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SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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AGENDA ITEM 85: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/429 and Add.1-2)

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(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (A/36/40)

(b) 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: REPORT OF THE SECRETARY-GENERAL (A/36/455)

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AGENDA ITEM 91: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/36/3/Add.19 and A/36/3/Add.23)

(a) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (A/36/426 and Add.1)

(b) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL (A/36/140 and Add.1-4)

1. Mr. NUSEIBEH (Jordan) wished to draw the Committee's attention to a particularly gruesome and unprecedented instance of violation of the human rights covered under agenda item 91, namely, the case of Mr. Ziad Abu Ein, a Jordanian citizen who had been arrested and detained in a United States gaol.

2. Mr. JOHNSON (United States of America), speaking on a point of order, drew attention to rule 109 of the rules of procedure of the General Assembly, under which the Chairman might call a speaker to order if his remarks were not relevant to the subject under discussion, and said that he would like that rule to be invoked because the representative of Jordan was attempting to speak on a United States domestic matter which did not fall within the scope of agenda item 91.

3. Mr. AL-FATTAL (Syrian Arab Republic) said that in the general debate, the Chairman had allowed speakers considerable latitude, but that if a delegation asked the Chairman for a ruling on the appropriateness of a speaker's remarks, the Chair must give it.

4. The CHAIRMAN said that both sides had valid arguments to support their positions, and he had therefore asked the Legal Counsel for an opinion and had been told that under the specific items under discussion, it would not be appropriate for Jordan to discuss the case of Mr. Ziad Abu Ein. He had accepted that advice.

5. Mr. NUSEIBEH (Jordan) requested that the matter should be put to the vote in accordance with rule 113 of the rules of procedure of the General Assembly. He stressed that he would not normally challenge an opinion of the Office of Legal Affairs, but did so in the present case only because an extremely cruel and unprecedented violation of human rights was involved.

6. At the request of the representative of the United States, a vote was taken by roll-call on the proposal to allow the Jordanian statement to be heard.

In favour: Albania, Algeria, Angola, Bahrain, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, German Democratic Republic, Grenada, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Poland, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Somalia, Spain, Sri Lanka, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Ireland, Israel, Italy, Liberia, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Bahamas, Barbados, Botswana, Burma, Burundi, Central African Republic, Chile, Columbia, Costa Rica, Democratic Kampuchea, Fiji, France, Ghana, Greece, Guatemala, Guyana, Ivory Coast, Jamaica, Japan, Malawi, Nepal, Philippines, Singapore, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Uruguay, Venezuela.

7. The proposal was adopted by 65 votes to 19, with 31 abstentions.

8. Mr. OTTO (Austria), explaining his vote, said that his delegation had supported the position taken by the Chairman on the basis of the findings of the Legal Counsel, and considered the matter to be purely procedural and not substantive.

9. Mr. AL-FATTAL (Syrian Arab Republic) said that throughout the history of the United Nations, representatives had not required permission from the Committee before explaining cases of human rights violations to the General Assembly, unlike what had just occurred as a result of the point of order raised by the oppressor of the person whose rights had been violated, the United States. The Syrian delegation had voted in favour of the Jordanian proposal because it did not believe that a precedent should be established requiring the Committee to authorize delegations to speak on a particular matter. The members of the Committee all represented free countries and the United States should have allowed the representative of an independent sovereign State to speak.

10. The CHAIRMAN said that the statement just made by the representative of the Syrian Arab Republic was hardly an explanation of vote.

11. Mr. FERGUSON (Australia) said that he did not know the details of the case and was in no position to judge its merits. He had voted against the Jordanian proposal because he believed that the matter was purely procedural and, in the circumstances, the Chairman should be supported, especially since he had obtained the advice of the Legal Counsel.

12. Mr. NORDENFELT (Sweden) said that his delegation had voted on purely procedural grounds. It took no position on the substance of the matter. Nor was it making a statement as to whether individual cases could be discussed under the agenda item in question.

13. Mr. BIN MAKTOUM (United Arab Emirates) said that his delegation had voted in favour of the right of the representative of Jordan to speak because it believed that the case to which he had drawn attention was one which could be taken up under the agenda item dealing with torture. By challenging the right of the Jordanian representative to speak freely, the United States had attempted to set a dangerous precedent which his delegation found strange because the First Amendment of the United States Constitution provided for freedom of speech. Even in the United States Senate and House of Representatives members had the right to speak at length on any given subject and, on occasion, had even gone so far as to read the telephone directory in an attempt to "filibuster." The tradition of freedom of speech was one of which the United States should be proud: it should endeavour to ensure that it was carried out within the United Nations.

14. Mr. PONT (Spain) said that his delegation had voted on a purely procedural matter. It was making no statement about the competence of the General Assembly to consider the matter because it did not know the details of the case.

15. Miss TAKIEDDINE (Lebanon) said that had her delegation been present at the time of the vote it would have voted in favour of the Jordanian proposal.

16. Mr. OBADI (Democratic Yemen) said that his delegation had voted in favour of the proposal because it wanted the case discussed in the Committee. He was convinced that the case and the cause of the individual in question should be taken up under item 91.

17. Mrs. MOUTOU DA GARCA (Gabon) said that she had requested the floor earlier to seek clarification on what the Committee was voting on. Since her delegation had not been given the floor, it had not participated in the vote. She hoped that in the future the Chairman would grant requests to speak without taking into consideration the political stance of a given delegation.

18. Mr. DYRLUND (Denmark) said that the negative vote of his delegation was not based on the merits of the case, but on procedure. Order must be maintained within the Committee and his delegation had therefore voted to uphold the Chairman's ruling based on the advice of the Legal Counsel.

19. Miss SAVOEIA (Benin) said that her delegation believed that the right of free expression was a fundamental human right and, had her delegation been present during the vote, it would have voted in favour of the right of the representative of Jordan to take the floor.

20. Miss SLATTERY (Ireland) said that her delegation had voted against the proposal on the basis of the ruling of the Chairman that the matter was not strictly appropriate in a discussion of the items under consideration.

21. Mrs. FLOREZ (Cuba) said that her delegation had voted in favour of the proposal because it believed that it was the business of the Committee to listen to the complaints and arguments of delegations. She was surprised to hear the representative of the United States oppose the statement by the representative of Jordan because it was the United States on another occasion, in reply to a statement by Cuba, which had brought the case of a Black Panther skyjacker before the Committee.

22. Mr. JOHNSON (United States of America), speaking on a point of order, said that the statement by the representative of Cuba was not an explanation of vote; it was a right of reply to a statement made earlier by the United States.

23. Mrs. FLOREZ (Cuba) said that her delegation was not out of order. When the representative of the United States had brought the case of the skyjacker to the Committee, her delegation had listened to the United States statement. Now it was the United States which sought to prevent other delegations from speaking and it was for that reason that her delegation had voted in favour of the Jordanian's right to speak on the case.

24. Mr. JOHNSON (United States of America) said that his delegation had voted against the proposal because while there had been much talk about a dangerous precedent being set, the only precedents set were disregard for the ruling of the

(Mr. Johnson, United States of America)

Chairman based on the advice of the Legal Counsel and disregard for the agenda and the items it included. His delegation was disappointed but not surprised that the Committee had decided to hear the statement by the representative of Jordan. The objections of his delegation had been on procedural grounds only because, as even the representative of Jordan knew, there was another item under which the matter could be taken up. He hoped that the Committee would avoid bringing further discredit on itself and would insist that the representative of Jordan speak on the specific item under consideration.

25. Mr. ZIDA (Upper Volta) said that his delegation had voted in favour of the proposal on procedural grounds only. It did not wish to take a stand on the substance of the matter.

26. Mr. KOFA (Liberia) said that his delegation had voted against the proposal solely on the basis of the legal advice given by the Chairman and not the substance of the matter.

27. Mr. BIN MAKTOUM (United Arab Emirates), speaking on a point of order, said that several delegations had suggested that the Committee had voted against a ruling by the Chairman. That was not the case because the vote had not been taken under rule 113 of the rules of procedure. The Committee had voted on Jordan's motion with respect to the right of that delegation to speak.

28. The CHAIRMAN said that as a rule he did not interrupt a representative during an intervention unless he was fully convinced that the representative was out of order. However, delegations had the right to object to the remarks of other delegations on the grounds that they were not appropriate under a specific agenda item. After the representative of Jordan had begun to speak, the representative of the United States had objected on just those grounds. Earlier, both delegations had informed him of their differences and he regretted that they had been unable to reconcile them before bringing the matter to the Committee. Accordingly, the matter had to be decided in the Committee.

29. The question put to the Chairman had been whether the substance of the statement was in order under the items under discussion. The Legal Counsel had stated that the statement was not strictly appropriate under agenda item 91. However, the Committee was the master of its own procedure and the Chairman was in the hands of the Committee. He owed it to the Committee to state his views: since there were arguments on both sides, he had accepted the advice of the Legal Counsel. The representative of Jordan had proposed that the Committee should hear his statement and the Committee had voted on that proposal. It should be clear to the representatives of the United Arab Emirates, the Syrian Arab Republic and the United States that the vote had not been on his ruling but on the proposal of Jordan.

30. Mr. NUSEIBEH (Jordan), speaking in the context of the Committee's discussion of human and legal rights, described the case of Mr. Ziad Abu Ein, a teenager, who had been arrested in the United States and who, according to the decision handed down by

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a United States court, was to be extradited to Israel under a bilateral extradition treaty between the United States and that country.

31. Some members of the Group of Arab States had submitted a memorandum on the case to the Secretary-General on 26 October 1981. They had also asked him to use his good offices with the United States Department of State to ensure that Ziad Abu Ein's human rights were respected. The Secretary-General had agreed to do everything within his power to that end. Discussion of the case in the Committee should not be seen as a reflection on the Secretary-General's efforts.

32. Since the United States Supreme Court had refused to review the case, he hoped that the Department of State, which had final discretion in such cases, would take into account the important human rights and legal points to which he wished to draw attention.

33. The unprecedented detention of Ziad Abu Ein was a violation of human rights committed in a country known for the independence of its judiciary. It was a miscarriage of justice that was all the more frightening as it set a dangerous precedent for the American judicial process and for the universally accepted norms governing human rights.

34. Those observations were based on several facts. First of all, although Ziad Abu Ein was a Palestinian from the occupied West Bank, he was legally a citizen of Jordan, pending a final settlement of the question of Palestine. Moreover, the imprisonment of a national of a third sovereign independent country, namely, Jordan, at the request of a second party, namely, Israel, on the basis of a bilateral extradition treaty between the United States and Israel, which should apply only to citizens of the two countries was tantamount to the taking of a hostage. Furthermore, it was totally unprecedented in the annals of any judicial system for the national of a given State to be extradited to a State other than his own, whatever the allegations levelled against him.

35. In addition, the fact that Jordan was not represented in the occupied West Bank, because of the Israeli occupation, ipso facto denied it the right to ensure due process of law for Jordanian citizens living in that territory and that situation automatically invalidated any legal grounds for extradition. Extradition also represented an unfriendly act against the State of which the victim was a national and created an extremely dangerous precedent in relations between nations. Jordan had normal, often warm, relations with the United States, and it was inconceivable that Jordan should ever extradite an American citizen to a third country; even under an extradition treaty between Jordan and a third country, an American citizen would not be extradited unless all the documentation offered in evidence of a crime had been properly authenticated under Jordanian law. In the absence of such a treaty, the Jordanian judicial system was duty-bound to grant the American either political asylum or the freedom to go wherever he chose. That procedure was essential to respect for human rights in practice.

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(Mr. Nuseibeh, Jordan)

36. Under Security Council resolution 242 (1967), and resolution 338 (1973), which emphasized the inadmissibility of the acquisition of territory by force, the Israeli occupation by Israel of the territory of origin of Ziad Abu Ein was unequivocally a violation of human rights. Furthermore, the fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War stipulated that the laws of the State whose territory had been occupied should be maintained. Since the West Bank was Jordanian territory, Jordanian laws, and not Israeli laws, should apply. The trial of Ziad Abu Ein under Israeli laws was therefore unlawful and a violation of human rights, especially since no protecting Power had been designated to ensure due process of law for the civilian population of the Israeli-occupied territories. The only State having jurisdiction in the case involging the extradition of Ziad Abu Ein was Jordan.

37. The United States Court of Appeals for the Seventh Circuit had not even considered contravening evidence presented by the defence attorney proving that Ziad Abu Ein had been more than 120 miles away from Tiberias when the explosion had occurred there. Moreover, eight witnesses had unanimously testified to that fact; the only witness who had testified against Ziad Abu Ein had done so under duress and had been forced to sign a paper in Hebrew, a language which, he later confessed, he could not understand. That witness had subsequently retracted his incrimination of Ziad Abu Ein, which had been contained in the Hebrew document without his knowledge.

38. He drew attention to the fact that Ziad Abu Ein, a minor, had been issued a certificate of good conduct by the Israeli occupying authorities and had been admitted to the United States. His current ordeal had resulted from the report of a secret agent in the occupied territories, based on testimony which had subsequently been retracted. His imprisonment, for almost two years, was therefore a travesty of justice and of respect for human rights. Ziad Abu Ein had even been denied the usual right to bail, and the Economic and Social Council had deplored that situation at its session in New York in the spring of 1981.

39. As an example of the ruthlessness and torture used by the Israeli military courts, he drew attention to an article written by an Israeli journalist, Amnon Kapilok, and published in a well-known Israeli daily, Al Hamishmar, on 5 June 1981. The article described how almost one quarter of a million citizens of the occupied West Bank had been detained in Israeli gaols in the 14 years of Israeli occupation. Since the territory had a total population of 1.2 million, the number of detainees represented one in every five inhabitants. Clearly, one quarter of a million crimes had not been committed during that period. The same article described the magnitude of Israel's creeping annexation and absorption of the occupied territories, 35 to 40 per cent of which had already been devoured and the inhabitants deprived of their basic human rights. It was apartheid in its most insidious form.

40. The article was so important in portraying the situation in the occupied territories that he had asked the Secretary-General to have his letter to which the article was annexed circulated as an official document of the United Nations (A/36/381 and S/14592).

(Mr. Nuseibeh, Jordan)

41. While it was true that Ziad Abu Ein was a Palestinian, and that the Palestinians, like other peoples, were entitled to the right to self-determination and statehood in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, until that question was settled, he was a citizen of Jordan, and his rights had to be protected.

42. Accordingly, the Jordanian Government had contacted the United States Ambassador in Amman to protest the detention of Ziad Abu Ein and to request his release. The matter had also been raised with Secretary of State Alexander Haig during his visit to Jordan. Earlier that very day, he had received a telegram from the Foreign Ministry in Amman informing him that the Jordanian Government's deep concern over the fate of Ziad Abu Ein had been conveyed to the United States Charge d'Affaires in Amman.

43. After almost two years in prison, having been implicated in a crime he never committed, Ziad Abu Ein should not only be promptly released but should be given compensation commensurate with the psychological and physical suffering he had endured.

44. In conclusion, he expressed the hope that the Committee would apprise the competent authorities of the United States Department of State of the human and legal aspects of the case and urgently appeal for Ziad Abu Ein's prompt release. The Committee should take a decision to the effect that, after listening to the statements concerning the fate of Mr. Ziad Abu Ein, it requested the Chairman to communicate to the Government of the United States the concern expressed in the Committee and to join in the appeal for the release of Mr. Ziad Abu Ein.

45. The CHAIRMAN asked the Jordanian representative to submit his proposal in writing.

46. He had received one request for a name to be added to the list of speakers. He wished to explain that the Committee established a deadline for closing the list of speakers on each group of items. A list of speakers for the present meeting had been read out in the morning and it was not possible to insert another name at the present stage, although private arrangements could be made between delegations. The same procedure had been followed for all items since the beginning of the session, and the Chairman was obliged to follow the established list.

47. Mr. AL-FATTAL (Syria), speaking on a point of order, said that his delegation interpreted the Committee's vote to allow the Jordanian representative to speak on the subject of Mr. Ziad Abu Ein to mean not only that Jordan had been given the permission to speak which the United States had attempted to deny it, but that the Committee was free to discuss the case. It was not strictly a Jordanian matter; the Palestine Liberation Organization (PLO) had raised the point and Syria also wished to raise it, because the person concerned, though a Jordanian citizen, was an Arab living in the West Bank. The matter was a public issue in the United States itself, as evidenced by the interest of the American-Arab Anti-Discrimination Committee. He hoped the Chairman would interpret the Committee's earlier decision in a non-discriminatory manner so that any delegate who wished to speak on the subject could do so. He did not see how the right to speak about a question of human

(Mr. Al-Fattal, Syria)

rights could be limited to a single speaker. The fate of Ziad Abu Ein was not an individual case, but a question of a general policy directed against the Arabs, under the new Reagan Administration's slogan of terrorism, in the occupied territories, in Arab territories, and in the United States.

48. The CHAIRMAN pointed out that the name of the representative of Jordan had been included in the list of speakers for the present meeting under the items being considered before the deadline. After discussion, the Committee had voted that he could speak on the case of Ziad Abu Ein. The Chairman was bound to respect the list of speakers.

49. Mr. BORCHARD (Federal Republic of Germany) said that the International Covenants on civil and political rights and on economic, social and cultural rights were the first international treaties on human rights of universal application which legally bound States to protect the human rights of every individual and provided procedures for monitoring compliance with their provisions.

50. Fundamental human rights should not be subject to arbitrary governmental authority. Peace and justice depended on effective means of protecting those rights. It was the task of the United Nations to promote the realization of human rights and ensure that they were respected, and it was the duty of Member States to co-operate in the pursuit of that aim.

51. For the implementation of the International Covenant on Civil and Political Rights there were more elaborate procedures, although they were not comparable to formal judicial procedures. The experts of the Human Rights Committee tried, by asking questions on the basis of the periodic country reports, to detect deficienices in the way the rights guaranteed were protected, and to induce Member States to comply fully with the provisions of the Covenant. A frank and critical dialogue in the United Nations and friendly co-operation of Member States with the Human Rights Committee was one of the best ways of strengthening respect for human rights, and his Government was grateful to the experts of the Human Rights Committee for their efforts to serve the interests of the world community.

52. The Committee was meeting in Bonn, for the first time holding a session away from United Nations Headquarters or from the Committee's Office in Geneva. His Government's invitation to the Committee to meet in Bonn was a reflection of its readiness to support the Committee's work and to encourage greater involvement of the German people in intergovernmental action to protect the civil and political rights guaranteed under international law. In a statement on 27 October 1981 Mr. Corterier, Minister of State in the German Federal Foreign Office, had acknowledged the Committee's moral authority to speak for the people of the world on fundamental human rights issues. He had added that the Committee needed the backing of the public to ensure that those fundamental issues were not overlooked, and that it was important to look for new ways of communication. That was why the Committee wished from time to time to meet in places other than Geneva or New York, and it was an honour for his Government that the first such meeting had taken place in Bonn.

(Mr. Borchard, Federal Republic of Germany)

53. The Federal Republic of Germany had been a member of the Sessional Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights. Despite differences among the members, the Working Group had been able to reach a compromise on how to conduct its work, which had been greatly facilitated by the co-operation of the International Labour Organisation (ILO).

54. The recommendations of the Working Group, adopted by Economic and Social Council decision 1981/158, were a positive step forward and his delegation supported them. However, some basic difficulties remained unsolved, and his Government therefore welcomed Economic and Social Council decision 1981/102 to review the composition, organisation and administrative arrangements of the Sessional Working Group at its first regular session in 1982. It was to be hoped that a better system would be found for the Working Group, which thus far had not come up to the standard of the Human Rights Committee.

55. He concluded by expressing the hope that more Members of the United Nations would accede to the Covenants and accept the binding obligations they established.

56. Sir Anthony PARSONS (United Kingdom), speaking on behalf of the member States of the European Community, said that the right of freedom of thought, conscience and religion was one of the most fundamental of human rights. To deprive man of the right to think and believe was a basic abrogation of his liberty. Accordingly, article 18 of the International Covenant on Civil and Political Rights dealt with the right to freedom of religion and belief. The international community had recognized the need for a declaration specifically designed to protect that right as long ago as 1962, when the General Assembly in its resolution 1781 (XVII) had asked the Economic and Social Council to entrust the Commission on Human Rights with the task of preparing it. Since then States in all parts of the world, representing a wide variety of religions and beliefs, had taken an active part in the drafting process.

57. The need for a draft declaration on the subject was clear and urgent. In several areas of the world people were being persecuted and even executed because of their religion or belief. One particularly disturbing example was the plight of the Bahai's in Iran, who had suffered persecution for generations. Recently their situation had sharply deteriorated. Like many other members of the international community, the EEC countries were deeply concerned by reports of increasing persecution, and they would urge the Government of Iran to grant the Bahai's and their religion the protection to which they were entitled under the International Covenant on Civil and Political Rights, to which Iran was a party.

58. The situation of the Bahai's illustrated the urgent need to establish more specific international standards to protect the right to freedom of religion and belief. The General Assembly should treat the draft Declaration with the same urgency and concern as it had treated the declarations on racial discrimination, discrimination against women, and social progress and development. In those cases, too, the General Assembly had asked the Economic and Social Council to request the functional commission concerned to prepare a text, the Council had transmitted the text to the Assembly and the Assembly had adopted it at its session after due consideration.

(Sir Anthony Parsons, United Kingdom)

59. Preparation of the draft Declaration on the elimination of all forms of intolerance and discrimination based on religion or belief had already taken far longer than the preparation of any of the other declarations he had mentioned. The text now before the Committee was the result of almost two decades of discussion. The EEC countries hoped that the Assembly would follow the established precedent and adopt the draft declaration at the current session. Failure to do so could be seen as indicating that the international community did not attach importance to the issues involved, or to the situations of communities around the world suffering intolerance, discrimination and persecution because of their religion or belief.

60. The EEC countries regarded the adoption of the draft Declaration by the Commission on Human Rights and the Economic and Social Council in 1981 as the major achievement of those two bodies. Although the Declaration fell short of creating legal rights and obligations, it was a clear and important statement of fundamental principles which would guide States in their policies and practices and which in fact did already guide many countries, including the members of the European Community. The great majority of States represented on the Commission on Human Rights and the Economic and Social Council had shown that they attached importance to the issues by recommending the draft Declaration for adoption by the General Assembly. The EEC countries hoped that the Committee would show a similar concern by adopting the draft Declaration without further delay, preferably by consensus.

61. Mr. MITREV (Bulgaria) said that the International Covenants on human rights provided an appropriate framework for co-operation among sovereign States in conformity with the purposes and principles of the Charter of the United Nations. The effectiveness of the Covenants depended on their universality, and on strict implementation by the Signatories of the obligations they had undertaken. Bulgaria was pleased to note from document A/36/455 that more States had ratified or acceded to the Covenants, but found it regrettable that more than half of the Member States of the United Nations were not yet parties. In some well-known cases States preferred to use human rights as a device for external propaganda rather than a basis for internal endeavour and international co-operation. It was also regrettable that some Western countries that were parties to the International Covenant on Civil and Political Rights maintained their reservations regarding article 20, thus admitting their unwillingness to prohibit war propaganda and propaganda of national, racial or religious hatred.

62. The effective implementation of the obligations embodied in the Covenants required the States parties not only to recognize the human rights concerned but also to create the necessary guarantees for their effective exercise. In Bulgaria all the necessary conditions had been created, and the provisions of the Covenants were being strictly implemented. Even before the entry into force of both Covenants in 1966 these rights were already guaranteed by the socio-political and legal system of the Bulgarian socialist society. They were now enshrined in the 1971 Constitution and in specific legislation. About one third of the constitutional provisions dealt with the rights and freedoms of the Bulgarian citizen. The Bulgarian Government constantly sought to provide further guarantees to ensure the enjoyment of human rights in conjunction with the dynamic process of development of socialist democracy.

(Mr. Mitrev, Bulgaria)

A social system which did not resolve the basic problem of the exploitation of man by man could not really claim to provide conditions for the realisation of human rights and fundamental freedoms. In capitalist societies, for social reasons, economic insecurity was the most common evil, and even such basic human rights as the right to work were denied to millions of people.

63. Bulgaria appreciated the work done so far by the Human Rights Committee with respect to the implementation of the International Covenant on Civil and Political Rights. The Committee had been successful in establishing a useful dialogue with the States parties when considering their implemention reports under article 40. Review of those reports must be the main task of the Human Rights Committee.

64. The Sessional Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights had made much progress in considering the reports covering articles 6 to 9 and 10 to 12 of that Covenant. Bulgaria supported Economic and Social Council decision 1981/158 concerning the Sessional Working Group.

65. Bulgaria had submitted its reports concerning both Covenants, and the consideration of those reports, which took place in 1979 and 1980, proved once more that Bulgaria fully complied with its obligations under the two International Covenants on human rights.

66. Turning to item 85, he said that his delegation attached special importance to scientific and technological progress, which was one of the main factors in accelerating the social and economic development of all countries. Such progress, created favourable material conditions, thus contributing to the fuller realisation of human rights and fundamental freedoms, and opening up new opportunities for the expression of the human personality. However, the achievements of science and technology could also be used against the interests of human rights, and could be diverted by the militaristic ambitions of imperialism into the production of barbarous means of mass destruction, as evidenced by the fact that nuclear weapon arsenals were now being reinforced with new types of enutron, lasar, space and other deadly weapons. That demonstrated the need for broad co-operation among States in the spirit of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (General Assembly resolution 3384 (XXX)). The implementation by Member States of the provisions of that Declaration would do much to strengthen international peace and security and to promote co-operation among States in the field of human rights and the social and economic progress of peoples.

67. Those were the purposes of the draft resolution in document A/C.3/36/L.31, of which Bulgaria was a sponsor. He hoped it would meet with the approval of the Third Committee.

68. Turning to item 91, he said that his delegation welcomed the idea of drafting a code of medical ethics. The basic principles underlying the draft code needed further work to ensure that the specific provisions reflected more fully the common interests of States in co-operating in that area. Under the legal system and practice

(Mr. Mitrev, Bulgaria)

of Bulgaria, all detainees were entitled to free medical help regardless of their citizenship, nationality, religion, etc. The Penal Code, the Code of Penal Procedure and the Penalty Law explicitly prohibited cruel, inhuman or degrading treatment of convicts or detainees, and the observance of those provisions was guaranteed by an extensive network of judicial, public prosecution and administrative supervision and control going far beyond what was proposed in the draft.

69. Mr. LOOD (Philippines) said that the Philippines, which had held the office of Vice-Chairman of the Commission on Human Rights at its thirty-seventh session, was absolutely firm in its allegiance to the Universal Declaration of Human Rights, as borne out by the numerous statements by President Marcos to the effect that the commitment of the Philippines to law and order would not be marred by any lack of regard for human rights. A number of national and local institutions had been set up in the Philippines to promote and protect human rights, and certain traditions, such as that of tanodbayan, a counterpart of the ombudsman, or the barangay, a village court for the dispensing of justice, had been revived.

70. At the international level, the Covenants needed to be further strengthened, since they were vital to the stability of the social order of the world. The Philippines had signed the International Covenant on Economic, Social and Cultural Rights on the very day of its adoption, 16 December 1966, and had ratified it on 7 June 1974. Its belief in fundamental human dignity and worth and equal opportunities was reaffirmed in the launching of the national grass-roots Movement for Livelihood and Progress, a programme based on self-reliance and intended to give people the opportunity of exercising their economic and social rights in their community.

71. In the context of the 1975 Declaration the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and its role in promoting not only human rights but also economic anv social development, scientific experiments with new technologies were being conducted in the Philippines with a view to fighting inflation, palliating the effects of the energy crisis and furthering economic progress.

72. The ratification by the Philippines of the International Covenant on Civil and Political Rights was under consideration by the Government. The Philippines could not yet therefore be a party to the draft second optional protocol to the Covenant. Furthermore, a bill for the abolition of the death penalty was currently before the National Assembly.

73. The rights of the child were a universal concern inasmuch as children embodied the hope of mankind. The way in which mankind nurtured that wealth would therefore condition its whole future. In that spirit, the Philippines had launched the National Plan of Action for the Development of Children and Youth, and its national Child and Youth Welfare Code regarded the child as a whole person entitled to all fundamental rights. As mankind's love for its children transcended all national, religious and political barriers, more care, attention and discussion should be

(Mr. Lood, Philippines)

devoted to completing the draft Convention A/C.3/36/6 on the rights of the child. Although some progress had already been made, article 6 and articles 9 to 27 required further consideration by the Commission on Human Rights. It was a great honour for the Philippines to be co-sponsor of the resolution introduced by Poland entitled "Question of a convention on the rights of the child (A/C.3/36/L.14). The task of preventing the suffering of children, who after all had not asked to be born, was so formidable as to require the undivided attention of mankind.

74. Nearly 20 years had elapsed since the original request by the General Assembly for the preparation of a draft Declaration on the elimination of all forms of religious intolerance. Religious freedom was enshrined in the Constitution of the Philippines, where so many religions coexisted that religious tolerance formed an integral part of the national character and no religious considerations were allowed to interfere with the exercise of civil and political rights. Moreover, ecumenical services were held at important national events so that all major religious sects could be represented. It would be well to apply the humanitarian message on religious tolerance contained in the long-awaited declaration, to many of the contentious issues currently before the United Nations.

75. Mrs. MASHOUDI (Tunisia), referring to the draft Convention on the rights of the child, said that according to the definition of a child set forth in article 1 of the draft Convention (A/C.3/36/3), children would represent almost half the population of Tunisia, where 20 was the age of majority under the Civil Code. The difficulty of establishing a single age as marking the end of childhood valid for all countries and all socio-economic strata was reflected in the fact that the age of majority in Tunisia according to the different legislative codes. Whatever the age of majority, however, children represented at least 45 per cent of the Tunisian population and were therefore given pride of place in national social and economic development plans.

76. Despite a shortage of resources, Tunisia had succeeded in reducing infant mortality to eight per 1,000 and achieved spectacular progress in terms of the schooling of children between the ages of six and 14. Not only did 90 per cent of boys and nearly 79 per cent of girls now attend school but primary, secondary and higher education were free. Free meals, clothing, books and transport tickets were provided for children in need, and 80 per cent of students in higher education held State scholarships.

77. Constant improvements were being made to both health programmes and educational methods for preparing children for adult life. For instance, with the assistance of UNESCO and the World Bank, a programme of initiation in manual, industrial and agricultural work had progressively been introduced in basic school curricula to educate children in economic realities, which enabled them subsequently either to undertake further professional or technical education or to leave school with enough knowledge to gain entry into active life. Another programme set up in 1974 with the assistance of UNESCO, the United Nations Fund for Population Activities and which had become very popular not only with the young but also with teachers and parents, was aimed at providing children with an education in population matters as defined in document A/C.3/36/215 and preparing them for parenthood.

(Mrs. Masmoudi, Tunisia)

78. In spite of the multiplicity of problems facing a developing country like Tunisia, the State had been unsparing in its efforts to improve the health and education of Tunisian children. A good example was the State-financed programme of child protection through the adoption and placing in foster homes or family-style institutions of abandoned children, orphans or children exposed to physical or moral danger. There were certain important needs of children, however, which could not yet be fully met because of inadequate means, such as pre-school education, day care, leisure activities, and the protection and education of disabled children.

79. Tunisia followed with interest the progress made by the Working Group of the Commission on Human Rights in drafting the Convention on the rights of the child and trusted that it would be completed and submitted to Member States as soon as possible.

80. The welfare of children, women, the disabled, the elderly and the young was inseparable from the welfare of the family, the importance of which was fully recognized in the Universal Declaration of Human Rights, the International Covenants and the new draft Convention on the rights of the child. It might therefore be time for the United Nations to consider the problems of the family in contemporary society and to attempt to define the concept of the family as a living unit in a changing world, evolving both as a result of social and economic transformations and with changes in the status of its members. A study of the family throughout the world would make it possible to plan concrete measures to protect and assist the family so that it could play its rightful role within the community. While the extended family had once provided an environment sufficiently rich and varied to stimulate all its members, the present trend was towards a smaller family unit and would ultimately affect all countries. The main issue was therefore to determine how the family might be given the means of creating an "atmosphere of happiness, love and understanding" for the child while at the same time remaining open and respecting the rights both of its members and of the other members of society. It was not an easy task to turn the family into the first school in which the child would be educated in the spirit of the ideals embodied in the Charter of the United Nations but it unquestionably should be a fundamental concern.

The meeting rose at 7.00 p.m.