



SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 69: INTERNATIONAL YOUTH YEAR: PARTICIPATION, DEVELOPMENT, PEACE  
(continued) (A/35/361 and Add.1 and A/34/855; A/C.3/35/3; A/C.3/35/L.26)

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(A/C.3/35/L.14)

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and Add.1, A/35/291 and A/35/444 and Add.1; A/C.3/35/5)

AGENDA ITEM 70: PRESERVATION AND FURTHER DEVELOPMENT OF CULTURAL VALUES, INCLUDING  
THE PROTECTION, RESTITUTION AND RETURN OF CULTURAL AND ARTISTIC PROPERTY  
(continued) (A/35/349 and A/35/419; A/C.3/35/L.22)

AGENDA ITEM 68: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

AGENDA ITEM 72: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS  
(continued) (A/35/202)

AGENDA ITEM 76: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/35/65,  
A/35/96, A/35/132, A/35/137 and Corr.1 [English only], A/35/173, A/35/185,  
A/35/288, A/35/434, A/35/457 and A/35/462)

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (A/35/40; A/C.3/35/4)

(b) FUTURE MEETINGS ON THE HUMAN RIGHTS COMMITTEE (A/35/417)

(c) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL  
PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
(A/35/3/Add.24; A/35/195).

1. Mr. WALKATE (Netherlands), referring to agenda item 76 and the report of the  
Human Rights Committee (A/35/40), said that the Netherlands had high regard for the  
work of the Human Rights Committee in monitoring the implementation by States  
parties of the International Covenant on Civil and Political Rights. It was clear  
that the members of the Human Rights Committee thoroughly studied the documents  
submitted by the reporting States and always tried to acquaint themselves with the  
particular characteristics of each State. So far they had tried not to pass  
judgement on specific cases, but had developed a practice in which members were

(Mr. Walkate, Netherlands)

free to express individual opinions and to indicate to what extent they believed reporting States were complying with their obligations. Since they were experts and were members of an international monitoring body, their opinions should be given full weight. The members of the Human Rights Committee seemed to agree on really important issues: they interpreted their mandate in a broad sense, regarded the International Covenant as a dynamic instrument and construed fundamental rights and freedoms liberally and the restrictions on those rights narrowly. Those were encouraging signs and gave grounds for confidence in the future.

2. In relation to article 6 concerning the right to life, discussions in the Human Rights Committee had led to the conclusion that life was to be considered in all its aspects and therefore that measures to reduce infant and maternal mortality and to increase life expectancy came within the scope of that article. It had also been stressed by members of the Human Rights Committee that it was not sufficient to attempt to enforce article 7 solely by prohibiting torture and cruel, inhuman or degrading treatment; there had to be effective machinery for strict control and monitoring. That interpretation was based on the obligation of States parties under article 2 of the Covenant not only to respect but also to ensure rights to all individuals. Members of the Human Rights Committee also believed that article 7 not only prohibited corporal punishment, but also mental punishment like solitary confinement of detained persons and treatment of mentally competent people in psychiatric institutions. That point had been raised during the discussion of the report of the Soviet Union (CCPR/C/SR.108, para. 50).

3. The discussions regarding articles 12, 18, 19, 21 and 22, which allowed restrictions to be imposed on the exercise of certain rights in the interest of other rights or of the community at large, seemed to indicate that those limitation clauses should be implemented on the basis of a narrow interpretation. In connexion with article 19, dealing with freedom of expression, for example, it had been indicated that any restrictions imposed on the exercise of that right should be clear; should be strictly necessary for the protection of the interests involved; should not be ideologically coloured; and should not be interpreted too broadly. The question of freedoms which were allowed, subject to conformity with a particular ideology or social system, had been raised in connexion with the initial report of the Hungarian People's Republic (CCPR/C/SR/32, para. 45), and at least one member of the Committee felt that such limitation grounds should be considered in violation of the Covenant.

4. In section III, C, of the report, the Human Rights Committee had laid the basis for a clear course in future. His delegation favoured the approach based on the principle that the functions of the Human Rights Committee under article 40 of the Covenant should be viewed in the context of the very objects of the Covenant as a whole. General comments adopted by the Human Rights Committee could be of real assistance to the States parties in implementing the provisions of the Covenant.

5. In connexion with chapter IV of the report of the Human Rights Committee, his delegation welcomed the fairly liberal interpretation given to article I of the Optional Protocol in that it did not require the individual submitting a complaint to sign the communication himself. Although the final views which the Human Rights Committee had taken on individual communications related to one country, it was

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encouraging to note that in respect of one communication (R.7/31), the Human Rights Committee had decided to discontinue its consideration after taking note that the Government of Uruguay had taken appropriate steps to remedy the matter complained of. Although it was not possible to establish whether there had been a direct link between the individual communication and the fact that the State concerned had remedied the situation, it was an encouraging development, however serious the situation in that State continued to be.

6. With regard to the suggestion that the Human Rights Committee should hold some of its future sessions in developing countries, while it conceded that such meetings would undoubtedly draw attention to the important work of the Committee, his delegation doubted whether that clear advantage outweighed the disadvantages. First, not only the members of the Human Rights Committee and the Secretariat but also representatives of the States parties would have to travel to the place of venue and States parties might decide not to send qualified experts from their capitals. Second, financial problems might arise, since the host country might not be in a position to bear the extra cost of such meetings. Extra expenses would also be involved for the reporting States parties in sending experts from their capitals. As a result, the carefully developed, widely accepted practice of a substantive dialogue between the Committee and representatives of the States parties might be put in jeopardy.

7. His delegation attached equal importance to the International Covenant on Economic, Social and Cultural Rights but believed that the mechanisms for monitoring its implementation, as embodied in the Sessional Working Group, needed review. Since the Sessional Working Group was made up of representatives of countries, there was no clear guarantee that the members possessed the necessary expertise or had the time to carry out an adequate evaluation of the reports submitted by States parties. As a result, States parties could well find that the level at which their reports were being considered was not equal to the level at which the reports had been drafted and that the procedure followed could not be compared, in quality with that established by the Human Rights Committee. That might discourage States parties from applying the same measure of skill and dedication in preparing their next reports and prompt them to leave the presentation of their reports to their diplomatic staff instead of specialists in the field. Moreover, since the Sessional Working Group met only at the time of the regular sessions of the Economic and Social Council, it had developed a sizable backlog in the consideration of the reports which it was in no position to liquidate without giving insufficient attention to the reports already submitted.

8. It might therefore be worth while for the Economic and Social Council to consider an alternative procedure. A body composed, for example, of 18 independent experts might be appointed by the Economic and Social Council from among candidates put forward by States parties to the Covenant. That body of experts would be entrusted with the consideration of reports and would act as an advisory body to the Economic and Social Council. It might be modelled to a certain extent after the Human Rights Committee and would meet in the interval between sessions of the Economic and Social Council. The idea was not novel since there were already two bodies of independent experts working under the aegis of the Economic and Social Council. Moreover, it would not detract from the independent responsibility

(Mr. Walkate, Netherlands)

entrusted to the Economic and Social Council under the Covenant since the Council would always be free to decide whether or not to act on the advice of the committee of experts.

9. The Netherlands remained committed to the ideas and norms which both International Covenants were designed to realize.

10. Miss BAZIYAKA (Rwanda), speaking on agenda items 69, 81 and 79, said, in connexion with International Youth Year, that her delegation welcomed the special interest shown by the international community in modern young people and their problems, aspirations and potential and the need to involve them in the building of a world of justice, peace and harmony. It supported the idea that the involvement of young people in the building of a just and peaceful international community must not be limited to the four years leading up to International Youth Year and believed in the effective participation of representatives of young people in all United Nations activities. Young people should be involved, for example, in the International Strategy for the Third United Nations Development Decade and in the implementation of the Programme of Action adopted at the World Conference for the United Nations Decade for Women. Her delegation hoped that Member States and non-governmental youth organizations would launch specific programmes and activities in preparation for the observance of International Youth Year and that the suggestions and views of young people themselves would be transmitted directly to the Advisory Committee for International Youth Year.

11. The problem of the participation of Rwandan young people in the building of the nation had long concerned the highest authorities of Rwanda. In 1973 the President of the Republic had established a Ministry of Youth and made it responsible for the integration of young people in national economic, social and cultural development and for providing civic, technical and vocational training for young people, especially in agriculture, animal husbandry and handicrafts. The Ministry had developed specific programmes for the large numbers of young people who dropped out of school or never attended school and entered the labour market with no skills or vocational training. Their only option was farming, but land was scarce and young people had difficulty in finding land to farm and plots on which to build homes; a rural exodus ensued resulting in delinquency, banditry and prostitution. The Rwandan Government, through its Ministry of Youth, had therefore given priority to providing unschooled youth or school-leavers with enough vocational training to enable them to find jobs.

12. In the context of the International Youth Year, Rwanda intended to intensify existing activities and also to launch new programmes for and about young people essentially involving the eradication of illiteracy, a greater participation in rural development projects, and studies, information and documentation. The efforts made by Rwanda were hampered by enormous financial and other obstacles and the help of United Nations specialized agencies such as UNESCO, ILO, UNICEF, FAO and UNDP was absolutely essential.

13. Her Government believed that the preparation and observance of International Youth Year should also take place at the regional and international levels, and it was prepared to co-operate with other Member States to that end. At the regional

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(Miss Baziyaka, Rwanda)

level, workshops, tourist trips, activities and exchanges should be organized; and at the international level an international exhibition of art and other productions of young people could be held. Her delegation hoped the efforts would not be thwarted by financial obstacles even if projects did not yield any measurable return and that international organizations would be more flexible in that respect and provide funds for training activities for young people.

14. The International Year of Disabled Persons was a year not only for the disabled and their families but also for society, since social prejudice and social discrimination against the disabled were problems of society. The re-education, rehabilitation and integration of the disabled should aim to make them self-sufficient and active members of society. Her Government distinguished between physically and mentally handicapped persons and had established re-education centres for children suffering from certain physical handicaps, a psychiatric centre for the mentally ill and a rehabilitation centre, where physically or mentally handicapped persons were being prepared for reintegration in the social environment. In addition, two co-operatives had been set up for the rehabilitation of the physically handicapped. The efforts to help the disabled would be intensified during the International Year of Disabled Persons. Unfortunately they were hampered by serious financial difficulties and her delegation hoped that the voluntary funds contributed for the International Year of Disabled Persons would help to remove those obstacles.

15. Mr. SOKALSKI (Poland) speaking on agenda item 70, said that cultural values could truly be defined as the fundamental ethos of every society, which imbued it with vitality and determined its cultural identity. It was an undeniable principle that societies and peoples should not lose the values inherent in their distinctive cultures. The great losses suffered by the national cultures of Asia, Africa and Latin America during the era of colonialism could not be forgotten, and efforts to preserve and further develop the world's cultural heritage could best be co-ordinated within the United Nations system. However, measures taken at the international level, whether bilateral or multilateral, must be bolstered by action at the national level.

16. The report of the Director-General of UNESCO (A/35/349) seemed to take account of all those important factors. The report revealed a pattern of universally accepted principles governing the integration of cultural values, both material and spiritual, in a successful national development effort. They included the fullest possible access of all people to cultural facilities; the preservation and restoration of sites of special historical importance; the involvement of the population in the elaboration and implementation of measures ensuring preservation and further development of cultural and moral values; widespread education and information activities; and the identification, preservation and development of the cultural values of each region. Those principles had become the pillars of Poland's cultural policies. Poland's accomplishments in the preservation and restoration of sites of special historical importance, including the old towns of Warsaw, Gdansk and Lublin which had been ruthlessly destroyed by the Nazi invaders, were well known. The UNESCO world heritage list identified several Polish cultural and natural properties of outstanding universal value. A special working group of

(Mr. Sokalski, Poland)

interested institutions and experts of the socialist countries was working to co-ordinate exchanges of experience on the preservation and restoration of sites of special historical importance and to promote close co-operation in that field among the States of the socialist community.

17. The report of the Director-General (A/35/349) illustrated what had been accomplished thus far. Poland welcomed his assurance that the subject of cultural values had been one of UNESCO's predominant concerns during the current decade. It shared the view that the UNESCO meeting of experts held at Warsaw in 1977 had heralded a new awareness on the part of the international community. It believed that the second World Conference on Cultural Policies should break new ground for further and more active international involvement in the subject. UNESCO projects which had paid a tribute to neglected cultures, notably those of Asia, Africa, Latin America as well as the Slav cultures, had been particularly noteworthy in recent years. The literary translations published by UNESCO over the last three years had included an anthology of works by the Polish writer and educator Dr. Janusz Korczak, who had been murdered in a Nazi gas chamber.

18. His delegation approved of the methodology of the report of the Director-General (A/35/349) and urged continued efforts to bring about increased global awareness that culture was a common heritage of the people, cultural values were part and parcel of the identity and diversity of all nations, and that cultural values were a catalyst in the development of nations and in international co-operation. The dynamic concept of the preservation and development of cultural values implied further concerted action to organize cultural exchanges. Harmonious coexistence between cultures would contribute to a better understanding among nations, and help to strengthen international peace and security, a pre-condition for socio-economic progress.

19. On the basis of those considerations, his delegation was introducing draft resolution A/C.3/35/L.22, he noted that the sponsors had been joined by Austria, the Congo, India, Qatar and Sri Lanka. The purpose of the draft resolution was to keep up the momentum of efforts in cultural preservation and to strengthen UNESCO's role in that regard. The restitution of cultural and artistic property was a very important aspect of the problem; Poland had traditionally supported all rescutions on the subject and awaited with interest the detailed report to be submitted by the Director-General of UNESCO.

20. Mr. THAKURATHI (Nepal) said that unemployment, inflation, inadequate health care, malnutrition and illiteracy had excluded a vast number of young people from participation in decision-making and development. Moreover, the gap between literate urban youth and illiterate rural youth was bound to have an impact on all social, political and economic development by depriving nations of a large segment of their human potential. It was therefore essential to mobilize those resources in order to accelerate the pace of development and stop the decay in the moral and material values of society. Nepal therefore welcomed the idea of giving high priority to the integration and participation of youth in the development process, as a goal of the new International Development Strategy.

21. Nepal had always supported United Nations decisions regarding youth activities and attached great importance to the participation of youth in the task

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(Mr. Thakurathi, Nepal)

of nation-building. In Nepal, the Government had created various organizations responsible for the welfare of youth. The policy of the Government, outlined in its sixth Five-Year Plan was to promote development and young people were therefore encouraged to participate in development-oriented programmes. The Government attached great importance to meetings, seminars and conferences for the exchange of ideas and views of mutual benefit. In short, Nepal believed that youth should be recognized as a major resource for development and service rather than as a problem group separated from the rest of society.

22. Youth-related activities within the United Nations system, in particular, the International Youth Year should be able to involve youth as participants and beneficiaries of the New International Economic Order and the International Development Strategy. The main thrust of the IYY activities, however, should be to address the specific needs and aspirations of youth at the national and local levels; international and regional programmes should be primarily supportive of those activities. His delegation supported the proposal of the Secretary-General for the establishment of a national co-ordinating committee for IYY in each Member State, which would serve as the liaison organization of the United Nations with regard to programmes for the Year. Those programmes should be aimed at increasing understanding among youth of the basic requirements for international amity and co-operation.

23. Arrangements should also be made to ensure evaluation and follow-up of the activities of IYY, primarily by envisaging a decade and plan of action to be discussed by the General Assembly following the conclusion of IYY. More attention should be given to the implementation of the United Nations Volunteers Programme as a channel for increasing youth participation. His delegation also believed that a voluntary fund should be created to meet the cost of specific projects related to IYY.

24. His delegation noted with satisfaction the progress made in deciding the composition of the 24-member Advisory Committee for IYY and hoped that the Committee would meet shortly to begin the elaboration of specific programmes.

25. Ms. RASI (Finland) said that her delegation was pleased with the progress made in the Economic and Social Council on the implementation of the International Covenants on Human Rights. The equal importance of both Covenants had repeatedly been stressed in the United Nations. In view of Economic and Social Council decision 1978/10 and resolution 1979/43, it would be advisable not to reopen the question of the composition and working methods of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights; it would be preferable to improve the application of the resolution guiding the work of the Sessional Working Group, taking into account the obligations the Council had undertaken under the terms of the Covenant. The role of the Sessional Working Group was to assist the Council in discharging its responsibility for the implementation of the Covenant. The report of the sessional Working Group should therefore be expanded and made more substantive. A more comprehensive report would enhance the role of the Council as the principal organ responsible for economic and social development and would draw increased attention to the significance of the Covenant.



(Ms. Rasi, Finland)

26. Her delegation believed it would be desirable for the Council to appoint the members of the Sessional Working Group at its organizational session. That practice would enable States parties to study the reports well in advance and to send as their representatives persons with the expertise and the specific competence needed for a thorough consideration of those reports. The Sessional Working Group had fallen behind in its work and should be given the opportunity to hold longer sessions or extraordinary sessions. At the same time, more attention should be paid to compliance by States parties with the reporting schedule. In that context, consideration should be given to the possibility of providing appropriate assistance such as consultative services to those States that faced difficulties in submitting their reports.

27. Finally, her delegation wished to express its appreciation to the specialized agencies for their readiness to co-operate with the Economic and Social Council and States parties with regard to the implementation of the Covenant. The Covenant itself indicated clearly the intention of its authors that there should be close and continuing co-operation with the specialized agencies within their respective fields of competence.

28. Mr. COULIBALY (Mali) said that there was increasing awareness of a need to contribute to the training and education of youth for their effective participation in development. It was therefore normal that General Assembly resolution 33/7 on the proclamation of International Youth Year should have been favourably received by the international community, in particular the developing countries, whose Governments were hard put to find solutions of fundamental problems relating to the education and training of youth. His delegation believed that IYY would provide the opportunity for fruitful exchanges of experiences and lay the foundation for assistance and co-operation among all States, international, governmental and non-governmental organizations for the integration of youth in the development process and in the maintenance of peace.

29. Those co-operation efforts should be aimed at achieving the following ideals: the harnessing of the enthusiasm and creativity of youth in the task of building the nation, the struggle of peoples for self-determination and national independence, the systematic elimination of racial discrimination and the establishment of a New International Order, the promotion of international co-operation and understanding and the maintenance and preservation of international peace and security.

30. His delegation was also seriously concerned about the problems of the disabled. In proclaiming the International Year of Disabled Persons, the General Assembly had once again demonstrated its profound belief in human rights and fundamental freedoms and in the principles of peace, the dignity of the human person and social justice. The International Year of Disabled Persons should bring about a change in negative attitude, and behaviour towards invalids, the social rehabilitation of the handicapped and their integration in the development process on an equal footing with all other members of the community.

31. The problem of disabled persons had become one of the major concerns of developing countries, in particular Mali. The World Health Organization had estimated that there were 450 million disabled persons throughout the world, in

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(Mr. Coulibaly, Mali)

other words, one person in four was disabled. In Mali, the Government had prepared a large-scale programme of action to combat diseases which left people with mental and physical defects and to transform unhealthy environments, but it did not possess sufficient human and material resources for basic research. However, its participation in international co-operation programmes should enable it to achieve its objectives and to help ensure the full participation of disabled persons in the harmonious development of society.

32. Mrs. RAHMAN (Bangladesh) said that the mobilization of its vast youth population for the achievement of over-all national progress was a key element in the development programme and policies of Bangladesh. Its Second Five-Year Development Plan therefore accorded high priority to that task. Special attention had been given to the role of rural youth since the vast majority of young people lived in rural areas. The Government had launched youth programmes and had established youth organizations which would be co-ordinated with rural development programmes - the essential elements in the Government's development strategy.

33. Bangladesh believed that the observance of International Youth Year would promote the organization of programmes at the national, regional and international levels for the benefit of young people and would focus the attention of the international community on their special needs and aspirations. However, it was regrettable that it had not yet been possible to constitute the Advisory Committee which was to undertake the preparatory activities for the Year. Her delegation hoped the Third Committee would be able to complete the task of establishing the Advisory Committee at the current session.

34. Organization of youth-oriented activities in developing countries sometimes posed serious problems owing to limited resources. The problems faced by youth had to be seen in the context of a larger problem of unequal economic relationships between the various nations. The call for the realization of the ideals of IYY, namely, participation, development and peace, was therefore essentially a call for the establishment of a New International Economic Order.

35. Mr. O'DONOVAN (Ireland), speaking on the elimination of all forms of religious intolerance (agenda item 68) recalled that Article 1 of the United Nations Charter established that one of the purposes of the United Nations was to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction to religion. Unfortunately, however, discrimination on grounds of religion or belief persisted in many parts of the world. In some countries, the adherents of long-established religious faiths were harassed and even persecuted. It was clear that an international instrument was required to combat discrimination based on religion or belief.

36. The General Assembly had been very successful in elaborating instruments to deal with discrimination on grounds of race or sex. Attempts to draft a declaration on the elimination of all forms of religious intolerance, however, had been started as early as the seventeenth session of the General Assembly. There were sharp differences of view with regard to definition and balance in the draft declaration which might be more difficult to resolve than had been the case for conventions on discrimination on grounds of race or sex. However, the delay in

(Mr. O'Donovan, Ireland)

elaborating a declaration had not been due to substantive difficulties alone. There had been a lack of will and determination in many quarters and resistance to progress by a few countries.

37. In the last three years, however, there had been a change of climate, an easing of suspicions and a greater interest on the part of non-European delegations in the elaboration of the draft declaration. His delegation believed that the Working Group of the Commission on Human Rights should proceed expeditiously in the elaboration of the draft declaration so that the Commission could submit its final results to the next sessions of the Economic and Social Council and the General Assembly. His delegation believed that the draft resolution on the question which would come before the Third Committee should reflect that sense of urgency and that it could be adopted by consensus.

38. Members of the Working Group on the draft declaration faced considerable obstacles in carrying out their task because they were given merely very little time to meet during the session of the Commission on Human Rights. The Economic and Social Council, by its decision 1980/140, had authorized three hours for additional meetings services a day for the next session of the Commission in 1981. That authorization had been given on the understanding that such additional meeting services would enable the existing working groups on international instruments on human rights and other matters to receive sufficient time for their deliberations. His delegation had been associated in that decision and expected the Commission at its next session to allocate additional time to the Working Group on the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief in the interests of fulfilling the mandate given it by the General Assembly at its next session.

39. Mr. SHESTACK (United States of America) associated his delegation in the emphasis placed on the importance of the International Covenants on Human Rights. While those treaties still lacked effective enforcement and implementation procedures, their existence established the standards to which nations could and should be held accountable. Many nations had ratified the Covenants but gave their provisions only lip service. President Carter had said, upon signing the Covenants, that there were powerful lessons to be learned from United States history with regard to covenants on human rights. Those who had struggled for universal suffrage, abolition of slavery, women's rights and racial equality had created a momentum toward the realization of the hopes offered by the Declaration of Independence and the Bill of Rights of the United States Constitution.

40. International covenants on human rights were vitally important, because they provided standards against which a nation's performance could be measured by its citizens, other nations, international organizations, monitoring groups and world opinion. The International Covenants on Human Rights had internationalized the human rights law so that no one could now reasonably claim that a violation of the Covenants was merely a matter of domestic jurisdiction under Article 2, paragraph 7, of the Charter.

41. On 23 February 1978, the President of the United States had transmitted four treaties pertaining to human rights, three of which had been negotiated in the United Nations, to the United States Senate with a view to receiving the Senate's



... Shestack, United States)

advice and consent to ratification. His delegation was proud to say that those treaties gave expression to human rights which were part of the United States tradition and were embodied in United States laws and practices. There were many in the United States who had been critical of the delay by the United States Senate in ratifying the covenants. However, the Executive Branch of the United States Government had emphatically expressed a commitment to ratification of the treaties, as had many leaders of the Senate. Hearings had been held and many distinguished Americans had testified on behalf of ratification. His delegation had every expectation that the Senate Committee would make a favourable report and that in due course the Senate would complete the ratification process.

42. Unfortunately, there were too many who followed a policy of formal ratification of the Covenants but abandonment in practice. In contrast, the United States demonstrated fidelity to the principles of the Covenants even in the absence of the formality of ratification.

43. With regard to agenda item 68, on the elimination of all forms of religious intolerance, he agreed that there was a need for a United Nations declaration on the right to equality and freedom in matters of religion. History taught that religious persecution and intolerance had been at the heart of many of the world's wars and much of human suffering. Even today, Christians, Moslems, Jews, Buddhists, Hindus, minority religious sects and those who would embrace no religion could point to regions of the world where religious persecution and intolerance still existed.

44. In the United Nations freedom of religion and freedom from discrimination based on religion or belief were among the oldest concerns. While the Organization had elaborated a racial document with commendable swiftness, the measures on religion had unfortunately been delayed. At the 1980 session of the Commission on Human Rights, a great many nations from all regions of the world had participated actively in the Working Group's discussions. Many delegations had spoken forcefully against religious intolerance, and those words were encouraging. However, actions must begin to match rhetoric. A distinct minority of the Commission on Human Rights had seen fit to delay the progress of the declaration against religious intolerance. The need to complete the task as a matter of priority must be re-emphasized for the sake of those people around the world who still suffered from religious intolerance and discrimination, however subtle or disguised. Twenty years was more than enough time to complete a declaration on the elimination of all forms of intolerance and of discrimination based on religion and belief.

45. Mr. MATAS (Canada) said that his delegation had had the honour to introduce in the Human Rights Committee its initial report on the implementation in Canada of the International Covenant on Civil and Political Rights. The publication had been made available to all Canadians without charge, and interest in the report remained widespread. The Government of Canada believed that the dialogue between the Human Rights Committee and the States parties to the Covenant was potentially one of the most important factors in the long-term development of international protection of human rights.

46. The format for the presentation of national reports now in use was not fully satisfactory, however, for it did not necessarily entail a dialogue between the



(Mr. Matas, Canada)

States parties and individual members of the Committee. The Committee had been unable so far to provide any guidance on whether or how subsequent encounters with the Committee, if any, should be used to ensure follow-up on questions and comments by Committee members. It was urgent that the Committee clarify its position in that regard.

47. A genuine dialogue between Committee members and representatives of the States parties would be most desirable and productive. In the second phase of the exchange, the Committee could report to States parties on its review of the implementation of the Covenant in the State concerned, and in the third stage, reports could include an evaluation of the degree of compliance with the Covenant provisions as well as suggestions and recommendations with a view to promoting the observance and enjoyment of the rights guaranteed under the Covenant.

48. Certain States parties were obviously in breach of some of the most crucial provisions of the Covenant. In the circumstances, the Committee should feel a duty to seek urgently ad hoc reports from the States concerned on their compliance with the relevant obligations. Canada did not propose that the reporting procedure should be turned into contentious or confrontational proceedings. It simply believed that the Committee had the duty to monitor the implementation of the Covenant by all Member States and to provide States parties with guidance and assistance in that respect.

49. His Government was doing its best to respond fully and candidly to a number of complaints against Canada under the Optional Protocol to the Covenant on Civil and Political Rights. However, Canada had experienced certain technical difficulties. Articles 3 and 4 of the Protocol indicated that complaints, once they had been deemed admissible by the Committee and once they had been thoroughly documented by the plaintiff, would be referred to the Government involved for explanations that might help the Committee to reach a decision. Article 5, however, did not make clear whether the plaintiff, on receipt of a copy of the State's communication, might return to the Committee with further explanations and rebuttals. It appeared that there was no limitation on the number of times a petitioner or Government might respond to or comment on allegations made by the other side. The Committee should provide States and petitioners with guidance in that regard.

50. Furthermore, the scheduling of the Committee was not always realistic. The Committee had developed a rule that communications on the admissibility of a complaint should be submitted to the Committee within six weeks of their receipt. The Government of Canada had found that deadline impossible to meet. It consequently requested that the Committee should review its rules and regulations with a view to establishing more realistic deadlines. His delegation, although supportive of the Committee's efforts and mandate, was convinced that its guidance to States parties must be improved.

51. Canada would not favour the creation of a trust fund to finance Human Rights Committee meetings in developing countries. Furthermore, the merits of such meetings were not clear; they would place the Committee under the heavy pressure of complex work away from its headquarters and require additional staff and servicing facilities.

(Mr. Matas, Canada)

52. On the other hand, Canada shared the Human Rights Committee's concern that insufficient publicity was given to its activities. The Secretary-General should make every effort to satisfy the requirements of the Committee in that regard.

53. As a party to both Covenants, the Government of Canada considered it important that the monitoring of the implementation of both Covenants should be equally effective. The mechanism adopted under Economic and Social Council decision 1978/10 had not provided satisfactory results. Only a few members of the Working Group on the Covenant on Economic, Social and Cultural Rights possessed the expertise necessary to discharge their responsibilities adequately. Moreover, as the Working Group was expected to meet during the regular session of the Council, it was unavoidable that the members of the Group would be unable to devote their whole attention to fulfilling the requirements of the Covenant in terms of reviewing reports of Governments. Therefore, the Economic and Social Council should, as a matter of priority, proceed with the creation of a permanent body of independent experts modelled on the Human Rights Committee and entrusted with the mandate of examining the report submitted in accordance with the Covenant on Economic, Social and Cultural Rights. The expert group should submit detailed annual reports to the Council. Proposed modalities for that body had been submitted to the Secretary-General on 30 October 1980 and would be circulated to interested Governments.

54. Canada welcomed new States parties to the Covenants and hoped that more States would complete the ratification process.

55. Miss BROŠŇAKOVÁ (Czechoslovakia) said that the adoption of the International Covenants on Human Rights in 1966 represented an undeniable success in United Nations efforts to safeguard fundamental human rights and freedoms. The Czechoslovak Socialist Republic had ratified both Covenants and had been fulfilling the commitments resulting therefrom. Czechoslovak law guaranteed the full protection of all rights contained in the International Covenants and, in a number of cases, guaranteed rights that went beyond the framework of protection stipulated by the Covenants.

56. The effectiveness of United Nations activities in the field of human rights depended on whether and to what extent the Member States assumed and implemented the commitments resulting from the respective international legal instruments. Millions of unemployed and numerous examples of discrimination based on race, sex or ethnic origin, proved that even the standards of human rights stipulated in various international instruments adopted within the United Nations was still beyond the reach of the very countries which, with varying intensity, paid lip service to human rights. They were most vehement in preaching human rights to other States, specifically those in which a consistent realization of human rights was guaranteed by the socialist socio-economic system.

57. Czechoslovakia regarded the existing system for monitoring compliance with the Covenants by the Economic and Social Council and the United Nations Human Rights Committee as sufficiently reliable. Her delegation was therefore somewhat doubtful as to the sincerity of the sponsors of certain proposals relating to the establishment of supervisory machinery outside the United Nations system.

(Miss Brošňaková, Czechoslovakia)

58. Following the adoption of the two Covenants, there had hardly been a more striking example of the flouting of the two international treaty documents than had been provided by the Pol Pot régime in Kampuchea. The prestige of the Organization had been ill-served by allowing such important documents to be profaned by the signature of those who were mainly responsible for the genocide of their own people and who, moreover, no longer represented that people.

59. Commenting on agenda items 69 and 81, she pointed out that Czechoslovak society devoted special attention to the young generation. Young people in Czechoslovakia had wide and varied choices for self-realization which were provided by the very nature of the socialist system. Youth organizations no longer faced the task of fighting for basic economic and political rights. The socialist school offered genuine educational opportunities to all able and talented young people without any discrimination. Her delegation was fully prepared to contribute to the successful organization and outcome of the International Youth Year.

60. With regard to agenda item 71, she observed that the responsibility for the welfare of the older citizens of the Czechoslovak Socialist Republic was assumed by the whole community. The material, social, medical and other forms of security for the elderly in Czechoslovakia were provided at a level which, in contrast to some other countries, made them free of fear for their material welfare in retirement. Her delegation welcomed all international action concerned with questions of such world-wide importance as the problems of the elderly and the aged.

61. Turning to agenda item 79, she said that Czechoslovakia had adopted a draft programme covering the ideological, political and organizational aspects of the International Year of Disabled Persons. Even now, the level of the care by Czechoslovak society for disabled persons was among the most advanced in the world.

62. Mr. DUE (Norway) said that his delegation supported the designation of 1985 as the International Youth Year. In the preparations for previous international years in the social field, the Norwegian Government had noted with satisfaction that most Member States had emphasized action on the local and national levels, and several States had recommended that no world conference be included in the programme for the International Youth Year. Norway was also sceptical about the idea of a large-scale world conference or assembly on that theme. It was most important to make young people active participants in solving the problems of their own society. The word "participation" should not only refer to participation in the development process and the work for world peace, but should also apply to participation and integration on a broad scale in general political, economic and cultural life.

63. With regard to agenda item 81, his delegation reiterated its support for the work done within the framework of the Geneva Informal Meeting, which should allow room for national, regional and international youth organizations and could be made more representative by giving special support to representatives from the least developed countries.

64. The Norwegian Government supported the holding of a World Conference on the Elderly in 1982. In Norway, a national committee had already been established to prepare Norway's participation in the Conference.

(Mr. Due, Norway)

65. His delegation stressed the need for an effective and balanced approach to the implementation of the International Covenants on Human Rights. The fundamental guideline must be the principle of basic equality of civil and political rights on the one hand, and of economic, social and cultural rights on the other. The Human Rights Committee seemed to be launched on a rather satisfactory course, even though improvements in the method of work, in particular regarding follow-up on national reports, ought to be given further consideration.

66. A useful start had been made in the implementation of the Covenant on Economic, Social and Cultural Rights by the Sessional Working Group of the Economic and Social Council. Consideration should be given to ensuring greater continuity and efficiency of the Working Group; for instance, membership could be based on whether a State had ratified the Covenant rather than on whether it was a member of the Economic and Social Council, and more frequent or longer meetings could be held. It would also be useful to reach agreement on the working methods, based on a system of national reports, which to a greater degree than at present could ensure serious and objective assessments of the degree of national implementation. The Covenant on Economic, Social and Cultural Rights must not be allowed to lie dormant; if it was to become a living, relevant instrument, much would depend on the further efforts of the Working Group.

The meeting rose at 1.05 p.m.