

United Nations
**GENERAL
ASSEMBLY**

THIRTY-SEVENTH SESSION

Official Records*



DEC 21 1982

THIRD COMMITTEE
52nd meeting
held on
Wednesday, 24 November 1982
at 10.30 a.m.
New York

UN/SA COLLECTION

SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

CONTENTS

- AGENDA ITEM 84: 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
 - (c) PUBLICITY FOR THE WORK OF THE HUMAN RIGHTS COMMITTEE: REPORT OF THE SECRETARY-GENERAL
 - (d) 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 88: 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

* 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-3550, 866 United Nations Plaza (Alcos 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.3/37/SR.52
2 December 1982
ENGLISH
ORIGINAL: SPANISH

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

AGENDA ITEM 84: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (A/37/3 (Part I), A/37/392, 542)

AGENDA ITEM 85: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/37/330 and Add.1)

AGENDA ITEM 86: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued) (A/37/3 (Part I), A/C.3/37/L.46)

AGENDA ITEM 87: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/37/3 (Part I), A/37/551, 609):

- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE (A/37/40)
- (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/37/406)
- (c) PUBLICITY FOR THE WORK OF THE HUMAN RIGHTS COMMITTEE: REPORT OF THE SECRETARY-GENERAL (A/37/490; A/C.3/37/6)
- (d) 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/37/407 and Add.1)

AGENDA ITEM 88: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/37/3 (Part I), A/37/551):

- (a) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (A/37/263)
- (b) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL (A/37/264 and Add.1-2)

1. Mr. FRAMBACH (German Democratic Republic) said that he was gratified to note that the Human Rights Committee had in its report (A/37/40) avoided getting involved in political propaganda campaigns. He believed, however, that the effectiveness of the International Covenant on Civil and Political Rights and the Committee itself would be enhanced if some experts spent less of their energy on inventing interventionist interpretations and devoted their attention to the systematic genocide of the Palestinian people. One could not speak of promoting human rights and at the same time give political cover to genocide.

(Mr. Frambach, German
Democratic Republic)

2. With regard to the reports of States considered by that Committee, greater attention should be given to the suggestions of developing countries concerning assistance that could or should be granted to them for creating the necessary conditions for safeguarding the rights set forth in the Covenant.
3. It was appropriate for the Human Rights Committee to address its general comments to all States parties without making specific reference to individual States. Nevertheless, in some cases the allusions made to reports by States seemed merely to serve as introductions to independent commentaries.
4. He welcomed the fact that the Committee had dealt with a matter frequently mentioned during the consideration of States' reports, namely, that safeguarding the right to life required that States should adopt positive measures to reduce infantile mortality and increase life expectancy. However, the formulation used in paragraph 5 of comment 6 (16) was inappropriate since it would be more than just "desirable" for States to adopt measures to that end. Article 6 of the Covenant laid down a clear duty for States to adopt such measures.
5. That duty carried no less weight than the one mentioned in paragraph 6 of the same comment on restricting the application of the death penalty to the most serious crimes. It was not enough to talk of abolishing or restricting the application of the death penalty while remaining silent about the arbitrary, mass death sentences to which millions of people were condemned by wars of aggression, acts of genocide or the failure of States to help the needy. In his view, comment 6 (16) should be understood in that sense, and he accordingly welcomed the observation made by the Human Rights Committee.
6. Mrs. WARZAZI (Morocco) said that she was convinced that the draft convention on the rights of the child could be completed in the near future thanks to the unremitting work of the Commission on Human Rights, and particularly of its working group.
7. While the Commission, in its effort to draw up a draft convention on torture, was experiencing difficulties with regard to the final adoption of a definition of torture, information being received from all parts of the world made it evident that torture continued to be practised in many countries. In that connection, it was gratifying that Governments had demonstrated their interest in the draft code of medical ethics. However, if the draft code was to have the greatest possible impact it would have to be adopted unanimously, and that meant that negotiations would have to be held on improving the existing text.
8. Her delegation would have preferred the United Nations to study the item on human rights and scientific and technical development, in the form in which it had originally been submitted. Moreover, it was regrettable that the Department of Public Information had not yet completed the inventory of studies on that subject.
9. In the contemporary world the question of disarmament was closely linked to the problem of world development and the promotion of human rights. Its enormous importance was due to the repercussions on the arms race on mankind's present and future.

(Mrs. Warzazi, Morocco)

10. Far from declining, the manufacture and sale of armaments, particularly to third world countries, was intensifying. Since a year earlier two countries had been enriching themselves through the sale of armaments, to the detriment of populations which were afflicted by chronic underdevelopment. It was thus easy to understand why so many conflicts erupted in the third world.
11. The arms race initiated by the major Powers was spreading to many more countries, including the poorest of them, whether for purposes of aggression or of defence. It was a matter of urgency that that race should be halted in all countries without exception. It was imperative to bring about complete disarmament, in the sense in which it was understood by the United Nations, not in the sense of disarming an adversary in order better to arm oneself. It was absolutely inadmissible that atrocities should one day be committed for the sake of safeguarding what went by the name of peace.
12. It was gratifying that the number of ratifications of and accessions to the International Covenants on human rights was increasing. Her delegation acknowledged the work performed by the experts who were members of the Human Rights Committee but believed that they should show greater humility than was evident in that Committee's conclusions, which were transmitted in the form of recommendations to States parties in accordance with articles 6, 7, 9 and 10 of the Covenants. They should also show realism and restraint in adopting decisions or drafting requests that had financial implications. The Chairman of the Human Rights Committee was apparently more receptive to the effects of publicity in four languages for the Committee's work than to serious consideration of the fabulous sums such publicity would involve.
13. It should also be borne in mind that the experts on that Committee had not been elected to pronounce death sentences against certain States while at the same time allowing themselves to express value judgements on sovereign States that retained capital punishment. A committee of human rights experts should not sit in judgement on States parties but should show some discernment in its work and take account of the conditions prevailing in individual countries.
14. If capital punishment was still being retained in many countries, that was because it was deemed to be a preventive measure for the protection of citizens. Her delegation, while it had a very clear position on the matter, was prepared to continue a dialogue with the countries concerned provided that that dialogue in no way committed its country, which was the sole sovereign and judge of its acts and its justice.
15. The Koran made respect for religious feelings a duty. Inspired by that precept, her delegation had taken an active part in the negotiations that had led to the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, since it considered that religion, apart from providing a refuge to all those who needed it, gave them the necessary strength to deal with vital problems.

16. Mr. KOROTICH (Ukrainian Soviet Socialist Republic) said that the Soviet Union's unilateral commitment not to be the first to use nuclear weapons and its proposal in the United Nations on the freezing of nuclear arsenals were humanitarian measures which linked technological discoveries, on the one hand, with the moral aspects of their use and, on the other, with the right of persons to benefit from all scientific discoveries with their most important right, namely, the right to life.
17. Reactionary circles in certain imperialist States had embarked, in recent years, on an unprecedented nuclear arms race. The total potency of the nuclear weapons currently accumulated in the world was 10,000 times higher than that of the explosives used during the whole of the Second World War, which had cost dozens of millions of lives. Similarly, scientific and technological progress was being used for the perfecting of mass weapons of destruction, the most recent example of which had led to the creation of the neutron bomb, the most dreadful type of nuclear weapon that existed.
18. Mention had been made in the Committee of the right to life during the discussion of the death penalty. However, the morality of a country was none the greater because none of the death sentences handed down against its citizens had been carried out for several years if, at the same time, that country destroyed millions of lives in another, as the United States had done in Viet Nam. He did not know whether the death sentence existed in Israel, but, when Israel had given its approval to the mission of the hangman in the Palestinian camps of Beirut, that question had a purely theoretical interest.
19. The Ukrainian Soviet Socialist Republic, which recognized the importance of scientific and technological progress for the development of society, made the greatest efforts to comply with the General Assembly's Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. Its people was faced with the task of combining the achievements of the scientific and technological revolution with the advantages of the socialist economic system, i.e., to use the possibilities of socialism to accelerate the development of science and technology and thereby strengthen the economic potentials of the country, improve living conditions and guarantee the right to life. Science was being transformed into a direct production force and was playing a role of growing importance in the economy. Currently, there were in the Ukraine 62,500 persons holding doctorates in the science field alone. The State guaranteed the right to education, and the education system was constantly being extended and improved.
20. Technological progress could be channelled towards various spheres. When the Ukrainian SSR had made an effort to build modern freight vehicles and gas pipelines and to create modern air transport service systems and computer systems, it had had to confront every kind of commercial blackmail whereby efforts had been made to prevent it doing so. On the other hand, the electronic espionage stations being constructed on the country's frontiers and the use of the most advanced video equipment for the dissemination of lies and enmity throughout the world could not be regarded as scientific and technological progress.

21. Mr. BALOG (Czechoslovakia) said that, when scientific and technological development brought about an intensification of relations among States, it was one of the factors that facilitated international co-operation in the solution of economic, social, cultural and humanitarian problems. Scientific and technological progress therefore, could and should also strengthen respect for human rights and fundamental freedoms.

22. However, history showed that scientific and technological progress could also have undesirable results for mankind and for the individual, especially in those cases where science and technology were used for the purpose of war. The need to use the results of the scientific and technological revolution for peaceful services was fundamental, because peace constituted one of the basic conditions for the maintenance and enjoyment of human rights. Similarly, the results of scientific and technological progress should benefit the great majority of the population of a State and not simply be at the service of a privileged group.

23. The existing international instruments in the sphere of human rights provided that States had the duty to create conditions for the enjoyment of human rights by the individual, i.e., the duty to ensure that enjoyment of those rights was not hindered by the results of technological and scientific development and, vice versa, that that development led to the creation of better conditions for the implementation of human rights.

24. With regard to agenda item 87, in accordance with one of the principles on which the two Covenants were based, the principle that the legal status of the individual fell within the jurisdiction of each State, Czechoslovak laws provided for full protection of the individual and guaranteed him enjoyment of all the rights laid down in the two International Covenants.

25. The Czechoslovak Government intended to continue maintaining a constructive dialogue with the organs of the United Nations entrusted with the task of monitoring compliance with the Covenants and, in particular, with the Human Rights Committee and the Economic and Social Council. It could not, however, accept the active participation in those bodies of States which had not acceded to the Covenants. Accordingly, his delegation joined with those delegations which had made an appeal to those States which had not yet signed and ratified the Covenants to do so as soon as possible.

26. He hoped that at the thirty-fifth anniversary of the adoption of the Universal Declaration of Human Rights would mark a new step towards general recognition of the value of the international human rights Covenants and an incentive for the continued development of international co-operation in the field of the protection of human rights.

27. Mr. EDON (Benin) said that agenda item 85 had its origin in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (General Assembly resolution 3384 (XXX)). That Declaration was a precious instrument which emphasized the need for the adoption of effective and urgent measures, at both the national and the international level, to prevent

(Mr. Edon, Benin)

the negative repercussions of scientific and technological progress on peace, human rights and the international community in general.

28. It was necessary that science should be placed at the service of development and the liberation of man. However, it was observed today that scientific and technological progress was being used to keep some peoples under the colonial yoke and neo-colonial domination; for an uncontrolled arms race and the proliferation of weapons of mass destruction; to perfect increasingly wretched and inhuman methods of torture; and to try to justify racial discrimination on the basis of pseudoscientific considerations.

29. The policy of the People's Republic of Benin had always consisted in encouraging the eminently progressive character of science and technology. Thus, article 132 of the Fundamental Law of Benin stipulated that the State, in accordance with its Marxist-Leninist national orientation, should encourage and support the creative spirit of citizens who dedicated themselves to science, letters, the arts and any other cultural activities. The Constitution also guaranteed all citizens equality before the law, the right to elect representatives and to stand for election, equality between men and women from the political, economic, cultural, social and family viewpoints, the right to work, the right to carry on trade union activities, to rest, to health, to education, to enjoyment of freedom of speech, the press, correspondence, meeting, association and demonstration, freedom to practise a religion or not, and freedom to elect their place of residence. Benin also granted the right to residence to all foreigners who were persecuted for defending the cause of peace and democracy, for participating in a revolutionary movement or for their scientific, artistic or cultural activities.

30. Accordingly, his delegation was prepared to support any United Nations action designed to obtain the implementation throughout the world of the above mentioned Declaration of the General Assembly, particularly in the field of international, scientific and technological co-operation. In order to achieve that, it would be necessary to combat the abusive use of scientific progress, halt the arms race, put an end to colonial and neo-colonial domination, establish a new international economic order and accelerate the adequate transmission of technology to the developing countries.

31. His delegation thanked UNESCO for having organized, in the spring of 1981, the Athens symposium at which, on the basis of in-depth multidisciplinary analysis, the pseudoscientific theories often invoked to justify racism and racist discrimination had been refuted.

32. Mr. BOUFFANDEAU (France) said that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was an important complement to the international instruments on human rights; everyone was aware of the examples of open persecution or concealed repression of the free expression of religious feeling which were to be found in various parts of the world and which were a clear violation of the fundamental rights of the individual.

(Mr. Bouffandeau, France)

33. Scientific and technological advances could be detrimental or beneficial to human rights, depending on the light in which they were viewed. Nevertheless, such advances were intrinsically advantageous because they facilitated the development and fulfilment of mankind from both the individual and the collective point of view; what was important was to denounce the evil uses to which they were put. In that context, it was worth remembering that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been requested to prepare a study of the procedures which should be used to ensure that detention in psychiatric institutions took place only on the grounds of evidence of mental disorder and a study of guidelines relating to the use of computerized personal files. That was why his country in 1981, had sponsored decision 36/413, which requested the Department of Public Information to publish a summary of the studies carried out by the Secretary-General on human rights and scientific and technological developments.

34. Given that scientific and technological advances were in themselves beneficial, it was important to determine what international measures might be taken to speed their implementation in all countries, and, especially in the developing countries. Furthermore, as far as civil and political rights were concerned, it should once again be borne in mind that the full implementation of those rights should not be dependent on any specific circumstance relating to the economic or social situation or the level of development of the countries concerned.

35. At the same time, it was vital to complete the drafting of a convention on the rights of the child; his delegation was taking an active part in that work. At the thirty-eighth session of the Commission on Human Rights, his country had submitted a proposal concerning the question of children belonging to families scattered in different countries and had recently sponsored Economic and Social Council resolution 1982/39 on the protection of the rights of children and parents in cases of removal or retention of children. The Commission on Human Rights should not confine its activities to the sessional Working Group responsible for preparing the draft, for, among other things, it would be very useful, for the Commission to consider during its general debate the documents of the Sub-Commission which discussed various forms of child exploitation, particularly at work and in prostitution. In that respect, it was important to give effect to resolution 1982/21 of the Commission on Human Rights and resolution 1982/33 of the Sub-Commission, which recommended that maximum publicity should be given to the excellent report presented to the Sub-Commission by Mr. Bouhdiba in 1981 and which called on the Sub-Commission to submit a specific programme of action in that field.

36. With respect to the efforts to eliminate torture and other cruel, inhuman or degrading treatment or punishment, his delegation hoped that work would soon be completed on that draft Convention against torture and the draft body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the work on those issues should be supplemented by the drafting and adoption of a Code of Medical Ethics.

37. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that scientific and technological developments, which offered such great possibilities for economic, social and cultural development, might in certain circumstances jeopardize both individual and collective rights and freedoms. The most dangerous manifestation of the use of those developments for purposes which conflicted with the interests of mankind was the arms race which, in addition to absorbing many billions of dollars every year, threatened to lead to the total destruction of the planet and was consequently a violation of the sacred right to life. That danger was particularly great at the present time, as a result of the policy being pursued by the United States with a view to achieving absolute military supremacy, with total disregard for the cause of peace and co-operation among peoples.

38. The recent invention of the hideous neutron weapon was a gesture of contempt towards the whole of mankind and it was ironic that the communiqué announcing that its mass production was to commence should have been made on the very day on which the civilized world was commemorating the destruction of Hiroshima. In the meantime, tens of thousands of people had died in Lebanon as a result of Israel's testing of the new weapons produced by United States military technology.

39. It was quite clear that the purport of the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind was incompatible with social ills such as unemployment, social inequality or discrimination, and States should comply with its provisions by taking effective measures to ensure that scientific and technological advances contributed to the full realization of human rights, instead of threatening them. It was inappropriate in that context to include problems which were not directly related to the issue, such as that relating to mentally retarded persons, which was the province of WHO.

40. In his country, the State, in conformity with the provisions of the Declaration, provided all the necessary conditions for speedy scientific and technological progress and used achievements in that field to ensure the continuous progress of mankind and the full personal development of the individual. Unemployment had been unknown for more than 50 years and the State was taking steps to improve working conditions and to eliminate onerous physical labour by means of mechanization and automation. A broad network of scientific and technological research institutes had been created and more than 170,000 people were currently working in the sector of science and technology throughout the Republic. It should be borne in mind that in his country, thanks to facilities provided by the socialist State, more than 3.5 million of the total population of 9.7 million were currently receiving education of various kinds.

41. The provisions of the Declaration, whose purpose was to defend the population from the adverse consequences which might arise from the misuse of scientific and technological developments, were of particular value in those capitalist countries in which those developments were used systematically for the purpose of interfering in the private lives of citizens.

(Mr. Ogurtsov, Byelorussian SSR)

42. His country considered that mass production based on specialization through ever stronger economic integration among the socialist countries within CMEA, together with international co-operation based on equality, were of vital importance to scientific and technological progress. For that reason, the Republic maintained contacts with a large number of countries and provided assistance to many developing countries by sending experts to work in the field, supplying modern technology and offering thousands of scholarships for the training of specialists.

43. It was his delegation's firm belief that the strengthening of international peace and security on all levels and the restructuring of international economic relations on a fair and equitable basis were prerequisites for the promotion of international co-operation and the application of scientific and technological advances for the benefit of development.

44. Mr. BELL (Canada) said that his delegation had hoped that the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the General Assembly at its thirty-sixth session, would mark the beginning of a new era in the treatment of that question by States; unfortunately, however, the results had been disappointing. It was particularly disturbing to note that some Governments had adopted programmes, either through particular constitutional measures or through specific policies, in order to force their citizens to abandon their religion or beliefs. Nevertheless, his delegation was prepared to do everything in its power to ensure that the Declaration and the principles contained in it were not condemned to oblivion and, in that context, it welcomed the decision taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to update the study on discrimination in the matter of religion and religious practices.

45. Turning to agenda item 87, he referred to document A/37/406, which emphasized the fundamental importance of the United Nations in the elaboration and codification of international human rights law and the continuing evolution and strengthening of that international legal framework. The most obvious evidence of that gradual strengthening was the increasing number of Member States which had ratified or acceded to the major human rights instruments. In spite of the new additions, less than half of the States Members of the United Nations had accepted the obligations imposed by the two international Covenants, which were fundamental international human rights instruments. Even more distressing was the fact that less than a fifth of all Member States had accepted the Optional Protocol to the Covenant on Civil and Political Rights.

46. In the view of Canada, a State party to both Covenants, the machinery for monitoring their implementation left much to be desired. In addition, a discrepancy had developed in the effectiveness of the monitoring of the two Covenants. At the Economic and Social Council's first regular session of 1982, that problem had been seriously tackled and attempts made to strengthen the monitoring mechanism. Among other things, the Council had decided to select as members of the Group of Experts individuals who had recognized experience and

(Mr. Bell, Canada)

competence in the fields covered by the Covenant and to elect them for three-year terms.

47. The International Covenant on Civil and Political Rights was implemented through more technical procedures. Owing to the experience and personal expertise of the members of the Human Rights Committee, it had become an established part of the United Nations human rights system. Its substantial reports, including that before the Third Committee (A/37/40), had been encouraging and had generated a measure of confidence with regard to its surveillance of the implementation of the Covenant. Nevertheless, a more precise formulation of the Committee's rules of procedure was in order, since the Covenant provided for its functions and duties in only general terms. In addition, the imprecision of the guidelines on the submission of reports did not encourage the effective monitoring of compliance by States parties. The latter should respond to the questions raised by the Committee within one year at the latest.

48. In those cases in which an individual submitted a complaint against the Government of his country, the latter was sent a copy of the complaint and the reply awaited. In the opinion of his delegation, the right of the plaintiff to refute his Government's reply should be established. The Committee should then begin its substantive consideration of the complaint, but should end the cycle at that point, without there being a never-ending cycle of replies and rebuttals.

49. While article 4 of the International Covenant on Civil and Political Rights provided that "In time of public emergency which threatens the life of the nation" States parties might derogate from their obligations under the Covenant, some obligations could never be derogated from, even in times of "public emergency". Even though paragraph 3 of that article required States parties availing themselves of the right of derogation to inform other States parties "immediately" through the Secretary-General, under current procedures a significant period of time might elapse before the Human Rights Committee could question States parties on their invocation of article 4. Any inordinate delay in so fundamental an area was unacceptable and jeopardized the basic rights and freedoms of the individual. The Committee should seek to develop special procedures for emergency situations which involved major changes in or the suspension of a State party's constitution. For example, States parties invoking article 4 could be required to submit a report to the Human Rights Committee within a year and, at that time, make itself available for questioning as if its periodic report were then due.

50. Article 5, paragraph 4, of the Optional Protocol provided that, following its consideration of communications received from a plaintiff and the written explanations of the State party concerned, the Human Rights Committee "shall forward its views to the State Party concerned and to the individual", whereupon the procedure abruptly terminated. His delegation considered that a reply of that nature was inadequate and did not lead to any practical result. It thus considered that the Human Rights Committee should develop guidelines and a procedure enabling it to follow up decisions in which it had determined non-compliance by a State party. It should include in its report to the General Assembly the results of that monitoring procedure.

(Mr. Bell, Canada)

51. One of the purposes of the United Nations, set out in the Charter, was to promote and encourage respect for human rights and fundamental freedoms. Without publicity, it could not be assumed that those rights and freedoms would be known and respected throughout the world. For that reason, he welcomed the report of the Secretary-General entitled "Publicity for the work of the Human Rights Committee" (A/37/490), submitted under item 87 (c). That report set out the cost of publicizing the official records of the Human Rights Committee on an annual basis. The report of the Secretary-General on the financial implications should be read in conjunction with document A/C.3/37/6, in which the Chairman of the Human Rights Committee explained why the Committee's official records should be published in bound volumes. The Chairman of the Committee argued that, to an important degree, the practical effectiveness of the Committee's work depended on wide dissemination of its records. Thus, if effective implementation of the Covenant was to be achieved, its decisions and discussions had to be made available.

52. His delegation took a stringent line on new financial expenditure. A policy of austerity was necessary to avoid mindless growth and duplication of effort. That did not mean that innovations should be avoided; to do so would mean stagnation. Publication of the records of the Human Rights Committee in bound volumes was a case in point. The commercial sale of the documents could be considerable, thus offsetting the initial printing costs. That and other means of offsetting the cost should be carefully considered, particularly bearing in mind that prices tended to rise. Given the serious current economic situation, his delegation suggested that that question should be discussed at the next session of the Assembly.

53. Mr. BALETA (Albania), exercising the right of reply, said that, at the Committee's 50th meeting, the representative of United States imperialism had made various attacks on the Albanian people and the Socialist People's Republic of Albania. That statement did not deserve any reply from the Albanian delegation. He had requested the floor in exercise of the right of reply solely out of respect for the Third Committee, where, it seemed, the United States representative was seeking to distort reality.

54. It was easy to understand why the representative of United States imperialism had chosen Albania as a target. It was clear that each time United States imperialists failed in their activities against another people, they became enraged. It was well known, too, that those imperialists refused to recognize the victory of socialism in Albania and the just and unshakeable position of the Albanian people in defence of revolutionary movements and national liberation struggles.

55. Albania was an atheist State through the will of its people, and rejected the imposition of any moral or material force. The Albanian people were the masters of their destiny and their views. To believe or not to believe was the exclusive right of the individual. It was a matter of conscience which did not depend on institutions or the will of Muslim or orthodox adherents, or even on the Pope in Rome.

(Mr. Baleta, Albania)

56. United States imperialists were the implacable enemy of sovereign countries. They had pitilessly committed atrocious crimes and massacres. They had burned children and old people with napalm in Korea, Viet Nam, the Middle East, Latin America and many other regions and countries in the world. They were feverishly preparing for nuclear war and were proposing to make cannon fodder of their own people and of all the peoples of the world. They had reduced tens of millions in the United States to the sorry state of being unemployed, or the victims of drugs, prostitution and daily crimes. In the United States, racist laws were promulgated and racial discrimination was practised. The activities of the Ku Klux Klan and similar groups, which were a blight on mankind, flourished in the United States and its Government encouraged them. According to United States news agencies themselves, slavery still existed in agricultural plantations in that country. The few survivors in the Indian reservations were still ill-treated by the descendants of the colonizers who had sought to implant their "civilization" and religion in that country.

57. Mr. FELDMAN (United States of America), referring to the lengthy and interesting statement by the representative of Albania, pointed out that the latter had not denied the fact that the Government of Albania, by its Constitution and penal code, contravened the explicit provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

58. Mr. BALETA (Albania) said that he would not be taken in by the attempts of the representative of United States imperialism to employ calumny to inflame the Third Committee. He firmly and scornfully rejected all such tactics.

The meeting rose at 12.50 p.m.