



UN LIBRARY

NOV 17 1981

UN/3A COMMITTEE

SUMMARY RECORD OF THE 35th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

CONTENTS

AGENDA ITEM 73: REVIEW AND CO-ORDINATION OF HUMAN RIGHTS PROGRAMMES OF ORGANIZATIONS IN THE UNITED NATIONS SYSTEM AND CO-OPERATION WITH OTHER INTERNATIONAL PROGRAMMES IN THE FIELD OF HUMAN RIGHTS

AGENDA ITEM 79: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

- (a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 AND 35/174: REPORT OF THE SECRETARY-GENERAL
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL

AGENDA ITEM 75: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

AGENDA ITEM 85: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 86: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)

AGENDA ITEM 87: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE
- (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

/...

* This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room A-3634, 866 United Nations Plaza (Alcoa Building), and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.3/36/SR.35
10 November 1981

ORIGINAL: ENGLISH

/...

CONTENTS (continued)

- (c) ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY: REPORT OF THE SECRETARY-GENERAL

AGENDA ITEM 91: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

- (a) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL
- (b) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 73: REVIEW AND CO-ORDINATION OF HUMAN RIGHTS PROGRAMMES OF ORGANIZATIONS IN THE UNITED NATIONS SYSTEM AND CO-OPERATION WITH OTHER INTERNATIONAL PROGRAMMES IN THE FIELD OF HUMAN RIGHTS (A/36/3/ADD.23 (PART I); A/36/116 AND CORR.1 (ENGLISH, FRENCH AND SPANISH ONLY), A/C.3/36/2)

AGENDA ITEM 79: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (A/36/3/ADD.2 (PART I); A/36/116 AND CORR.1 (ENGLISH, FRENCH AND SPANISH ONLY); A/36/482; A/36/584)

- (a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 AND 35/174: REPORT OF THE SECRETARY-GENERAL (A/36/462)
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (A/36/440)

1. Mr. NYAMEKYE (Deputy Director, Division of Human Rights), introducing the two items, said that the subject of item 73 had been included in the agenda of the thirty-third session of the General Assembly. The Assembly had adopted resolution 33/54 requesting the Commission on Human Rights to consult with specialized agencies and other bodies of the United Nations system as well as other regional intergovernmental bodies on their human rights activities and programmes and their modes of co-ordination, co-operation and communication. The Economic and Social Council, at its first regular session in 1979, on the recommendation of the Commission on Human Rights (resolution 22 (XXXV)), had decided to expand the Commission's terms of reference to enable it to assist the Council in co-ordinating human rights activities. At its thirty-seventh session, in March 1981, the Commission on Human Rights had considered the Secretary-General's report on the question (E/CN.4/1433) and decided (resolution 23 (XXXVII)) to continue work on the analysis of the co-ordination of human rights activities at its thirty-eighth session in 1982. The informal consultations held periodically among the secretariats of the United Nations organizations and other international and regional bodies concerned with human rights had proved extremely valuable.

2. With regard to agenda item 79, he recalled that the Human Rights Programme of the United Nations had been significantly broadened and deepened during the current medium-term period: the concept of human rights had been expanded; efforts had been made to devise a structural approach to human rights questions, dealing with their underlying economic and social causes, and not merely with the symptoms or violations; human rights had been integrated with other areas of activity of the United Nations, such as peace, disarmament and development; a grass-roots approach to human rights was being developed by making the public aware of their own rights so that they could defend the rights of others; education, teaching and training were being stressed; efforts were being made to find solutions to problems of violations of human rights, including measures for urgent action by the United Nations through the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, the Economic and Social Council, the General Assembly and the Security Council, direct contacts with Governments, the good offices of the Secretary-General and other means; and regional, national and local institutions for the promotion and protection of human rights were being encouraged.

(Mr. Nyamekye)

3. The Secretary-General's report on the subject (A/36/462), now before the Committee, had been prepared pursuant to General Assembly resolutions 34/46 and 35/174, with due regard to the rules on control and limitation of documentation and the need to take into account relevant information already available in the United Nations. Its essential message was that all human activities, whether national, local, regional or international, should be inspired and guided by the urgent need to promote and protect human rights and fundamental freedoms.

4. He also drew attention to the report of the Secretary-General (A/36/440) on the Seminar on National and Local Institutions for the Promotion and Protection of Human Rights, held in 1978.

5. The General Assembly, in resolution 32/130, had decided that the experience and contribution of developed and developing countries should be taken into account by all organs of the United Nations system in their work on human rights and fundamental freedoms. It recognized the importance of national and local institutions as a valuable means of exchanging experience on the promotion and protection of human rights and fundamental freedoms.

6. The analysis now being undertaken had increased recognition of the relationship between human rights, peace and development. At the request of the General Assembly and the Commission on Human Rights, the Secretary-General had organized an international seminar on human rights, peace and development at Headquarters from 3 to 14 August 1981, the report of which was available in document ST/HR/SCR.A/10.

AGENDA ITEM 75: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
(A/36/137, 158, A/36/3/Add.23 (PART I); A/C.3/36/L.4, L.37)

AGENDA ITEM 85: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/429 AND ADD.1 AND 2; A/C.3/36/L.31, L.32, L.35)

AGENDA ITEM 86: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
(A/36/3/ADD.23 (PART I); A/C.3/36/6; A/C.3/36/L.14)

AGENDA ITEM 87: INTERNATIONAL COVENANT ON HUMAN RIGHTS (continued) (A/36/63, 417, 434, A/36/3/ADD.23, 25 AND 26; A/36/584; A/C.3/36/L.36) 87

(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)

(c) ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY: REPORT OF THE SECRETARY-GENERAL (A/36/441 AND ADD.1; A/C.3/36/L.33)

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 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; A/C.3/36/L.38)

7. Mr. JANI (ZIMBABWE) said that technological improvements, which used up a substantial amount of the world's scarce resources, should be designed to ensure mankind's survival in a healthier environment.

8. In the context of survival, which involved peace and war, overcoming world hunger and poverty and the alarming gap between the living conditions of the rich and the poor, he viewed with apprehension investment in armaments at an annual cost of over \$500 billion, while official development aid accounted for less than 5 per cent of that figure. It was an unreasonable and misguided consumption of the world's resources and an unnecessary waste of technical expertise and technological advance, which endangered peace, disrupted the development of good economic relations and retarded the growth of prosperity. It was ironical that, at a time when serious efforts were being made to establish a new international economic order, the most rapid transfer of sophisticated equipment and technology from rich to poor countries had been in the machinery of death.

9. It was not enough to ban war: mass poverty and insecurity must also be banned before they led to chaos and lawlessness. Technical and technological advances must be used to better the lives of peoples, not to push them to the brink of extinction. Statistics showed that one-half of one year's world military expenditure would pay for all the equipment needed to increase food production and achieve self-sufficiency in low-income countries by 1990. The cost of a modern tank, about \$1 million, would provide storage facilities for 100,000 tons of rice or classrooms for 30,000 children. The major arms-producing countries, both West and East, must be persuaded that their efforts should be directed to development, which was the only guarantee of man's survival. Technological advances should be used to ensure a more frugal consumption of the world's declining vital resources.

10. The violation of human rights was undoubtedly one of the most important and thorniest issues before the Committee. Despite ratifications of the International Covenants on human rights and signatures of the Optional Protocol, certain obligations were still not being meticulously fulfilled. There were cases on all the continents where rights recognized in the Covenants were frustrated by the judiciary, the police and the armed forces. The activities of dictators such as Bokassa and Idi Amin on his own continent of Africa were a shameful legacy. The way in which States discharged their responsibilities needed critical examination.

11. Implementation of the provisions of the Covenants would be facilitated if they could be translated into the languages accessible to ordinary people. In view of the financial difficulties of most States, consideration might be given to the possibility

(Mr. Jani, Zimbabwe)

of setting up a fund for that purpose within the United Nations framework. The idea could also be considered in the context of implementing projects for youth, women and minorities.

12. In Zimbabwe, separate ministries had been established for youth and women, as a step towards enlightening those traditionally segregated classes on their rights in society and their important role in the country's development and economic well-being. He looked forward to the time when the Covenants and the Protocol were household texts.

13. Mr. AVILES (Nicaragua), referring to agenda item 87, said that following the recent revolution, which had put an end to an era of infamy and terror, the Government of Nicaragua had focused attention on the protection and promotion of human rights for all the people. In that connexion, he quoted from the report of a mission of the International Commission of Jurists which had visited Nicaragua to investigate the human rights situation. The report described the régime of corruption and repression of the unscrupulous Somoza family - the Somoza Government had even laid hands on the international aid sent to victims of the earthquake in 1972 - which had held power for 45 years, with international support, particularly from the United States, which had regarded it as a bulwark against communism.

14. It had been a régime of dictatorship, repression, torture, violation of women, political imprisonment, with opponents of the régime - mainly workers, peasants and students - subjected to persecution, arbitrary detention and even murder, and a climate of official corruption in all fields which had enabled the Somoza family to build up its fortune and its army.

15. All that had ended on 19 July 1979, National Liberation Day. On 20 July the Government had adopted a national Statute, replacing the 1974 Constitution and the laws of the former régime, and on 21 August 1979 the Government had adopted Decree No. 52 establishing the Statute on Rights and Safeguards for All Nicaraguans, which embodied the principles established by the International Covenants on Human Rights, the American Convention on Human Rights and the Universal Declaration of Human Rights. The International Commission of Jurists' mission had listed in its report a number of the human rights that were incorporated in the Statute and had made useful comments and recommendations concerning measures for their implementation and for the monitoring and evaluation of the national legislative system.

16. Nicaragua discussed human rights in all the appropriate forums and welcomed constructive criticism. It was a party to the American Convention on Human Rights, the International Covenants on Human Rights and the Optional Protocol and also the Convention Relating to the Status of Refugees and its Protocol and the Convention on the Elimination of All Forms of Racial Discrimination, and it had just signed the Convention of Elimination of All Forms of Discrimination against Women.

17. In view of Nicaragua's past history, his Government was concerned about what was happening to certain neighbouring peoples, whose Governments ignored the appeals of the international organizations. He had in mind the case of Uruguay, which was mentioned in a report of the Human Rights Committee (A/35/40).

18. Mrs. GUELMAN (Uruguay), speaking on a point of order, appealed to the representative of Nicaragua to confine his remarks to the subject of agenda item 87 and to speak on the general situation, not on the situation in any particular country. She wished to reserve her right of reply.

19. The CHAIRMAN said that he took it that the representative of Uruguay was not asking for a ruling. He requested the representative of Nicaragua to note the statement by the representative of Uruguay.

20. Mr. AVILES (Nicaragua) said that his country was concerned about what was happening to brothers in other countries whose human rights were being violated. He would not specifically discuss events in Uruguay, although the case was mentioned in the documents. He urged the Committee to appeal for a cessation of human rights violations.

21. Mr. CAPPAGLI (Argentina), speaking on agenda items 75, 86 and 85, said that the right to practise religion had been recognized in Argentina's Constitution for more than 150 years. Argentina's population included people from many parts of the world, with many different faiths, and freedom of religion had always been respected and fostered. He therefore welcomed the proposed Declaration on the elimination of all forms of religious intolerance and supported the principles it embodied. He regretted that, because of differences on minor points which he felt could be overcome, it had not been possible to reach a consensus. In the circumstances, he had doubts on the advisability of a vote on the declaration, and urged that a final effort should be made to reach a consensus during the present General Assembly.

22. He also hoped that a consensus would be reached on the proposed Convention on the rights of the child. A point that needed careful study was the age limit of childhood. Argentina considered that it was important to maintain the distinction between childhood, adolescence and the age of minority. Childhood and adolescence applied essentially to stages of psycho-biological development, whereas minority was a legal state and should therefore not be included in the proposed instrument. The distinctions between childhood and adolescence must be clearly reflected in the Convention. It would be advisable for the Working Group to have a full week before the thirty-eighth session of the Commission on Human Rights and possibly further meetings during the session, so that the draft convention could be completed in 1982.

23. In connexion with agenda item 85, he said that implementation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind by Member States would further development, leading to a dignified life for all peoples, and promote international peace and security. His delegation trusted that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the study referred to in resolution 38 (XXXVII) of the Commission on Human Rights, would produce new ideas and solutions on ways of using scientific and technological developments to safeguard the right to work and the right to development.

24. If the communications media could promote and consolidate knowledge of the ideas embodied in the Declaration there would be real progress towards building a better world for all.

25. Mr. MATELJAK (Yugoslavia) said that he wished to comment on the text of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/C.3/36/L.4) now before the Committee and on the situation with respect to religion and religious communities in Yugoslavia.

26. Article 174 of the Constitution stipulated that the profession of religion should be free and an individual's private affair; that religious communities should be separate from the State and free to conduct religious affairs and religious services, that religious communities could found seminaries for the training of clergy, that abuse of religion and religious activities for political purposes was unconstitutional, that the public was free to provide financial help to religious communities, and that religious communities had the right to own real property within specific limits determined by statute. Those provisions meant that everyone in Yugoslavia was guaranteed the right to freedom of religion or belief, and also to non-belief. Believers and the clergy, like other citizens, had recourse to all available legal instruments if they thought that their religious rights had been violated or jeopardized. Since the separation of religion from the State was based on the recognition of freedom of thought and belief as a private matter and on the recognition of the equality of all religious communities as private institutions, religious communities could not perform public functions and there could be no monopoly by a single religion or religious community.

27. There were more than 35 religious communities in Yugoslavia served by approximately 20,000 professional personnel who practised their religion on the basis of the above-mentioned principles; they received their training in 30 seminaries, 1 college and 11 faculties. Religious communities published numerous religious publications in million of copies and owned more than 20,000 churches and other religious buildings, several thousand of which were protected and maintained as cultural and historical monuments. According to post-World War II figures, some 12.5 per cent of the total population consisted of non-believers, but recent research indicated that the percentage had increased markedly in the past two decades.

28. The clergy had organized a number of professional associations in Yugoslavia which protected their professional, cultural and material interests, and promoted toleration and co-operation among the religious communities. The religious communities also maintained contacts with their counterparts abroad and participated in the various inter-church gatherings.

29. Federal and local commissions looked after relations between the State and religious communities, ensured the implementation of regulations relating to the activity of religious communities and recommended measures for promoting Church-State relations.

30. Turning to the draft Declaration, he said that its text was basically acceptable and that its adoption would further contribute to the promotion of human rights. He also stressed that Yugoslavia's Constitution strictly prohibited any kind of discrimination based on nationality, race, sex, language, belief, level of education or social status.

31. While the draft was basically consistent with his country's laws, sub-paragraphs (b) and (h) of article VI differed from the legal provisions which regulated the status of

(Mr. Bateljak, Yugoslavia)

religious communities in Yugoslavia. In connexion with the former, he pointed out that in his country social welfare was exclusively the responsibility of the community. Religious communities were prohibited by law from establishing organizations and institutions to conduct activities which did not serve their own direct needs or those of religious believers. With respect to the latter sub-paragraph, he said that since religion in Yugoslavia was a private matter and religious persons were free to observe religious holidays, those holidays were private and the right to days of rest could not be based on them. His delegation therefore had reservations concerning those sub-paragraphs.

32. Finally, his delegation considered that the draft Declaration's comprehensiveness was adversely affected by the fact that it contained no provisions to protect the rights of non-believers.

33. Mr. CASCAIS (Portugal), referring to the status of the International Covenants on Human Rights, said that his delegation hoped that the States which were not yet parties would nevertheless regard their provisions as a minimum standard for their human rights policies. Those instruments were of vital importance because they meant that the observance of human rights was no longer merely a matter of domestic jurisdiction and that, at least for the signatories, violators could be called to account not only before world opinion but also in international forums. His country accepted its commitments under the Covenants and understood that respect for human rights and fundamental freedoms meant carefully balancing the rights of the individual against the power of the State and must include a deep respect for man's spiritual and physical dignity. The provisions of the Covenants must therefore be observed integrally rather than selectively and Portugal was unremitting in its efforts to implement those provisions more effectively.

34. Turning to the report of the Human Rights Committee (A/36/40), he said that his country had high regard for the manner in which the Committee had discharged its task and special praise for the constructive dialogue which it maintained with States presenting periodic reports. It was to be commended for drafting general guidelines concerning the form and content of those reports. In his view, the frequency with which reports should be submitted, recommended by the Committee, was appropriate. His delegation was also pleased to note that the Committee continued to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and welcomed the measures taken by the Secretary-General to improve publicity for the Committee's work.

35. His delegation welcomed the organizational arrangements proposed by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at the spring session of the Economic and Social Council, but believed that additional progress could be made and therefore supported the decision adopted by the Council in May 1981 concerning the future review of the composition, organization and administrative arrangements of the Sessional Working Group. In that connexion, his delegation supported the request to the Secretary-General to continue to take all possible steps to ensure that the Division of Human Rights was able to provide effective assistance to the Human Rights Committee and the Council in implementing their respective functions under both Covenants.

(Mr. Cascais, Portugal)

36. Turning to the Secretary-General's report entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty" (A/36/445), he said that it dealt with a question to which his country attributed the utmost importance. Admittedly, different cultural, religious, social and political conditions, as well as different historical experiences, might make it difficult for some countries to abolish the death penalty. However, it was essential to give top priority to ensuring respect for the right to life because it was basic to all other rights. Portugal was proud that it had abolished the death penalty as early as 1867.

37. His Government was convinced that in the long run public opinion would support abolition of the death penalty just as it had supported the abolition of slavery and condemned racial discrimination. His delegation therefore fully supported the view that an optional protocol to that effect should be discussed at the thirty-seventh session of the General Assembly in the light of relevant developments.

38. Portugal's position against torture and other cruel, inhuman or degrading treatment or punishment had been reflected in previous General Assembly resolutions on torture; it completely rejected torture in its legislation and in practice. His delegation therefore welcomed the fact that increasing numbers of States had been making unilateral declarations against that offence to the dignity of mankind, but also regretted that some had failed to live up to their moral commitment to stamp it out. That moral commitment must therefore be backed by a legal commitment and the completion of a draft convention against torture and other cruel, inhuman or degrading punishment should accordingly be given the highest priority.

39. An important part of the struggle to eliminate torture was the draft Code of Medical Ethics (A/36/140). His delegation would join others in sponsoring a draft resolution on the subject.

40. With regard to the question of a convention on the rights of the child (A/C.3/36/L.14), his delegation welcomed the progress already achieved in preparing the text of such an instrument and hoped that the draft would soon be completed.

41. His delegation earnestly hoped that the present text of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (A/C.3/36/L.4) would receive full support from delegations because its adoption would mark an important step in the promotion of human rights and fundamental freedoms for all mankind.

42. Mr. GARVALOV (Bulgaria) said that international human rights instruments could not be effective unless they were universally applied and all relevant views and concepts were taken into account in the drafting, particularly when the moral commitments of different societies were involved.

43. That was particularly applicable to the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/C.3/36/L.4). The text as it stood required further drafting improvements if it was to be adopted by consensus. The informal working group established by the Commission on Human Rights to

(Mr. Carvalov, Bulgaria)

prepare the text had violated its mandate by abandoning the principle of consensus and adopting three of the articles by a vote, an approach which was subsequently repeated with respect to articles 6 and 7. Had a compromise been reached instead, the result would have been a balanced text reflecting all views and concepts. As it stood, it could be interpreted as dealing only with freedom of religion without placing religion on an equal footing with other beliefs. That ambiguity could have been avoided had a definition of the concepts "religion" and "belief" been incorporated in article 1, as proposed during the meetings of the working group. Since that definition was lacking, the text must be interpreted as covering not only all religions but all beliefs, including non-religious or atheistic beliefs. Article 5 clearly implied that the text was in substance a draft declaration on the freedom of religion rather than the elimination of all forms of intolerance and of discrimination based on religion or belief.

44. Furthermore, article 7 was not consistent with article 1. Instead of guaranteeing that no one should be subject to coercion which would impair his or her freedom to have or to adopt a religion or belief of his choice, the draft attempted to force societies and individuals which professed non-religious or atheistic beliefs to adopt religious beliefs.

45. His delegation was prepared to consider any relevant suggestions designed to enhance the effectiveness of that text by ensuring its universality.

46. With regard to agenda item 86, he said that the Declaration of the Rights of the Child adopted by the General Assembly in 1959 expressed most precisely the need for international co-operation in the education and development of children for the future rested with them. His country attached great importance to that task and not only provided material conditions to ensure the adequate physical development of the child but a comprehensive system of education designed to promote creative learning and to help children adjust to their environment. It also had taken an important step to promote international co-operation aimed at contributing to the spiritual development and improvement of children by organizing and hosting, during the International Year of the Child, a major international event, namely, the Children's Assembly entitled "Banner of Peace", which extended beyond the period of the International Year.

47. His delegation had also welcomed the proposal put forward by Poland at the thirty-fourth session of the Commission on Human Rights for a convention of the rights of the child, and hoped that despite delays a draft text would be completed and adopted by the thirty-seventh session of the General Assembly in 1982.

48. Miss BAZIYAKA (Rwanda) referring to agenda item 87 on the International Covenants on Human Rights, expressed gratification that more States had ratified the Covenants and appealed to those which had not done so to ratify it as soon as possible.

49. Her delegation took note with great satisfaction and interest of the report of the Human Rights Committee in document A/36/40 and commended the Committee on the high quality of that report, the careful and detailed analysis it had made of the initial reports and additional information submitted by States parties under article 4 of the International Covenant on Civil and Political Rights and on its willingness to help States parties fulfil their commitments under that Covenant. It was particularly pleased that

(Miss Baziyaka, Rwanda)

the Committee had stressed that that Covenant applied in emergencies as well as in normal times because article 4 and article 40, paragraph 2, contained provisions concerning particular situations.

50. Her own country's commitment to defend fundamental human rights and freedoms was reflected in its Constitution, whose articles guaranteed the right to work, the equality of all citizens before the law, freedom of the human person, freedom of religion, conscience and thought and freedom of association.

51. Joining its efforts to those of the international community to ensure the protection and promotion of human rights and fundamental freedoms both at home and abroad, it had ratified the International Covenants and submitted its initial report on implementation in January 1981. In order to ensure the effective protection of human rights at home, it had undertaken the difficult task of developing the country primarily through better use of human resources. Those efforts had resulted in significant progress in education, health and a number of economic sectors crucial to the safeguarding of economic rights.

52. In its effort to ensure the protection of civil and political rights her Government had adopted a new penal code replacing the old colonial one, reorganized and improved the court system, and was preparing a new family code to deal with the problems resulting from urbanization and development. She stressed in that connexion that her Government had intensified its efforts to solve the material and personnel problems impeding the reorganization and improvement of the judiciary.

53. The Constitution protected the voting rights of citizens over the age of 18 and the Government was promoting the development of democratic institutions. Constitutional elections had already been held, and legislative elections were scheduled for December 1981. From local to national levels, the people of Rwanda elected its representatives either directly or through intermediaries.

54. While applauding the efforts of the United Nations to protect human rights and fundamental freedoms, her delegation deplored their continued violation in various parts of the world and appealed to all members of the international community to intensify their efforts to minimize those violations.

55. Mr. BJØRNDAL (Norway) said that his delegation took a positive attitude towards the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. It was, however, aware of the arguments against establishing such a protocol and agreed that the idea needed further study. Obviously, it would not be possible for the General Assembly at the current session to take a final position on the question and his delegation therefore hoped that broad agreement could be reached on a procedural resolution referring the question to the Commission on Human Rights. It was equally important for the Commission on Human Rights to deal with the question of summary and arbitrary executions. All international efforts to minimize or abolish the use of the death penalty should be seen in a broader context and the Commission on Human Rights was especially qualified to do so.

56. For almost two decades, negotiations had taken place within the United Nations on

(Mr. Bjørndal, Norway)

a declaration or convention against religious intolerance. In the view of many delegations, the adoption of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief by a vote in the Commission on Human Rights had been an historic event. He hoped that it would be adopted by consensus by the General Assembly without substantive changes.

57. The Working Group of the Commission on the draft Convention on the rights of the child had made considerable progress at the last session of the Commission. There was wide support in all regions for the elaboration of a draft Convention and his delegation believed that a relatively detailed convention in that field would have a meaningful impact at the national and international levels. His delegation had expected the Working Group on the draft Convention against torture and other cruel, inhuman or degrading treatment or punishment to have concluded its work at the last session of the Commission. It should, however, be possible to find an acceptable compromise on a final text at the next session of the Commission. Norway was a sponsor of draft resolution A/C.3/36/L.34 in which the Commission on Human Rights was requested to complete, as a matter of urgency, the drafting of a convention against torture. It also supported the draft resolution on the establishment of a code of medical ethics.

58. Mr. VOICU (Romania) said that any evaluation of implementation measures to give effect to the International Covenants on human rights should be made in the light of the far-reaching changes which characterized the contemporary world as well as the great diversity of political, economic and socio-cultural conditions which actually characterized an international community comprising some 160 States. Romania believed that the concern of the United Nations with respect to human rights should be focused on resolving the fundamental human issues and on effectively securing those fundamental rights and freedoms by putting an end to the exploitation of man by man, eliminating social inequality, distributing income equitably among the various social categories, guaranteeing the right to work and to equitable remuneration, especially in countries where unemployment was chronic, and guaranteeing the right to education and to decent living conditions for all citizens.

59. Romania believed that the effective exercise of human rights required that no people should be subjected to domination by another, the abolition of colonialism and the imperialist policy of force and the threat of force, and the creation of a peaceful world devoid of weapons and war.

60. As a party to the International Covenants on human rights, Romania had submitted to the United Nations reports on how those instruments were being implemented throughout Romanian society. The most recent report of Romania had just been examined by the Sessional Working Group of the Economic and Social Council and all reports submitted by Romania had been published and distributed as official United Nations documents.

61. One of the priorities of Romanian general policy was to ensure the full development of the individual. That was reflected in the progress made in raising the general standard of living, both spiritual and material, of all citizens of the country. Romania had established a new type of democracy, ensuring dialogue and direct participation of the population in the political, economic and social life of the country.

(Mr. Voicu, Romania)

62. Romania attached great importance to international co-operation with respect to youth because of the role of the young generation in contemporary society. The international community should make every effort to ensure that young people in all countries had the right to education and work so that they could play an active and productive role in society and participate in public life. Accordingly, Romania believed that the United Nations and all countries should exert efforts to inculcate in youth the ideals of freedom and equality, social justice, friendship and mutual respect and dedication to the cause of peace and progress. At the same time the young generation must be protected against the negative influence of neo-Fascists and racists and the proponents of hate and violence. Efforts should also be made to combat the use of drugs and pornography which debased the human person both physically and morally.

63. Of course, international co-operation could not be conceived or developed without taking into account certain phenomena which jeopardized life. It was indisputable that colonialism, neo-colonialism, the policy of force, foreign occupation and domination, the arms race and under-development, economic crises and unemployment had a negative influence on the promotion and protection of human rights. The fact that considerable resources and scientific research were devoted to the arms race was a serious threat to world civilization and to the human species.

64. A study of the documents prepared by the Human Rights Committee and by the Sessional Working Group entrusted with studying the reports of States parties to the International Covenant on Economic, Social and Cultural Rights showed the need to ensure that those bodies concentrated more directly on the essential aspects of the promotion and protection of human rights and fundamental freedoms. The right to a free and independent existence was the first fundamental right of people and nations. Accordingly, Romania believed that science and technology should be used for the benefit of mankind and for the promotion of the inalienable right to life and peace. The effective exercise of human rights and fundamental freedoms required concrete action for the building of a new international order based on justice and equality, international peace and security, the permanent outlawing of the use of force, the elimination of international conflicts and the last vestiges of colonialism, disarmament and, above all, nuclear disarmament. At the international level, in any responsible approach to the problems of human rights, priority should be given to the elimination of the serious social anomalies in many countries, the flagrant political, economic and social inequalities and illiteracy, disease and unemployment.

65. Romania believed that the general comments made in the Human Rights Committee should be sent to all States parties to the International Covenant on Civil and Political Rights, not just to a selected few. Under the Covenant, the Human Rights Committee did not have competence to make value judgements as such a selection implied. Indeed, the activity of the Committee should be rigorously circumscribed by the provisions of the Covenant which, in article 40, paragraph 4, stipulated that the Committee "shall study the reports submitted by the States parties". At the same time, greater concern should be shown with respect to the tendency of certain members of the Committee to base themselves on documentation other than the legislation and internal practices of States parties. They risked infringement of the provisions of article 40 of the Covenant because the implication was that greater prerogatives were given to a body which had been established exclusively to study the reports of States parties.

(Mr. Voicu, Romania)

66. With regard to the Sessional Working Group of the Economic and Social Council for the implementation of the International Covenant on Economic, Social and Cultural Rights, his delegation believed that the decisions adopted at the first regular session of the Council for 1981 would improve the work of the Working Group so that it could carry out the mandate for which it had been established. In order to improve the composition of the Sessional Working Group, due consideration should be given to the criterion of equitable geographical distribution and to the increased number of States parties to the International Covenant on Economic, Social and Cultural Rights.

67. His delegation believed that the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty raised several political and legal difficulties. The question should be studied first by specialized bodies such as the Commission on Human Rights and the Committee on Crime Prevention and Control before any discussion was initiated in the Third Committee.

68. Mrs. BOOTO (Zaire) said that her delegation welcomed the success of the International Year of the Child, and the progress made in the elaboration of a convention on the rights of the child. All nations had the obligation to establish conditions favourable for the development of children because they were the most vulnerable group and needed special protection. Her Government supported the initiatives taken towards that end and hoped that draft resolution A/C.3/36/L.14 would be adopted by consensus.

69. Zaire was gratified that the number of States parties to the International Covenants on human rights had increased. Zaire had acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocol because the Constitution of Zaire guaranteed the promotion and protection of human rights and fundamental freedoms. With regard to the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, her delegation's point of view on the abolition of the death penalty had been clearly stated at the thirty-fifth session of the General Assembly. Any attempt to introduce an instrument on that subject to be uniformly applied throughout the world was clearly unwarranted, the more so since most countries had not abolished the death penalty, and the issue had philosophical, cultural, historical, religious and legal implications which could not be dealt with superficially without calling into question the principle of the autonomy and cultural identity of peoples. Furthermore, only 21 countries had submitted their views in pursuance of General Assembly decision 35/437 and it was obvious that a decision on the matter would be inappropriate for the time being.

70. Mr. ALSAYAGHI (Yemen) said that no one challenged the fact that the human personality was forged in childhood. It was for that reason that Yemen attached great importance to the child in its attempt to build a society free of social ills. Even though many countries had made great strides in the protection of the child, many children still lived in poverty. The complex problems involved increased from day to day and should be resolved through international co-operation and not through regional projects which did not reach all children throughout the world.

(Mr. Alsayaghi, Yemen)

71. Yemen had achieved great successes with respect to universal education and the building of hospitals, social centres and kindergartens for children and in its attempts to increase cultural and vocational training centres for orphans and juvenile offenders. However, it was not satisfied with that modicum of success and would intensify its efforts to improve the lives of children and young people.

72. In elaborating a convention on the rights of the child, the international community should bear in mind the situation of children in Namibia, South Africa and occupied Palestine, where children were being killed or deprived of love and of opportunities for a peaceful, stable and dignified life. Special attention should be paid to those children in elaborating any convention. His delegation hoped that States which had achieved much success in the protection of children would help those unfortunate Palestinian children so that future generations could live in peace.

73. His delegation joined Jordan in urging the Committee to attempt to induce the United States Government to free the young Palestinian militant now in prison in the United States, who was threatened with being handed over to the Israeli authorities; everybody knew the fate that awaited him should that occur.

74. Mrs. KI (Democratic Kampuchea) said that her delegation, representing a country which had been completely devastated by the Vietnamese hordes, welcomed the progress made at the international level to guarantee civil, political, social, economic and cultural rights. It also welcomed the preparation of an international convention on the rights of the child and an international convention against torture and other cruel, inhuman or degrading treatment. It was encouraged by the efforts of the international community to guarantee enjoyment of human rights to future generations in what was hoped would be a peaceful and free world, in which the physical and intellectual capacities required for the constant progress of mankind could be developed. The experience of other countries in implementing human rights would be taken into consideration in Kampuchea's national reconstruction.

75. Democratic Kampuchea was a country in which the most elementary human rights had been violated with unprecedented brutality for nearly three years by the Vietnamese invaders, with Soviet support. In resolution 11 (XXXVII), the Commission on Human Rights had condemned the Vietnamese invasion and the continued foreign occupation which prevented the Kampuchean people from exercising their right to self-determination. Her delegation also welcomed the adoption of draft resolution A/C.3/36/L.10.

76. The Vietnamese invaders were continuing to commit their barbarous crimes. Over 2.5 million citizens had thus far been massacred, and such massacres went on daily. A Vietnamese non-commissioned officer had told the press that he had seen soldiers cutting off the heads of their captives and staking them on fences. Every Kampuchean had lost one or more members of his family, and tens of thousands of families had been decimated. Children would be affected all their lives by the physical and moral suffering they had undergone.

77. The growing number of prisons in the towns controlled by the invaders were full to bursting point with persons imprisoned without trial, who were being tortured and who

(Mrs. Ki, Democratic Kampuchea)

had not been informed of the length of their imprisonment. Hundreds of them had been taken to unknown destinations and had never returned. There were a number of death camps outside the towns.

78. The vilest crime committed by the Vietnamese invaders was the deliberate creation of famine as a weapon of extermination. Article 1 of the International Covenant on Civil and Political Rights stated: "In no case may a people be deprived of its own means of subsistence". The Vietnamese invaders had resorted to all possible means to starve the Kampuchean people in the hope of crushing national resistance. They had destroyed or plundered animals and crops, and during the rainy season, they had fenced in the village populations to prevent them from producing their crops. Thousands of people seeking food from the Red Cross or from the western frontier had been arrested or killed by Vietnamese soldiers. Such action was part of a policy of genocide, and had nothing to do with flooding or drought, as the Vietnamese administration at Phnom Penh had claimed. That administration's appeal for assistance "to the people of Kampuchea" was merely a manoeuvre aimed at the continued diversion of international humanitarian assistance to the Vietnamese forces of aggression. The invaders continued to abuse the generosity and humanitarian feelings of millions of donors throughout the world, turning all their contributions into a weapon for the extermination of the Kampuchean people and nation.

79. On 14 October, the Red Cross of Democratic Kampuchea had appealed to all the competent United Nations agencies, Governments, international humanitarian organizations, national Red Cross committees and all persons concerned for peace and justice to take effective steps to help the Kampuchean people, emphasizing the need to ensure that the assistance went directly to the people who needed it, and not through the Vietnamese administration at Phnom Penh.

80. There was irrefutable proof that the invaders had used chemical weapons. Evidence to that effect had been given by a number of Vietnamese army deserters or prisoners, and the Government and Red Cross of Democratic Kampuchea had transmitted the necessary information to the Secretary-General, in accordance with General Assembly resolution 35/144 C. Document A/36/254 described the effects of the Soviet chemical weapons used, which had taken the form of toxic gases, chemical powders spread by aircraft and poisons dissolved in drinking water. The toxicity symptoms described in that document corresponded to those described in the note of 14 September 1981 from the Permanent Representative of the United States (A/36/509). The use of such products, which had already caused the deaths of tens of thousands of people, was being intensified.

81. The expansionists were carrying out a systematic Vietnamization of Kampuchea and its inhabitants. Children were being taught only Vietnamese, women were being forced to become concubines of Vietnamese soldiers, and Vietnamese nationals were being sent to Kampuchea to form colonies, the Kampuchean people being driven from their homes and herded into enclosures, where many died of hunger or disease. The final objective was the extinction of the Kampuchean people and nation.

82. All those crimes against the Kampuchean people were crimes against humanity, yet the Vietnamese expansionists had recently acceded to the Convention on the Prevention and Punishment of the Crime of Genocide with the cynical aim of concealing such crimes.

(Mrs. Ki, Democratic Kampuchea)

83. In December 1979, a national congress had decided to restructure the Government of Democratic Kampuchea, and had adopted a new political strategy and programme guaranteeing full democratic freedom to the people under a liberal parliamentary régime with a national assembly elected by free, universal and direct suffrage and secret ballot. Her country's geopolitical conditions made it absolutely necessary to continue to apply that political programme in order to guarantee independence and national sovereignty after its liberation, and to reconstruct it with international assistance and co-operation.

84. It was for all those reasons that the Government of Democratic Kampuchea had signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

85. The application of the political programme in the areas under the control of the Government of Democratic Kampuchea, which at present comprised 50 per cent of the national territory, with 1.7 million inhabitants, and the consequent strengthening of security, had enabled villages, as they were liberated, to revive their economic, educational, cultural and health activities, and to resume their life.

86. The people's sufferings were the result of the fanatical desire of the Vietnamese expansionists to destroy Kampuchea's independence and integrate the country into the Vietnamese empire as part of the "Indo-Chinese Federation", which they euphemistically called the "Group of Indochinese countries".

87. The General Assembly had recently adopted, by an overwhelming majority, resolution 36/5, endorsing the Declaration and resolution of the International Conference on Kampuchea. All the relevant United Nations resolutions called for an immediate cessation of the Vietnamese invasion and the complete withdrawal of Vietnamese forces from Kampuchea to allow the Kampuchean people freely to decide their future without foreign interference. That was the only just and lasting solution for ending the long-drawn-out suffering in her country and enabling it to recover all its sacred national rights. Human rights could then be fully implemented in the interest of the social, economic and cultural progress and well-being of the Kampuchean people and nation.

88. Mrs. EL-ALI (Syrian Arab Republic) reviewing the case of Ziad Abu Ein, which had been outlined by the representative of Jordan at the Committee's 33rd meeting, stressed that the United States Government was using his arrest, detention without bail and proposed extradition to Israel as a test case designed to close a loop-hole in extradition treaties which made an exception for political offences. In that connexion, she drew attention to the case of a member of the extremely violent Irish Republican Army, who had not been extradited in May 1979, even though he had admitted responsibility for a fatal bombing. The United States Government had not challenged that decision directly, because it had not wished to be unpopular with Irish-Americans. However, it did not wish to become a haven for terrorists, either, and it was therefore using the case of Ziad Abu Ein as a highly charged anti-terrorist hearing. In view of the current anti-Palestinian Arab attitude in the United States, no public outcry against that extradition had been expected.

89. Despite the suspicious nature of the confession that had implicated Ziad Abu Ein, despite the affidavit retracting that confession and despite the fact that Israel had not provided sufficient evidence, the judge handling the case had refused to accept

(Mrs. El-Ali, Syrian Arab Republic)

the affidavits as evidence and had ruled that Ziad Abu Ein could be extradited to Israel for trial. Independent legal experts were convinced that the law favoured Ziad Abu Ein, but powerful political forces with extra-legal objectives were against him.

90. Her assertions were fully confirmed by the statement issued by the American-Arab Anti-Discrimination Committee, which indicated that Ziad Abu Ein was not receiving due process of law, to which he was entitled under the United States Constitution, primarily because he was an Arab. Presumably, an Arab could not get a fair hearing in United States courts, when the interests of Israel were at stake. The attitude of the United States Department of State was clearly prejudiced against Ziad Abu Ein; it was completely disregarding his rights.

91. She drew attention to the irony of the situation: a young Palestinian Arab was to be extradited to Israel, where he could not possibly get a fair trial, while Israel's bombings of southern Lebanon and its starvation curfews were killing hundreds of innocent civilians. Along the same lines, she drew attention to an article published in The New York Times of 29 October 1981 concerning the death of a young Arab in the West Bank from injuries he had suffered during interrogation by Israeli officials.

92. In accordance with articles 10, 11 and 12 of the Universal Declaration of Human Rights, she expressed the hope that the United States Government would take all the necessary measures to free Ziad Abu Ein, and not to hand him over to Israel, which was persecuting his people.

93. Mr. CHIMUZU (Malawi), speaking on agenda items 75, 85 and 86, said that his country believed in and practised freedom of religion and that various religions had been practised in Malawi for years. Since Malawi's accession to independence, the Government had been responsible for providing the educational and medical services, which religious organizations had formerly provided for their own members. The Government's programme was especially important for children whose parents did not belong to a religion that provided such services, and it had thus helped to prevent social problems.

94. His delegation appreciated the inclusion in the draft Declaration on the elimination of all forms of religious intolerance of article I, paragraph 3, recognizing the freedom to manifest religions and beliefs, subject to the limitations prescribed by law in order to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

95. His delegation considered the question of human rights and scientific and technological developments to be of immediate importance for national development and for the transfer of technology to the developing countries, particularly in the field of agriculture. His country therefore continued to focus on the training of local research workers and co-operated with other interested Governments and international organizations to that end. Sufficient food, clothing and shelter were his Government's principal priorities.

96. Clearly, the full development of the child would help to ensure the welfare of mankind, and the celebration of the International Year of the Child in 1979 had provided an opportunity to assess Malawi's performance in that connexion. With a view to continuing the activities conducted during the Year, his Government had established a standing National Commission of the Child. The national medical service also focused on

(Mr. Chimuzu, Malawi)

preventive medicine for children and on providing health education for nursing mothers. Handicapped children received either special or regular education and training at appropriate centres. Moreover, there were reformatory institutions which provided juvenile delinquents with the education and training they needed to pursue normal lives upon their release. The efforts to elaborate a convention on the rights of the child were, therefore, in line with his country's own practices.

97. Mr. KHORASANI (Iran), referring to a statement made at an earlier meeting by the United Kingdom representative, said that, since the Iranian revolution, no Bahai had ever been prosecuted, tried or persecuted for his opinion. Section 1, article 14, of the Iranian Constitution recognized the rights of religious minorities. It did not, however, protect criminals who, as accomplices of the Shah, had plundered millions of dollars of public revenue and deposited them in foreign banks. In an Islamic Court, no privilege could be accorded to anyone, not even to members of parliament, and the Bahais were no exception to that rule. He would refrain from asking the United Kingdom representative to comment on the deaths of 60 hunger strikers, or on the torture of 1,000 people in Northern Ireland. He would no doubt describe as "false allegations" the attacks by British police officers on coloured demonstrators in England, as shown on television screens in Iran.

98. He was shocked at the support being given to criminals. The Assembly should guard against the Human Rights Committee becoming a human wrongs committee. He had expected the United Nations to be engaged in solving the problems of the innocent people of Palestine, Afghanistan, Namibia and other countries, and he could not have imagined that some delegations would support only the corrupt, criminals and murderers. Some representatives might not know what a crime meant, but the United Kingdom representative, who was well aware of what was taking place in the interrogation centres of Northern Ireland, was not one of them. He himself had seen students shot dead on the university campus, and had kept records to show to the rest of the world. Delegations should ensure that their concern for human rights was not used to provide privilege for the enemies of mankind. It would be a strange situation if the Committee was to be unable to distinguish between the prey and the predator.

99. Representatives of the third world were well aware of the precise meaning of the concept of human rights. During the days of the British Empire, they had had more than enough experience of British humanitarian values. Iran, Pakistan, India, the Far East, Africa and the Middle East had had a surfeit of British and American democracy. Algeria had had enough French democracy, and Afghanistan enough Russian democracy. None of those democracies were wanted. Moslems wanted to live as Moslems.

100. The allegations made by the United Kingdom representative were merely an excuse to undermine the Iranian revolution. When the United Kingdom was on the verge of bankruptcy, in the mid-1970s and was saddled with a surplus of Anglo-American Chrysler vehicles which it could not dispose of, thousands of such vehicles had been bought by the Shah and sold to government employees at a vast profit, thus enabling the United Kingdom Government to survive the crisis. It had been easy in those days for many politicians to support traitors, their Bahai friends, but those days were over.

101. He wished to draw the United Kingdom representative's attention to the case of

(Mr. Khorasani, Iran)

an Iranian chemistry student in the United Kingdom who had contracted cancer from a carcinogenic substance on which he had been instructed to carry out research. His supervisor had stated in court that it was a common practice to assign work on such substances to foreign students. He invited the United Kingdom representative to explain that criminal act, which had resulted in the death of the student, in terms of human rights.

102. He was not surprised to hear the United Kingdom representative speaking so sympathetically for the Bahais, but in defending those traitors, he was attacking 35 million people who had waged an unarmed fight against tanks and machine-guns to rid themselves of the puppet régime of the Shah; a nation whose property had been transferred to the safes of Zionist bankers; a nation with 60,000 martyrs and 50,000 disabled persons; a nation which had survived three pro-American coups d'état plots in less than two years, which was labouring under inhuman economic sanctions, which was courageously defending its dignity along a 500-kilometre battlefront and which was striving to feed some two million Afghani refugees and two-and-a-half million war refugees. Members of the Committee could judge for themselves who were the real proponents of human rights: the Iranian people or those who attacked them. He assured the United Kingdom representative that Iran did not persecute innocent persons; its restraint was guided only by Islamic principles.

103. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, pointed out that, at the Committee's 34th meeting, the representative of the United States had again abused his right to speak and had disregarded the agenda items under consideration by launching a slanderous propaganda attack against the Soviet Union. He scornfully rejected those comments, which could scarcely be called a statement, and felt sorry for the United States representative in as much as he had been obliged to speak about something which, he had admitted, he did not believe in. He would have done better to make his own statement on anti-Semitism and on the current United States policy of poisoning the international climate. He had not had anything to say on the substance of the items under consideration which many countries obviously considered to be very important.

104. Real problems existed in the United States, especially in the field of human rights. For example, it was no secret that the United States authorities conducted large-scale programmes in which thousands of innocent people were kept in psychiatric hospitals and prisons, where they were forced to participate in experiments to test chemicals, poisons and the like. A particularly well-known case was that of the Federal Prison in North Carolina where behaviour modification experiments and experiments on states of consciousness had been conducted on inmates. In addition, a representative of the American Indian movement had stated on television that the Federal Government had used his people for the testing of bacteriological and biological weapons. Mass sterilizations had also been conducted under similar programmes.

105. In conclusion, he drew attention to an article published in the Tribune de Genève about a man who had been held in an American prison for 29 years, without trial and without sentencing. He asked how many others were being similarly detained. He reminded the United States representative of the words of the English poet, Alexander Pope, to the effect that a liar did not realize the great burden he was assuming, because to substantiate one lie, he would be forced to fabricate another 20.

106. Mr. MORATT (Israel), speaking in exercise of the right of reply, said that the representative of Jordan had again sought to slander Israel with his Arab hate propaganda. The Israeli Government rejected that slander out of hand. It was easy to make blanket accusations and, although such accusations had been disproved time and again, they had never been retracted. Quite the contrary, they were merely freshened up and used again.

107. Israel was a State where law and order prevailed, its society was open, and its courts were free and independent. He asked how many other countries in the Middle East could say the same. Except in the case of a Nazi war criminal, no death sentences had even been handed down. Torture was abhorrent to the Israeli judicial system, and torture such as that described by the representative of Jordan, simply did not exist in Israel. Quite the contrary, detainees had the right to counsel and to be visited in private, for example, by a representative of the International Committee of the Red Cross.

108. He drew attention to the fact that the representative of Jordan had failed to mention the treatment Jordan had meted out to PLO terrorists in 1970, when some of the terrorists had fled to Israel rather than be subjected to such treatment. Moreover, there were no mass arrests in Israel, an assertion which Jordan and other Arab countries could not substantiate; atrocities were daily occurrences in those countries.

109. The representative of Jordan was not concerned about the real tragedies being considered by the Committee. The Arab countries should deal with the charges of inhuman treatment they levelled against each other, instead of directing such charges at Israel.

110. Mr. SHAMMA (Jordan) said that his delegation wished to reserve its right to speak in exercise of the right of reply on the following day.

112. Mr. AL-QAYSI (Iraq), speaking in exercise of the right of reply, supported the comments made by the representative of Jordan at the Committee's 33rd meeting concerning the close relationship between human rights and the case of Ziad Abu Ein; that case was part of a very painful tragedy, involving a gross violation of human rights, in particular, the right to life. He asked how many countries practised violations of human rights similar to those committed by the Zionist entity.

113. In reply to the representative of Israel's remark concerning mass executions in the Arab countries, he needed merely to draw attention to the violations of human rights committed in occupied Palestine by the Zionist military forces.

114. Mr. TERZI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that, although the representative from Tel Aviv had stated that no death sentences had been handed down, except in the case of a Nazi war criminal, history showed that Tel Aviv's entire policy was based on mass murder and genocide, similar to that practised by the Nazis. For example, 400 innocent civilians had recently been killed in Beirut.

115. Mr. FURSLAND (United Kingdom) pointed out that the statement which his delegation had made in connexion with agenda items 75 and 90 and to which the representative of Iran had referred had been delivered on behalf of the 10 member countries of the European Economic Community.