United Nations
General Assembly
A/C.3/54/SR.29
Distr.: General

Fifty-fourth session
Official Records

10 February 2000
English
Original: Spanish

Third Committee

Summary record of the 29th meeting
Held at Headquarters, New York, on Tuesday, 2 November 1999, at 3 p.m.

Chairman: Mr. Galuška ..... (Czech Republic)

Contents

00-28218 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 107: Crime prevention and criminal justice (*continued*) (A/C.3/54/L.24)

Draft resolution A/C.3/54/L.24 on strengthening the United Nations Crime Prevention and Criminal Justice Programme

1. **Ms. Borzi** (Italy), introducing draft resolution A/C.3/54/L.24 on behalf of its sponsors, said that Argentina, Armenia, Australia, Benin, Canada, Egypt, Germany, Guatemala, Iceland, Japan, Lesotho, the Netherlands, the Philippines, the Republic of Korea, Slovenia, Thailand, Turkmenistan, and the United Kingdom had also become sponsors. The following revisions had been made: in paragraph 3, the words "Office for Crime Prevention and Criminal Justice" should be replaced by "Office for Drug Control and Crime Prevention". In the same paragraph of the English text, the words "upon request" should be replaced by "at their request". In paragraph 4, the words "in particular" should be replaced by "including," and the words "to be" should be inserted before "formulated". In paragraph 6, the phrase "rules of law" should be changed to "rule of law". In paragraph 7, the phrase "Member States" should be replaced by "All States". "The Commission for Social Development" should be added to the end of paragraph 13. In paragraph 14, the words "notes the progress achieved in that respect by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime" should be inserted after the phrase "including by sea". Lastly, paragraph 15 should be deleted.

2. In view of the great importance of the work of the United Nations Crime Prevention and Criminal Justice Programme, the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention should be strengthened. Although resources for that Centre had substantially increased since 1996, they were insufficient to cover its mandates. According to the Office of Internal Oversight Services, that problem might be resolved by streamlining the Programme, which had already been partly achieved, and by improving funding. The purpose of the draft resolution was to achieve that objective.

Agenda item 109: Advancement of women (*continued*) (A/C.3/54/L.18/Rev.1)

Draft resolution A/C.3/54/L.18/Rev.1: Violence against women migrant workers

3. **Ms. Ramiro-Lopez** (Philippines), introducing draft resolution A/C.3/54/L.18/Rev.1 on behalf of its sponsors, said that Belgium, Cape Verde, Colombia, Ghana, Liberia, Morocco and The former Yugoslav Republic of Macedonia had also become sponsors. After summarizing the main points of the draft resolution, she expressed her hope that it would be adopted by consensus.

Agenda item 115: Right of peoples to self-determination (*continued*) (A/C.3/54/L.29)

Draft resolution A/C.3/54/L.29: The right of the Palestinian people to self-determination

4. **Mr. Aboul Gheit** (Egypt), introducing draft resolution A/C.3/54/L.29 on behalf of its sponsors, said that Afghanistan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, the Comoros, Japan, the Lao People's Democratic Republic, Lebanon and the United Republic of Tanzania had also become sponsors. He summarized the main points of the draft resolution and expressed his hope that it would be adopted by consensus.

Agenda item 116: Human rights questions

(a) Implementation of human rights instruments (A/54/40, 44, 56, 65, 80, 91, 98, 177, 189, 277, 346, 348, 368, 387 and 426; A/C.3/54/5)

5. **Mr. Ndiaye** (Director of the New York Office of the Office of the High Commissioner for Human Rights), introducing the item, said that, in the past year, proposals for streamlining and rationalizing the work of the treaty bodies had been carefully considered by various forums, and many had been implemented. The problems were, however, as serious as ever, since the workload of the treaty bodies continued to increase. For example, 142 States were now parties to the International Covenant on Economic, Social and Cultural Rights and 144 to the International Covenant on Civil and Political Rights, which was roughly equivalent to 76 per cent of the membership of the United Nations. Moreover, 95 States were parties to the Optional Protocol to the International Covenant on Civil and Political Rights, which established an individual complaints procedure, and 40 to the Second Optional Protocol, which aimed at the abolition of the death penalty.

6. The increase in ratifications both evidenced and contributed to the universality of human rights, but also created a situation in which the treaty bodies and their secretariats could barely handle the growing number of reports and communications. One hundred and eighteen States had ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whereas only 12 States, or 8 below the number required for its entry into force, had ratified or acceded to the International

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

7. The report of the eleventh Meeting of Chairpersons of Human Rights Treaty Bodies would be made available during the fifty-fifth session of the General Assembly, in accordance with General Assembly resolution 53/138. The focus of those meetings was to discuss ways of improving the functioning of the treaty bodies and the exchange of information, particularly with regard to refining methods of work. In 1999, the Human Rights Committee had considered 14 initial and periodic reports submitted by States parties to the International Covenant on Civil and Political Rights. The practice, adopted by some of the other treaty bodies as well, of presenting States with a list of questions several months before considering their reports, had enhanced the dialogue between the Committee and States parties. The Committee had also adopted new guidelines to streamline and improve the reporting process, under which initial reports should refer to each article, and periodic reports should refer to the Committee's concluding observations. During the period under review, the Committee had studied 74 communications submitted under the terms of the Optional Protocol to the Covenant and had adopted 35 views under the terms of article 5, paragraph 4, of the Optional Protocol. It had also declared 22 communications inadmissible and 12 admissible, had discontinued consideration of 5 communications and had continued to receive information from States about measures they had taken to implement the Committee's observations.

8. Since December 1997, the Committee on Economic, Social and Cultural Rights had examined the initial and periodic reports submitted by nine States parties to the International Covenant on Economic, Social and Cultural Rights and had also examined the situation in one State whose report was significantly overdue. In addition, the Committee had developed its jurisprudence by approving five General Comments, which were the Committee's interpretation of the provisions of the Covenant and a presentation of the Committee's practices.

9. At its twenty-first and twenty-second sessions, the Committee against Torture had considered reports submitted by 16 States parties, continued four confidential inquiries under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and considered a large number of individual communications submitted under article 22. The Committee had taken decisions on 36 of those communications, 11 of which had been final views.

10. **Ms. Nyroos** (Finland), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland, supported the call by the High Commissioner for Human Rights for universal ratification of all the core human rights treaties by the year 2003. The number of ratifications and accessions had increased significantly since the World Conference on Human Rights; the process of ratification was no longer moving forward so rapidly, however, and it seemed that universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women would not take place before 2000. The European Union urged the remaining States to accede to the Convention before the target date. They should do likewise for the Convention on the Rights of the Child, whose universal ratification was already four years overdue.

11. The European Union welcomed the introduction of the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination into the agenda of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and believed it would be a step forward if the Conference could set 2003 as the target for universal ratification.

12. The European Union was concerned that some States had withdrawn from the First Optional Protocol to the International Covenant on Civil and Political Rights and urged those States to reconsider: the two international human rights covenants and the optional protocols were the cornerstones of international human rights law, and their ratification and full integration into national legislation remained a necessary foundation for any legal or political system. The European Union was concerned also by the relatively low number of States that had ratified the Convention against Torture, as the unanimous condemnation of torture must be accompanied by significant progress in the ratification of that crucial legal instrument. In addition, it was the responsibility of Governments to ensure that the norms established by the treaty instruments were implemented in practice in their countries.

13. The large number of reservations to some human rights treaties was cause for concern as those reservations cast doubt on the degree of commitment of some States parties to their treaty obligations, and undermined international treaty law. It was impermissible for States to make reservations to a treaty that were incompatible with the treaty's object and purpose or ran counter to international treaty law. The States members of the European Union constantly monitored the admissibility of reservations made and in some instances had felt obliged to lodge objections. States should limit the scope and number of any reservations they made and should keep them under review with withdrawal in mind.

14. Human rights were interdependent and of equal value, and it was therefore important for economic, social and cultural rights to be strengthened in practice alongside civil and political rights. The European Union believed that one of the main challenges in the field of economic, social and cultural rights was the adoption of appropriate legislation, and in that regard had taken note with interest of constitutional provisions that showed how the legal basis could be overhauled to improve protection of Covenant rights. Also, broader ratification of the basic International Labour Organization conventions, including those protecting the rights of children, should be encouraged. The International Covenant on Economic, Social and Cultural Rights was a useful tool for the United Nations in its support of national poverty eradication efforts. United Nations funds, programmes and specialized agencies should follow the example of the United Nations Children's Fund (UNICEF) by adopting an approach based on human rights and the main human rights instruments, in particular the International Covenant on Economic, Social and Cultural Rights. Country programming using that approach would have considerable potential for empowering the disadvantaged and the marginalized and for enhancing popular participation. In that context, the European Union welcomed the fact that the international community, the Committee on Economic, Social and Cultural Rights, the United Nations High Commissioner for Human Rights, the United Nations specialized agencies and the international financial institutions were devoting more attention to those rights.

15. The European Union was determined to oppose the death penalty with the aim of abolishing it, which would enhance human dignity and the progressive development of human rights. It welcomed the recent ratifications of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and called on all States parties to the Covenant to ratify the Optional Protocol. The European Union was concerned that, in some States where it had not been abolished, the death penalty was frequently being applied in violation of the minimum safeguards set out in the International Convention on Civil and Political Rights, the Convention on the Rights of the Child, the Vienna Convention on Consular Relations and the Economic and Social Council safeguards guaranteeing protection of the rights of those facing the death penalty. States that had not yet abolished the death penalty should comply with those safeguards and progressively restrict the number of offences punishable by execution. The issue of capital punishment had had a legitimate place in the international human rights agenda ever since the United Nations began its work; indeed, the United Nations could continue to play a highly important role by facilitating progress in that regard. For that reason, in 1999 the European Union had consulted widely with like-minded States from all regions and had decided to sponsor a draft resolution calling for a moratorium on executions. She expressed the hope that the initiative would win broad support.

16. The international human rights treaties were living, developing instruments; that was why their Protocols were so important for defining the precise content of those treaties and ensuring that they were implemented. Individual complaint mechanisms were a substantial incentive for States parties to abide by their obligations towards individuals' rights and could serve to improve national legislation. The Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of Discrimination against Women had finished its work in early 1999. With the adoption of the Optional Protocol on an individual right-to-petition procedure, an effective instrument had been created for achieving women's full enjoyment of their human rights. The European Union called on all States parties to the Convention to give serious consideration to ratifying the Optional Protocol as soon as possible and hoped that it would enter into force in 2000 and before the special session of the General Assembly on follow-up to the Beijing conference. She expressed the European Union's strong hope that the two working groups of the Committee on the Rights of the Child entrusted with drafting optional protocols to the Convention would soon conclude their work, given that it would soon be the tenth anniversary of the Convention's entry into force.

17. The new Chairman of the working group on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had given a new impetus to its work, and delegations should increase their efforts to have the optional protocol adopted and to put in place the much-needed system of preventive visits after many years of negotiations. Further consideration should be given to ways of strengthening the International Covenant on Economic, Social and Cultural Rights, including a possible optional protocol. The European Union would like to reiterate what it had said in the past about the role of the specialized agencies and the international financial institutions in the protection of economic, social and cultural rights.

18. In view of the great importance of the human rights instruments and of compliance by Governments with the recommendations formulated by the treaty bodies, it was a matter of concern that a number of countries were considerably behind in submitting their reports. It was essential that such reports should describe comprehensively the situation of the country, changes in legislation, good practice and problematic issues. States should enlist the participation of non-governmental organizations, without preventing them from

drafting their own reports. The accumulating backlog of reports and communications to be considered by the treaty bodies was particularly alarming, in view of the fact that by the end of March 1999 the number of overdue reports had reached 1,155. That state of affairs was undermining the very purpose of the treaty-monitoring system, which should create incentives for a dialogue between the States parties and the treaty bodies. In any case, the backlog of unexamined reports could not serve as an excuse to States for not submitting their reports on time.

19. In order for the treaty bodies to be able to consider the reports in an efficient and timely manner, the possibility might be considered of increasing the number of their meetings or extending them. However, that was not the ideal solution to the problem of the excessive workload; a more fundamental reform of working methods was needed. The European Union welcomed the initiative of the United Nations High Commissioner for Human Rights to commission a study of the question to be submitted in the first half of the year 2000. In addition, serious consideration should be given to all initiatives to avoid duplication and overlapping of reporting obligations. Examination of possible measures should not be limited by the treaty provisions, and amendments allowing for consolidated reporting should not be ruled out. The European Union also encouraged the treaty-monitoring bodies to continue to consider further measures to reform their working methods. The inevitable reform of the monitoring system should ultimately serve the needs of the individuals whose rights were enshrined in the human rights instruments and should take into full account the needs of the States parties.

20. The European Union member States were aware through their own experience of the burden entailed by the submittal of reports in accordance with the international instruments, and understood that the Governments of small developing States had more limited administrative capacity. The Union was prepared to consider ways and means of assisting them in complying with their reporting obligations and in maximizing the benefits the process offered in terms of legal reforms. Lastly, one factor affecting the work of the treaty bodies was the scarcity of funds and secretarial support services. In the proposed programme budget for the next biennium, secretarial support services had not been increased in proportion to the increased workload that would result from new ratifications. It was of crucial importance that the treaty bodies should have sufficient financial and human resources to carry out their work effectively.

21. **Mr. Southwick** (United States of America) said that he understood the sentiments motivating opponents of capital punishment around the world and especially in the United States, but he felt their view departed from well- established international norms. While international law limited the death penalty to the most serious crimes and required certain safeguards, most notably due process, it did not prohibit capital punishment. The International Covenant on Civil and Political Rights specifically recognized the right of States that had not abolished capital punishment to impose it. In a democratic society, the criminal-justice system should reflect the will of the people. Although the issue of capital punishment was a subject of intense debate, the majority of the constituent states of the United States had chosen to retain the option of imposing the death penalty for the most serious crimes. The death penalty was imposed only after a lengthy appeal and judicial review. The decision of the many countries that had abolished capital punishment and had accepted treaty obligations to that effect deserved respect, but in the United States an open and democratic process had led to different results.

22. **Ms. Boyko** (Ukraine) said that her country strongly supported the work of the Office of the United Nations High Commissioner for Human Rights to achieve universal ratification of the six main human rights treaties by the year 2003. It was the responsibility of Governments to incorporate the provisions into their legislation and to take all necessary steps to guarantee full enjoyment of human rights. Ukraine had ratified all the basic international instruments in the field of human rights and had made their provisions part of its laws. Institutions such as the Parliamentary Ombudsman and the Constitutional Court ensured respect for human rights, and the national Constitution guaranteed the right of every person to appeal to the relevant international institutions and organizations for protection. As a member of the Council of Europe, Ukraine had incorporated European norms and principles into its national law; it had signed Protocol No. 6 to the European Convention on Human Rights, and in 1997 had declared a de facto moratorium on executions with a view to completely abolishing the death penalty. The country's new draft criminal code did not provide for capital punishment.

23. Her country took its reporting obligations to treaty bodies very seriously. During the current year it had submitted its fourth periodic reports to the Human Rights Committee and to the Committee on Economic, Social and Cultural Rights; the year before it had submitted periodic reports to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. It was true, however, that the functioning of the United Nations system in that sphere was far from satisfactory. Reports to the committees were often submitted years late and frequently consisted of nothing more than a summary of legislation. Moreover, the excessive workload often made it difficult for the United Nations treaty bodies to give sufficient attention to the specific issues of human rights policy of concern in each

country. Hence the efforts of the treaty bodies and the Secretary-General to streamline reporting procedures, and render them more transparent were to be commended. Consideration should also be given to ways of reducing overlapping reporting requirements under the various instruments. Closer cooperation between the treaty bodies and institutions such as the Council of Europe would also improve the situation by allowing the treaty bodies to pay more attention to countries that did not have appropriate regional structures. Non-governmental organizations were indispensable actors in the promotion of human rights; hence it was important to provide international protection for human rights defenders.

24. **Mr. Balestra** (San Marino) said that San Marino had been the first European country to abolish the death penalty, which it had done in 1854 after a de facto moratorium of several centuries. The death penalty was neither a valid nor an effective means of defending society. It had never been a deterrent to crime, and victims were not entitled to retaliation. Capital punishment belonged in the category of "torture and other cruel, inhuman or degrading treatment or punishment". There were better ways to combat crime, and he therefore encouraged research in alternatives to the death penalty. The Special Rapporteur on extrajudicial, summary or arbitrary executions had warned in 1998 against the danger of executing innocent persons, since no judicial system was infallible.

25. The draft resolution on a moratorium on executions which Finland had introduced on behalf of the European Union reflected the international trend towards the abolition of the death penalty. The countries supporting that resolution had very different legal systems and backgrounds, different cultural values and also very different positions on the death penalty. Although some countries considered the resolution to be unacceptable interference in their internal affairs, a literal interpretation of the concept of sovereignty, as suggested in the amendments already submitted, would block entirely the work of the United Nations and especially of the Third Committee. The majority of resolutions adopted by the United Nations had an effect on Member States. They had never been considered interference but rather a stimulus to improve legal systems, behaviour and the lives of citizens. The proposed draft resolution, like many other issues discussed at the United Nations, had not achieved consensus, but that was no reason to avoid a clear and open debate since the United Nations was the appropriate forum for expressing and resolving any differences.

26. **Mr. Martino** (Observer for the Holy See) said that recognition of the need for a moratorium on the death penalty was gaining momentum in the international community. The draft resolution on the reduction of the use and possible abolition of the death penalty reaffirmed the dignity of the human person and the sacred character and inviolability of human life as recognized in the international instruments on which the draft resolution was based. The position of the Holy See was that not even the most serious crimes merited the death penalty. In 1999 Pope John Paul II had said that the growing consensus that the dignity of human life must never be taken away, even in the case of someone who had done great evil, was a sign of hope and showed that modern society had the means to protect itself without denying criminals the chance to reform, and he had renewed his appeal to eliminate the death penalty, which was cruel and unnecessary.

27. All too often the victims of the death penalty were poor, members of ethnic minorities, young people or even people with limited mental capacity. Too many innocent people had been executed. Anyone who was executed, no matter how cruel or inhuman his or her crime, was a human being. Moreover, there was no definitive evidence that the death penalty reduced the likelihood of capital crimes being committed. Crime could be reduced by introducing comprehensive policies of moral education and effective police work and by addressing the root causes of crime. Although punishment should be proportionate to the crime, it should also be directed at rehabilitating the criminal.

28. At the end of a century which had seen unimaginable atrocities against the dignity of the human person, the abolition of the death penalty would be a remarkable undertaking for humanity. Laudable though it would be, however, abolition of the death penalty was only one step towards creating a deeper respect for human life. If millions of budding lives were eliminated at their very roots, while the family of nations remained unmoved by such crimes, the argument for the abolition of capital punishment was less credible. The discussion on the abolition of the death penalty demanded of States a new awareness of the sacred character of life, the courage to say no to killing of any kind and the generosity to provide perpetrators of even the most heinous crimes with the chance to rehabilitate and redeem themselves.

29. **Mr. Priedkalns** (Latvia) said that the fiftieth anniversary of the United Nations Declaration of Human Rights had provided an opportunity to reflect on the progress made by nations around the world. Latvia had amended its Constitution to include articles on the protection of fundamental human rights and freedoms and had acceded to various international human rights instruments. It had submitted its initial report under the International Covenant on Civil and Political Rights to the Human Rights Committee in 1995, and the Committee's recommendations had been included in domestic legislation. Initial reports under the Convention on the Rights of the Child and the International Convention on the Elimination of All

Forms of Racial Discrimination had been submitted. His delegation also welcomed the report of the Bureau of the fifty-fourth session of the Commission on Human Rights, of which it was a member.

30. At another level, following a referendum in which Latvians had exercised their democratic rights, citizenship laws had been amended in accordance with the standards of the Organization for Security and Cooperation in Europe (OSCE). His Government currently recognized the right to nationality of all persons who had settled in Latvia during the period of occupation, 1940-1991, and pre-occupation citizens had had their nationality restored on the basis of the juridical continuity of the Republic of Latvia.

31. In compliance with United Nations and European Union standards, a series of laws had been passed to strengthen the protection of human rights. The aim of legislative reform was the integration of society. Laws on the State language, education and the public media were important elements of the integration process. The assistance of non-governmental organizations, academic institutions, expert bodies and the United Nations Development Programme had been significant. The Latvian language law was due to receive its final reading in Parliament in December 1999. It would meet Latvia's international obligations as established in consultation with OSCE, the Council of Europe and the European Commission and would safeguard the Latvian language and culture in an increasingly globalized world. In the field of education, his Government facilitated education in minority languages in full compliance with its international human rights obligations. Parliament had defined guarantees for long-term minority education and had established language programmes consistent with the standards of the International Covenant on Civil and Political Rights and the European Convention on Human Rights. State-financed secondary education was provided in eight minority languages — Russian, Polish, Jewish, Ukrainian, Estonian, Lithuanian, Romany and Belarusian — although there was increasing demand for education in the Latvian language.

32. In the context of its efforts to achieve the integration of society and ensure respect for the cultural heritage and autonomy of minorities, a framework document on the integration of society had been developed collectively by government experts, minority groups and academic organizations and was awaiting Cabinet approval. The progress made in the field of human rights was particularly remarkable when considered in the historical context of violations committed since 1940 by two totalitarian regimes which had occupied the country, one of which had significantly altered the ethnic composition of the population. By including United Nations human rights instruments in recent legislation, Latvia had met international standards and proved its firm and continuing commitment to the defence of those rights.

33. **Ms. Al-Hajaji** (Libyan Arab Jamahiriya) said that universal accession or ratification of international human rights instruments was a desirable goal but was not sufficient. States parties should endeavour to achieve complete and effective implementation of their provisions with a view to achieving universal and complete enjoyment of the corresponding rights. While the function of the human rights treaty bodies was important, the imbalance in the composition of those bodies in favour of a specific geographical group, at the expense of the others, was regrettable and was a violation of the principle of equitable geographical distribution which applied to all United Nations bodies and agencies. Measures aimed at reforming and streamlining those bodies were needed, and their chairmen should continue to cooperate with each other and coordinate their work in order to avoid duplication of tasks.

34. The Vienna Convention on the Law of Treaties dealt with the question of reservations with respect to covenants and multilateral treaties, including human rights treaties. Although, in an effort to encourage accession and ratification, Member States had been allowed to express their reservations, that privilege should not violate the spirit or objectives of treaties. The practice of issuing reservations should be based on the provisions of the Vienna Convention.

35. States had a sovereign right to decide, without any form of external interference, on the most fitting form of legislation. Therefore, the draft resolution introduced by the European Union on the question of the death penalty violated the sovereign right of States and peoples to apply that form of punishment for serious offences in accordance with their laws. Capital punishment was part of penal justice and was unrelated to human rights. It concerned the rights of victims and societies to live in peace and security. The draft resolution was an attempt by some States to impose their laws and values on other States and hampered efforts aimed at promoting dialogue between civilizations and peoples. It sought to divide the international community to the extent that the international community spent time on controversial matters instead of trying to resolve more pressing issues, such as poverty, illiteracy or racism. The draft resolution disregarded the divine laws to which most of the world adhered, and it contravened the provisions of the Second Optional Protocol to the International Covenant on Civil and Political Rights. She therefore hoped that the sponsors would withdraw the draft resolution, in an effort to maintain the spirit of consensus which existed on such questions, rather than create divisions between the Member States of the United Nations.

36. **Mr. Mutaboba** (Rwanda) said that, although his country had signed and ratified most international human rights instruments, in practice, previous Governments of Rwanda had committed grave violations of those rights, ranging from all forms of discrimination to depriving certain social groups of the most basic rights to education, employment, the choice of spouse and freedom of movement. The imposition of identity cards specifying the "ethnic group" to which the bearer belonged was equivalent to the denial of the right to nationality. Sixty years after its introduction in 1934, the identity card had been used to determine who would be killed or spared. Rwanda was now proud to have corrected that mistake.

37. The Rwandese people had been divided but Rwandans were determined to become one again, having lived side by side for centuries and contrary to the image invented and nurtured by Western media. The divide-and-rule strategy had been responsible for manipulating an ethnicity that was foreign to a nation of farmers, cattle breeders and potters who shared the same language, religion, political system and culture. Reference to tribes or ethnic groups was not only ignorance, it was also a deliberate, divisive policy inherited from colonial times. People had been made to believe they were different and today some actually believed it. The post-colonial authorities were as responsible as their former masters for today's crimes. Describing the problem as "ethnic" was an easy way to mask and explain gross violations of human rights. In order for a tribe to qualify as such, it must have a distinct culture, language and religion. In Rwanda all social groups spoke one language, shared one culture and belonged to the same clans. The Government of Rwanda would appreciate it if the General Assembly would make a special recommendation to that effect and monitor its implementation with the aim of eliminating the ethnic approach to issues of governance, management and problem-solving in Rwanda and the Great Lakes region, or elsewhere in the world.

38. The same former Governments which had ratified the Convention on the Prevention and Punishment of the Crime of Genocide had been responsible for planning and supervising the 1994 genocide, in which approximately one million lives had been lost, and which had had other tragic consequences. At the time, the international community had not intervened or denounced that genocide. Even worse, the perpetrators were still free to move from one place to another. He urged the international community to cooperate with the Government of Rwanda and the International Criminal Tribunal for Rwanda in bringing the criminals to justice. With regard to the question of the death penalty, the Rwandan parliament had enacted organic law to punish cases of genocide and had classified criminals in four specific categories. One such category corresponded to genocide, for which the only appropriate punishment was the death penalty. With all due respect to those who held a different opinion on the matter, Rwanda, as a sovereign country, had the right to decide, and the Government believed that the freedom of the criminals concerned, whom others were trying to protect, should end in view of society's moral obligation to say "Never again". Since the execution of 22 ringleaders for genocide in Rwanda, the confessions of more than 15,000 persons had led to a revelation of truth, the identification of other criminals and the release of innocent people. Rwanda was proud of its traditional system of justice, which enhanced the speedy selection of criminals and ensured reconciliation. In reality, it would be a crime to protect criminals who should be punished. It was therefore impossible to speak of releasing and protecting criminals in Rwanda, while in Yugoslavia and elsewhere there was talk of indicting them.

39. **Mr. Al-Hajri** (Qatar), referring to the draft resolution submitted by the European Union, said that capital punishment was a controversial issue which did not command a consensus in the United Nations. It was a sovereign right of States to enact their own laws without external interference, as provided in Article 2, paragraph 7, of the Charter of the United Nations. Similarly, States had the right to enact laws and adopt measures, including the death penalty, which protected their citizens and societies from serious crimes, pursuant to article 6 of the International Covenant on Civil and Political Rights. The United Nations consisted of countries of diverse cultures, philosophies and religions, and that diversity should promote the purposes of the Organization. It was ironic that 50 years after the adoption of the Universal Declaration of Human Rights attempts were still being made to restrict the right of States to pass laws governing their lives and societies.

40. The sponsors, although fully aware of the magnitude of the difficulties created, had submitted the draft resolution without holding consultations with those who were against it. Few States had been invited to meet with the sponsors, a fact which only confirmed the suspicion that the sponsors did not wish to hold a constructive dialogue. The opponents of the draft resolution represented two thirds of the world's population. Why did a minority claim the right to impose its opinions on an overwhelming majority? With regard to the statement made by the United Nations High Commissioner for Human Rights, his delegation wished to request the Office of Legal Affairs to issue a legal opinion on the right of the High Commissioner to intervene in a matter which was under consideration in the Third Committee. On the eve of the United Nations Year of Dialogue among Civilizations (2001), Qatar, which maintained close links with the member States of the European Union and the sponsors of the draft resolution, was

hopeful that the sponsors would withdraw the draft resolution in order to preserve the unity of the Organization and to avoid the division which would inevitably result if the text was voted on.

41. **Mr. Al Saidi** (Kuwait) said that in all legal systems, justice required that the punishment should fit the crime. The Koran established the death penalty as a punishment for certain crimes, and to require it to be abolished was against religious precepts. Islamic law had imposed the death penalty to protect the rights of the whole of society, and that fact should be taken into consideration when discussing its abolition. The rights of the victim should be borne in mind, as should the need to do justice and safeguard the rights of society when a crime punishable by death had been committed. Article 6 of the International Covenant on Civil and Political Rights contemplated the death penalty under such circumstances. The death penalty related to criminal justice, not to human rights; the United Nations had not reached either consensus or unanimity on the matter. All sovereign States were free to enact laws adapted to their own social, cultural and economic circumstances. Just as the States that had abolished the death penalty were respected, such States should respect those that elected to apply it. The former should understand that there were differences of opinion on the issue and respect the views of others in order to preserve the consensus that all Members of the United Nations desired.

42. **Mr. Hunte** (Santa Lucia) said that his country had built a stable democracy based on a Constitution that protected the freedom and security of its citizens. Moreover, instruments such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the American Convention on Human Rights accepted that, in the exercise of its sovereignty and in accordance with its laws, a State might punish certain crimes with the death penalty. Consequently, application of that penalty did not involve a violation of international law; neither did the practice of States permit the establishment of customary law (a rule of *juscogens*) in favour of its abolition. The Constitution of Santa Lucia considered the death penalty to be a legitimate punishment and the Criminal Code limited its use to cases of murder. The Constitution also established that a convicted person could make appeals and that the Governor-General decided on requests for clemency. The Santa Lucia Government had been elected after a campaign during which it had manifested its commitment to enforcing the death penalty, and public opinion was overwhelmingly in favour of it. Consequently, the Government could not support a moratorium on such punishment, or its abolition. Only the people of Santa Lucia could change the Constitution and they would defend their right to choose their own values and their own rule of law with the same zeal that they had shown in the fight for independence, without allowing their sovereignty or their freedom of choice to be undermined, particularly with regard to national security.

43. **Ms. Tounsi** (Morocco) said that the situation of human rights in the world was far from satisfactory because horrendous attacks against personal dignity continued to be perpetrated in every continent. Furthermore, it should not be forgotten that poverty and exclusion were a serious problem, exacerbated by globalization. The international community had shown great concern for civil and political rights, but less for economic, social and cultural rights. She was therefore glad to see that, in 1999, the Commission on Human Rights had approved seven texts on such rights and had extended for a further year the mandate of the independent expert responsible for examining the consequences of structural adjustment policies on economic, social and cultural rights. A concerted effort should be made to achieve the indivisibility and interdependence of the human rights proclaimed in the Vienna Declaration and Programme of Action.

44. Morocco had ratified various international human rights instruments and had submitted the corresponding reports. It was established in the Constitution that the Kingdom of Morocco subscribed to the principles, rights and obligations that arose from the charters of international organizations. That political will had resulted in the establishment of various institutions responsible for promoting human rights and in the adoption of measures designed to strengthen the attention that the Government accorded to that issue and, in particular, to the legal status of women. In that regard, the Government had signed a protocol of agreement with UNESCO for the establishment of a university chair on women and their rights in Morocco. In the context of the United Nations Decade for Human Rights Education and in collaboration with the Office of the High Commissioner for Human Rights, Morocco had introduced basic human rights principles into primary and secondary education programmes and had established a human rights documentation and training centre. Also, a UNESCO chair on human rights had been established in Morocco in 1994 to promote the issue in academic circles and strengthen the corresponding institutional instruments. Lastly, His Majesty King Mohamed VI had made the fight against illiteracy and poverty a priority in the legislative and executive spheres. Parliament would soon be debating the reform of the school system prepared by a national commission and the Hassan II Fund for the fight against poverty would be established, devoted especially to general projects to create employment.

Agenda item 109: Advancement of women (*continued*) (A/C.3/54/L.15)

Draft resolution A/C.3/54/L.15: Improvement of the situation of women in rural areas

45. **Ms.Enkhtsegtseg** (Mongolia), speaking on behalf of the sponsors, said that San Marino was no longer a sponsor of draft resolution A/C.3/54/L.15, while the following countries had become sponsors: Austria, Belgium, Benin, Bhutan, Burkina Faso, Cambodia, Cameroon, China, the Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Dominican Republic, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, Germany, Greece, Guinea, Haiti, Indonesia, Ireland, Italy, Jamaica, Kenya, Kyrgyzstan, Malta, Mozambique, the Netherlands, Nigeria, Norway, the Philippines, Portugal, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Suriname, Tajikistan, Uganda, the United Kingdom, the United Republic of Tanzania, Zambia and Zimbabwe.

46. Several revisions had been made in the operative part of the draft resolution. In paragraph 2, the phrase "in their national and global development strategies" should be replaced by "in their national, regional and global development strategies". In paragraph 2 (a), the words "through the provision of a safe and reliable water supply" should be replaced by "through capacity-building and human resources development measures, the provision of a safe and reliable water supply". Paragraph 2 (b) should be replaced by the following text, which was based on paragraph 5 of resolution 42/1 of the Commission on the Status of Women: "Designing and revising laws to ensure that, where private ownership of land and property exist, rural women are accorded full and equal rights to own land and other property, including through the right to inheritance, and undertaking administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information". In paragraph 2 (g), the words "Taking steps towards" should be inserted before "Ensuring that". Lastly, paragraph 3 should be replaced by the following text: "*Requests* the Secretary-General, in cooperation with the relevant international organizations, specialized agencies, funds and programmes, and in consultation with Member States, to prepare a comprehensive report on the situation of rural women and challenges faced by them based, *inter alia*, on the outcome of an Expert Group Meeting which will draw from the contributions and case studies provided by experts from various regions, and to incorporate its findings and recommendations in his report on the implementation of the present resolution to the General Assembly at its fifty-sixth session". In conclusion, she said she hoped that the draft resolution would be adopted by consensus.

47. **The Chairman** said he took it that the Committee wished to adopt the draft resolution as orally revised.

48. *It was so decided.*

The meeting rose at 5.35 p.m.