COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva, on Monday, 7 March 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

CONTENTS

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;

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CONTENTS (continued)

(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 (continued)

Status of the International Covenants on Human Rights (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)
The meeting was called to order at 10.40 a.m.

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) (continued) (E/CN.4/1988/L.13, 14, 27, 32, 33, 34, 38, 39, 45 and 51; E/CN.4/1988/37, chapter I, section A, draft resolution XI)

1. The CHAIRMAN gave the floor to delegations wishing to introduce draft resolutions on agenda item 8.


2. Mr. STIRLING (United States of America), introducing draft resolution entitled "Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States" said that its text was of a procedural nature, reflecting that of resolution 41/132 adopted by the General Assembly. His delegation hoped, therefore, that the draft resolution would be adopted without a vote.

3. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.

4. It was so decided.

Draft resolution E/CN.4/1988/L.14

5. Mr. FRAMBACH (German Democratic Republic), introducing the draft resolution entitled "The impact of property on the enjoyment of human rights and fundamental freedoms", said that its text was based mainly on Commission resolution 1987/18 and should be seen as complementary to draft resolution E/CN.4/1988/L.13. His delegation deemed it indispensable that the Secretary-General, in preparing his report to the General Assembly in accordance with the latter's resolution 41/132, should take into account the necessity of ensuring that property had no negative impact on the enjoyment of human rights and fundamental freedoms of others.

7. At the request of the representative of the United States, the vote was taken by roll-call.

8. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

   In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

   Against: Belgium, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

   Abstaining: None.


Draft resolution E/CN.4/1988/L.27

10. Mr. VILLARROEL (Philippines), introducing the draft resolution entitled "Recovery of nations' assets illegally removed by violators of human rights", said that his delegation and the observer for Haiti hoped that the draft resolution would discourage the plundering of countries' wealth by human-rights violators in the expectation that their plunder would find safe-keeping abroad. Some thefts had been on such a huge scale that a whole nation had been impoverished. In so saying, his delegation wished to put on record its appreciation of the full co-operation and support of the Governments concerned in the recovery of the Philippines' national assets. The text of the draft resolution was based on resolution 1987/14, adopted by consensus by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; the sponsors hoped, therefore, that the Commission would likewise adopt the current text by consensus.

11. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.

12. It was so decided.

Draft resolution E/CN.4/1988/L.32

13. Mrs. ILIC (Yugoslavia), introducing the draft resolution on the subject of popular participation said that since the text was of a procedural nature, recalling previous resolutions adopted by the General Assembly, the Council and the Commission, the sponsors hoped that it would be adopted without a vote.
14. Mr. PACE (Secretary of the Commission) said that the observer for Romania had become a sponsor of draft resolution E/CN.4/1988/L.32.

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.

16. It was so decided.

Draft resolution E/CN.4/1988/L.33

17. Mr. FRAMBACH (German Democratic Republic), introducing the draft resolution entitled "Realization of economic, social and cultural rights", said that its text was based on Commission resolutions 1985/42, 1986/15 and 1987/19 and its purpose was to redress the current imbalance between the approach to civil and political rights, on the one hand, and economic, social and cultural rights, on the other. To that end, the Secretary-General was again requested, in operative paragraph 4, to invite comments from Governments, United Nations organs, specialized agencies and non-governmental organizations for submission to the Commission at its forty-fifth session. Operative paragraphs 5 and 6 referred to the appointment of a special rapporteur on the subject. The delegation of Argentina and the observer for Mongolia had been added to the list of sponsors.


19. Mr. SCHWANDT (Federal Republic of Germany), speaking in explanation of vote before the vote, said that his delegation would vote against the draft resolution. Quite apart from having difficulties with the language used in several paragraphs, it could not identify with the general thrust of the draft resolution. The text purported to contribute to the realization of economic, social and cultural rights, but a closer look at the individual paragraphs revealed that it was nothing but a list of pretexts and excuses for the non-realization of human rights.

20. By inviting the Sub-Commission to appoint a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights, it duplicated the efforts being made elsewhere and his delegation could not take part in the undermining of the authority of the Committee on Economic, Social and Cultural Rights.

21. At the request of the representative of the German Democratic Republic, the vote was taken by roll-call.

22. Senegal, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.
Against: Belgium, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Portugal, Spain.

23. Draft resolution E/CN.4/1988/L.33 was adopted by 30 votes to 9, with 3 abstentions.

Draft resolution E/CN.4/1988/L.34

24. Mrs. dos SANTOS PAIS (Portugal), introducing the draft resolution, said that the sponsors, who had been joined by the delegation of Peru and the observers for Gambia, Hungary and Luxembourg, had submitted the text as a development of Commission resolution 1987/20.

25. Implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights seemed essential for the continuous improvement of living conditions and fulfilment of basic needs, particularly those of the most vulnerable and disadvantaged. It would also help in the fight against poverty and provide a basic prerequisite for development - a matter to which the Pope had referred in his latest Encyclical.

26. To that end, enhanced co-operation and co-ordination among the relevant United Nations bodies was of most significant interest; the Sub-Commission should give priority to identifying political strategies for promoting those rights. The Argentine delegation, one of the sponsors, had stressed the indivisibility of human rights and their particular importance for the most vulnerable groups and persons.

27. The sponsors hoped that the text, which had been the subject of extensive consultations could be adopted without a vote.

28. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.

29. It was so decided.

Draft resolution E/CN.4/1988/L.38

30. Mrs. BALJINNYAM (Observer for Mongolia), introducing the draft resolution entitled "Realization of the right to adequate housing", said that, the Secretary-General had noted in his report to the General Assembly (A/42/378), the measures hitherto adopted towards the realization of the objectives of the International Year of Shelter for the Homeless represented only a beginning, a point that had been recognized by the General Assembly in its resolutions 42/146 and 42/191.

31. The sponsors, who had been joined by the delegation of Sri Lanka and the observer for Romania, aimed at furthering the efforts made during the International Year and promoting the strategies called for by the General Assembly. They hoped that, in view of the spirit of co-operation and goodwill that had pervaded the extensive consultations on the text of the draft resolution, it would be adopted without a vote.
32. Mr. SCHWANDT (Federal Republic of Germany), speaking in explanation of vote before the vote, said that, when a similar resolution had first been introduced, the Commission had been told that it must make a positive contribution to the International Year of Shelter for the Homeless. That contribution had, in fact, been made. His delegation was most surprised, therefore, that another similar resolution had been submitted to the General Assembly at its forty-second session, mainly by sponsors which—although there were commendable exceptions—had made no financial contribution, whatsoever to the International Year.

33. After intensive negotiations at its forty-second session, the General Assembly had agreed that the right to adequate housing was to be dealt with in future in the appropriate United Nations bodies, namely, the Centre for Human Settlements (Habitat) and the Commission on Social Development. As a result, the reference to the Commission on Human Rights, that had appeared in the initial draft of the resolution had been deleted. In the circumstances, his delegation would vote against operative paragraph 5 and, if that paragraph was adopted, would abstain on the draft resolution as a whole.

34. Mr. RIETJENS (Belgium) said that the right to adequate housing was an important element—although only one element among others equally important—of the right to an adequate standard of living. With that in mind, his delegation was one of those that had voted in favour of Commission resolution 1987/22 and General Assembly resolution 42/146. However, as was clear inter alia, from the relevant UNCHS/Habitat reports, the problem was currently posed in terms of social and economic development, not in terms of non-realization or violation of human rights. The General Assembly had therefore adopted resolution 42/191, in which it requested UNCHS/Habitat to prepare a proposal for a Global Strategy for Shelter to the Year 2000. It was clear from that resolution that the only bodies involved were Habitat and the regional economic commissions.

35. His delegation had taken the view during the negotiations in the Third Committee that the Commission on Human Rights could not be regarded as the competent body periodically to examine the question of adequate housing. It would therefore vote against operative paragraph 5 of the draft resolution and, if that paragraph were retained, would abstain in the vote on the draft resolution as a whole. Should paragraph 5 be rejected, however, his delegation would vote in favour of the draft resolution.

36. Mrs. COLL (Ireland) said that her delegation would vote against the adoption of operative paragraph 5 and would abstain in the vote on the resolution as a whole if that paragraph were retained. When the issue of the right to adequate housing had arisen in 1986, it had joined in the efforts to focus the debate on the potential impact of the International Year of Shelter for the Homeless, in 1987, on the promotion of the right to an adequate standard of living. In its resolution 1986/36, the Commission had alerted the Member States and also the United Nations bodies concerned, notably the United Nations Centre for Human Settlements (Habitat), to the need to pay special attention to the human-rights dimension in the measures being taken in observance of the Year. That had appeared to be a timely and appropriate action on the part of the Commission.
37. At the Commission's forty-third session, her delegation had supported resolution 1987/22 on the understanding that, after taking note of the information to be submitted by the Secretary-General, in 1988, on the realization of the objectives of the Year, the Commission would cease to consider the issue. Incidentally, as far as she was aware, no such information had been received, despite the assertion in operative paragraph 3 of the draft resolution that the Commission had taken note of it.

38. After extensive negotiations in the Third Committee, the General Assembly had adopted resolution 42/146, which requested the Economic and Social Council and its appropriate functional commissions to keep the question of the right to adequate housing under periodic review. Although it had been made clear that many delegations, including her own, interpreted the phrase "appropriate functional commissions" as referring essentially to the Commission for Social Development, the main sponsor of draft resolution E/CN.4/1988/L.38 had invoked that provision as a justification for periodic review of the right to adequate housing by the Commission. Her delegation thus had no option but to oppose operative paragraph 5 of the draft resolution.

39. There was an inherent incongruity in the attempt to consider the right to adequate housing - which was merely one component of the right to an adequate standard of living - as a permanent item on the Commission's agenda. Although the Sub-Commission on Prevention of Discrimination and Protection of Minorities was trying to establish the precise content of the obligations undertaken by States parties to the International Covenant on Economic, Social and Cultural Rights with respect to the right to adequate food, it would be unable to reach any conclusions for a long time to come. In the meantime, hortatory texts on individual economic rights would be neither compelling nor cogent.

40. The Commission could not contribute in an operational manner to the promotion of economic, social and cultural rights by Governments or specialized agencies: all that it could do was to create an awareness of the impact which their action would have on the individual. By drawing attention to the human-rights dimension of measures to observe the International Year of Shelter for the Homeless, the Commission had discharged its only function in the matter.

41. At the request of the representative of Belgium, a vote was taken by roll-call on operative paragraph 5 of the draft resolution.

42. Argentina, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Somalia, Sri Lanka, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.
The text is a record of a meeting or conference, where several resolutions are discussed and voted on. The document includes the votes cast for each resolution and details the countries in favor, against, and abstaining.

**Resolution E/CN.4/1988/L.38**

43. **Operative paragraph 5 of draft resolution E/CN.4/1988/L.38** was adopted by 26 votes to 10, with 6 abstentions.

44. **At the request of the representative of Belgium, a vote was taken by roll-call on draft resolution E/CN.4/1988/L.38 as a whole.**

45. **Bangladesh, having been drawn by lot by the Chairman, was called upon to vote first.**

**In favour:** Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

**Against:** None.

**Abstaining:** Belgium, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

46. **Draft resolution E/CN.4/1988/L.38** was adopted by 31 votes to none, with 11 abstentions.

**Draft resolution E/CN.4/1988/L.39**

47. **Mr. Lebakine (Observer for the Ukrainina Soviet Socialist Republic), introducing the draft resolution entitled "Promotion and protection of human rights and fundamental freedoms as an essential condition for the achievement of social justice for all", said that its text expanded somewhat on General Assembly resolution 42/49, which had been introduced on his delegation's initiative, so as to reflect the aim of establishing everywhere, regardless of economic, social and political realities, conditions for the full enjoyment of human rights, social justice and peace.**

48. **Social justice was recognized as a basic aim of every State's social policy; the way to achieve it was for States to guarantee the exercise of all human rights without exception. It was clear, although the sponsors had refrained from saying so in the text, that the Commission would have to look further into the concept of social justice since the latter was itself a criterion of democracy and human rights in any society. Since the draft had already received broad support, the sponsors hoped that it could be adopted without a vote.**
49. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.

50. It was so decided.

Draft resolution E/CN.4/1988/L.45

51. Mrs. ILIC (Yugoslavia), introducing the draft resolution entitled "The right to development", said that its text was based on previous relevant resolutions adopted by the General Assembly and the Commission, including the Declaration on the Right to Development, annexed to General Assembly resolution 41/128. The sponsors had been joined by the delegations of Bangladesh, Colombia, Mexico, Nicaragua, Peru and Sri Lanka and the observers for Cuba and Romania.

52. She had some oral revisions to make to the text. In operative paragraph 7, the expression "its recommendations" should read "its final recommendations". Operative paragraph 9 should be deleted, since the decision contained might seem premature in view of the Working Group's mandate, the two subsequent operative paragraphs being renumbered accordingly. She hoped that those sponsors whom it had not been possible to consult in the very short time available, would have no difficulty with those changes. She also hoped that, in view of the extensive consultations that had been involved, the text could be adopted without a vote.

53. The CHAIRMAN, having recalled that the financial implications of draft resolution E/CN.4/1988/L.45 were to be found in document E/CN.4/1988/L.51, invited the Commission to vote on the draft resolution.

54. Mr. STIRLING (United States of America), speaking in explanation of vote before the vote, said that his delegation had explained its position on the so-called right to development at the Commission's previous session. It did not participate in any of the Commission's activities on the subject and had, accordingly, withdrawn from the Working Group of Governmental Experts on the Right to Development. It would not participate in the vote on the draft resolution before the Commission, and he wished that position to be fully reflected in the Commission's report. The draft resolution would probably be adopted without a vote, but he wished to make it clear that there was not a consensus on the issue.

55. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.45 without a vote.

56. It was so decided.

57. Mr. RIETJENS (Belgium), speaking in explanation of vote, said that his delegation had been encouraged by the efforts made by the sponsor of draft resolution E/CN.4/1988/L.14 to remove certain elements which had nothing to do with the Commission's work. Nevertheless, there were still parts of the text, particularly the sixth preambular paragraph, which reflected the provisions of the International Covenant on Economic, Social and Cultural Rights in an incomplete and tendentious way.
58. His delegation firmly rejected the implication in preambular paragraph 8 that human rights and fundamental freedoms might be exercised contrary to the purposes and principles of the United Nations when, in fact, the exercise of those rights was one of the basic principles and essential objectives in the Charter of the United Nations. His delegation was also unable to accept operative paragraph 3, which gave a list of resolutions containing provisions unacceptable to his Government.

59. His delegation had joined in the consensus on draft resolution E/CN.4/1988/L.27 in order to display its solidarity with the peoples of the Philippines and Haiti, who had suffered under dictatorial régimes. However, although the recovery of their national assets would undoubtedly help those peoples to realize their economic and social rights, his delegation considered that the question of international co-operation to achieve that aim belonged to the field of criminal justice rather than to the sphere of competence of the Commission. The removal of national assets was an illegal act regardless of whether the culprit had also committed human-rights violations, which was the only criterion for consideration by the Commission.

60. His delegation had joined in the consensus on draft resolution E/CN.4/1988/L.32, despite the reference to a so-called right to participation, which was not provided for in the basic human-rights instruments. His country assumed that the phrase in question was used in the sense provided for in article 21 of the International Covenant on Civil and Political Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights, which referred, respectively, to the right to take part in the government of one's country and the right to take part in cultural life and enjoy the benefits of scientific progress.

61. His delegation wished to emphasize the different approach adopted in draft resolutions E/CN.4/1988/L.33 and L.34. Draft resolution E/CN.4/1988/L.34 reflected a positive approach, dealing with the progressive realization of economic, social and cultural rights and emphasizing the need for a more active and effective multidisciplinary approach. The resolution gave practical and specific ways in which States could implement the rights concerned, while paying particular attention to the most disadvantaged and vulnerable individuals. Consequently, his delegation had become a sponsor of the draft resolution in question.

62. Draft resolution E/CN.4/1988/L.33, on the other hand, reflected a negative approach, seeking excuses for the failure to realize economic, social and cultural rights throughout the world. It listed pre-conditions and obstacles to the realization of those rights, which gave a defeatist note to the proposal to appoint a special rapporteur of the Sub-Commission to study problems, policies and progressive measures to achieve a more effective realization of economic, social and cultural rights. Operative paragraph 4 called for yet another superfluous report from the Secretary-General which would duplicate the reports submitted to the Committee for Economic, Social and Cultural Rights. For all those reasons, his delegation had voted against the draft resolution.
63. Mr. STIRLING (United States of America) said that his delegation had joined in the consensus on draft resolution E/CN.4/1988/L.32 with the understanding that the right to participation described in operative paragraph 4 referred to the right of everyone to participate in the public affairs and political life of his or her country as enshrined in the Universal Declaration of Human Rights.

64. Mr. LEPRETTE (France) said that, while his delegation had joined in the consensus on draft resolution E/CN.4/1988/L.27, it wished to point out that the co-operation to which it referred must be carried out within the framework of the international agreements and provisions applicable in that area.

65. His delegation would have voted in favour of draft resolution E/CN.4/1988/L.45, having participated in its drafting, but was pleased that it had been adopted without a vote. It would participate in the efforts of the Working Group of Governmental Experts to produce final recommendations for submission to the Commission at its forty-fifth session.

66. Mr. HELLER (Mexico) said, with reference to draft resolution E/CN.4/1988/L.13, that, although his delegation recognized the role played by private property in economic development, his country's Constitution gave the nation the right to impose upon private property any requirements arising from the public interest.

67. Mr. SCHWANDT (Federal Republic of Germany) said that his delegation had joined in the consensus on draft resolution E/CN.4/1988/L.27, because assets belonging to the people of the Philippines should be recovered speedily. That was, however, a question for the appropriate courts, which were in fact already dealing with the matter, and his delegation doubted whether the Commission on Human Rights was the proper body to consider legal matters of that nature.

68. His delegation had joined in the consensus on draft resolution E/CN.4/1988/L.32 despite its reservations concerning the use of the term "right to participation" as it appeared in preambular paragraph 5 and operative paragraph 4. Although the term as such was contained neither in the Universal Declaration of Human Rights nor in the Covenants, his delegation interpreted it as being a reflection in particular of article 21 of the Universal Declaration and article 25 of the International Covenant on Civil and Political Rights, which provided for the right of everyone to take part in the government of his country and stressed the importance of genuine elections guaranteeing expression of the free will of the electors, as well as articles 8 and 15 of the Covenant on Economic, Social and Cultural Rights, which concerned the right of everyone to join the trade union of his choice and the right to take part in cultural life.

69. Mr. KAMIYAMA (Japan) said that his delegation, too, found the term "right to participation", as used in draft resolution E/CN.4/1988/L.32, ambiguous and thought it needed to be clarified.
70. The CHAIRMAN gave the floor to delegations wishing to introduce draft resolutions on agenda item 18.


71. Mr. SCHWANDT (Federal Republic of Germany), introducing the draft decision, said that its sponsors had been joined by the delegation of Argentina and the observer for the Netherlands.

72. Because of the deferral of its thirty-ninth session, the Sub-Commission had been unable to examine in 1986 its Special Rapporteur's report on the elaboration of a second optional protocol and the Commission had thus been unable to consider the topic at its forty-third session. Owing to technical difficulties, the Sub-Commission had taken no action on the report at its thirty-ninth session. As a result, the Commission did not have the Sub-Commission's recommendation before it, as had been expected when decision 1987/104 had been taken by consensus at its previous session. The purpose of the draft decision was thus to allow the Commission to consider the question further at its forty-fifth session.

73. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft decision E/CN.4/1988/L.25 by consensus.

74. It was so decided.


75. Mr. WILLE (Norway), introducing the draft resolution said that its sponsors who had been joined by the delegation of Hungary, noted with regret that a number of Member States of the United Nations had yet to become parties to the International Covenants on Human Rights. The draft resolution thus invited the Secretary-General to intensify systematic efforts to encourage all such States to do so and also invited States to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights and making the declaration provided for in article 41 of the Covenant.

76. The sponsors wished to emphasize the importance of strict compliance with the Covenants and of the observance of the conditions and procedures for derogation under the International Covenant on Civil and Political Rights. In operative paragraph 16, the Secretary-General was requested to submit to the Commission at its forty-fifth session a report on the status of the International Covenants and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights.

77. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.28 by consensus.

78. It was so decided.
Draft resolution E/CN.4/1988/L.29

79. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic), introducing the draft resolution said that its sponsors, whose countries had experienced Fascist genocide during the Second World War, wished to draw attention to the need for full implementation of the Convention on the Prevention and Punishment of the Crime of Genocide. Incidentally the text of the draft resolution should be modified by the addition of a title reading: "Status of the Convention on the Prevention and Punishment of the Crime of Genocide". The aim of the draft resolution was to appeal urgently to all States that had not yet become parties to the Convention to ratify it or accede thereto without further delay.

80. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.29 by consensus.

81. It was so decided.

E/CN.4/1988/L.37, chapter I, section A, draft resolution I

82. The CHAIRMAN said that, since the Commission had already adopted draft resolution E/CN.4/1988/L.28, it no longer needed, in accordance with rule 65 of the rules of procedure, to take a decision on draft resolution I, recommended to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which dealt with the same subject.


(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1988/27)

83. Mr. BEZABIH (Ethiopia) said that the question of Cyprus had been on the agenda of the United Nations for almost a quarter of a century and had been under discussion in the Commission for the past 12 years. Although the international community had repeatedly called for a peaceful settlement of the issue, no satisfactory results had been achieved, and the human-rights situation on Cyprus had remained essentially unchanged. Despite the appeal by the Commission in 1987 for the full restoration of all human rights to the population of Cyprus, the report of the Secretary-General (E/CN.4/1988/27) confirmed that no progress had been made.

84. His Government had consistently supported the decisions adopted by the United Nations and the non-aligned movement with a view to finding a just and lasting solution to the question of Cyprus. If the sovereignty and territorial integrity of a State were endangered, it was impossible to safeguard the rights and dignity of its people and his Government rejected any attempt at undermining the sovereignty and unity of non-aligned Cyprus.
85. The United Nations must urge the parties concerned in the Cyprus question to co-operate with the Secretary-General in the implementation of all the relevant decisions of the United Nations, so that a just and lasting solution to the problem could be found.

86. Mr. EVMENOV (Byelorussian Soviet Socialist Republic) said that the desire to seek solutions in dialogue and practical co-operation was reflected in the atmosphere of the Commission. One delegation, however, that of the United States, stubbornly persisted in its confrontational course. That was to be seen in the efforts made by that delegation to prove that little revolutionary Cuba, the first country to throw off the yoke of tyranny in Central America, was committing massive violations of human rights.

87. Refusing to acknowledge social and economic rights, the representatives of the United States maintained that, in their country, civil and political rights were universally and absolutely implemented. That such claims were absurd could be seen in the virtual absence of representatives of the working people in high positions of power in the United States; the high level of voter absenteeism; the massive repression of freedom of opinion, assembly and religion; the industrial and financial monopoly exercised over the freedom of the press; the thousands of arrests for participation in demonstrations for peace and nuclear disarmament; the cynical treatment of the Indian population; the considerable restrictions placed on the right to enter and leave the United States; the impressive figures for political prisoners; and the support given by the authorities and the law to the spread of ultra-right reactionary organizations that propagated anti-Africanism, anti-Semitism and anti-communism. The list of examples he had given demonstrated that democracy in the United States was on the wane. There was not a single human right contained in the Universal Declaration of Human Rights that was not being violated in that country.

88. Democracy and civil and political rights in the United States were not meant for all its citizens. The people voted, but real power was in the hands of the ruling industrial, financial and political élite. Elected officials were guided by the interests of the groups that had financed their path to power. Such a situation inevitably gave rise to an enormous growth in the repressive organs of the State to carry out the will of the élite, a trend that had taken on definitely totalitarian traits.

89. In view of the above, the United States delegation had no moral right to pass judgement on others in the area of human rights. It was high time that the Government of the United States began to consider how the genuine realization of civil, political, social and economic rights might be achieved.

90. Speaking on behalf of the delegations of Bulgaria, the German Democratic Republic, the Union of Soviet Socialist Republics and his own, he wished to state that the accusations made by a number of delegations to the effect that the Democratic People's Republic of Korea was behind the crash of a South Korean airliner were completely unfounded. The Security Council had come to the same conclusion. The delegations on whose behalf he was speaking protested at the attempt thus made to encourage an atmosphere of confrontation.

The meeting rose at 12.55 p.m.