



SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. GARVALOV (Bulgaria)

later: Mr. NORDENFELT (Sweden)

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RIGHTS

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The meeting was called to order at 10.55 a.m.

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

AGENDA ITEM 81: POLICIES AND PROGRAMMES RELATING TO YOUTH (continued) (A/35/503;
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(A/35/349, 419; A/C.3/35/L.22, L.33)

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(A/C.3/35/L.30)

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(continued) (A/35/202; A/C.3/35/L.27, L.31)

AGENDA ITEM 76: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/35/65, 96,
132, 137 and Corr.1 (English only), 173, 185, 288, 434, 457, 462; A/C.3/35/L.29)

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

(b) FUTURE MEETINGS OF 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. VAN BOVEN (Director, Division of Human Rights) directing his remarks to
agenda item 76, said that the International Covenants on Human Rights had a special
place in the human rights programme of the United Nations, for the Covenants
represented that part of the "international bill of human rights" containing binding
obligations upon States.

(Mr. van Boven)

2. The Third Committee had before it the annual report of the Human Rights Committee contained in document A/35/40; the report of the Secretary-General concerning future meetings of the Human Rights Committee (A/35/417); and the report by the Secretary-General concerning the status of both International Covenants on Human Rights and of the Optional Protocol to the Covenant on Civil and Political Rights (A/35/195), prepared at the request of the General Assembly in resolution 34/45. Since the adoption of that resolution, five more States (Australia, El Salvador, France, Nicaragua and Sri Lanka) had ratified or acceded to the Covenant on Civil and Political Rights; two States had acceded to the Optional Protocol (Nicaragua and Peru); and four States (El Salvador, France, Nicaragua and Sri Lanka) had ratified or acceded to the Covenant on Economic, Social and Cultural Rights. One more State (Sri Lanka) had made the declaration under article 41 of the Covenant on Civil and Political Rights, thus bringing to 13 the number of States recognizing the competence of the Human Rights Committee to receive and consider communications containing claims by a State party that another State party was not fulfilling its obligations under the Covenant.
3. The two main activities carried out by the Human Rights Committee were, first, the study of the reports submitted by States parties to the Covenant on Civil and Political Rights under article 40 of the Covenant, and second, the consideration of communications received under the Optional Protocol to the International Covenant on Civil and Political Rights. The report of the Human Rights Committee gave comprehensive information on those activities.
4. At its recent eleventh session, the Committee had once again discussed the problem of States parties who had not fulfilled their obligation to submit reports under article 40 of the Covenant. That was a matter of serious concern to the Committee. It had decided to include a special item on the question in its provisional agenda for the next session and it intended to invite representatives of the States parties concerned to be present when the Committee would be dealing with that agenda item.
5. In paragraphs 370 to 382 of its report (A/35/40), the Committee dealt with the follow-up to be given to its consideration of reports of States parties and the nature of its function under article 40, paragraph 4 of the Covenant, which required it to study the reports submitted by the States parties to the Covenant and to transmit its own reports and such general comments as it might consider appropriate to the States parties. The Committee had held several informal meetings at its recent eleventh session, at which it had considered the report on the subject submitted by the Working Group established for that purpose during its tenth session.

(Mr. van Boven)

6. The Committee had agreed on a number of principles relevant to its duties under that article. It had agreed, inter alia, on the need for the formulation of general comments based on the consideration of reports for transmission to the States parties. The Committee had confirmed once more its aim of engaging in constructive dialogue with each reporting State on the basis of periodic reports to be submitted by the States parties to the Covenant. The Committee had also deemed it desirable to establish a three or four year periodicity for subsequent States' reports under article 40 (1) (b) of the Covenant and to develop certain guidelines for such new reports. Other matters agreed upon by the Committee in relation to its duties under the Covenant required additional work by the Secretariat of the United Nations.

7. The Human Rights Committee had held its last five sessions in Geneva, despite the decisions adopted by the Committee during the first session to hold at least one session annually at Headquarters. The Committee intended to hold its twelfth session at Headquarters from 23 March to 10 April 1981. The Committee strongly urged that the venue of its next session should not be changed in order, inter alia, to give its activities a better chance of publicity in the Western hemisphere and to facilitate the attendance of representatives of States parties of the Latin American region as well as other countries which had permanent missions in New York but not in Geneva. While reiterating its request for confirmation of its next meeting in New York, the Committee also welcomed the proposal made by the Secretary-General to establish a special trust fund to finance the holding of meetings in developing countries (A/35/417).

8. Many members had expressed the hope that the Third Committee would endorse the Committee's request in paragraph 19 of its report for the publication of its documents in bound volumes.

9. In accordance with General Assembly resolution 34/45, the Secretary-General had made available to members of the Human Rights Committee the latest reports of the Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and the Committee on the Elimination of All Forms of Racial Discrimination. The latest report of the Human Rights Committee had been transmitted to all those bodies.

10. In accordance with the provisions of the Covenant, States parties had been invited by the Secretary-General to meet in order to elect nine members of the Committee for the next four years. The third meeting of States parties had been held at Headquarters on 12 September 1980, and nine members had been elected to replace those whose terms were due to expire at the end of 1980; four of the new members had joined the Committee for the first time.

(Mr. van Boven)

11. The Third Committee had before it the report of the Secretary-General on the status of the Covenant on Economic, Social and Cultural Rights (A/35/195). At its second (1980) session, the Sessional Working Group of the Economic and Social Council on the Implementation of the International Covenant on Economic, Social and Cultural Rights had considered the report submitted by States parties under the first stage of the programme established by Council resolution 1988 (LX), concerning proposals relating to the review of its composition and mandate and other organizational matters and had submitted a report to the Council at its first regular session in 1980. The Council, by its resolution 1980/24, had decided to review the question at its organizational session for 1981 and had requested the Secretary-General to solicit the pertinent suggestions and views of members of the Council and of States parties to the Covenant for report at that session. The Secretary-General hoped that States parties to the Covenant and States members of the Council would submit their suggestions in time for inclusion in his report.

12. Mr. BIALY (Poland) said that there was unanimous agreement among all delegations that the International Covenants on Human Rights represented the most valuable and the only legally binding international instruments, and that they contained the fullest catalogue of human rights ever compiled by the international community. And yet, as the report of the Secretary-General stated (A/35/195), as at 1 September 1980 the Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by only 65 States while the Covenant on Civil and Political Rights had been ratified or acceded to by 64 States. His delegation deeply regretted that despite numerous appeals by the General Assembly, less than half of the Member States had found it possible to accept the provisions of the Covenant as legally binding.

13. It was ironical that frequently, passionate statements on human rights were made by representatives whose Governments had no interest in becoming parties to the Covenants. In recent weeks the Organization had witnessed an attempt to make a sheer parody out of accession to the Covenants by letting them be signed by a group of individuals guilty of the brutal death and suffering of 3 million Kampucheans. His delegation supported the Secretary-General's appeal to Member States to accede as speedily as possible to those international instruments.

14. Under the banner of fundamental human rights, the Polish people had for decades pursued their struggle for national existence. The most essential prerequisite for respect for human rights was international peace and détente. Every threat to peace, increase in international tensions or intensification of the arms race could not but have direct or indirect repercussions on human rights, by either curtailing civil and political liberty or contracting the scope of economic, social and cultural rights. Outright war no longer merely jeopardized the right to life itself, the right which had been so resolutely enshrined in article 6 of the International Covenant on Civil and Political Rights but might well consume it.

(Mr. Bialy, Poland)

15. His delegation fully agreed with the Secretary-General's statement that there could be scant comfort in the contemplation of abstract rights while poverty and disease afflicted vast numbers of people throughout the world. That was why it was so important that the International Covenants should give equal treatment to civil and political as well as economic, social and cultural rights.

16. Poland had always faithfully complied with the principles of human rights. Article 67 of its Constitution stipulated that the Polish People's Republic, by consolidating and multiplying the achievements of working people, should strengthen and extend the rights and liberties of citizens.

17. His delegation had studied very thoroughly the report of the Human Rights Committee (A/35/40). Chapter III of that report, which also included an examination of Poland's report, was evidence that the Committee approached its mandate under article 40 of the Covenant in a thorough, responsible and serious way. Poland regretted, however, that in too many cases the States parties to the Covenants had delayed submission of their respective reports.

18. On the other hand, nothing in article 40 of the Covenant authorized the Committee to act in a way which might be interpreted as interference in matters which came within the domestic jurisdiction of States. Notwithstanding the scope and progress of international co-operation on human rights, the overriding principle of domestic jurisdiction should remain inviolable.

19. With regard to future meetings of the Human Rights Committee, and in connexion with the report of the Secretary-General (A/35/147), there should be no departures from the relevant provisions of General Assembly resolution 31/140 of 17 December 1976.

20. Referring to agenda item 72, he stressed that not enough attention was being paid by the Organization to problems of human rights and technological developments. That was particularly true of the implementation of all the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (resolution 3384 (XXX)). He hoped that the subject would be taken up in the Third Committee in the near future. Consequently, his delegation had joined in the sponsorship of draft resolution A/C.3/35/L.22

21. Mr. Nordenfelt (Sweden) took the Chair.

22. Mr. SUONG (Democratic Kampuchea), speaking on agenda items 70 and 76, commended the results achieved thus far by the Committee.

(Mr. Suong, Democratic Kampuchea)

23. Kampuchea had an ancient culture and civilization; the northern region of the country had been populated for several millenia before the modern era and a Bronze-age civilization had flourished 1,200 years before Christ and had lasted for eight centuries. Throughout its history, the people of Kampuchea had spared no sacrifice to preserve its cultural heritage. Since June 1970, following the liberation of the Angkor region by the army, the monuments there had been well maintained and protected, as had other monuments and cultural treasures in the liberated areas. In 1976, the Government of Democratic Kampuchea had established the National Science and Technological Research Institute, which included a section on historical and archaeological research. At the same time, cultural co-operation agreements had been signed with friendly countries. At the twenty-first UNESCO General Conference, his Government had requested assistance from UNESCO in devising a special project for the preservation and restoration of the Angkor monuments.

24. Since 25 December 1978 the results of all those efforts had been nullified by the North Vietnamese hordes who had systematically plundered Democratic Kampuchea's artistic and cultural treasures. Those crimes had been denounced in the Washington Post of 25 September 1979. The looting and destruction were part of a deliberate policy of destroying the cultural and historical heritage of the people of Kampuchea. His delegation categorically denounced those crimes and demanded that the Hanoi authorities, in accordance with General Assembly resolution 34/64, make restitution of all the cultural treasures they had plundered from Kampuchea.

25. On 17 October, his Government had signed the International Covenants on Human Rights. That decision accorded with his Government's new strategic policy, the outlines of which were defined in the Political Programme of the Patriotic and Democratic Front of the Great National Union of Kampuchea published in August 1979. The National Congress, in December 1979, had decided to implement that political programme in place of the 1976 Constitution. A multiparty parliamentary régime with a national assembly elected by universal suffrage would be established after the total withdrawal of the Vietnamese troops, and a full range of democratic freedoms would be guaranteed. However, as a result of the new political situation resulting from the aggression of the Vietnamese regional expansionists, supported by international expansionists, international co-operation and assistance on a vast scale was needed in order to protect Kampuchea's independence and reconstruct the country after the war.

26. At present, his Government was in full control of a population of 1,300,000 inhabitants and most of the people of Kampuchea, including those living in the enemy-occupied areas, supported the new strategic policy and political programme of the Patriotic and Democratic Front of the Great National Union of Kampuchea. The full participation of all the people of Kampuchea in the liberation struggle waged by the Government of Democratic Kampuchea had forced the aggressive troops from Hanoi into a total impasse on the Kampuchean front.

(Mr. Suong, Democratic Kampuchea)

27. For nearly two years Kampuchea had been ravaged by the North Vietnamese hordes; nearly 3 million Kampuchean had died and hundreds were being gunned down or dying of starvation and disease every day. The North Vietnamese were committing the crime of genocide, using conventional weapons, chemical warfare and starvation. In order to conceal that monstrous war of extermination, the Hanoi authorities, with the help of their masters, the international expansionists, had waged a slanderous propaganda campaign, "a campaign of the big lie" which attributed to his Government full responsibility for the innumerable crimes they had deliberately committed either directly or through their agents, who had long ago infiltrated the State apparatus of Democratic Kampuchea. Realizing that they could not overcome the resistance of Democratic Kampuchea militarily, the leaders of Hanoi were seeking to annihilate the people of Kampuchea. Adopting a procedure more barbarous than Hitler's crematoria, the North Vietnamese aggressors were killing all men who were opposed to or simply indifferent to their policies and forcing Kampuchean women to become their concubines. Several concentration camps had been established in the area under Vietnamese control and the inmates were succumbing to starvation and disease.

28. But those crimes paled in comparison with the famine which the Hanoi authorities had deliberately created in order to exterminate the people of Kampuchea even more rapidly. That policy of deliberate genocide had been denounced in an editorial in the Washington Post on 12 October 1979.

29. The Vietnamese also used a range of chemical weapons including various lethal or incapacitating chemical substances and toxic gases in violation of the Geneva Protocol of 1925. Tens of thousands of Kampuchean civilians, particularly women and children, had been killed or poisoned by chemicals and vegetation had been destroyed.

30. The crimes committed by the Hanoi authorities in Kampuchea were far more heinous than Hitler's crimes during the Second World War and no propaganda, however cynical, could conceal them. The Hanoi leaders must be condemned as the greatest war criminals of the modern era. Any request for assistance on their part or on the part of their representatives, even if it appeared to be for philanthropic or humanitarian purposes, must be rejected because such assistance would definitely be used in the war of aggression and genocide in Kampuchea. Increased pressure at the political, economic and diplomatic levels was essential to force the Hanoi authorities to withdraw all their troops from Kampuchea and respect the United Nations Charter and international law in accordance with General Assembly resolutions 34/22 and 35/6 and resolution 29 (XXXVI) of the Commission on Human Rights. That was the only way for the people of Kampuchea to regain their national rights and fundamental democratic freedoms.

(Mr. Suong, Democratic Kampuchea)

31. The international expansionists had become even more active and zealous in their promotion of human rights since they had invaded Afghanistan and helped the Vietnamese expansionists to invade and occupy Kampuchea and massacre several million Kampucheans. It was impossible for them to conceal those inhuman crimes from the international community; that had been shown very clearly during the long discussions about the situation in Kampuchea. If the expansionists wanted to avoid world condemnation, they must act in conformity with the principles of the United Nations Charter and international law and implement the relevant United Nations resolutions on Kampuchea and Afghanistan so that those two martyred peoples could exercise their inalienable right to decide their own future without any foreign interference.

32. Mr. ALBORNOZ (Ecuador) said that conventions on human rights were a source of increasing importance in the evolution of international law. Indeed, Article 38 of the Statute of the International Court of Justice referred to such legal instruments as factors to be taken into account in decisions on disputes submitted to the Court.

33. In Ecuador, human rights were scrupulously respected. Political and civil rights were fully exercised; the Government was selected in free and democratic elections with the participation of all political parties; the executive power was responsive to the criticism of the legislature and public opinion; there was scrupulous respect for freedom of expression and opinion and censorship was not tolerated. There were no political prisoners, curfew or martial law and citizens enjoyed freedom of movement and freedom of association. Ecuador had acceded to all the conventions and covenants on human rights and had recognized the competence of the Human Rights Committee and the Sessional Working Group of the Economic and Social Council. On the basis of Economic and Social Council resolution E/1980/24, Ecuador was prepared to participate in the discussions in the Economic and Social Council in 1981 on the new composition of the Sessional Working Group and on its organizational and administrative arrangements.

34. His delegation had submitted document A/C.3/35/4, containing the "Riobamba Charter of Conduct" signed by the Heads of State of the countries of the Andean Group, the Presidents of Costa Rica and Panama and the Personal Representative of the President of the Spanish Government. The Charter of Conduct dealt with questions of vital importance to the Andean countries and confirmed the importance of respect for human, political, economic and social rights. Progress was being made towards the development of jus cogens in the human rights field and the Riobamba Charter of Conduct was a commitment to action on the part of the signatory States and an invitation to other members of the international community to share a broader approach to achieving the universal realization of those rights.

(Mr. Albornoz, Ecuador)

35. It was for that reason that the signatory States declared that joint action taken to protect human rights should not violate the principle of non-intervention. That principle, most zealously guarded by the Latin American States, was described in articles 15 and 17 of the Charter of the Organization of American States. Even the classical and somewhat more limited concept of the principle of non-intervention defined in Article 2, paragraph 4 of the United Nations Charter was incorporated in the obligation the Charter imposed on Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State. The broader concept of non-intervention set forth in the Charter of the Organization of American States rejected not only armed intervention but also interference in the political, economic and cultural life of the State. The Riohamba Charter of Conduct, at the same time as it reaffirmed the principle of non-intervention, stated that respect for human rights was the responsibility of the international community. There was no contradiction in that position: in both cases, the dignity of States and individuals was being protected, and, to an increasing extent, as a responsibility of the international community as a whole.

36. Another stage in the evolution of international law had been the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (General Assembly resolution 2131 (XX)). The provisions of the Riohamba Charter of Conduct in no way detracted from that Declaration.

37. The observance of the rights set forth in the Universal Declaration of Human Rights and the International Covenants must be universal. The United Nations must monitor observance of those rights in every State, whether or not it was a Member of the Organization. That should be the scope and substance of the reports of the Human Rights Committee. The existing selective system which, for the sake of expediency or for political reasons, referred to violations in particular countries, but ignored serious violations in a great many other countries, was clearly undermining the credibility of the United Nations. There should also be some criterion for authorizing individuals or States to criticize or bring charges against particular countries; a State which criticized the conduct of other States in respect of human rights should first provide information on the observance of those rights in its own territory, for individuals and groups.

38. His delegation believed that responsibility for the full and universal realization of human rights existed at both the regional and world levels. Ecuador supported the Secretary-General's suggestion that the General Assembly should establish a trust fund to cover the cost of holding sessions of the Human Rights Committee in developing countries and that, meanwhile, the Secretary-General should make preparations for such sessions in accordance with General Assembly resolution 31/140.

(Mr. Albornoz, Ecuador)

39. The subject of the protection and restitution of cultural property was of particular importance to Ecuador because of the richness of its cultural heritage in particular, the treasures of the pre-Colombian civilizations. Since Ecuador's artistic treasures had been extensively plundered, it was naturally concerned about the protection of such cultural property and urged the wealthy countries to help secure the return of those treasures to the countries of origin and to support the efforts being undertaken by the United Nations and UNESCO to that end.

40. Mr. RIGIN (Indonesia), speaking on agenda item 68, said that religion was a highly personal matter for each individual and should not be imposed.

41. In Indonesia, religious intolerance was virtually non-existent. Article 29 of the Constitution prescribed that the State was based upon the belief in one supreme God and that the State guaranteed freedom to every citizen to adhere to his religion and to perform his religious duties in conformity with that religion and faith. In accordance with those principles, his Government had taken measures not only to guarantee the freedom to practise religion but also to safeguard the dissemination of religious teachings and to promote harmonious relationships between religious groups based upon mutual respect. His Government was very vigilant against proselytization for its own sake since such practices could create sectarianism and provoke conflicts. Furthermore, it did not obstruct contacts and relationships between religious groups and other nations or religious centres.

42. In recognition of the potential dangers of conflicts between contending religions, it was essential that Governments, religious authorities and peoples should exercise great caution, restraint and tolerance in order to preserve the peace and stability of the nation as a whole. Governments should act decisively in the face of incipient discrimination or other forms of intolerance against any religion and should ensure that all religious groups obeyed the laws of the country.

43. Mrs. WYNTER (United Nations Educational, Scientific and Cultural Organization), commenting on agenda item 69, said that the three themes chosen for the International Youth Year, i.e., participation, development and peace, closely corresponded to the orientations of UNESCO's current Medium-Term Plan as adjusted and to the programme and budget for 1981-1983. UNESCO firmly believed that the International Youth Year would provide a unique opportunity to mobilize youth and offer a framework for the efforts of Member States and of intergovernmental and non-governmental organizations to find new ways and means of ensuring the active participation of youth in the Third Development Decade and in efforts to achieve and maintain genuine world peace.

(Mrs. Wynter)

44. Participation was a condition which permeated both the approach to, and the substance of, programme action undertaken by UNESCO. Young people and youth organizations were associated with the conception, implementation and evaluation of UNESCO's work in the field of youth. Moreover, several technical co-operation activities were designed to facilitate participation by the most socio-economically disadvantaged sector of the population and to integrate it in the national development effort. UNESCO's programme actions for "peace" were designed to promote among young people a philosophical and practical commitment to peace, international understanding and international co-operation.

45. The Secretary-General's report on the subject of the elderly and the aged (A/35/130) indicated clearly that the problems of the elderly were not only physical, but social and human. Their specific aspects needed to be identified so that suitable remedial measures could be devised. UNESCO envisaged methodological and action-oriented studies designed to develop and apply suitable social and economic indicators to that age group. The programme and budget for 1981-1983 included technical and financial assistance to developing countries and to non-governmental organizations for a survey of educational opportunities for the old and of the utilization of their knowledge and experience in educational systems, and how it could be improved. A report on the results of those studies would be prepared as part of UNESCO's contribution to the World Assembly on the Elderly.

46. In connexion with the International Year of Disabled Persons, UNESCO would address itself to the task of developing suitable social and economic indicators to be applied to the planning, implementation and evaluation of programmes related to disabled persons and their role in society. UNESCO's programme of special education for the disabled included extensive information on activities and a proposal for an international conference to examine the contribution which education could make to solving the problems of the handicapped. Programmes emphasizing the integration of handicapped young people into school and active life, the training of educators and parents and the promotion of awareness of the special needs of the handicapped were also being prepared. Efforts were also being made to increase the capacity of member States to plan and implement programmes and to design suitable educational materials. UNESCO was also advertising research on the prevention of disablement with due regard for the rights of the handicapped, including the development of their creativity through participation in workshops on dance, theatre and music. A special Braille edition of the UNESCO Courier would be dedicated to the handicapped.

47. On the subject of religious intolerance, the Commission on Human Rights had invited UNESCO to organize a consultation embracing various established schools of religious thought on the cultural and religious basis of human rights in relation to the phenomenon of religious intolerance. Such a meeting had been held in Bangkok in December 1979 and the final documents were available for consultation in the UNESCO liaison office. On the same subject, UNESCO would also publish the findings of a 1978 Stockholm meeting of experts entitled "The Meaning of Intellectual Co-operation Between Peoples". Other UNESCO publications would include studies entitled "Human Rights and Scientific and Technological Developments" and "The Protection of Handicapped Children in International Law".

48. Mr. NAGY (Hungary) said that Hungary, which had always attached the greatest importance to the full enjoyment of civil, political, economic, social and cultural rights, had been among the first to accede to the two International Covenants. The members of the Human Rights Committee who had spoken during the consideration of Hungary's report on the implementation of the provisions of the International Covenant on Civil and Political Rights had reaffirmed once again that the constitutional precepts and statutory enactments of Hungary as well as its practical action were fully consistent with the provisions of the Covenant.

49. At the same time, it was true, as stated by the representative of the Netherlands at the 40th meeting of the Third Committee, that one member of the Human Rights Committee had stated that the implications in the Hungarian Government's report had been that freedom of speech, freedom of the press and freedom of assembly were allowed in Hungary, subject to conformity with the interests of socialism and the people and that those were very substantial restrictions. It was true that there were some restrictions under Hungary's legal system on freedom of speech and freedom of press. The Criminal Code of Hungary prescribed severe legal consequences in cases of criminal offences against peace, warmongering, offences against the freedom of peoples, genocide, offences against national, popular, racial or religious groups, racial discrimination and so on. The people of Hungary were proud of those restrictions because they were firmly convinced that those limitations on the exercise of the rights concerned were in the best interest of the community at large and the society as a whole and they derived directly from the International Covenants, to which the Hungarian Government had already acceded, and from the socialist nature of its system of government.

50. His delegation firmly believed that States Members of the United Nations could only live up to their commitments in the field of human rights if they did their utmost to create conditions for the fullest possible exercise of those rights. To that end, they must join in efforts to liquidate the remnants of the colonial system and all forms of racism and racial discrimination and to restore human rights in South Africa, the Israeli-occupied Arab territories, South Korea, Chile and some other Latin American countries where human rights were being flagrantly and grossly violated.

51. It had already been stressed that declarations of the acceptance of obligations under international law did not necessarily mean compliance with those obligations in practice. The most striking example of that was provided by the shameful situation in which the representatives of the Pol Pot clique, which was responsible for the massacre of 3 million Kampuchians, had been allowed to sign the International Covenants on human rights. The horrible acts of genocide committed by that clique were well known to countries which permitted those representatives, in the name of a non-existent Government, to usurp the seat of the People's Republic of Kampuchea in the United Nations.

(Mr. Nagy, Hungary)

52. His delegation shared the view expressed by the representative of Finland that 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. Instead, efforts should be made to improve the application of the resolutions guiding the work of that Group. His delegation also agreed that members of the Sessional Working Group should be appointed by the Economic and Social Council at its organizational session and it had no objections to extending the duration of the sessions of the Working Group during the spring session of the Council. His delegation was satisfied with the work done by the Sessional Working Group during its last session.

53. It was generally acknowledged that the results of the revolutionary progress made in science and technology could be used to serve mankind or to destroy it. There was no doubt that the right to life was the basic prerequisite for the enjoyment of any human right. Consequently, those who really believed in human rights must fight for the normalization and improvement of international relations and the continuation of détente and disarmament and must ensure that scientific and technological advances served the purpose of maintaining peace instead of increasing the danger of war. To that end, the Government of Hungary attached great importance to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind set forth in General Assembly resolution 3384 (XXX).

54. Ms. KOLAROVA (Bulgaria) said that the effectiveness of the two International Covenants depended on their universality and the strict implementation of the obligations undertaken by the States parties. Her delegation noted with satisfaction the increasing number of States that had acceded to the Covenants. Unfortunately, however, some Western countries which had become parties to the International Covenant on Civil and Political Rights had expressed reservations on article 20, which prohibited war propaganda and national, racial or religious hatred. Her delegation believed that reservations on that article under any pretext could not be justified, and the same applied to reservations by the same States on article 1 of both Covenants, in respect of the right to self-determination.

55. Bulgaria appreciated the work done by the Human Rights Committee and the Sessional Working Group. It believed that the existing methods of work of the latter required no radical change because the International Covenant itself did not provide for the establishment of any committee of experts, as was the case for the Human Rights Committee.

56. The People's Republic of Bulgaria had been among the first countries to sign and ratify both Covenants. The advanced socialist society being built in Bulgaria ensured favourable social, economic and political conditions and provided material guarantees for the effective application of the rights and freedoms proclaimed in the Covenants. Several political, social, economic and cultural rights were enshrined in the provisions of the 1971 Constitution and in specific legislative

(Ms. Kolarova, Bulgaria)

or other normative instruments. The Bulgarian Government, however, believed that there was still room for the improvement of the legal guarantees for the realization of human rights, which should be considered within the dynamic process of further promotion of the socialist democracy in Bulgaria. In presenting its report under article 40 of the International Covenant on Civil and Political Rights, Bulgaria had proved its readiness to co-operate fully with all other States parties to the Covenants.

57. Her delegation wished to express its deep indignation about the signing of the International Covenants by the so-called representatives of Democratic Kampuchea. That extremely hypocritical act was an insult to the memory of the 3 million Kampuchean who had been denied all fundamental rights and freedoms, including the right to life. That act of signing encroached upon the prestige of the United Nations and undermined the efforts of the international community to achieve co-operation in promoting and encouraging respect for human rights and fundamental freedoms. Only the Government of the People's Republic of Kampuchea and the right to sign the International Covenants on behalf of the Kampuchean people and to implement their provisions. Her delegation therefore regarded the signing of the Covenants by the representatives of the so-called Democratic Kampuchea as null and void.

58. Her delegation was firmly convinced that scientific and technological progress was a necessary prerequisite for social and economic development. On the other hand, it was mindful of the fact that the results of such progress could be used to the detriment of human rights and fundamental freedoms. As stated in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, the achievements of scientific and technological progress should not be used for the escalation of the arms race and thus increase the tensions in international relations. The implementation of that Declaration by States would contribute greatly to the strengthening of international peace and security and would promote co-operation among States in the field of human rights and the economic and social development of peoples. Her delegation was prepared to support any draft resolution which reflected those principles.

59. Her delegation also attached particular importance to the agenda items on youth, especially to the proclamation and observance of International Youth Year. During IYY, the attention of all Member States should be focused on the problems of the participation of young people in the struggle for peace and international security, against colonialism, neo-colonialism, racism, racial discrimination and apartheid. The problems of youth could be solved only through profound social and economic changes, and youth must participate in that process of change. To achieve the purposes of IYY, its observance should be carried out at the national level while recognizing the importance of the United Nations Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples.

60. Mr. Garvalov (Bulgaria) resumed the Chair.

61. Mr. SPINELLI (Italy) said that the activities of the Human Rights Committee had assumed growing importance in the framework of action being taken by the United Nations for the promotion and effective recognition of human rights in all Member States, regardless of social and political system. His delegation hoped that at the forthcoming sessions of the General Assembly, the report of the Human Rights Committee would be taken up as a separate item of the agenda and not together with other items, as was the case at the current session.

62. To those States parties to the International Covenant on Civil and Political Rights and to those States that had not yet ratified it, it might seem that the study of reports was too detailed. Italy, which had had an open dialogue with the Human Rights Committee during the consideration of Italy's report, could testify that that was not so. The multiple aspects of effective recognition of human rights were so complex that, theoretically, there were no limits to the depth to which they could be investigated for practical reasons, the dialogue had accordingly been confined to the most significant aspects with the most mutually useful results. Italy therefore appreciated the procedures established by the Human Rights Committee for the study of national reports and wished to see them further developed. In the absence of stronger and more effective instruments for international control of the observance of human rights by all Member States, the United Nations was developing a new function through its reporting system which, as a first step, enabled the international community at least to assess the world situation in the human rights sector. Those developments required all Member States to ratify the International Covenants adopted by the United Nations and he welcomed the strong appeal made by the Secretary-General in that respect.

63. His delegation believed that the Human Rights Committee was proceeding in the consideration of individual communications with particular attention and caution. Like the other member countries of the Council of Europe, Italy had always recognized the importance of the consideration of individual communications at the international level. Not only did it not constitute intervention in the internal affairs of States, but it was an additional form of protection of the rights of the individual.

64. His delegation had noted that the Human Rights Committee had resumed the search for a method of work to be followed in the further study of national reports already examined, because it regarded its present method as only a first phase in the study of reports prescribed by article 40 of the Covenant. His delegation would follow with attention the positive, though cautious, development in the Committee's internal debate on that question and looked forward to its decisions.

65. The gradual development of the Human Rights Committee's activities clearly implied an increasing commitment on the part of the Division of Human Rights, which had already stressed the need for greater resources, both human and financial. The Human Rights Committee was justly concerned with according wider publicity to its activities in order to increase general knowledge of the Covenant and to favour the promotion of human rights throughout the world. To that end, it had decided to request the Secretariat to take appropriate measures to have the

(Mr. Spinelli, Italy)

Committee's official documents published in annual volumes which would be accessible to Governments, organizations, researchers and other parties interested in the promotion of human rights. His delegation was inclined to support those requests. However, their implementation would require the General Assembly to decide on an appropriate increase in the resources of the Division of Human Rights.

66. Mr. KHALIFA (Sudan) said that, since its revolution on 25 May 1969, his country had been attaching great importance to the youth sector, which accounted for 60 per cent of its population and constituted an effective and creative instrument for the promotion of economic and social development. With a view to the proper orientation of the abilities of young people, specialized bodies had been established to cater for their welfare and advancement in a manner conducive to the assumption of their responsibilities with regard to national development. Those bodies were exemplified by the Department of Youth Camps in the Supreme Council for Youth Welfare, which provided young persons with educational and political guidance.

67. Within the framework of his country's political organization, the Sudanese Socialist Union, there was a special Youth Committee and young persons were participating in the government of the country together with other sections of society such as workers, women, the armed forces and professionals, and businessmen. The Sudanese Youth Federation, which was helping to plan and implement policies and programmes relating to that vital sector of the population, had established local, provincial and national committees of young persons from urban and rural districts, which were regularly convened to evaluate the progress achieved in national action programmes and to formulate future programmes on a free and democratic basis.

68. The Sudanese Youth Federation was maintaining close contact with similar regional and international organizations through exchanges of visits and through work camps designed to increase the participation of youth in the development process. Young persons had helped in the construction of schools and roads and in the provisions of environmental services.

69. His country had welcomed the proclamation of 1985 as International Youth Year and hoped that it would be used to mobilize the abilities of youth for effective participation in national development programmes. To celebrate that Year, his country was proposing: (a) to establish links among young persons at the local, regional and international levels; (b) to organize local, regional and international youth camps, exchanges of visits and seminars for the discussion of issues and problems relating to youth; (c) to produce films and publications illustrating youth activities in the political, economic, social, cultural and art fields; (d) to organize cultural, artistic, theatrical and folklore competitions among youth; (e) to publicize and promote International Youth Year through the mass media; (f) to encourage youth organizations at schools, institutes and universities to take an active part in the implementation of youth programmes; (g) to enable Sudanese youth living abroad to keep abreast of national issues by providing them with documents relating to development projects and helping them to

(Mr. Khalifa, Sudan)

organize discussion groups and exhibitions; (h) to organize cultural, social and political programmes for foreign students studying in the Sudan; and (i) to help foreign students visiting the Sudan on holiday by providing them with tourist maps and documentary information.

70. His country appreciated the role played by the United Nations in the implementation of youth training, educational and health programmes. Although the project for youth training centres in the Sudan had begun in 1971 in co-operation with UNDP, UNICEF, ILO and WFP, his country was looking forward to further assistance and co-operation in that field so that the developing countries would be able to achieve maximum utilization of the constructive abilities of youth. He fully supported the proposal concerning the declaration of a Youth Decade comprising programmes of action to follow up the objectives of International Youth Year. He also hoped that national co-ordinating committees would be established in Member States to prepare for International Youth Year and that greater attention would be paid to the implementation of the programmes of the United Nations Volunteers and to a feasibility study on the establishment of a voluntary fund to meet the costs of International Youth Year.

The meeting rose at 1.10 p.m.