COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva, on Tuesday, 16 February 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)
later: Mr. MEZZALAMA (Italy)

CONTENTS

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights (continued)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; the right to development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;

(c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

Status of the International Covenants on Human Rights
The meeting was called to order at 10.30 a.m.


1. Ms. YOUNG (United Kingdom) said that the agenda item under discussion was a particularly important one since the Commission was soon to submit a report on its activities and on the human-rights programme in general to the Special Commission of the Economic and Social Council.

2. United Nations expenditure on human-rights activities represented a very small proportion of the total budget. The machinery for the promotion and protection of human rights had been built up with care over many years, and her Government considered that the resources made available for human rights activities must be maintained at least at their current level.

3. In its early years, the Commission's main task had been to draw up international standards and instruments, which formed the essential framework for the protection of the individual. That system being in place, the highest priority was currently accorded to implementation of the standards, and monitoring such implementation was one of the central functions of the Commission.

4. Over the years, the Commission had built up a system of investigation, fact-finding and reporting by special rapporteurs, special representatives and working groups. The work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and particularly that of its Working Group on Communications, was particularly valuable in that area.

5. The programme of advisory services could provide valuable help for Governments which were making genuine attempts to guarantee the rights of their citizens. However, it was essential to ensure that the programme was used solely for practical assistance to Governments. Scarce resources should not be wasted on costly research or large-scale meetings. Training courses and human-rights fellowships, for example, required only a fraction of the resources needed for seminars.

6. Priority programmes had suffered considerably from cut-backs in the employment of temporary outside staff, on which they had been heavily reliant. Her delegation looked to the Secretariat to ensure that sufficient regular staff resources were reallocated to those programmes.

7. It was important to increase public awareness of human-rights issues. For that reason, her delegation attached great importance to the provision of summary records for the Commission, the Sub-Commission and the treaty monitoring bodies. Without summary records, the voice of the international community in the field of human rights would be effectively silenced.
8. Moreover, the individual's increased awareness of his rights was an important element in ensuring the implementation of universally accepted standards. Her delegation would like to see a full and effective programme of public information activities, with the close collaboration of the Centre for Human Rights. She looked forward to seeing more detailed proposals for a co-ordinated programme for the world-wide dissemination of human-rights information, in which the new Section for External Relations would have an important part to play.

9. The Commission must use the time and facilities available to it more efficiently. Too many meetings started late, and too many speakers still over-ran the time-limit and strayed into areas which were not relevant to the discussion. It was essential to avoid the inclusion in the agenda of questions which were only distantly related to human rights.

10. Mr. LOMEIKO (Union of Soviet Socialist Republics) said that, when he had been starving as a boy in Leningrad during the Second World War, he would never have believed that one day he would learn the German language and call Germans his friends. It was terrible to think of the pernicious effect which hatred might have on the human mind if it was allowed to reign unchecked. Thinking of other peoples as enemies could cause irreparable harm to entire generations. However, his people had never sunk so low as to disseminate hatred against another entire people, either during the Second World War or during the "cold war" which followed it. It had established a real friendship with the people of the German Democratic Republic and normalized its relations with the Federal Republic of Germany. Unhappily, however, his own people had had to endure a great deal of calumny from other countries.

11. The Commission should do more to develop international co-operation, increase trust between States and eradicate the old confrontationist stereotypes. A book entitled Breakthrough, published simultaneously in the Soviet Union, the United States of America and Canada in 1987, had gathered together the views of Soviet, Western European and United States academics on the need to transform basic thinking in the modern world. One article, co-written by a United States and a Soviet scientist, stated that one way to eliminate the image of other peoples as enemies was a realistic understanding of the doubts and problems of the other side. Such an understanding would not solve problems entirely, but it would encourage the search for compromise solutions.

12. The Commission must open up a new sphere of international co-operation in the humanitarian field by drawing up specific recommendations to prevent the build-up of prejudices about the moral and cultural values of other peoples. The need for mutual understanding and co-operation between States had been discussed during Mr. Gorbachev's meetings with the President of the United States, the Prime Minister of the United Kingdom and the President of the Federal Republic of Germany.

13. A joint Soviet-American conference, that had recently been held in the United States of America, had drawn up specific proposals for improving relations between the peoples of the USSR and the United States. Among them was a proposal for a code of conduct for the media which would reduce the dissemination of hatred of other peoples. Objective and reliable information was one of the main elements of effective democracy.
14. The Commission might recommend the organization of seminars and exchanges of experience between representatives of public opinion, science, culture, education and the media, as well as live television link-ups, festivals and joint publications and films. It was essential to build bridges of mutual understanding and co-operation between nations, and he called upon all members of the Commission to show their willingness to work towards an atmosphere of trust in the search for constructive co-operation.

15. Mrs. MARTINS GOMEZ (Portugal) said that her delegation welcomed the idea of establishing a working group to draw up the views and proposals to be submitted to the Special Commission of the Economic and Social Council. The 0.7 per cent of the United Nations budget currently allocated to the human rights programmes was a very meagre proportion, given the importance rightly attached to the promotion and protection of human rights in the Charter of the United Nations.

16. Human-rights activities had been disproportionately affected by the cancellation of the 1987 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the reduction in the number of meetings of the treaty monitoring bodies and some working groups, as well as restrictions on documentation and working languages. The Committee for Programme and Co-ordination had acknowledged the importance of human-rights programmes, and her delegation trusted that the Special Commission would follow the same line.

17. That did not mean to say, of course, that there was no scope for improvement and rationalization in the human-rights machinery. Efforts to rationalize the Commission's agenda must be continued, particularly by considering certain items every second year only and discussing clusters of several items at a time.

18. The United Nations had played a decisive role in standard-setting in the field of human rights, but, at the current stage, it was even more important to monitor the implementation of existing standards. More attention should be paid to the treaty monitoring bodies so as to enhance the quality of their reporting systems and increase the independence and expertise of their members. That aim could be achieved by redefining their working methods or improving the assistance provided by the Centre for Human Rights in the drafting of periodic reports.

19. The fact-finding machinery established by the Commission, using special rapporteurs, special representatives and working groups, had been one of the Commission's most effective achievements. Their success largely depended, of course, on the co-operation of Governments; the co-operation provided was in itself an eloquent indication of the degree to which international instruments and principles were being observed.

20. The Commission's main tools in the campaign to promote human rights were persuasion and readiness to assist: it was not a court where Governments could be prosecuted and punished for human-rights violations, or where victims could obtain redress. The Commission did have one sanction at its disposal, however: the censure of public opinion, and her delegation supported the suggestion put forward by the Observer for Canada at the previous session.
that a Government which refused to co-operate with a working group or special rapporteur should be referred to by name in the relevant draft resolution.

21. Her delegation welcomed the public information activities carried out by the Centre for Human Rights, including the issue of various publications which, it hoped, would be distributed in as many languages as possible through United Nations information centres, non-governmental organizations, academic institutions, and the like. If more persons were aware of the United Nations machinery which existed to help them they would certainly make more use of it. The many reports of human-rights violations in Latin American countries might, in fact, indicate a greater awareness of individuals' basic rights and the international machinery set up to promote them rather than a more serious human-rights situation in that region.

22. The dissemination of information also depended on the efforts of Governments and national institutions, and her delegation hoped that the Secretary-General would continue to produce updated reports on the subject and provide further assistance to Governments through the programme of advisory services. Non-governmental organizations played an essential role in that area, and Governments should be encouraged to adopt a co-operative attitude towards them.

23. In her own country, all official institutions employed in the promotion of human rights conducted a dialogue with non-governmental organizations and the media. The Commission on the Status of Women, the Ministry of Justice and the Ministry of Foreign Affairs had organized seminars, courses and colloquia to ensure the dissemination of the most significant international legal instruments and principles. The Ombudsman was responsible for disseminating information in a simplified and accessible form, so that all citizens could be made aware of their basic human rights and the ways in which justice and legality could be claimed from the public administration.

24. Mr. SUKUL said that, given the current resource constraints, attention must be focused on consolidation and more practical and effective efforts rather than on an academic discussion about new institutions that might be set up within the United Nations system. The Commission must set priorities for the activities of the various United Nations human-rights forums, bearing in mind the financial difficulties. Careful planning was required if the essential aspects of human-rights work were to remain unaffected, and great care would be needed in deciding upon the priorities of future programmes.

25. It was essential to explore ways of increasing the effectiveness of the existing human-rights institutions within the United Nations system and of the relevant human-rights conventions. The invaluable contribution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was generally recognized but it was necessary to rationalize the Sub-Commission's agenda so that its precious time was not wasted in discussing a wide variety of issues.

26. His Government, while attaching the greatest importance to the standard-setting role of the United Nations, was concerned at the increasing burden that reporting placed upon States and the inability of some of the treaty monitoring bodies to cope with their work. The Committee on the Elimination of Racial Discrimination, for instance, which had over 70 reports to consider, could not meet because the States parties to the Convention on the Elimination of All Forms of Racial Discrimination had not paid their dues.
27. His Government welcomed the Secretariat's commitment to increase its public information and education activities, since international standards must also be understood by the people for whose benefit they were intended, and to reinforce its co-operation with the wider human-rights community by setting up a new section in the Centre to deal with external relations. It also supported the expanded publication programme. Further development of standards would have no meaning unless they were widely incorporated into national legislation and national institutions also had an important part to play in protecting human rights. The Secretariat should thus do everything in its power to assist Governments, if they so requested, in discharging their responsibilities.

28. While the Commission strove to achieve the largest possible measure of consensus on the most blatant and persistent human-rights violations, it should eschew the temptation of selective action. Human rights was a sensitive area, and the Commission should handle the issues with sympathy and consideration.

29. Mr. de SILVA (Sri Lanka) said that a universal human-rights norm must be accepted, and the Commission had a vital part to play in setting standards that were universal in their implementation. Further improvement of human-rights standards might best be achieved on a regional basis, where the imperatives of a given geographical region were best understood by the other States of the region.

30. Regional and international arrangements must be set up to enable all aspects of the universal enjoyment of human rights to be brought to the notice of those United Nations bodies that drew up the standard-setting instruments. All people must be made aware of the human rights to which they were entitled, all States must guarantee universally-accepted minimum standards of human rights for all persons living within their territories, and non-governmental organizations - an important source of information - must consider all allegations of human-rights violations both carefully and honestly.

31. It was essential to define carefully the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the rules of procedure under which it was expected to act and the standards it should maintain.

32. Once the Sub-Commission had reported to the Commission, the latter must ensure that remedial measures were applied without delay. Such measures should initially be advisory in nature, since the Commission could not be expected to punish sovereign States. If a State disregarded the advice, however, international pressure should be applied and, if such pressure proved ineffective, comprehensive sanctions should be implemented as provided for in the United Nations Charter.

33. An important aspect of the advisory role was to persuade all States to distribute human-rights material among their citizens in a form which they could all understand. Each State should also be persuaded to accept the international instruments and set up domestic bodies to examine violations.

34. Mr. BARSH (Four Directions Council) said that the next logical step towards rationalizing human-rights law was the systematization of standards through the future use of protocols additional to existing instruments, rather
than entirely independent new instruments, and the consolidation of all reporting systems under a single committee on the application of standards. The current trend in the Commission was in the opposite direction, unfortunately, and that could only lead to a confusing, inconsistent and ineffective human-rights programme.

35. An example was the development of the draft Convention on the Rights of the Child, which duplicated or restated large parts of the International Covenants on Human Rights, often with qualifications that weakened rights already universally recognized under international law. It was also unusually complex, and reporting obligations would therefore be onerous, at a time when the existing monitoring bodies could not meet for lack of funds and nearly all States parties to existing instruments were falling behind in their reporting obligations.

36. The most universally acceptable instruments were those which spoke in terms of broad principles and the draft Convention was much too detailed. Moreover, having laid down legal obligations in great detail, it then tried to restore some flexibility for the States parties by qualifying nearly every principle with terms such as "as appropriate" or "where applicable". Lastly, it presumed the existence of social and administrative structures which were simply not to be found among developing countries or indigenous populations, where extended rather than nuclear families were the rule, and cut off the rights and responsibilities of all the child's other relatives. All those aspects, which related uniquely to the procedural aspect of the draft Convention rather than its aims or substance - which his organization fully supported - rendered it unlikely to attract a substantial number of ratifications in the developing world, and an instrument that could be ratified only by wealthier or more developed States was hardly likely to strengthen universal respect for human rights.

37. His organization was certainly not opposed to further measures to combat religious intolerance but it had been unable to discover examples of religious intolerance that did not fall within the scope of article 18 of the International Covenant on Civil and Political Rights. Instead of producing a completely new instrument, it might be simpler to resolve any questions of interpretation through the decisions and general comments of the Human Rights Committee or, if absolutely necessary, by an amendment to article 18.

38. No new instruments should be drafted except, where absolutely necessary, as additional protocols. Any other course of action would merely distract the Commission from its real task of ensuring the genuine and universal application of the existing instruments through public monitoring, technical co-operation and material assistance.

39. Mr. SIENIEWICZ (Christian Democratic International) said that, although international human-rights legislation existed, it had not been adequately implemented. While there was general agreement that respect for human rights was essential to peace, it must also be borne in mind that it had an impact upon development, since without human rights, the economy would always be exploited by the powerful.

40. To ensure implementation of international human-rights legislation, a post of United Nations High Commissioner for Human Rights was needed, an idea that had been put forward at many previous sessions of the Commission. At the
national level, the High Commissioner's logical extension would be the independent ombudsman. Such ombudsmen would report annually to the Commission, and if adequate attention was not paid to a complaint lodged with the national ombudsman, the plaintiff should be able to appeal to the Commission.

41. The enjoyment of political, economic, social and cultural rights presupposed respect for the right of association as set forth under article 22 of the International Covenant on Civil and Political Rights. Free and independent associations of citizens constituted a prerequisite for social justice and co-operation.

42. There was urgent need for an official interpretation of the terms employed in the International Covenants on Human Rights in view of the great differences in interpretation from one Government to another. For example, certain countries employed the expression "the capitalist conception of human rights", which denied the universal character of human rights, and the Commission should make it clear that human rights were innate, regardless of the economic system involved.

43. In a number of countries, it was only possible to vote for candidates put forward by the Government or by a single political party. It was doubtful whether that was in conformity with article 25 of the International Covenant on Civil and Political Rights. The Commission should prepare a draft resolution enumerating the requirements for a valid election under the provisions of the International Covenant on Civil and Political Rights.

44. It should also determine whether article 105 of the United Nations Charter applied to the observers and rapporteurs it appointed from time to time. If so, Governments were not entitled to refuse to allow the Commission's rapporteurs to carry out their mandate within the countries in question.

45. The Commission should co-operate closely with the United Nations Fund for Population Activities. Its agenda should also be enlarged to reflect new problems such as terrorism, the taking of hostages, drug trafficking, environmental pollution, diseases such as AIDS, and the like. Lastly, it was regrettable that its members seemed to have lost interest in agenda item 11.

46. Mr. DIENG (International Commission of Jurists) said that in the past, the campaign for human rights had been primarily aimed at drafting national and international instruments. Those instruments currently existed, and attention should be turned in future to working towards their implementation, so that no one would be deprived of their benefits.

47. Over a number of years, the Commission had called upon the Organization of African Unity to set up a regional human rights commission, promising it United Nations assistance in case of need. Those appeals had not been in vain and, on 21 October 1986, the African Charter on Human and Peoples' Rights had entered into force, marking the beginning of a new era in the field of human rights and giving expression to the hopes of the African peoples in their quest for a better future.

48. Perhaps the most important step to date at the national level in Africa had been the establishment of an independent national commission for human
rights in Togo, the success of which would depend on the independence and courage of its 13 elected members and on the national authorities' observance of the primacy of the law. That step gave effect not only to the Commission's relevant resolutions but to the provisions of articles 1, 25 and 26 of the African Charter on Human and Peoples' Rights, and it was to be hoped that other African States would follow suit.

49. Mr. RAJKUMAR (Pax Romana) said that an essential problem of current society was the need to ensure respect for human rights and to provide access to means for their protection. In that connection, it was important to bear in mind the pledges contained in the preamble to the Universal Declaration of Human Rights. As the Secretary-General had said, however, a global climate had yet to be created in which denial of fundamental freedoms would be treated as a plague.

50. Pax Romana, while acknowledging the tireless efforts of the Commission and the Centre for Human Rights, appealed for greater harmonization of all the relevant United Nations forums. It welcomed the recent moves, including the adoption by consensus of General Assembly resolution 42/118, aimed at providing, facilitating and encouraging publicity for United Nations activities in the field of human rights, including the combined initiatives of the Centre and the Department of Public Information. As the Under-Secretary-General for Human Rights had said, the widening network of legislation and legal obligations, and growing implementation machinery, would serve no purpose unless men and women throughout the world were made aware of their rights.

51. Eight Latin American Heads of State, speaking at Acapulco in November 1987, had stated that the crisis in international co-operation mechanisms was making the world economy less stable, and that some developed countries, by withdrawing their support from the international organizations, had threatened the system of inter-State relations founded upon international law, equity and justice. A number of non-governmental organizations had submitted recommendations and conclusions in that regard to the Commission at its forty-third session; they had again made a number of observations, contained in document E/CN.4/1988/NGO/41, designed to enhance the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

52. A more realistic appraisal of the Organization's human rights machinery, including the Commission, would serve to improve its capacity for action. There was growing awareness not only of the symptoms to be dealt with but the need for adequate means to do so, at local, national, regional and international levels. Fundamental rights were enshrined in the constitutions of most countries, but they were violated day after day by civil servants, the executives and the legislatures and there were few institutions to assist the victims. As one Indian judge had said, civil and political rights did not exist for the vast majority of his country's people - the poor.

53. Pax Romana appealed to all States to heed the resolutions, adopted by the Commission at each of its four previous sessions, on freedom of expression and opinion, and hoped that the Commission would develop an effective mechanism for that purpose. To enhance the Commission's effectiveness, measures should also be taken to find a more constructive approach to the further promotion and encouragement of human rights and fundamental freedoms. The Commission's integrity and authenticity must be upheld at all costs, since many people looked to it for the true promotion and protection of their inalienable rights.
54. Mr. TEITELBAUM (International Federation of Human Rights) said that an attempt must be made to rationalize the work of the Commission and its subsidiary bodies without reducing the quantity or quality of the work. In document E/CN.4/1988/NGO/41, 25 non-governmental organizations, commenting on the Sub-Commission's work, had made a number of observations that were also relevant to the Commission itself.

55. Despite what some persons had said in connection with the current financial crisis, the United Nations budget was not an excessive one; indeed, it was miniscule when compared to other items of State expenditure, to the sums spent on the arms race, for example. There would be no financial crisis at all if all the Member States paid their contributions on time. Possibly, however, contributions for the years to come should be readjusted on a more equitable basis; certainly, the amount earmarked for human rights under the regular budget - a mere 0.8 per cent of the total - should be increased.

56. As noted in document E/CN.4/1988/NGO/41, it was important that the Sub-Commission should be seen to consist of independent and competent members. Consequently, they should neither hold any national offices which linked them closely to a State administration nor exercise any function incompatible with their status as independent experts. It was to be hoped that the Commission would observe such criteria, and the spirit of its resolution 1987/35, when electing future members of the Sub-Commission. Moreover, since there was no obligation for States to propose their own citizens as candidates, regional groups could, perhaps, agree on internationally outstanding candidates; for example, the African countries might agree to the candidature of an eminent person experienced in the struggle against apartheid. National non-governmental organizations in the field of human rights could also play a part in that regard.

57. In many countries, human-rights organizations faced difficult conditions. For example, the co-ordinator of the Human Rights Commission in El Salvador had been assassinated in 1987, and the chairman of the Standing Committee for the Protection of Human Rights in Medellin, Colombia had been assassinated in the same year. A further example was the Polish authorities' action against the Polish League for Human Rights, authorization for whose activities had been withheld on the grounds that only State bodies were authorized to protect the constitutional rights of citizens, that the League's activities were illegal and that its existence could threaten peace, security and public order.

58. Independent organizations in which citizens could participate were indispensable for the protection of human rights; there could be no true democracy or social progress without them. The Commission should consider ways of providing international protection for national non-governmental human-rights bodies, observers, witnesses and all those who provided information about violations of human rights.

59. Ms. PRINDERS (World Association for the School as an Instrument of Peace) said that the experience gained by the Association during its 20 years of activity had enabled it to appraise certain aspects involved in the further promotion and protection of human rights, particularly the need to train teachers in that field. For the past five years, international training sessions had been organized for teachers at primary and secondary levels, in
collaboration with UNESCO, the Council of Europe and other bodies. In 1988, a session would be organized, for the first time, for French-speaking African teachers, at Conakry, Guinea.

60. The biggest problem was the shortage of teaching materials. The national ministries of education should be induced, therefore, to include such teacher training in their programmes and to provide the requisite financial resources, including assistance for participation in international training seminars.

61. The Association hoped that a draft educational manual on human rights could soon be completed and that all relevant non-governmental organizations would be closely involved in the task.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

(agenda item 8) (E/CN.4/1988/9 and Add.1-2, 10, 11, and 37, Chapter I, Section A, draft resolution XI; E/CN.4/1988/NG0/2, 5, 12, and 15; E/CN.4/1987/10; A/RES/42/114 and 117)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 19)

(E/CN.4/1988/37, Chapter I, Section A, draft resolution I; A/42/450; E/C.12/1988/1; CCPR/C/2/Rev.1)

62. Mr. MARTENSON (Under-Secretary-General for Human Rights) said, with reference to agenda item 8, that articles 23 to 27 of the Universal Declaration of Human Rights formed the basis of international understanding on economic, social and cultural rights. Those rights had been given legal status by the second of the two International Covenants on Human Rights. The Charter recognized the two groups of rights - civil and political and economic, social and cultural - as being on a par and the International Conference on Human Rights, held at Teheran in 1968, had recognized the indivisible nature of all human rights.

63. In 1973, the Commission had received the report of its Special Rapporteur on the implementation of economic, social and cultural rights and, in 1975, it had decided to keep the question of the realization in all countries of those rights as a permanent, high priority item on its agenda. The Commission, when reviewing policies to implement, promote and protect those rights, would have before it relevant information received from Governments, United Nations organs, the specialized agencies and non-governmental organizations (E/CN.4/1988/9).

65. With regard to popular participation as an important factor in the full realization of all human rights, the Commission would have before it, as noted in the annotations to its current agenda (E/CN.4/1988/1/Add.1), a report (E/CN.4/1988/11) containing the comments on the subject received in response to the invitation it had given in its resolution 1987/21.

66. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had, in response to the Commission's request at its forty-third session, adopted resolution 1987/29 which contained a number of specific proposals to the Commission concerning the more effective implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights; the resolution's provisions were summarized in the annotations to the provisional agenda (E/CN.4/1988/1/Add.1) under Other questions, relating to agenda item 8. As also noted under the same heading, the Sub-Commission, by its resolution 1987/27, had submitted to the Commission the study on the right to food as a human right and had made some recommendations to the Economic and Social Council, through the Commission, including a recommendation that the study should be published.

67. In connection with agenda item 18, the Commission had before it a report by the Secretary-General (A/42/450) providing information on the status of the International Covenants on Human Rights and on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights, as requested by the Commission in its resolution 1987/26; the Commission also had before it the other documents referred to under that item in the annotations to the provisional agenda (E/CN.4/1988/1/Add.1).

68. To date, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had been ratified or acceded to by 91 and 87 States respectively. Since the Commission's previous session, Democratic Yemen and Equatorial Guinea had become parties to both Covenants, while Equatorial Guinea had also acceded to the Optional Protocol to the International Covenant on Civil and Political Rights, bringing the number of States parties to that Protocol to 39. Of the States parties to the International Covenant on Civil and Political Rights, 21 had so far made the declaration under article 41.

69. The Human Rights Committee had reported to the General Assembly at its forty-second session, on the work of its twenty-ninth and thirtieth sessions, including its consideration of reports submitted by eight States parties under article 40 of the Covenant, its consideration of communications under the Optional Protocol, including the text of eight decisions relating thereto, and its work on general comments under article 40, paragraph 4 of the Covenant.

70. With regard to the implementation of the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights, at its first session in March 1987, had considered reports submitted by States parties concerning rights covered by articles 6 to 9 and 10 to 12 of the Covenant and had submitted a report to the Economic and Social Council at its first regular session of 1987 (E/1987/28).
accordance with General Assembly resolution 41/121, the Committee had also considered the question of the reporting obligations of States parties to the Covenant and had included recommendations on that matter in its report to the Council.

71. By its resolution 1987/4, the Economic and Social Council had, inter alia, welcomed the work of the Committee on Economic, Social and Cultural Rights and encouraged it to strive towards the application of universally recognized criteria in the implementation of the Covenant and to give due consideration to improving the efficiency of its proceedings. By its resolution 1987/5, the Economic and Social Council, had inter alia, decided to transmit the report of the Committee to the General Assembly at its forty-second session.

72. The General Assembly, in its resolution 42/102, had appealed to all States to pursue policies directed towards the implementation, promotion and protection of economic, social, cultural, civil and political rights recognized in the International Covenants on Human Rights and other international instruments; requested the Commission on Human Rights to give more attention to the realization of economic, social and cultural rights under the relevant agenda items; and affirmed the importance and relevance of reports submitted by States parties to the Covenants to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

73. Furthermore, the General Assembly, in its resolution 42/103, had emphasized the importance of the strictest compliance by States parties with their obligations under the International Covenants on Human Rights. It had also stressed the importance of avoiding the erosion of human rights by derogation and underlined the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in those circumstances could be assessed. The Assembly had also appealed to States parties to review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld, and requested the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the Commission on Human Rights and to transmit the annual reports of both Committees to the Commission.

74. He drew attention to General Assembly resolution 42/105 concerning reporting obligations under United Nations instruments on human rights, in which, inter alia, the Assembly requested the Secretary-General to revise the draft compilation of general guidelines elaborated by the various supervisory bodies and the list of articles dealing with related rights under the United Nations human-rights instruments, and to include in the guidelines, where appropriate, the general comments of the supervisory bodies in order to assist States parties in compiling reports. The Assembly also invited States parties to United Nations human-rights instruments to consider at their meetings further ways of streamlining and otherwise improving reporting procedures, as well as enhancing co-ordination and information flow between the treaty bodies and to and from the relevant United Nations organs, including the specialized agencies. It had requested, in particular, the
Economic and Social Council to consider rearranging the periodicity of reporting under the International Covenant on Economic, Social and Cultural Rights.

75. It had also requested the Secretary-General to propose a draft agenda for the meeting of the persons chairing the treaty bodies to be held at Geneva in October 1988 and to arrange further training courses for those countries experiencing the most serious difficulties in relation to meeting reporting obligations under United Nations human rights instruments. Preparations were accordingly under way for the October meeting of the persons chairing the treaty bodies. With respect to the training courses, several such courses in various regions were to be organized during 1988.

76. Mr. COR KONATE (Senegal) said that the adoption of the Declaration on the Right to Development by a majority of 146 States was an indication of the will of the international community to establish that concept as a standard and inalienable human right. The right to development was a discovered right, not an invented right. It was the conceptualization of an idea already reflected in the spirit of the International Bill of Human Rights, namely, that integral human development depended necessarily on the effective enjoyment of all human rights. Moreover, the right to development was not a "class right", a privilege of the developing countries or a simple slogan used to call for the improvement of their economic conditions; it was inherent in all human beings, whatever their geographic or social origins.

77. The report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1988/10) shed some light on the necessary prerequisites for the exercise of the right to development, namely, freedom, participation and solidarity. As the President of his country had said, if there was no respect for fundamental human rights, no individual participation and no minimal freedom to think and act, there could be no real development. That thinking was reflected in the International Development Strategy for the Third United Nations Development Decade, particularly in its paragraph 9.

78. Human rights and development were not in conflict, but were two sides of the same coin. Whatever sacrifices might be required of the people, the imperatives of development must neither justify nor excuse the denial of human rights. In postulating that the human being was the beginning and end of all development, his Government was calling for a "humanization" of the development process.

79. The second prerequisite for development - participation - must be free to be effective. The Working Group's conclusions showed that denial of the exercise of the right of peoples to self-determination was the major obstacle to the right to development. Situations such as apartheid were thus an obstacle to the realization of the right. Participation at the national level meant putting an end to social inequalities, while at the same time, internationally, it required the mobilization of all nations in an effort to democratize international relations.

80. Thirdly, economic and social development required solidarity among States. Without solidarity, no human enterprise was possible. The external debt of the developing countries, the non-egalitarian economic order, the arms race and the enormous expenditures which it entailed were phenomena which awakened the world's conscience and which required solidarity if they were to be resolved.
81. The reason that the Declaration on the Right to Development had not been adopted by consensus was that it had not been sufficiently disseminated. The Commission's role therefore, was, to make it more widely known to Governments, non-governmental organizations and educational institutions.

82. The growing recognition of the right to development was demonstrated by the number of observers who had shown considerable interest in the Working Group's efforts. To increase such participation, the Working Group could be expanded and although that might lengthen the process, it would enable the various legal systems to be represented, all regions to participate and all concerns to be taken into account with a view to attaining universality. The Working Group's activities should be pursued, irrespective of the structure decided on by the Commission, because the United Nations remained the ideal framework in which to ensure the promotion of the right to development.

83. In that context, the Working Group had recommended that the Secretary-General be requested to give his views in consultation with Governments on how an evaluation system on the implementation of the right to development could be set up. His delegation attached high priority to that aim and would spare no effort to help achieve it.

84. Mrs. COLL (Ireland) said that certain pitfalls had been encountered in the Commission's consideration of economic rights, particularly with reference to item 8 (b). The Commission's approach to the issue of economic rights should, however, be founded on a grasp of where its potential for influencing the principal actors lay, and of how that potential could best be exploited. It could neither shape economic and social policies at the national level nor define the international economic and financial environment which impinged on the implementation of those policies. It could and should, however, assume the task of advocating the incorporation of the human-rights perspective in policy-making across the economic and social sectors, both in national administrations and throughout the United Nations system.

85. The economic, social and cultural rights proclaimed in articles 22 to 27 of the Universal Declaration of Human Rights were formulated in admirably direct and unambiguous terms. Although no less important, those rights were different in significant respects from civil and political rights. Article 22, in particular, made abundantly clear that economic, social and cultural rights were indispensable for human dignity.

86. The legal obligations for States parties to the International Covenant on Economic, Social and Cultural Rights were distinctly different from those assumed by States parties to the International Covenant on Civil and Political Rights. A State party to the latter instrument was under an immediate obligation to comply with its provisions. A State party to the former, on the other hand, undertook to take steps, individually and through international assistance and co-operation, to the maximum of the available resources with a view to achieving progressively the full realization of the rights recognized in the Covenant.

87. Whereas the compliance or otherwise of a State party with its obligations under the International Covenant on Civil and Political Rights could be established, there were no benchmarks to determine whether, in a given
situation, a State party to the International Covenant on Economic, Social and Cultural Rights was doing its utmost to comply with its obligations. The new Committee on Economic, Social and Cultural Rights had made a promising start to its work and was endeavouring to encourage more meaningful reporting by States parties. The Committee was, moreover, alert to the potential of certain ambitious efforts to suggest some basis on which compliance with the Covenant might be established.

88. An interesting example of such efforts was the Limbourg Principles, which, inter alia, enunciated a set of conditions which might place a State party in violation of the Covenant. The attempt at the level of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to define the normative content of the right to food as a human right represented another approach. The Special Rapporteur of the Sub-Commission had pointed out in his report on the subject (E/CN.4/Sub.2/1987/23) that the United Nations specialized agencies did not on the whole approach their tasks from the perspective of the rights of individuals and the corresponding obligations of States and of the international community.

89. Building broad agreement on the normative content of the major economic, social and cultural rights was a long-term task. However, exploratory work could serve to sensitize the major actors to the implications of the strategies they followed for the lives of individuals. Such factoring of concern for human rights into economic policy-making was of major importance for all countries, especially developing countries.

90. The Declaration on the Right to Development had the great merit of embodying a concept of the development process which was infused by the human-rights perspective. It recognized that the human person was the central subject of that process and stipulated that development policy should therefore make the human being the main participant and beneficiary of development. Her delegation hoped that the salutary change of emphasis embodied in the Declaration would increasingly shape the Commission's work under item 8.

91. Mr. Mezzalama (Italy) took the Chair.

92. Mr. MARTINEZ (El Salvador), speaking in exercise of the right of reply, said that the representative of the International Federation of Human Rights had alluded to the murder of the co-ordinator of the Human Rights Commission in El Salvador. He wished to point out that one of the perpetrators of that horrendous crime had been arrested and had confessed that he had participated in the murder as a member of a commando group belonging to the Farabundo Martí National Liberation Front and the Revolutionary Democratic Front. That news had been reported in The New York Times and the International Herald Tribune in mid-January. He had been informed that the accused was being held in a prison in San Salvador awaiting trial.

The meeting rose at 1.10 p.m.