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SUMMARY RECORD OF THE 34th MEETING

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Chairman: Mr. O'DONOVAN (Ireland)

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

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(A/36/63, 417, 434; A/36/3/Add.23, 25 and 26; A/36/584; A/C.3/36/L.36)

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

(b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
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AGENDA ITEM 91: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT (continued) (A/36/3/Add.19 and 23; A/C.3/36/L.34, L.39)

(a) UNILATERAL DECLARATION 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; A/C.3/36/L.38)

1. Mr. SCHILTER (United States of America), speaking on agenda item 85, said that deprivation of personal liberty through governmental acts could take a number of forms, one of which was the involuntary commitment of an individual to an institution for the mentally ill, and as there had been significant developments in psychotherapy in recent decades, it was highly appropriate for the United Nations to consider the question. As everyone knew, article 3 of the Universal Declaration of Human Rights proclaimed everyone's right to "liberty and the security of person", which, under article 29, section 2, was subject only to "such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society"; furthermore, article 5 provided that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Thus, the Declaration did

(Mr. Schifter, United States)

not recognize any right of public authorities to deprive an individual of liberty except where it could be demonstrated that such deprivation was for just cause.

2. Unquestionably, some commitments were the result of the ordinary criminal process, involving a finding that the accused was not of sound mind when the acts were committed or were committed; nevertheless, many other involuntary commitments were based only on an analysis of the state of mind of a person who had committed no crime and on assumptions as to how that person was likely to behave if permitted to be at liberty. The fundamental question which public authorities in most countries asked themselves in that connexion was whether a person suspected of a mental disorder was likely to be dangerous to himself or others. The public authorities evidently bore a great responsibility in the matter, and since the commitment of a person of sound mind was cruel, inhuman and degrading, all possible safeguards must be provided to prevent incorrect determinations. In some countries, sadly, there had been cases in which private parties had arranged the commitment of persons who were of completely sound mind, and for that reason, efforts had been made for some time in the United States to strengthen the laws applicable to such cases.

3. It was indeed appropriate to engage in a study of that problem with a view to defining internationally accepted scientific norms, but it must be recognized that there was a fundamental difference between the abuse of the involuntary-commitment process by private individuals and such abuse by agents of the State. While the application of more rigorous procedures and stricter codes of ethics could help to prevent the former, elimination of the latter required decisions at the highest level of Government. The question before the Committee was, therefore, whether the public authorities of certain countries were in fact guilty of arbitrary commitments, which would be a flagrant violation of the Universal Declaration of Human Rights and of other international human-rights instruments.

4. At the twentieth Congress of the Communist Party of the Soviet Union, Nikita Khrushchev himself had condemned the many violations of human rights committed during the period known as that of the "cult of personality"; the post-Stalin leadership of the Soviet Union had pledged to adhere to the principles of "socialist legality", under which any person accused of an offence was entitled to the guarantees of a regular procedure. However, it appeared that the Soviet secret police had found a way around the concept of "socialist legality" and that over the past 20 years it had gradually regained its powers of arbitrary arrest and detention, which unhappily recalled the powers it had held during the period of the "cult of personality".

5. Mrs. KRAVCHENKO (Union of Soviet Socialist Republics), speaking on a point of order, said that the statement of the representative of the United States was not related to agenda item 85, which was concerned with the question of human rights and scientific and technological developments.

6. The CHAIRMAN said that the question of abuses in connexion with psychiatric commitments had been mentioned earlier by other speakers.

7. Mr. SCHIFTER (United States of America) observed that his statement related essentially to the use of new psychiatric techniques and to cruel and inhuman punishments entailed by the use of some of those techniques, a question which was undoubtedly within the scope of agenda item 85. Quoting the conclusions of a book by Bloch and Reddaway entitled Russia's Political Hospitals, he said that in the Soviet Union the use of psychiatry as a political weapon had coincided with the rise of the dissident movement in the 1960s and that dissidents, all mentally healthy in the eyes of their families and friends, had been compulsorily confined to psychiatric hospitals.
8. Mrs. KRAVCHENKO (Union of Soviet Socialist Republics), speaking on a point of order, expressed outrage at the slanders made against her country and said that the problems under discussion had no relation to agenda item 85.
9. The CHAIRMAN said that he could not interrupt a speaker on the ground that his statement related to the internal situation in a State.
10. Mr. SCHIFTER (United States of America) said that his statement related specifically to the scientific advances made in psychiatry and to the violations of human rights which such advances involved in certain cases. Arbitrary commitment could be justified only when the public authorities believed that an individual posed a danger to himself or others; that did not seem to be the case in the Soviet Union, where persons who expressed grievances against the State might be committed to psychiatric hospitals for that reason alone. According to available information, about 1,000 perfectly sane persons were currently confined in mental institutions in the Soviet Union.
11. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that two requests had already been made for putting an end to the slanders directed against the Soviet Union and that he too insisted upon the interruption of a statement whose sole object was to divert attention from the problems the Committee ought to concern itself with.
12. The CHAIRMAN said that it was not for him to determine whether or not a statement was defamatory. His prerogatives permitted him to determine only whether a statement was or was not relevant to the item under consideration. Statements on the internal situation in certain States had already been made by other speakers. If some delegations thought that their countries were being maligned, they could exercise their right of reply.
13. Mr. SCHIFTER (United States of America) said that there were two types of mental hospitals in the Soviet Union, ordinary psychiatric hospitals and special psychiatric hospitals. There were, reportedly, 13 of the latter, all of them run by the Ministry of the Interior, the ministry to which the secret police was subordinate.
14. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that there was no agenda item on the organization of countries' hospital and medical services. The completely baseless allegations made by the previous speaker had no relation to the question of human rights and scientific and technological developments.

15. The CHAIRMAN recalled that the question of abuses committed in psychiatric systems had already been raised under agenda item 85, and that statements on the internal situation in certain States had been made in the Third Committee before. He proposed that delegations which believed that their countries had been maligned should make use of the right of reply; and he requested the representative of the United States of America to deal with the question more briefly and more directly.

16. Mr. SCHIFTER (United States of America) said that the pseudo-scientific procedure reportedly followed by the Soviet Union in committing sane persons to mental hospitals, and the many abuses to which those procedures had given rise were at the very heart of the debate on agenda item 85, which was concerned inter alia with the elaboration of universal guidelines concerning mental health. The Soviet methods which involved arbitrary detention and the confinement of political prisoners in mental institutions in which the orderlies treated the patients with brutality could be regarded as cruel, inhuman or degrading treatment; and the United States delegation was perfectly in order in mentioning them, since treatment of that nature was also the subject of agenda item 91. The drugs given to patients in those institutions were administered in a manner for which there was absolutely no medical justification, and in a process which most clearly violated article 5 of the Universal Declaration in that it constituted torture as well as cruel, inhuman and degrading treatment. The problem of the administration of drugs of various kinds had been considered in a document entitled Prisoners of Conscience in the USSR: Their Treatment and Conditions, issued by Amnesty International in 1980. That document stated that a number of neuroleptic drugs, powerful tranquilizers which had serious negative side-effects, were administered in an anti-scientific manner to dissidents confined in Soviet mental institutions.

17. In a number of cases, dissenters had been treated with those drugs on arrival at ordinary psychiatric hospitals, sometimes by decision of untrained orderlies, without any diagnosis having been made by a qualified psychiatrist. The Amnesty International report also referred to another type of psychiatric treatment in which dissidents had been subjected to insulin shock therapy, with the dosage increased until the subject went into "hypoglycaemic coma" and shock. Lastly, sulfazin, a drug which had been formerly used for treating schizophrenia but had generally gone out of use because it had proved not to be effective and caused great physical discomfort, was also used as a punishment for violations of discipline.

18. The United States delegation would like to add to the Amnesty International report the testimony of Doctor Anatoly Koryagin, a Soviet psychiatrist, who had described his first-hand experiences in an article entitled "Involuntary Patients in Soviet Psychiatric Hospitals". Dr. Koryagin stated that the dissidents he had examined had all been forcibly confined in psychiatric hospitals by the public authorities, which had presented them with the following choice: renunciation of their views and activities or internment in a psychiatric hospital. The most widespread methods of confining dissenters to psychiatric hospitals in the USSR were as follows: firstly, dissenters might be charged under one of the "anti-Soviet" articles of the Criminal Code, subjected to a psychiatric examination and pronounced mentally ill; secondly, they might be summoned to the Military Registration Office and escorted to a psychiatric hospital

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(Mr. Schifter, United States)

"for observation", thirdly, intrigues or provocations might be organized, leading to arrest and internment; and, fourthly, dissidents might be arbitrarily arrested by the KGB and taken straight to a psychiatric hospital. According to Dr. Koryagin's work, the mental health of the arrested dissident was assessed in the light not of scientific findings but of political criteria - particularly, the degree of anti-Sovietism displayed by the patient.

19. In the United States delegation's view, such practices constituted a flagrant distortion of the humanistic objectives of science. In that connexion, he wished to recall the resolution adopted by the Sixth Congress of the World Psychiatric Association, which stated that the abuse of psychiatry for political purposes should be renounced and expunged by professional organizations of psychiatrists in the countries concerned, and particularly in the Soviet Union, where extensive evidence existed of such abuse.

20. In addition to the four different sources which he had quoted, there were a great many additional reports which tended to substantiate the allegations of serious violations in the Soviet Union of the human rights of some of its citizens through abuse of psychiatric treatment, including the administration of drugs to persons who were perfectly healthy.

21. The CHAIRMAN said that he had not yet thought it necessary to establish a limit for the length of statements, but he would be obliged to take steps to that effect if there were many more statements as long as that by the representative of the United States of America.

22. Mr. TANDIA (Mali) said that the question of human rights and scientific and technological developments was extremely complex and should be studied in the light of the ethics of each people. Mali, for its part, wished to reaffirm its strong attachment to the principle of respect for human rights. Its Constitution, whose provisions affirmed inter alia that no one could be arrested or detained except on the grounds prescribed by law, that justice was open to and equal for all, and that every citizen had the right to legal assistance, fully guaranteed the fundamental rights of all citizens. In addition, the State guaranteed freedom of association, belief, opinion, thought and enterprise, and also the right to work; and it ensured the maintenance of national unity. The Criminal Code prohibited torture and any cruel, inhuman or degrading treatment; and the rights guaranteed to Malians were also accorded to foreigners residing in the national territory.

23. The Malian Government, which believed that the right to development was indissociable from human rights, was trying to use scientific and technological developments as much as possible in order to improve the living conditions of the population. For example, research undertaken for the purpose of rationalizing production methods and harnessing hydraulic, solar and wind energy, and also the affiliations of remote sensing and the realization of the functional literacy programme, were designed solely to strengthen the political, economic and social rights of the Malian people. His people knew that its freedom would never be complete as long as millions of other men were still under the yoke of colonialism and racism. It was fully aware of the limits imposed on its

(Mr. Tendin, Mali)

development by an unjust international order, and it deplored the violations of human rights which occurred when science and technology were used for the purpose of mass destruction.

24. The promotion of human rights was inseparable from the establishment of a new international economic order and a new world information and culture order; and Mali intended, with all peace-loving and justice-loving peoples to continue its efforts for the constant promotion and increasingly effective protection of human rights.

25. Ms. SHARPE (Jamaica), speaking on agenda item 75, said that her delegation welcomed the fact that the Economic and Social Council had recommended to the General Assembly that it adopt the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. There was a wide variety of religious rites and customs in Jamaica and the Constitution guaranteed freedom of religion for all. Her delegation was therefore disturbed by reports that certain Governments were trying to impose a State religion on their population or to deny certain groups freedom of worship. It hoped that the adoption of the draft Declaration at the current session of the General Assembly would serve to highlight the importance of that fundamental human right, the right to freedom of thought, conscience and religion.

26. Mrs. LOUKYANOVA (Ukrainian Soviet Socialist Republic), speaking on agenda items 75, 85, 86 and 87, said that the International Covenants on Human Rights, which had entered into force more than five years previously, had stood the test of time. The machinery created for their implementation was clearly viable and efficient. Those instruments had provided the legal framework for co-operation among States Parties with a view to achieving human rights and fundamental freedoms. Her country was aware that that noble objective would be attained only if all States assumed fully and strictly their responsibilities in that connexion. Since in its view civil, political and economic rights could not be dissociated from social and cultural rights, her country had ratified both the Covenants in 1973. Ratification of those instruments had not called for major changes in Ukrainian law and, pursuant to their provisions, her country submitted periodic reports with which the Human Rights Committee had declared itself most satisfied. It was generally recognized that the exercise of human rights was closely related to countries' social progress and economic development, but the reverse was also true: as the Twenty-First Congress of the Communist Party of the Ukrainian Soviet Socialist Republic had noted only recently, the strenuous efforts which the Ukrainian Government was making to improve its population's living conditions stimulated economic productivity which in turn helped to enhance the country's material and spiritual wealth.

27. She deeply regretted the fact that over half of the membership of the United Nations had yet to accede to the Covenants and she appealed to States which had not already ratified them to do so, particularly the United States of America which never failed to protest its attachment to the protection of human rights but always found some legal reason for refraining from ratifying the Covenants. In that connexion, the United States representative, who had just grossly slandered

(Mrs. Loukyanova, Ukrainian SSR)

the Government of the Union of Soviet Socialist Republics, would do better to analyse honestly the situation in his own country. At the direction of the security forces and with Washington's blessing, thousands of political prisoners in the United States were subjected to medical and psychological experiments which endangered their physical and mental health.

28. With regard to the report of the Secretary-General on the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (A/36/441), it was clear from States' replies that the idea had already provoked considerable disagreement which was only to be expected. Such a protocol would encroach on the prerogative of any sovereign State to decide how it planned to combat crime, and might affect the provisions of the Covenant irreversibly. She was sure that those who had cautioned against calling into question the universality of human rights by recognizing the existence of specific rights would agree with her.

29. With regard to the question of a convention on the rights of the child, her delegation believed that the revised text of the draft articles not yet agreed upon in the Commission on Human Rights, put forward by Poland (A/C.3/36/6), would definitely facilitate the Commission's work in that area and she hoped that the Commission would be able to submit a draft convention for adoption by the General Assembly at its next session.

30. With regard to human rights and scientific and technological developments, in her country science and technology were used only in the interest of society and to encourage the development of democracy. In no case could they be used as a means of interfering in the private life of citizens. The Government was extremely vigilant in that regard and was making every effort to prevent scientific and technological developments from adversely affecting the individual's personal development and the exercise of his fundamental rights. In that connexion, her delegation deeply regretted that science and technology were being placed at the service of the arms race in Western countries, and was in favour of adopting the draft resolution contained in document A/C.3/36/L.31.

31. With regard to the elimination of all forms of religious intolerance, the Constitution of the Ukrainian Soviet Socialist Republic guaranteed all citizens the right to freedom of conscience and religion. Since its national laws prohibited all forms of religious intolerance and any discrimination based on religion or belief, the Ukrainian Government naturally supported the idea of a draft declaration on that subject. Her delegation could not, however, accept the draft declaration contained in document A/C.3/36/L.4, which did not reflect faithfully the positions of different States.

32. Mr. RIGIN (Indonesia), speaking on agenda item 75, said that although it was generally recognized that the essential precepts of all religious teachings had universal validity, some segments of society continued to be racked by religious bigotry. At the same time, it was of paramount importance to recognize that religion should never be imposed on anyone. His delegation therefore supported the draft declaration on the elimination of all forms of religious intolerance and of

(Mr. Rigin, Indonesia)

discrimination based on religion or belief and regarded the essential principles contained therein as sufficient to ensure religious tolerance. It would, however, like to suggest that article 1 (2) be amended to read: "No one shall be subject to coercion or any kind of persuasion which would impair his freedom to have or to adopt a religion or belief of his choice. Therefore, any act which leads to such practices is inadmissible". It was essential to make a clear distinction between coercion and persuasion. His delegation also believed that Governments had a responsibility to promote religious tolerance.

33. Religious freedom was regarded as a basic right of every individual and was constitutionally guaranteed in Indonesia, in accordance with the provisions of the Universal Declaration of Human Rights and in consonance with the draft declaration now before the Committee.

34. Mr. NAGY (Hungary), speaking on agenda items 75, 85, 86, 87 and 91, said that the Government of Hungary had always devoted great attention to respect for human rights. The socialist system in the Hungarian People's Republic, the principles and practices of the Hungarian Government with regard to domestic and foreign policy and the laws and regulations of Hungary fully ensured the development of the human person, the enjoyment of human rights and fundamental freedoms, the development of education in human rights, the participation of citizens in the public affairs of society, the promotion of friendship, tolerance and understanding among racial, national and religious groups and the strengthening of United Nations activities for the maintenance of peace.

35. The Constitution of Hungary guaranteed its citizens freedom of conscience and religious worship and provided that discrimination against any denomination was an offence subject to severe penalties. Relations between churches and the State were governed by agreements which provided, in particular, that parents could give their children a religious education in accordance with their beliefs. With regard to secondary education, parents were free to decide whether to enrol their children in public or denominational schools, and in the latter case, studies could, of course, be continued at church-run establishments of higher education. Accordingly, his delegation favoured the adoption of a draft declaration on the elimination of all forms of religious intolerance, provided that it reflected the views of a large number of States, but that, unfortunately, was not true in the case of the draft declaration contained in document A/C.3/36/L.4. The General Assembly should therefore request the Commission on Human Rights to continue its work on that subject, with a view to formulating a draft based on the views of the greatest possible number of Member States.

36. The results of scientific and technological developments could be useful to mankind only if all States shared in them in order to strengthen international peace and security, promote economic and cultural progress and guarantee the exercise of human rights and fundamental freedoms, rather than step up the arms race and prepare for a world war threatening to destroy the planet. For that reason, the Hungarian Government and people attached the greatest importance to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, which had been adopted by the

(Mr. Nagy, Hungary)

General Assembly in resolution 3384 (XXX). Hungary was one of the sponsors of draft resolution A/C.3/36/L.31 on human rights and scientific and technological developments.

37. His delegation fully endorsed Economic and Social Council decision 1981/144, by which the Council authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the thirty-eighth session of the Commission to complete the work on a draft convention on the rights of the child. It therefore firmly supported draft resolution A/C.3/36/L.14 on that question.

38. The socialist countries, whose social system promoted social progress and the welfare of the individual, had been among the first to sign and ratify the International Covenants on Human Rights and unswervingly fulfilled the obligations they had thus undertaken. The fact that a representative of a country which to date had refused to ratify the Covenants in order to avoid undertaking the obligations laid down in those instruments, was attempting to interfere in the internal affairs of other countries on the pretext of defending human rights revealed an astonishingly hypocritical and cynical attitude.

39. It should also be noted that socialist criminal law advocated the eventual abolition of capital punishment; in Hungary, that tendency was clearly reflected in the fact that the latest legislation concerning economic crimes and the gravest cases of crime against property left no scope for death sentences. His Government, however, felt that at present the protection of society required the retention of capital punishment for crimes against humanity, for the gravest crimes against life and for acts of terrorism, which were proliferating at the international level. The new criminal code adopted in 1978 emphasized the exceptional character of that penalty, which was very rarely imposed.

40. Hungarian legislation contained all the necessary legal provisions to prevent anyone from being subjected to torture and other forms of cruel, inhuman or degrading treatment or punishment. It was therefore in full conformity with the principles of the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Lastly, Hungary fully supported the adoption of a draft code of medical ethics but was of the opinion, in view of the reservations expressed by a number of Member States in the replies from Governments submitted under General Assembly resolution 34/168, that the draft principles of medical ethics could not be accepted in their present form.

41. Mr. FAWTHORPE (New Zealand), speaking on agenda items 75, 86, 87 and 91, said that the report of the Human Rights Committee bore witness to a fruitful collaboration between States which had voluntarily accepted the obligations contained in the International Covenant on Civil and Political Rights. The report clearly showed that the Human Rights Committee gave detailed attention to the reports of the States Parties and sought to assist those States in the fulfilment of their obligations under article 40. He also expressed satisfaction at the Human Rights Committee's recent decision on the periodicity of reporting.

(Mr. Fawthorpe, New Zealand)

42. Although the International Covenant on Economic, Social and Cultural Rights differed significantly from the International Covenant on Civil and Political Rights, similar value could also be drawn from it at the domestic level. His delegation, feeling that the submission of detailed reports on its implementation would increase the effectiveness of the Covenant, was gratified that the efforts to review the composition, organization and administrative arrangements of the Economic and Social Council's Sessional Working Group for the examination of the reports of States Parties would continue in accordance with decision 1981/62 of the Council.

43. The drafting of international instruments was a crucial part of the total United Nations effort in the field of human rights. Earlier in the year the Commission on Human Rights had completed the elaboration of a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The submission of that draft to the General Assembly would mark a significant stage in activities designed to make the international community aware of abuses of human rights resulting from that form of intolerance and of the urgent need to prevent further abuses. His delegation would therefore support the adoption of that instrument.

44. The adoption of a convention on the rights of the child would emphasize the importance attached by the world community to the protection of children and could also give substantial impetus to the implementation of programmes established in the context of the International Year of the Child. New Zealand had therefore sponsored draft resolution A/C.3/36/L.14 and hoped that the working group which the Economic and Social Council had authorized to meet for a week before the thirty-eighth session of the Commission on Human Rights could complete the elaboration of a draft convention before the next session of the General Assembly.

45. Lastly, he welcomed the initiative of the Netherlands in submitting draft resolution A/C.3/36/L.38 on a code of medical ethics. That code would provide protection to detained or imprisoned persons against torture and other cruel, inhuman or degrading treatment or punishment.

46. Mr. ASANTE (Ghana), speaking on agenda items 75, 85, 86, 87 and 91, observed that 1981 was the bicentennial of the British surrender at Yorktown, which had marked the end of the American war of independence. The flame of freedom lit at Yorktown had later spread to other parts of the world; in 1948, the clarion call for liberty had sounded at Accra, and Ghana had acceded to independence in 1957. While those two victories had fulfilled the yearning of the human spirit for the recognition of fundamental rights and deserved to be commemorated, celebration of such progress should not obscure the fact that certain peoples were being deprived of their rights on the ground of the colour of their skin. The world community must continue to fight the sinister forces of tyranny and oppression which denied peoples all hope and thereby obliged them to resort to violence. The high priests of apartheid, in particular, were to be condemned for their institutionalized denial of human rights. A number of other countries also continued to repress their national minorities and indigenous populations by applying discriminatory laws which violated the fundamental rights of peoples. Certain groups were being

• (Mr. Asante, Ghana)

denied their political rights. The world community must remain vigilant until the violations of human rights persisting in Africa and elsewhere were brought to an end.

47. Ghana, for its part, was doing everything in its power to feed the flame of freedom. Its new Constitution guaranteed human rights and fundamental freedoms to all persons, regardless of race, place of origin, political opinions, colour, creed or sex. The Government of Ghana supported the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and was convinced that its adoption would constitute a milestone in the history of human rights. His delegation believed that the child, as the most vulnerable member of the human family, deserved the protection of an international convention, and therefore it welcomed the proposal put forward by Poland in document A/C.3/36/6 concerning the question of a convention on the rights of the child.

48. It was difficult to understand why the cries of the oppressed were still resounding throughout the world even though human rights were guaranteed under every national constitution. Perhaps the wielding of political power numbed both senses and reason, or perhaps the denial of justice satisfied some mysterious passion. Whatever the reason, every breach of human rights diminished mankind, and it was the duty of the world community to devote its eloquence, its prestige and its intelligence to the cause of those men, women and children who were still being denied their rights; it must follow the difficult path of freedom until freedom triumphed everywhere.

49. Mrs. BASNET (Nepal) welcomed the fact that after more than a decade of indecisiveness and stalemate, the work of the General Assembly and the Commission on Human Rights had finally led to the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

50. The Constitution of Nepal guaranteed to every person the right to profess and practise his religion. Religious coexistence and tolerance had in fact characterized Nepalese society throughout its history. For instance, the blending of Hinduism and Buddhism had always been a fundamental feature of the Nepalese way of life and Nepalese culture. In keeping with that tradition, the Constitution forbade any discrimination based on religion, race, sex, caste, or tribe; her delegation therefore believed that the draft Declaration marked one of the most important achievements of the Commission and would significantly contribute to encouraging respect for human rights and instituting world-wide co-operation, peace and harmony.

51. Mrs. SHELLI (Libyan Arab Jamahiriya) welcomed the idea of a convention on the rights of the child, in view of the importance of protecting children and preparing them for adulthood by meeting their material and spiritual needs and providing them with medical care, education, food and security.

52. Unfortunately, families in many developing countries did not fully grasp the importance of their contribution to the development of their children. It was therefore the responsibility of the State to ensure that the information media made

(Mrs. Shelli, Libyan Arab Jamahiriya)

parents more aware of their role. It was also astonishing that while some children were suffering from hunger and disease and were exposed to war and poverty, conditions conducive to delinquency, children in the developed countries enjoyed a variety of leisure activities and opportunities, and that while some children went without food, education or medical care, the developed countries devoted their attention to feeding their dogs and cats and preferred to waste food rather than donate it to those in need. Moreover, children were often exploited and employed for heavy labour in violation of the ILO Conventions prohibiting child labour below a certain age. Children were also the first victims of colonialist wars, which ruined their physical and mental health. It was therefore right and proper for the world community to concern itself with such problems and find solutions for them and to encourage Governments to provide more recreational opportunities in order to protect children from moral degradation.

53. All the needs of children were catered for in the Libyan Arab Jamahiriya; education was free and day-care centres were available to all working mothers; although the family had kept its fundamental role in education, audio-visual programmes had been developed and leisure activities organized for the benefit of children.

54. Her delegation had taken note of document A/C.3/36/6 on the question of a convention on the rights of the child, and it supported the proposed draft convention. In her country, when differences arose between parents and children, they were resolved by the parents rather than by State intervention; the care of natural children was entrusted, if necessary, to governmental organizations; orphans were generally brought up by relatives; families that could furnish evidence of good character found no difficulty in adopting children; and although it was common for children under 14 to be associated with activities in agriculture, crafts or trade, that was because their parents were giving them a training appropriate to their age.

55. Her delegation, which was a sponsor of draft resolution A/C.3/36/L.14, welcomed the progress made by the Commission on Human Rights in elaborating a draft convention on the rights of the child and took pleasure in supporting resolution 1981/144 of the Economic and Social Council. It also wished to propose that more attention should be paid to children in the occupied Arab territories of Palestine, in Lebanon, in South Africa, in Namibia, in South-East Asia and in South America through the dispatching of medical teams, educational missions and food products, that more consideration should be given to the plight of children held in prison in the occupied Arab territories and in Namibia, that the publication of educational material by the specialized agencies should be encouraged, that special attention should be devoted to disabled children, and that exchanges among children should be promoted.

56. Her delegation joined the Jordanian delegation in requesting the release of Ziyad Abou Ain.

57. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the press release on psychiatric abuses issued by the United States delegation on 22 October 1981 related to an agenda item which that delegation must have invented out of whole cloth.

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50. The CHAIRMAN pointed out that the United States delegation had acknowledged that it had made a mistake in that respect, and he asked all delegations to make sure that they quoted the exact wording of the agenda items to which they referred in their statements.

The meeting rose at 1.10 p.m.