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## Third Committee

### Summary record of the 29th meeting

Held at Headquarters, New York, on Friday, 30 October 1998, at 10 a.m.

*Chairman:* Mr. Hachani ..... (Tunisia)

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

**Agenda item 110: Human rights questions** (*continued*) (A/53/58, 74, 75, A/53/77-S/1998/171, A/53/79, 80, A/53/94-S/1998/309, A/53/99-S/1998/344, A/53/131-S/1998/435, A/53/165-S/1998/601, A/53/167, 203, A/53/205-S/1998/711, A/53/214, 215, A/53/225-S/1998/747, A/53/343, 404, 425, 489, 493, 494 and 497; A/C.3/53/4, 5, 7 and 9)

**(a) Implementation of human rights instruments** (*continued*) (A/53/40 (vols. I and II), A/53/44, A/53/72-S/1998/156, A/53/95-S/1998/311, A/53/118, 125, 230, 253, 283, 339, 432 and 469)

1. **Mr. Araújo** (Cape Verde) said that the United Nations system had done commendable work in helping to promote awareness of the rights of migrant workers and their families. The complex issues raised by migration should be addressed in a constructive manner in order to build a future of tolerance and mutual understanding and to dispel the very real fears associated with the phenomenon. Migrants, particularly those coming from Africa, were increasingly the victims of discrimination and violence, exacerbated by the growing political success of extremist groups in receiving countries.

2. The goal of creating an open economy permitting the free flow of capital, goods and services was inconsistent with migration policy on the ground in traditional receiving countries. The issue of women migrant workers was of special concern, since they suffered both as women and workers and because of their vulnerability to violence and trafficking. While some host countries had taken positive steps in that regard, much remained to be done to ensure effective and unconditional respect for the rights and dignity of all migrant workers.

3. His delegation appealed for a substantial increase in the number of ratifications of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which only 11 States had so far acceded. It looked forward to the success of the Global Campaign for the Migrants' Rights Convention in promoting the ratification and entry into force of the Convention and hoped that that instrument would prove effective in protecting the rights of all migrant workers.

4. **Mr. Ka** (Senegal) said that significant progress had been made in the past year in the protection of human rights and the transition to democracy in Africa. The African Heads of State and Government had adopted a protocol to the African Charter on Human and People's Rights, establishing an African court of human rights which would have its

headquarters in Senegal. The second African Conference of Institutions for the Promotion and Protection of National Human Rights, held in South Africa, had also achieved important results. Lastly, the Office of the United Nations High Commissioner for Human Rights had taken steps to strengthen technical cooperation with the African countries in the field of human rights. Further steps should be taken, *inter alia*, to publicize and explain international human rights instruments in the media and in schools in order to combat racial hatred and intolerance.

5. It was disappointing to note the lack of progress made in implementing the United Nations Declaration on the Right to Development, even though that right was gaining prominence in the activities of the Office of the United Nations High Commissioner for Human Rights and other funds and programmes. Senegal therefore welcomed the establishment, by the Commission on Human Rights, of an open-ended working group on the right to development, and the appointment of an independent expert on that subject. The signing of a memorandum of understanding between the Office of the High Commissioner for Human Rights and the United Nations Development Programme (UNDP) on, *inter alia*, the right to development was another step in the right direction. The World Bank had also emphasized that implementing the right to development involved social investments and efforts to eradicate poverty. Poverty eradication was a human rights issue, in that poverty represented the denial of all rights, including the right to a decent life, to education and training and to health, justice and social well-being.

6. Senegal had ratified the major international human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It had made declarations under articles 21 and 22 of that Convention, and torture was punishable under its Criminal Code. It had established an interministerial committee to monitor the implementation of its international human rights obligations.

7. Senegal's Constitution guaranteed freedom of expression and association, while pluralism characterized both its political life and the media. Periodic local and national elections were monitored by an independent body and consultations were under way on the adoption of a statute for the political opposition. The Government also provided funding for political parties which ran for election.

8. Senegal favoured the creation of an early intervention or early warning mechanism to deal with massive violations of human rights, in Africa and elsewhere. It also believed that women's representation in the human rights treaty bodies

should be increased, in line with United Nations efforts to mainstream a gender perspective.

9. Senegal endorsed fully the declaration adopted by the Economic and Social Council (ECOSOC) on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and hoped that it would be adopted by consensus by the General Assembly. The declaration deserved to be strongly supported and implemented, since it established for the first time a juridical framework for action by non-governmental organizations in the field of human rights.

10. Senegal welcomed the establishment of an International Criminal Court and hoped that its Statute would be ratified without delay. Lastly, it attached particular importance to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Declaration on the Human Genome and Human Rights and hoped that the Committee would adopt the draft resolution on that subject by consensus.

11. **Mr. Bocalandro** (Argentina) said that, while significant progress had been made in securing States' accession to the major international human rights instruments, more needed to be done to ensure their universal ratification. His delegation welcomed the adoption of the Statute of the International Criminal Court, which should help to guarantee respect for fundamental human rights by punishing those responsible for human rights violations. Further efforts were needed to ensure that the Court received universal support.

12. Argentina was working to fulfil its obligations, both domestic and international, under the major human rights instruments which it had ratified, and had incorporated many of their provisions into its own legislation. It fulfilled its reporting obligations in a timely manner, acknowledging the need for transparency. By voluntarily subjecting themselves to international scrutiny, States reinforced the principle of the universality of human rights. They also committed themselves to implementing the recommendations made by the various treaty bodies. In Argentina's case, that had meant adopting, pursuant to the recommendations of the Committee against Torture, a national policy of compensation for those who had been tortured under the military regime of 1976 to 1983.

13. Argentina was also working to promote adoption of the regional instruments on enforced disappearance and prevention of violence against women, and had taken action to amend its domestic legislation pursuant to recommendations of the Inter-American Commission on Human Rights. It had also recognized the jurisdiction of the Inter-American Court of Human Rights.

14. **Mr. Najem** (Lebanon) said that Lebanon continued to be oppressed by Israel's direct occupation of southern Lebanon and the Western Bekaa, involving persistent, daily acts of aggression by the Israeli occupation forces in what was effectively a war against Lebanon's sovereignty, prosperity and right to self-determination, waged in flagrant violation of United Nations resolutions.

15. The Israeli occupation forces controlling large parts of southern Lebanon and the Western Bekaa were inflicting a regime of cruelty on Lebanese citizens which flouted a number of United Nations resolutions concerning respect for human rights. The daily human rights violations perpetrated by the Israeli occupation forces, involving the torture and inhumane treatment of Lebanese citizens, contravened the provisions of the fourth Geneva Convention, The Hague Convention, international law, the Charter of the United Nations and human rights instruments. Innocent civilians in southern Lebanon were being detained without charge or due process and prisoners were not afforded even their most basic needs. The Israeli occupation forces were also carrying out random attacks on a daily basis against the villages of Lebanon, using aircraft and internationally proscribed weapons, including nail bombs and dumdum bullets, to kill innocent civilians and destroy public property. Few could forget the Israeli massacre of 106 innocent men, women and children at Qana in 1996, or the aerial attacks against civilian targets during Operation Grapes of Wrath, which had resulted in civilian fatalities and the destruction of essential water and electricity installations.

16. Israeli policy and practice meant that even the right to life of the citizens of southern Lebanon was a matter for debate, since Israel reserved the right to carry out daily land, air and sea attacks on Lebanese towns and villages. One had to wonder whether Israel accepted the need to respect human rights at all, given its disregard for the rights to life, work, security and self-determination.

17. Despite the Israeli occupation, Lebanon remained firmly convinced of the sanctity of human rights, a principle reflected in its legislation. It believed that a future of peace and prosperity in the region depended on respect for human rights and an end to the cycle of violence. In opposing the logic of occupation, it drew on the Charter and on human rights law, and it called on the international community to acknowledge its responsibilities and to put a stop to the practices of the Israeli occupation forces. Security Council resolution 425 (1978) called for Israel's immediate and unconditional withdrawal from Lebanon. If Israel failed to withdraw, the human rights situation in Lebanon could only get worse.

18. **Mr. Ubalijoro** (Rwanda) said that the protection of human rights must be the priority of societies founded on peaceful, humanitarian ideals. Recognizing that fact, Rwanda had become a party to most of the major international human rights treaties, and it urged all countries which had not already done so to ratify those instruments, particularly the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. Rwanda, which had been the scene of one of the most terrible acts of genocide in human history, had been the first State to enact domestic legislation on the subject. His Government had welcomed the establishment of the International Tribunal for Rwanda and called upon all Member States to cooperate in ensuring that those responsible for the genocide in Rwanda were arrested and brought to justice. It also urged the international community to condemn the collusion between the Government of the Democratic Republic of the Congo and those formerly responsible for the genocide in Rwanda, and that Government's use of the media to incite genocide.

19. His Government was also committed to efforts to combat torture. The Rwandan Criminal Code provided harsh penalties against those who used torture.

20. **Ms. Boyko** (Ukraine) welcomed the growing recognition, since the World Conference on Human Rights, of the importance of the protection of human rights for securing peace, stability and sustainable development. Human rights and fundamental freedoms were among the core values of Ukrainian society. Ukraine was a party to the major United Nations human rights instruments, as well as to the European Convention on Human Rights, and had incorporated their provisions into its national legislation, according them precedence over any domestic norms with which they conflicted. In accordance with article 55 of the Constitution, citizens whose rights had been violated were entitled to seek redress before the courts. There was also a human rights ombudsman. Her Government was committed to the abolition of capital punishment and, as a first step, had imposed a moratorium on the use of the death penalty.

21. Her Government recognized the importance of the role of the treaty-monitoring bodies in ensuring the implementation of human rights instruments. There was a need, however, to further rationalize their working methods in order to make more effective use of existing human and financial resources. It was also necessary to expedite the process of drafting new international instruments, which was needlessly lengthy and wasteful. The work of the treaty-monitoring bodies was being undermined by the absence of appropriate machinery for monitoring the implementation of their recommendations to States parties, although there had been positive developments in that direction.

22. Her delegation wished to commend the efforts of the High Commissioner for Human Rights to make technical assistance more widely available and to enhance the coordination of human rights activities within the United Nations system. It also welcomed the restructuring of the Centre for Human Rights and the establishment of human rights field offices in certain countries.

23. The Commission on Human Rights was the key organ in the international system for the promotion and protection of human rights. The manner in which the Commission dealt with human rights issues was a crucial indicator of the Organization's performance in that area. It was regrettable therefore that the debate within the Commission was often highly politicized.

24. There remained much scope for improvement in the work of the United Nations in the field of human rights, and it must be the common endeavour of Member States to seek new methods of promoting and protecting those rights.

25. **Mr. Goledzinowski** (Australia) noted that 1998 marked both the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights and the occasion of the five-year review of the implementation of the Vienna Declaration and Programme of Action. Much had been achieved since the adoption of the Universal Declaration, with over 60 countries having ratified all the major human rights instruments, but much remained to be done. His delegation welcomed, in that respect, the focus, at the ninth meeting of persons chairing the human rights treaty bodies, on providing States with technical assistance in ratifying human rights treaties. It also supported the efforts of the High Commissioner for Human Rights to enhance the coordination of such assistance.

26. Australia had long recognized the effective functioning of the human rights treaty-monitoring bodies as being critical to the work of the United Nations in promoting and protecting human rights. Those bodies made a valuable contribution to the development of human rights law through their general comments and their views on communications. They also played an important role in identifying areas where States would benefit from technical assistance. The report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty-monitoring system (E/CN.4/1997/74) had highlighted a number of areas in which the work of the treaty bodies could be improved, and Australia stood ready to work with those bodies and like-minded States to bring about such improvements. Already, increased coordination among the treaty bodies had enabled them to draw on each other's experience when devising new procedures such as early-warning and follow-up measures.

His delegation supported the proposal by certain treaty bodies to issue joint statements on matters of common concern.

27. The resources available to the treaty bodies had remained static for many years, notwithstanding the very large increase in the number of States parties and communications. The chairpersons of the treaty bodies had stated, at their ninth meeting, that additional resources were necessary if the treaty body system was to function effectively, and he therefore urged the High Commissioner for Human Rights to ensure that servicing of the treaty bodies was a priority.

28. Given the success of the treaty bodies' website, careful consideration must be given to ways of decreasing the volume of paper documentation. His Government, for its part, was seeking to produce shorter and more focused periodic reports, which would have the added benefit of enhancing dialogue with the treaty bodies.

29. Australia remained committed to the promotion and protection of human rights and welcomed the valuable leadership role played by the Secretary-General and the High Commissioner in assisting the international community in defining a global vision of human rights for the future.

30. **Ms. Nyamsuren** (Mongolia) noted that there had been remarkable progress in the field of human rights since the adoption of the Universal Declaration of Human Rights 50 years previously and, in particular, in the five years since the World Conference on Human Rights. Those five years had seen a significant increase in the number of ratifications of the major human rights instruments.

31. Since joining the United Nations in 1961, Mongolia had acceded to over 20 United Nations human rights instruments. It was committed to their implementation and reported regularly to the relevant treaty-monitoring bodies. The Constitution of 1992 had laid down the legal basis for the promotion and protection of human rights, which had been further developed through the adoption of legislation and the establishment of administrative and legal machinery. A national commission, chaired by the Minister of Justice, was coordinating nationwide activities in celebration of the fiftieth anniversary of the adoption of the Universal Declaration

32. Mongolia had been pursuing political reform since 1990, and both its President and Parliament were now elected directly by the people. During the transition period, however, there had been a fall in living standards among a large proportion of the population, accompanied by social problems such as unemployment, alcoholism, domestic violence and rising crime. While her Government was mobilizing resources and implementing a number of programmes aimed at

overcoming those difficulties, external assistance would remain important.

33. She welcomed the commitment of the United Nations High Commissioner for Human Rights to taking the promotion and protection of human rights out of her office in Geneva and into the field. A human rights field office had been established in Mongolia in 1995, and in 1996 the Government had signed a memorandum of intent with the Office of the High Commissioner. A new project had been launched recently, in conjunction with that Office, aimed at raising awareness of human rights norms among the population, creating an independent national human rights commission and introducing penal reform.

34. Her Government was convinced that the promotion and protection of human rights should be regarded not as something separate from other United Nations activities, but as a common thread running through all of them; it therefore welcomed the increasing integration of human rights issues into the Organization's work.

35. **Ms. David** (Philippines) said that her country was a party to 20 of the 25 international human rights instruments and was committed to putting their provisions into practice. The Government recognized that complying with its reporting obligations was critical in that respect, but, like many developing countries, the Philippines encountered practical difficulties in doing so. It therefore welcomed the efforts of the treaty-monitoring bodies to facilitate the preparation of State party reports, and called upon them to continue to identify possibilities for technical assistance within the framework of their consideration of reports. Her delegation recognized the need to enhance the human resources available to the treaty-monitoring bodies and was favourable to the idea of drafting a global plan of action to that end.

36. Filipinos had been tortured in the country's recent history for demanding their rights and freedoms. Shortly after the popular revolution of 1986, her Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signalling its resolve to prevent the use of torture, particularly by those in authority. The Philippines was also a contributor to the United Nations Voluntary Fund for Victims of Torture.

37. Given the vulnerability of migrant workers, particularly women, it was regrettable that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had yet to enter into force. Her Government welcomed the endorsement by the High Commissioner for Human Rights of the Global Campaign for the Migrants' Rights Convention and the efforts of non-governmental organizations to promote ratification, including the production of a campaigner's handbook. It urged all

Member States, particularly receiving countries, to become parties to the Convention.

38. **Ms. Dorjee** (Bhutan) pointed out that States undertook voluntarily to be bound by human rights instruments, recognizing their obligation to promote and observe the rights enshrined therein. The submission of periodic reports on progress in implementing those instruments was an integral part of the treaty obligations of States parties, which were thus afforded an opportunity to demonstrate their commitment to human rights. While commending the practice of examining the human rights situation in States parties whose reports were seriously overdue owing to a failure of political will, her delegation wondered whether such an approach was appropriate in cases where countries faced severe reporting difficulties.

39. Her delegation wished to know the legal basis for examining human rights situations in the absence of reports, and the criteria for judging information to be admissible. It also wished to know whether all available alternatives were exhausted first. It was important to recognize that not all countries had the same resources and level of development. Many developing countries, particularly the least developed countries (LDCs), lacked the resources to meet their reporting obligations on time. Constructive, non-confrontational measures were needed to address their needs, including the provision of technical assistance, consolidated reporting and the use of videoconferencing. Bhutan remained committed to the implementation of human rights instruments and looked forward to the identification of effective measures to that end, through cooperation among all the parties involved.

**Agenda item 103: Advancement of women** (*continued*)  
(A/C.3/52/L.10, 11, 12/Rev.1 and 13)

*Draft resolution A/C.3/53/L.10*

40. **The Chairman** drew the Committee's attention to draft resolution A/C.3/53/L.10, entitled "Traffic in women and girls", and said that the draft resolution had no programme budget implications. Côte d'Ivoire, Cyprus, Equatorial Guinea, Eritrea, Hungary, India, Liechtenstein, Mali, Sierra Leone, Uganda and Zambia had become sponsors.

41. **Ms. David** (Philippines) announced that the Bahamas, Chile, Croatia, the Gambia, Latvia, Nigeria, Slovenia and Thailand had also become sponsors.

42. *Draft resolution A/C.3/53/L.10 was adopted without a vote.*

*Draft resolution A/C.3/53/L.11*

43. **The Chairman** drew the Committee's attention to draft resolution A/C.3/53/L.11, entitled "Traditional or customary practices affecting the health of women and girls", and said that the draft resolution had no programme budget implications.

44. **Mr. Peters** (Netherlands) announced that the words "*inter alia*," had been inserted before the word "through" in the third line of paragraph 3 (c). Antigua and Barbuda, Barbados, Benin, Côte d'Ivoire, Egypt, El Salvador, Eritrea, Estonia, Guyana, India, Latvia, Madagascar, Poland, Swaziland, Thailand and Uruguay had become sponsors.

45. *Draft resolution A/C.3/53/L.11 was adopted without a vote.*

*Draft resolution A/C.3/53/L.12/Rev.1*

46. **The Chairman** drew the Committee's attention to draft resolution A/C.3/53/L.12/Rev.1, entitled "Convention on the Elimination of All Forms of Discrimination against Women", and said that the draft resolution had no programme budget implications.

47. **Ms. Eckey** (Norway) said that the wording of paragraph 10 of the draft resolution had been amended: the phrase "*invites* the Committee to continue its efforts to improve its internal methods of work" had been replaced by the phrase "*notes* the efforts of the Committee to continue improving its internal methods of work". The original sponsors had included Antigua and Barbuda, Austria, Barbados, Burundi, Ireland, Italy, Japan, Kyrgyzstan, Latvia, Namibia, New Zealand, Saint Lucia, Trinidad and Tobago and Turkey. Australia, Belgium, Israel, Luxembourg, the Netherlands, Nigeria, Romania and the United Kingdom had since become sponsors.

48. **The Chairman** announced that Bangladesh, Bhutan, Cape Verde, the Central African Republic, the Congo, Côte d'Ivoire, Cyprus, the Dominican Republic, India, Indonesia, Jamaica, Kenya, Poland, the Republic of Moldova, Thailand and Uganda had also become sponsors.

49. *Draft resolution A/C.3/53/L.12/Rev.1 was adopted without a vote.*

*Draft resolution A/C.3/53/L.13*

50. **The Chairman** drew the Committee's attention to draft resolution A/C.3/53/L.13, entitled "Improvement of the status of women in the Secretariat", and said that the draft resolution had no programme budget implications.

51. **Ms. Kerr** (Australia) said that Bangladesh, Bhutan, Brazil, Fiji, Guatemala, Guinea, Kenya, Latvia, Madagascar,

Malta, the Marshall Islands, Morocco, Myanmar, Poland, Samoa, the Sudan, Suriname, Thailand, Tunisia, the United Republic of Tanzania, the United States of America and Yemen had become sponsors.

52. **The Chairman** announced that Belarus, Botswana, Cape Verde, the Central African Republic, the Congo, Côte d'Ivoire, Guyana, India, Lesotho, Malawi, Swaziland and Zambia had also become sponsors.

53. *Draft resolution A/C.3/53/L.13 was adopted without a vote.*

54. **Mr. Choe** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation considered it necessary to clarify its position once again in response to the statement made at the previous meeting on behalf of the European Union and referring to his country's withdrawal from the International Covenant on Civil and Political Rights.

55. In August 1997, some experts on the Subcommission on Prevention of Discrimination and Protection of Minorities had abused the Covenant to pursue the political goal of adopting a resolution against the Democratic People's Republic of Korea, at the instigation of certain forces behind the scenes. That was a typical example of the practice of selectivity in the field of human rights, under which a country was singled out for criticism for no other reason than political motivation.

56. If that injustice, which ran counter to the recognized principles of international law, had gone unchecked, another developing country would have been the next victim of the same treatment. His country had therefore decided to withdraw from the Covenant, in exercise of its sovereign right to deal with a situation in which its interests were about to be infringed by hostile forces that were abusing the Covenant. Since his country's withdrawal, that confrontational approach by hostile forces had continued. As long as that was the case, his country's position would not change. He advised the forces which were still involved in acts directed against his country to seriously consider the negative impact of their behaviour on their own interests and on those of the international community as a whole.

*The meeting rose at 11.45 a.m.*