Republic)

common interest to all treaty bodies should be harmonized. Existing provisions concerning competence should also be taken into consideration when involving specialized agencies or non-governmental organizations in the work of the different bodies.

40. The German Democratic Republic had requested postponement of the consideration of its third periodic report by the Human Rights Committee, in view of the fundamental renewal of socialist society taking place in that country. His Government would submit an updated report in 1990, reflecting tangible progress and genuine problems in the implementation of human rights in his country. Lastly, he reiterated his country's call for the speedy discussion and adoption of the draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

41. Mr. WON (Observer for the Republic of Korea) said that, in view of the magnitude of the challenge of illiteracy facing the world, International Literacy Year should usher in a decade of intensive, concerted efforts to achieve universal literacy by the end of the century. His delegation attached particular importance to the World Conference on Education for All to be held at Bangkok in March 1990, and hoped that it would define effective strategies for meeting basic learning needs all over the world.

42. The Republic of Korea, which had one of the highest literacy rates in the world, considered its human resources the prime mover of its national development. The Constitution guaranteed every citizen's right to education and encouraged the development of life-long education. Primary school education was free and compulsory and, according to recent statistics, more than 99 per cent of primary school graduates went on to middle school. As part of his Government's firm commitment to promoting literacy, the Republic of Korea would contribute \$30,000 annually for one of the UNESCO literacy awards.

43. His country was a staunch supporter of United Nations efforts to promote the welfare of children throughout the world and favoured the adoption of the draft convention on the rights of the child at the current session of the General Assembly.

44. Mr. LOPATKA (Poland), introducing draft decision A/C.3/44/L.45 on the adoption of a convention on the rights of the child, said that it was designed to ensure that the expenses of members of the Committee on the Rights of the Child were covered from the regular budget of the United Nations. Since many delegations favoured that approach, he hoped that the Committee would support the draft decision.

The meeting rose at noon.