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SUMMARY RECORD OF THE 50th MEETING  
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Chairman: Mr. CHAVANAVIRAJ (Thailand)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 93: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)  
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AGENDA ITEM 97: TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR  
PUNISHMENT (continued) (A/38/3 (Part I))

1. Mr. SALAND (Sweden) said that the work of the Human Rights Committee relating to the International Covenant on Civil and Political Rights, including its views on cases submitted to it pursuant to the Optional Protocol, should be given world-wide dissemination, and his delegation supported the Committee's proposal that its proceedings should be published annually in bound volumes. It was important that States parties to the Covenant should co-operate with that Committee, particularly in submitting their national reports pursuant to article 40 of the Covenant, and reply in full to the questions the Committee put to them. Unfortunately, some States failed to do so or else did so only with considerable delay. The situation with regard to fulfilment of reporting obligations under that Covenant was not as bad as the situation with regard to certain other human rights conventions, particularly the International Convention on the Elimination of All Forms of Racial Discrimination; nevertheless, although his delegation was aware that the drafting of national reports of that kind was a heavy burden, particularly for States having limited Government staff it appealed to States which had not yet fulfilled that obligation to do so without further delay.

2. His delegation appreciated the general comments formulated by the Human Rights Committee in accordance with article 40, paragraph 4, of the Covenant; they provided guidance for the preparation of national reports and interpretation of the Covenant's provisions. Serious attention should also be paid to the Committee's views as referred to in article 5, paragraph 4, of the Optional Protocol if due effect was to be given to that instrument; it was entirely unacceptable for a State party to that instrument to take no action when the Human Rights Committee had

(Mr. Saland, Sweden)

found that the Covenant had been violated. His delegation welcomed the decision to request information from States concerned on the action taken; it was gratifying to note that several States had already responded to such requests. Its views concerning such co-operation with the Committee applied, mutatis mutandis, to obligations pursuant to the International Covenant on Economic, Social and Cultural Rights.

3. The progress of the working group established by the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment had been regrettably slow. The two main obstacles were the question of so-called universal jurisdiction and the implementation rules to be included in a convention. If the working group could make no substantial progress, it should adopt a final report rather than defer its work for a further year; the General Assembly would then have to consider what further action was required. The United Nations Voluntary Fund for victims of torture had had a good start, 11 Governments having contributed to it thus far; it had been able to support several important projects to help victims of torture. The Fund marked a new direction for United Nations efforts to prevent torture, since the Organization, instead of merely setting standards, was now also prepared to provide assistance; the move, if successful, would enhance the United Nations standing as a defender of human rights. This Government would soon make its second contribution to the Fund, and hoped that many more Governments would contribute. Since the Fund could also accept private contributions, it should be given wide publicity; the Department of Public Information should do its utmost to disseminate information concerning it.

4. His delegation attached great importance to the preparatory work for a convention on the rights of the child, and hoped that a complete draft would soon be available. Such a convention, if its text was carefully balanced, could be valuable in promoting children's well-being in many parts of the world.

5. Mr. KAMPER (Netherlands), noting that there were now 76 States parties to the International Covenant on Civil and Political Rights, said that the growth rate was much slower than might have been expected; however great the importance of the Universal Declaration of Human Rights, it was by ratifying or acceding to the Covenant that States consented to a scrutiny of how they implemented their relevant obligations. His delegation drew attention in that connection to the invitation in operative paragraph 7 of General Assembly resolution 37/191.

6. Of the 76 States parties mentioned, only 12 had thus far made the declaration provided for in article 41 of the Covenant. That declaration would seem to be a logical next step once a State had become a party to the Covenant and had begun submitting reports to the Committee.

7. The Third Committee would have before it, at the thirty-ninth session, a report by the Commission on Human Rights, pursuant to General Assembly resolution 37/192, concerning elaboration of a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty. The relevant General Assembly resolutions revealed a gradual

(Mr. Kamper, Netherlands)

trend toward restricting the number of offences to which the death penalty applied. His delegation was aware that controversy surrounded the question of retaining or abolishing that penalty. Pending the resolution of that controversy, however, work on drawing up a second optional protocol should not be seen as a pretext for failure to observe article 6 of the Covenant. Furthermore, it was of the utmost importance that, in all legal proceedings which could lead to a death sentence, all the guarantees and safeguards provided for in article 6 should be invoked.

8. The Human Rights Committee's dialogue with Governments which submitted reports to it was meant to assist those Governments in complying with their obligations under the Covenant and to serve as an example to other States, whether parties or not, with regard to the observance of human rights. The Committee's standing as an independent body of experts should be upheld at all times. Since opportunities to broaden the dialogue on the subject were limited, delegations should make the most of them, including the annual sessions of the Commission on Human Rights and the regular meetings of States parties, which afforded the only occasions for States that had acceded to or ratified the Covenant to discuss related issues and exchange opinions. His delegation was pleased to note that, at the previous meeting of States parties, some of them, in addition to electing a new member to the Human Rights Committee, had made use of the opportunity to raise matters relating to the Covenant. His Government shared some of the views expressed concerning the status of certain human rights in times of emergency. He suggested that the Secretariat should bring to the attention of the Human Rights Committee the summary records of the sixth meeting of States parties and of previous meetings, if that had not already been done. It was important to remain alert to the danger of serious violations of human rights in times of emergency. The responsibility to recognize and counter such violations rested with all States, not simply the parties to the Covenant.

9. His delegation wished to stress again, as it had been doing for the past two years, the importance of publicizing the Committee's work. The Committee itself had urged the General Assembly to endorse the proposal to publish annually two volumes, containing the summary records of the Committee's public meetings and its other public documents, preferably in the Committee's four working languages (A/38/40, annex IV). Due to financial restrictions, it would not be possible to do so during the current biennium. His delegation wholeheartedly shared the Human Rights Committee's dissatisfaction at the delay, and thought that publication in all four working languages was a matter of high priority. The need to economize should not be allowed to hinder efforts to promote the cause of human rights.

10. His delegation again commended the Human Rights Committee for the serious and thorough way in which it dealt with national reports submitted under article 14 of the Covenant.

11. The Committee's general comments transmitted under article 40, paragraph 4, of the Covenant provided the States parties with valuable recommendations and interpretations concerning articles 19 and 20, and helped to clarify the Covenant's

(Mr. Kamper, Netherlands)

legal substance. The paper prepared by one member of the Committee for a United Nations seminar to discuss the experience of different countries in the implementation of international standards on human rights, mentioned in paragraph 37 on the Committee's report (A/38/40), was a valuable aid to interpreting the Covenant and the function of the general comments. His delegation agreed in particular with the observation in that paper that although the Human Rights Committee had no power to make authoritative interpretations it was a clearing-house for the varying interpretations to which different ideological standpoints might tend to subject the provisions of the Covenant and that whenever it took a view unanimously, the presumption was virtually irrefutable that the Covenant could not be validly interpreted otherwise. In that light, his delegation welcomed the comment on article 19 and the general rule that no restrictions imposed by a State party on the right of freedom of expression might jeopardize the right itself.

12. Of the 24 communications dealt with by the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol (A/38/40, annex VII), seven had been deemed inadmissible. Six States parties had been subjected to a thorough examination because of such communications, the Committee's view in most cases being that certain of the Covenant's articles had been violated. His delegation hoped that the States parties concerned would heed the Committee's views and take steps to prevent similar violations in the future.

13. Mr. GRANIT (Israel), speaking on item 93, said that the subject of freedom of worship was an integral part of the human rights issue; its importance had been repeatedly stressed by the nations of the world. The General Assembly, in resolution 36/55, had solemnly and unanimously adopted a declaration aimed at eliminating existing cases of religious intolerance and discrimination based on religion; unfortunately, some countries were still not observing it, deliberately denying many of their citizens the basic right to worship according to their beliefs.

14. The Jewish nation, which more than any other had suffered persecution throughout its long history, was always alert to threats to the basic freedoms of Jewish minorities everywhere, and it was again obliged to draw the Committee's attention to the worsening situation in some countries, particularly the USSR, because of religious intolerance. Such intolerance seemed to be a basic policy of the Soviet Union, which, despite numerous specific international obligations, notably those contained in article 18 of the International Covenant on Civil and Political Rights, and contrary to the relevant provisions of its own Constitution and laws, had placed restrictions on the observance and practice of the Jewish faith far more onerous than those imposed on other religious groups in that State. For example, no Hebrew Bibles had been published there for over 50 years; fewer than 60 synagogues existed, a number grossly disproportionate to the size of the Jewish population, and more than half of them were located in the Caucasus and Central Asia, where only one tenth of the total number of Soviet Jews lived; only three rabbis remained, and there were no facilities for training others; religious articles were unobtainable and ingredients for kosher food were difficult to

(Mr. Granit, Israel)

obtain; and Jews, unlike persons of other religious denominations, were not allowed to organize central or regional associations. One of the most serious impediments was the Soviet authorities' unpublicized ban on the study, by Jews, of Hebrew, the language of the religious ritual and teaching of Judaism, and the only language which had always been the common property of Jews everywhere. The Soviet authorities' attempts to sever Jews from their religious heritage was a violation of religious and cultural rights. Jews were discriminated against in the Soviet Union on national, social and cultural as well as religious grounds; therefore, his delegation reserved the right to speak on such discrimination against Jewish minorities during the Committee's deliberations on item 12.

15. Mr. BOUGHAZLI (Tunisia) said that since the General Assembly's adoption, in resolution 1386 (XIV), of the Declaration of the Rights of the Child, the United Nations had increasingly voiced its concern that children everywhere, regardless of nationality, religion or economic and social background, should have a decent life and a secure future. The proposed convention on the rights of the child would be an appropriate instrument to give effect to that concern.

16. The conflict and insecurity in many parts of the world made the international community more anxious than ever to protect its children, especially those of the third world, who not only often lacked such basic necessities as food, shelter, education and even a family, but were at times the victims of conflicts which were not of their making. An example was the situation of Palestinian children in the occupied Arab territories and refugee camps; a large number of the victims of the Sabra and Shatila massacres had been children.

17. Tunisia, from the time it had achieved independence, had spared no effort to promote the protection and well-being of children. Education was available to children of all social classes; one third of the national budget was devoted to education, and roughly one fifth of the population was attending school or higher educational institutions. Under the revolutionary reforms carried out, child and youth welfare was a keystone of the country's economic and social development. One legacy of the colonial era had been a large number of homeless children, who had now been settled in villages, known as "Bourguiba children's villages", established as one of the measures taken under a government programme which had drastically reduced child vagrancy and juvenile delinquency. The country's Civil Code contained many measures to give adequate protection to the child and the family, including safeguards for mothers and children in the event of separation or divorce. Child adoption was strictly governed by a law passed in 1958.

18. His Government applauded the efforts of the United Nations system in promoting and protecting the rights of the child, and his delegation would support all initiatives taken to safeguard the rights and future of children and of mankind in general, and thus improve the prospects for international peace and prosperity.

19. Mr. SOKALSKI (Poland) said that each year more than 40,000 children died as a result of hunger and malnutrition. In addition, 75 million children between the ages of 8 and 15 were part of the labour force in the developing world, while

(Mr. Sokalski, Poland)

according to some estimates the figure for the world as a whole was almost twice as high again. Furthermore, thousands of children had been enslaved by prostitution and drug addiction. The subject of children's rights was not new in the United Nations system. Yet if it was approached from the point of view of a general convention, then it was both a human rights and a social development problem. Most children did not understand that they were being denied the fundamental rights and freedoms inherent in every human being. In its efforts to achieve overall economic and social development, the United Nations had a moral obligation to pay due attention to the situation and special needs of children.

20. It was certainly not the fault of the Declaration of the Rights of the Child that under the current circumstances mankind had very little to give to the child while too much was being spent on instruments of destruction. In addition, one could not but reflect on the tragic irony of the status of the implementation of the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. While the International Year of the Child had generated positive action on behalf of children, that action was proving to be as short-lived as the Year itself. The follow-up programmes that had been stimulated had so far not resulted in international efforts commensurate with real needs and expectations. Poland had been making strenuous efforts to keep up the momentum generated by the International Year of the Child. It was trying to incorporate the indispensable component of international co-operation in its national programmes on behalf of children. No matter how much a nation cared for its children, there would always be room for improvement.

21. Although the lives of children in Poland were much happier than those of hundreds of millions of children elsewhere, Poland thought it would be useful to devise a new international mechanism to stimulate on-going child-oriented action as a tangible follow-up to the International Year of the Child. It was for that reason that it had proposed the elaboration of an international convention on the rights of the child based on the 1959 Declaration. In his delegation's view, the past five years of work on the draft convention had in no way been wasted. The subject had become quite familiar to world public opinion, which was encouraging the early completion of the draft convention. In that connection he wished, on behalf of the 75 sponsors, which now included Norway, to introduce draft resolution A/C.3/38/L.23. He hoped that it would receive the traditional unanimous support of all Member States.

22. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that man's knowledge of and capacity to influence nature had been truly revolutionized, and as a result, the efficiency of many branches of production had been enhanced, new sources of energy and new substances developed and technological capacities greatly increased. The vast scale of the current scientific and technological revolution had enabled mankind to achieve greater freedom and the fuller realization of human rights.

23. The Ukrainian SSR was availing itself to the fullest extent of the opportunities provided by that revolution. Its output and technological potential

(Mr. Khmil, Ukrainian SSR)

were constantly growing, and the source of that growth was the incorporation in production of the achievements of science and technology. The main force behind scientific and technological progress, however, was people with the necessary knowledge and experience: scientific workers, who currently numbered over 200,000, specialists, of whom there were now about 2.5 million, and educated workers in general of whom there were almost twice as many now as in 1956. In the Ukrainian SSR, scientific and technological progress was inseparable from social progress as the basis for economic development. The wages of workers and social consumption funds were rising. In 1980, social consumption funds had represented 26.7 per cent of the national income, which had raised by a factor of 2.7 the average wages of workers and employees. Ukrainian society was moving towards the elimination of distinctions between classes, urban and rural areas and between intellectual and physical labour.

24. The Ukrainian SSR's spectacular achievements, however, made it all the more disturbing that in many countries the opportunities offered by the scientific and technological revolution either did not serve the common good or remained entirely inaccessible. In developing countries, 40,000 children died every year from hunger and disease, 570 million people were under-nourished, 1.5 billion had limited or no access to medical care, 800 million were illiterate and 250 million children never attended school. In the developed capitalist countries, the scientific and technological revolution was translated not into benefits for workers but into unemployment, poverty and homelessness, and it drove the destitute to crime or suicide.

25. Although the causes of those phenomena varied from country to country, they were all features of capitalist societies. Under socialism production was harnessed to the satisfaction of the society's needs, whereas under capitalism production was stimulated and its efficiency measured by profit. Scientific and technological progress not only failed to further social progress but actually caused regression and the neglect of the elementary rights of increasing numbers of people.

26. That was not the only problem, however. The greatest evil was imperialism, which intensified its exploitation of less developed countries in direct proportion to the disparity between their levels of development and its own. That phenomenon was reflected in technological neo-colonialism, the brain drain and similar practices and in the refusal of imperialist States to recognize the demands for the establishment of a new international economic order. No matter how obsessed the imperialists were with retaining their privileges, however, their ability to exploit other countries was decreasing. Each step taken by the developing countries towards social and economic transformation, the geographical expansion of their co-operation and the strengthening of their economic self-sufficiency reduced the size of the tribute imperialism could claim from them. Although that was a legitimate and laudable development, the imperialist forces, primarily the United States, attempted to represent it as international terrorism. It would be hard to find a greater distortion of the essence of social development. Nevertheless, those regressive statements were not merely the idle rhetoric of imperialists: in some countries, primarily the United States, they were the foundation of State policy.



(Mr. Khmil, Ukrainian SSR)

27. The most wasteful and dangerous abuse of the achievements of science and technology was the development and production, especially in the United States, of weapons of mass destruction. That was not only incompatible with the safeguarding of human rights but was also capable of depriving mankind of the most important right of all - the right to life. One could not but be horrified by the fact that the destructive power of existing nuclear weapons equalled more than a million of the bombs which had been dropped on Hiroshima and Nagasaki and exceeded 50,000 megatons.

28. That threat caused the peoples of the world resolutely to demand the curbing of the arms race and the application of the genius of mankind to furthering the cause of peace and human welfare. The World Assembly for Peace and Life against Nuclear War, held at Prague in June 1983, had powerfully demonstrated that desire. The Assembly's appeal stated that mankind had reached a fateful crossroads in its history: one step in the wrong direction and the world might be thrown into the abyss of nuclear war. Similar concerns and demands had been expressed in many other forums, including at Nürnberg, Geneva, Vienna, Mainz, Tokyo, Hiroshima and Nagasaki. Soviet scientists had declared that they were convinced that nuclear disarmament was the only way to ensure the true safety of Governments and peoples. Twelve thousand physicists from 43 countries had appealed to the United Nations and Member States to exercise good sense and responsibility.

29. The peoples of Western Europe, the area which had been selected for the deployment of the United States middle-range Pershing II and cruise missiles, had rejected the role of hostage in nuclear war imposed on them by Washington. Certain Western politicians were attempting to represent the European anti-nuclear war movement as having been inspired by communists and socialists. His country considered that a compliment to the policy of the socialist countries, which was truly in accord with the peace-loving wishes of all peoples and their demands for the elimination of the threat of nuclear disaster and the safeguarding of international peace and security on the basis of the principle of peaceful co-operation. The Soviet Union had advanced many initiatives at the current session of the General Assembly, including those relating to a freeze on nuclear weapons and the condemnation of nuclear weapons as contrary to human conscience and intelligence and as the most monstrous crime against peoples. The Ukrainian SSR fully supported those proposals and believed that their adoption was one of the actions which the peoples of the world expected from the United Nations.

30. Mr. ZURITA (Spain) said that the Spanish Constitution, in article 10, recognized human rights as the basis for the political order and for social peace and expressly referred in that connection to the Universal Declaration of Human Rights and the other international instruments in that field ratified by Spain. Precisely because of the importance which it attached to the protection of human rights and the establishment of effective machinery to guarantee that protection, his country had in 1977 ratified both the Human Rights Covenants. In his inaugural

(Mr. Zurita, Spain)

address, the Prime Minister of Spain had announced his commitment to making fundamental rights the guide for all governmental action, in the conviction that they gave legal expression to the great values of freedom and equality.

31. His delegation was pleased to note the increase in the number of States parties to both Covenants. However, only half the States Members of the United Nations were parties to them. Important though the increase in the number of countries that had ratified those international instruments was, what was more important was that their implementation should be effective, and that could be assured only through the guarantee at the national level of the rights which they set forth. In that connection, his delegation wished to acknowledge the positive role played by non-governmental organizations and the impact which they had on public opinion.

32. His delegation wished to express its recognition of the work done by the Human Rights Committee and its concern at the obstacles caused by the late submission of reports by States parties.

33. With reference to item 94, he observed that developments in the field of science and technology had been rapid, and yet mankind was placed in double jeopardy as a result of those advances. On the one hand, there was a risk that those who used such technology might lose control of it; on the other hand, there was a danger to the most fundamental human right, the right to life. Used correctly, science and technology could promote human rights, individually and collectively, and contribute to improving the well-being of peoples. In that context, developments in the field of communications and information assumed special importance for the dissemination and assimilation of culture. To that end, it was necessary to guarantee the right of people to communicate freely by removing obstacles to free communication and democratizing that type of activity by institutionalizing pluralism in the dissemination of information.

34. It was urgent both to facilitate the participation of all peoples and countries in scientific and technological developments and to ensure that those developments did not interfere with human life and liberty. Above all, those developments should not be allowed to constitute a danger to the right to life. That right could be enjoyed only when life was allowed to develop in conditions of dignity, to which end the effective enjoyment of all other human rights and fundamental freedoms was essential. By the same token, it could not be denied that the application of scientific and technological developments for military purposes posed a potential threat to the right to life. Accordingly, measures should be taken to eliminate all propaganda in favour of war and, even more necessary, to eliminate the real causes of war. In short, scientific and technological developments should be used both in the interests of peace and in the promotion of respect for the human rights and fundamental freedoms of all human beings.

35. With respect to item 97, his delegation wished to emphasize that respect for life and the guarantee of its dignity must be one. The right of every human being not to be subject to torture was laid down in the Universal Declaration of Human

(Mr. Zurita, Spain)

Rights and the International Covenant on Civil and Political Rights. Article 15 of the Spanish Constitution prohibited torture and abolished the death penalty. That proclamation found its practical application in article 204 bis of the Penal Code, in which torture was punishable as a crime. His delegation believed that in order better to ensure that no one was subjected to torture, the Commission on Human Rights should complete the elaboration of a draft convention on that question and could submit it to the General Assembly at its next session. As a member of that Commission, his delegation would join in the efforts of other members in promoting human rights and ensuring that no one was subjected to torture and other cruel, inhuman or degrading treatment or punishment.

36. Mr. HOGUE (Australia) said that the Human Rights Covenants codified in a comprehensive and balanced manner the rights which every human being possessed and which he or she must, through the agency of government, be enabled to exercise freely and fully. In that context, his delegation was concerned that the Covenants had so far been ratified by barely half of the Member States of the United Nations.

37. In fulfilling its reporting obligations under various international instruments, Australia had become accustomed to being complimented on the frankness and comprehensiveness of its reports, which had provided a basis for thorough and wide-ranging questions from the expert bodies concerned. That was as it should be. Active and forthcoming dialogue with the Human Rights Committee was an essential aspect of meeting obligations under the International Covenant on Civil and Political Rights, and Australia strongly hoped that all Member States would join in such a process through ratification of that Covenant.

38. While most States submitted their reports under that Covenant promptly, the situation with regard to the International Covenant on Economic, Social and Cultural Rights was, regrettably, very different. At the end of 1982, 94 reports of States parties under that Covenant had been overdue. There was an urgent need for the Economic and Social Council to streamline the reporting system and to provide the conditions for a reasoned, timely and productive dialogue with States parties on the realization of economic, social and cultural rights.

39. With respect to item 95, he said that children not only were the future of the human race but also constituted a group of people that were often unable to stand up for themselves. Accordingly, Australia hoped that the Commission on Human Rights must continue to make good progress towards the preparation of a substantial and thoroughly considered convention on the rights of the child.

40. Turning to item 93, he observed that religious intolerance had plagued humanity throughout the centuries and still did so in many parts of the world. Everyone must be free to believe and practise any religion, but no one should ever attempt to impose his beliefs on others. The deep feeling which religious belief rightly evoked should be matched by a profound commitment to the rights and freedoms of others. His delegation therefore wished to stress the importance of pressing on with the implementation of the Declaration on the Elimination of All

(Mr. Hogue, Australia)

Forms of Intolerance and of Discrimination based on Religion or Belief by disseminating it widely and promoting the implementation of its provisions.

41. Torture, which was the subject of item 97, not only constituted a repulsive assault on human dignity but could have the most devastating long-term effects on its victims. His delegation therefore regarded the convention being drafted by the Working Group of the Commission on Human Rights as of major importance. It hoped that the draft, containing effective implementation provisions, would be completed soon.

42. General Assembly resolution 37/194 on Principles of Medical Ethics, adopted in connection with that same agenda item, had been the outcome of a serious and constructive negotiating process and made a most useful addition to the body of international standards dealing with the protection of human rights in that area. His delegation believed that the General Assembly should take further appropriate action at the current session to ensure the wide dissemination of those Principles.

43. The basic issues involved in any consideration of the relationship between human rights and scientific and technological developments could be stated very simply. Science and technology should be placed at the service of freedom and not of tyranny. They should be used to improve the material conditions of life of all human beings by freeing mankind from hunger, disease and all those physical ills from which too many people suffered. They should also be used to make civil and political freedom more effective. Technology therefore could and should contribute to freedom in every sense of the word. It should be stressed that technology existed to serve people and that individual rights and freedoms, including the right to privacy, must be preserved. It served no useful purpose to use the issue solely to reiterate truisms. Obviously the right to life was a fundamental right, and just as obviously everyone wanted disarmament. But the right to life was threatened more immediately, if less horrifyingly, by many forces and phenomena which existed independently of the enormous nuclear arsenals being maintained by the two super-Powers. Disarmament was a political problem, not a technological one. It was also a subject that was being addressed in great detail elsewhere, and the task of the Third Committee was not to parrot the exchanges that had taken place in other forums, but rather to stress issues and perspectives which arose from the need to promote all human rights.

44. Mr. SCHLEGEL (German Democratic Republic) said that as a socialist State, his country advocated the creation of social conditions which permitted science and technology to further the cause of peace and co-operation, help solve global problems and achieve social progress, protect life and improve living conditions for everyone. His delegation supported all measures aimed at ensuring peace and developing peaceful co-operation among States: that was the concept on which the discussion of the interrelationship of human rights and scientific and technological development should focus.

45. In view of the increasing abuse of scientific and technological achievements to intensify the arms race, it was more than ever imperative to mobilize all forces

(Mr. Schlegel, German Democratic Republic)

to serve the interests of peace and progress, and the General Assembly should take further action to contribute to arms limitation and disarmament. A nuclear inferno must be averted, for that would result in the destruction of the human race. It was accordingly of the greatest importance to prevent a new round in the arms race, which would further complicate the international situation and increase the danger of world war. The people of his country were determined to do everything possible to ensure that no war would ever again be unleashed from German soil.

46. His delegation welcomed the preparation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a study on the results of scientific and technological progress for the realization of the right to development. The consideration of science and technology and human rights, particularly with regard to access of developing countries to the latest achievements of science and technology, was closely related to the establishment of a new international economic order. The adoption of the proposal made by the socialist States that part of the resources released through disarmament measures should be made available for the development of science and technology and for combating starvation, illiteracy and underdevelopment would contribute greatly to constructive United Nations action in that field. The impact of scientific and technological progress on the right to work and working conditions, an analysis of which had been called for by the Commission on Human Rights, was of vital importance, for it related to the basis of the existence of any human society, namely, the ways and means of producing and distributing social wealth. His delegation therefore strongly advocated expediting the preparation of that analysis.

47. The German Democratic Republic supported the adoption of a convention on the rights of the child and was a sponsor of draft resolution A/C.3/38/L.23. It urged all delegations to participate constructively in the drafting of that text, which it would like to see completed as soon as possible.

48. Mr. DOMBALIS (United States of America) said that the efforts of those who had participated in the process leading to the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief should be recognized and applauded, for religious freedom was a fundamental building block in the edifice of world peace, and both believers and non-believers should stand equal before the law and have rights which were an inseparable part of the total fabric of international law and of universally recognized human rights and fundamental freedoms. In many parts of the world not only were the principles and protections enshrined in articles 5 and 6 of the Declaration routinely ignored, but even citing them as a basis for criticizing State actions was likely to lead to arrest, interrogation or imprisonment. It was therefore important that the Committee should take note of the violations of the standards set by the General Assembly so that the attention of the world community could be focused on those who claimed to accept the Declaration and then proceeded cynically and brutally to repress and persecute those who sought its protections.

49. One matter which deserved special attention was the attempt by Governments to foster a subservient church, which they usually called either "patriotic" or

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"revolutionary": the actual church of the believers was then condemned as an illegal counter-revolutionary institution or the tool of foreign interests. Perhaps the clearest, best-documented example of that was to be found in Nicaragua where the Catholic Church had welcomed the downfall of the Somoza dictatorship and had approved socialism as an authentic redistribution of power and wealth within society. Yet by January 1981 - in other words at the very beginning of the current United States Administration, which the Sandinistas were later to use as the rationalization for their repression of basic freedoms of speech and press - the bishops were being called enemies of the people, and in the months that followed the Sandinistas had begun describing churchmen as either revolutionary or non-revolutionary, the latter term soon becoming "counter-revolutionary". Censorship of sermons, newsletters and religious news had begun. Televising of the mass had been halted. The most shocking thing of all, however, had been the use of Government-incited violence against the church and its believers. Mobs armed with sticks and clubs, organized by the neighbourhood watch committees and reporting to the Office of State Security, had intimidated believers, seized churches where the priest or the parish was supposedly "counter-revolutionary", and turned them over to Sandinista Defence Committees. Those were not isolated occurrences. The most recent episode was a series of co-ordinated attacks on Catholic churches in October of the current year. Moreover, the Catholic Church had not been the only church to suffer. As part of the persecution of the Miskito Indians, many Moravian churches had been burned and their pastors killed, imprisoned or driven into exile, and in August 1982 about 20 Protestant churches had been seized by Sandinista mobs. Throughout Nicaragua, in dealings with both Protestants and Catholics, with clergy and laymen, the message of the Sandinista dictatorship was the same: conform, join the so-called Patriotic Movement, or be smashed.

50. An essentially similar process was going on in Viet Nam, particularly in what had formerly been the Republic of South Viet Nam, since religion had long ago been suppressed in the North. Shortly after the Communist takeover of the South, a so-called Patriotic Buddhist Liaison Committee had been set up and the persecution of the authentic Buddhist congregations in the South had begun. The Deputy Head of the Central Executive Council of the Unified Buddhist Church, after sending a letter to Premier Pham Van Dong in March 1977 detailing 85 incidents of persecution, had been arrested three times and had then been banished to his native village, and no word of his whereabouts had been heard since that time. The entire traditional leadership of the Buddhist Church in the South had been removed. A similar fate had befallen the Catholic Church in the South, where it had been reported by escapees that between 200 and 300 priests and lay brothers had been arrested.

51. An even more severe repression was a feature of daily life in Ethiopia, where hundreds of religious leaders had been hunted down and executed. Theophilus, the Patriarch of the Orthodox Church, had been among those arrested, and no word of his whereabouts had been received for some years. While thus removing the traditional leadership of the Orthodox Church, the Government had attempted to use the remaining shell of the intimidated Church for its own purposes, particularly in meetings with representatives of European churches which were providing

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assistance. At the same time, persecution at the local level continued. For example, in 1981 the Government had announced the confiscation of all church-run schools and hospitals on the ground that the role of the churches should be restricted to religious matters alone. That action was a violation of article 6 of the Declaration. The most blatant case of religious persecution in Ethiopia, however, was that of the 500,000-member Mekane Yesus Church, a member of the Lutheran World Federation, whose General Secretary had disappeared and was assumed to have been executed. By the end of 1979, over 300 members of that church had been executed in Wollega and a further 600 in the neighbouring province of Sidamo. Indeed, with the seizing of over 500 churches and the elimination of the entire leadership, the whole church had been destroyed.

52. In the Soviet Union, although the Soviet Constitution provided in article 34 that citizens were equal before the law, regardless of religious affiliation, and although it guaranteed in article 52 freedom of conscience to all, Soviet practice would indicate otherwise. For example, the Eastern Rite Catholics had been forced to merge with the Russian Orthodox Church and the Pentecostal Church had been forced to merge with the Baptists. The State controlled all legal places of worship, in direct violation of article 6 of the Declaration. The Council on Religious Affairs must register a religious body for it to have legal existence, and if the Council refused to do so, no reason for refusal needed to be given. That was a violation of article 6 of the Declaration, of Leninist dictum, and of the Soviet Constitution itself. Activity of the clergy outside of a delimited parish area was banned, and no parish societies or discussion groups could be organized. There was an absolute ban on all relief work.

53. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, asked the Chairman to request the United States representative to speak to the substance of the issues under discussion. Even a priest had no right to interfere in the religious matters of other States, and it would be more appropriate for him to discuss the religious affairs of his own country.

54. Mr. DOMBALIS (United States of America), continuing his statement, said that the current policy on Soviet Jews was fourfold: to end emigration despite the guarantees of the Helsinki Accords and the Universal Declaration of Human Rights; to cut off contact between Soviet Jews and their co-religionists; to enforce cultural assimilation and persecute those who sought to preserve the Jewish cultural heritage; and to carry on a campaign of the most virulent, poisonous anti-Semitic slander seen in the Soviet Union since the waning days of Stalin's dictatorship. No one should make the mistake of accepting the Soviet contention that while their policy might be anti-Zionist, it was not anti-Jewish, for in fact the Government made no such distinction.

55. A particularly appalling case of injustice and religious persecution was that of the Baha'i in Iran. During 1983 the persecution of Baha'i had continued unabated. Many were in prison, countless others had had their property confiscated, pensions cut off and education denied their children, and constant pressure was being applied to them to abandon their beliefs and to convert to

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Islam. Between January 1978 and July 1983, 142 Baha'is had been publicly executed for their religious beliefs. The authorities in Iran did not regard the Baha'i as a religion but rather as a heretical sect of Islam, and therefore not entitled to any protection at all. In response to a statement made by the Iranian Prosecutor-General during a press interview that the Baha'i would not be imprisoned or executed if they did not teach their religion, the Baha'i community had dissolved itself and ended its communal life in Iran. However, the campaign to destroy it continued. Hopes of eradicating religious persecution remained unfulfilled, and therefore the work of pointing out examples of cruelty and injustice must continue.

56. Mr. HEGYI (Hungary) speaking on item 94, said that scientific and technological progress would be one of the main factors in accelerating social and economic development in all countries if the results of scientific research and technological development were used for the benefit of peoples and individuals. Under the current international circumstances, however, new findings in science and technology did not automatically entail positive changes for the better in the lives of human beings. There was daily evidence that inventions of human genius were being misused to accelerate the arms race and to develop even more inhuman weapons of mass destruction. The rejection of a great number of peace initiatives made by the socialist countries and the deployment of new weapons of mass destruction in Europe enhanced that danger because they destroyed confidence. If the arms spiral could not be checked and reversed, the survival of humanity would be endangered. A future drastic intensification of the arms race would not only undermine world peace and increase the threat of a nuclear inferno but would also seriously worsen the economic and social situation of all mankind. It would reduce the potential for giving effective aid to the developing countries and would greatly lessen the prospects for a new international economic order. In the interests of preserving human civilization, he hoped that the current debate on item 94 would lead to the adoption of decisions conducive to the more rational utilization of technological progress in the interest of basic human rights. Resolution 1983/43 adopted by the thirty-ninth session of the Commission on Human Rights pointed in that direction.

57. Scientific and technical progress had opened up vast possibilities for mankind's development. Exploration of those possibilities would conform to the principles of the Declaration on the Establishment of a New International Order, which was intended to make the achievements of modern science and technology accessible to developing countries. The existence of social ills like unemployment, social inequality and discrimination were incompatible with the provisions of the Declaration. Although the Hungarian People's Republic was not free from economic problems, the right of its citizens to work was laid down in the Constitution, and unemployment had been unknown in Hungary for the past 40 years. The Hungarian people and Government attached the utmost importance to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind and to the broadest and fullest possible implementation of its provisions.



58. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the progress of the Committee's work had been disturbed by the representatives of Israel and the United States, who had indulged in insinuations and slander against many States, including his own. The Soviet Union contemptuously rejected the fabrications which had become normal practice for Israel and the United States in respect of those countries that opposed their aggressive and expansionist policies. Instead of slandering others, however, the representatives of Israel and the United States should have talked about the religious intolerance being practised in their own countries. The representative of Israel had sought by pointing a finger at others to distract attention from his own country's crimes and cruel discrimination against Arabs. If the representative of the United States had truly wished to discuss religious intolerance, he should have looked closer to home, for it permeated all levels of American society. In many parts of the United States, individuals who did not believe in God could not be employed in certain institutions or testify in courts. Civil servants still had to take a religious oath, and the vast archives of the Federal Bureau of Investigation were used to prevent the hiring of atheists. It was difficult to reconcile with the concept of freedom of conscience the fact that the United States authorities encouraged religious propaganda and gave selected churches and sects a virtual monopoly over the education of the younger generation. The Supreme Court had even endorsed a scheme by which parents of children in parochial schools paid less in taxes than parents of children receiving a secular education. It had also approved a law allowing only Catholic school children, and not children with other religious convictions, to ride public transport free of charge and had legalized the State's practice of providing free text-books only in Catholic schools. Furthermore, a full-scale witch hunt against Darwinism was going on in the United States school system.

59. Not only atheists, but also Black Muslims and members of other religious groups, were persecuted. That had been demonstrated by the vilification of Martin Luther King, an outstanding leader in the fight for equality in the United States. Pseudo-religious sects, which employed the tactics of kidnapping and brainwashing young people, were carefully nurtured, because they helped the United States authorities to repress truly progressive movements.

60. He referred to an open letter to the Patriarch of Moscow and to statements by Billy Graham as proof of the fact that in both legislation and practice, religious freedoms and freedom of conscience were ensured in the Soviet Union.

61. Mr. GEBRE-MEDHIN (Ethiopia), speaking on a point of order, said that his country reserved the right to respond at a later date to the baseless allegations made by the United States concerning some countries.

62. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that although the representative of the United States had taken holy orders, he had broken one of the ten commandments - not to bear false witness.