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THIRD COMMITTEE  
52nd meeting  
held on  
Friday, 25 November 1983  
at 3 p.m.  
New York

**UN/SA COLLECTION**  
SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. BELL (Canada)

later: Mr. CHAVANAVIRAJ (Thailand)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 93: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)  
(A/38/3 (Part I))

AGENDA ITEM 94: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS  
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AGENDA ITEM 96: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)  
(A/38/3 (Part I), A/38/40, 88, 203, 392, 529)

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

(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 (continued)

AGENDA ITEM 97: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
PUNISHMENT (continued) (A/38/3 (Part I); A/C.3/38/L.31, 32)

1. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said that his country supported international co-operation in the protection and strengthening of human rights and fundamental freedoms pursuant to the United Nations Charter, and felt that the various international human rights instruments provided a sound basis for such co-operation. He had in mind particularly the Human Rights Covenants, which set forth comprehensive legal standards governing a wide range of human rights, from the right to self-determination to the right to work and education, and represented a firm commitment by all States parties to the protection of such rights. The Covenants were a step forward in international human rights co-operation, and the growing number of States parties testified to their importance. The Byelorussian SSR's ratification of them reflected its constant concern for human rights and for its citizens' material, moral and cultural well-being. The experience of the socialist countries showed that, as Lenin had said, only the socialist reconstruction of society could lead to full freedom for the individual and the community, on the basis of true equality, without exploitation of man by man. Socialism gave true meaning to human rights, democracy and progress by means of legislative and practical measures. Pursuant to the Byelorussian SSR's Constitution and national legislation, all citizens, without distinction, had the right to participate in managing the affairs of government and society. There was full equality of the sexes, and everyone was guaranteed the right to housing, health care, work, leisure and education.

2. Socialist democracy was based on the principle that all human rights were interdependent, and the citizens' social and economic rights and material benefits

(Mr. Komissarov, Byelorussian SSR)

were constantly being enhanced. The situation with regard to human rights in the Byelorussian SSR not only conformed to but went beyond the provisions of the Covenants, as could be seen from its reports to the Human Rights Committee and to the Sessional Working Group of Governmental Experts of the Economic and Social Council. His delegation appreciated the work of the Human Rights Committee and the Sessional Working Group, although it felt that too much emphasis had been given to organizational and administrative matters. Those bodies should spend more time on their assigned task of appraising the States parties' reports. Also, it would be desirable if in all cases they could adopt decisions by consensus, taking the interests of all States parties into account.

3. Compliance with the Covenants' provisions, although an internal affair of each State, depended on a number of external factors related to the application of international human rights standards and to protection of international peace and security. Only in conditions of peace could human rights be exercised in full. It was idle to discuss their exercise in places where war, declared or undeclared, was being waged and States were subjected to overt or covert aggression, and when such rights were being further jeopardized by the imperialist arms race. It was noticeable that a number of developed capitalist countries, as shown in their reports to the Human Rights Committee and the Council's Sessional Working Group of Governmental Experts, were making no effort to give legislative and practical effect to the provisions of the Covenants with regard, *inter alia*, to the prohibition of war propaganda and, at a time when millions were unemployed in those countries, to protection of the right to work. It was also noticeable that the United States, which had signed the Covenants in 1977, had not only failed to give effect to them but, under its current administration, was attacking them, especially the International Covenant on Economic, Social and Cultural Rights. The General Assembly at its current session must again call on all States to accede to the International Covenants and thereby make a firm contribution to international co-operation in the field of human rights.

4. Mr. GERSHMAN (United States of America) said that in the five years since the General Assembly had requested the Commission on Human Rights to undertake a study of the question of the protection of persons detained in mental institutions because of their political views, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been considering a draft body of guidelines, principles and guarantees. However, because the Sub-Commission had been unable to conclude its consideration of the draft at its thirty-sixth session, the report would not be submitted to the General Assembly until the latter's fortieth session in 1985. Since the adoption of General Assembly resolution 37/188, which had addressed the question of the political abuse of psychiatry, a development of far-reaching significance had occurred, namely, the resignation from the World Psychiatric Association in February 1983 of its affiliate from the Soviet Union. The resignation had occurred only weeks after the number of member associations in the World Psychiatric Association favouring the Soviet Union's expulsion or suspension had risen to nine, thus making it virtually certain that the Soviets would have been voted out of the organization. The Soviet resignation had been dutifully followed by that of the World Psychiatric Association affiliates

(Mr. Gershman, United States)

from Czechoslovakia, Bulgaria and Cuba. The Soviet resignation had climaxed some two decades of world concern over the issue, during which time the Soviet Union had become increasingly isolated within the world psychiatric community owing to its cruel abuse of a healing profession for the purpose of political repression. The practice had first come to world attention in 1965 with the publication in England of Ward Seven by Valery Tarsis, a chilling account of his own internment in a Moscow psychiatric hospital.

5. The abuse of psychiatry in the Soviet Union had been formally brought to the attention of the United Nations on 20 May 1969, when a group of prominent Soviet dissidents had asked the Commission on Human Rights to examine the practice of placing normal people in psychiatric hospitals because of their political convictions. The World Psychiatric Association had discussed the issue and had noted "allegations" of Soviet psychiatric abuse in its resolution in 1971, but it had not specifically condemned the Soviet Union for the practice until its next Congress held in Honolulu in 1977.

6. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that the Committee was a not a meeting of the World Psychiatric Association but was supposed to be discussing human rights. An attempt was being made to give a lecture on psychiatry, thus diverting the Committee's attention from the item under discussion. He asked the Chairman to remind the representative of the United States that he should address himself to that item and not deal with the internal affairs of other countries.

7. Mr. GERSHMAN (United States of America) continuing his statement, said that at its 1977 Congress the World Psychiatric Association had condemned "the systematic abuse of psychiatry" in the Soviet Union and had set up a committee to monitor individual cases and to investigate offences. The Soviet Union, however, had shown no interest in co-operating with that committee or in abandoning its practice of abusing psychiatry in the suppression of dissent.

8. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that there was no draft resolution before the Committee concerning the World Psychiatric Association. Perhaps the United States would submit one before the deadline, but meanwhile it should not talk about that Organization.

9. The CHAIRMAN said that Members should bear in mind that it was important to keep to the specific items under discussion, although certain delegations would naturally place more emphasis on one item than on another.

10. Mr. GERSHMAN (United States of America), continuing his statement, called the attention of the representative of the Byelorussian SSR to draft resolution A/C.3/38/L.29, the first operative paragraph of which reaffirmed the General Assembly's conviction that detention of persons in mental institutions on account of their political views was a violation of their human rights.

11. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that the draft resolution referred to by the representative of the United States had not yet been submitted.

12. Mr. GERSHMAN (United States of America), continuing his statement, said that the same language had been used the previous year in resolution 37/188. The principal charges against the Soviet Union focused on four areas of abuse. First, there was the application of a pernicious theory of "sluggish" schizophrenia, unknown outside the Soviet Union. The theory, so vague that it could be applied to any person, whether sane or mentally ill, had been overwhelmingly rejected by the world psychiatric community, and its application to political dissenters had been internationally condemned. A second area of abuse was the forcible detention in psychiatric hospitals of political dissenters on the ground that they were "socially dangerous". Psychiatric confinement appeared to be a convenience more than a necessity, for it allowed the Soviet authorities to bypass political trials, which could make the régime appear Stalinist, and to present dissidents as simply mentally ill people who were out of step because there was something wrong with them, not with society or the Government; it also allowed the authorities virtually unlimited bureaucratic discretion.

13. A third abuse was the use of painful, harmful drugs with punitive intent. Not all dissidents had survived such treatment. Dissenters suffered an additional form of physical abuse in the special psychiatric hospitals for the criminally insane. Soviet citizens who had experienced confinement in both penal labour camps and special psychiatric hospitals invariably regarded the latter as the more degrading and difficult experience.

14. Fourth, there had been severe persecution of Soviet psychiatrists and others who had complained about such practices. Members of a small group of dissidents established in 1977 to uncover and publicize cases of unlawful forced commitment of persons to psychiatric hospitals and to try to procure their release had been arrested and persecuted.

15. It was difficult to know the full scope of the problem of the political abuse of psychiatry in the Soviet Union. The chief psychiatrist of the Soviet Ministry of Health had stated that 1.2 per cent of the inmates in one unidentified psychiatric hospital were confined for political reasons, and if that figure was representative of other psychiatric hospitals, then some 3,900 persons were victims of compulsory psychiatric confinement for political reasons.

16. Of the 215 political prisoners in psychiatric institutions on the list compiled by the human rights organization Freedom House, 121 had been psychiatrically confined for human rights activities, 35 had been confined for trying to escape from the Soviet Union and 20 were religious believers who were currently committed strictly for religious reasons. Nineteen on the list, mostly Ukrainians and Lithuanians, were individuals who had been confined for seeking greater national independence. One group that had been especially targeted for psychiatric reprisals was Soviet workers, especially those who engaged in trying to organize strikes or independent trade unions.

17. Noting that there was some debate as to whether the abuse of psychiatry in the Soviet Union had its roots in the history of Russian autocracy or was a specifically totalitarian phenomenon deriving from the political and ideological

(Mr. Gershman, United States)

character of the Soviet State, he observed that although the answer to that question was beyond the scope of his statement, the abuse of psychiatry was particularly suited to the political culture of totalitarianism, which was not satisfied merely to compel outward compliance with authority but sought to reshape the human personality and to control the inner life of the human being as well as his actions. States with a very different history and culture from that of the Soviet Union, had begun, once totalitarian power had been imposed, to abuse psychiatry in a similar manner. He noted as an example the recent arrest and confinement in a psychiatric institution in Cuba of Ricardo Bofill, who had been seized in September after leaving the French embassy in Havana where he had sought refuge, having been given assurances that he would be allowed to leave Cuba.

18. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that the United States had not heeded the Chairman's request to confine himself to the item under discussion.

19. The CHAIRMAN asked the speaker to keep as closely as possible to the items on the agenda because of the extraordinarily long meeting.

20. Mr. GERSHMAN (United States of America) continuing her statement, said that the abuse of psychiatry for political purposes was immensely significant and worthy of attention as one particularly repugnant form of the violation of human rights and as an important indicator of the political character of the régime that engaged in that practice. In that sense it had far-reaching consequences for international relations. In the interests of human rights and world peace, his delegation hoped that the States Members of the United Nations would not be silent about that terrible form of injustice, the abuse of psychiatry for the purpose of suppressing political dissent.

21. Miss FRANCO (Portugal), speaking on item 96, said that the procedures and institutions introduced by the United Nations with a view to promoting the effective enjoyment of human rights throughout the world were still comparatively weak, although their effectiveness was increasing. Her delegation was gratified to see the increase in the number of States parties to the Covenants, even if adherence to them was not as wide as the protection and promotion of human rights demanded. She expressed the hope that States that were not yet parties to the Covenants would nevertheless consider the provisions set forth in them as minimum standard rules applying to their human rights policies.

22. The Covenants were of vital importance. They had internationalized the law of human rights in such a way that no one could reasonably claim that a violation of those rights was merely a matter of domestic jurisdiction. Respect for human rights and fundamental freedoms entailed a delicate balance between the rights of the individual and the power of the State. It comprised a deep respect for human dignity. The Covenants must be looked at as a global framework whose provisions were to be abided by and implemented in a comprehensive manner, without singling out a few articles and referring to their implementation as proof of compliance with the Covenants and of full protection of human rights. In fact, if

(Miss Franco, Portugal)

international law on human rights was not to be a dead letter, effective and duly monitored implementation of the Covenants was essential. The International Covenant on Civil and Political Rights provided mechanisms for remedying situations where treaty obligations had been disregarded. One such mechanism was the Optional Protocol, whereby States parties recognized the competence of the Human Rights Committee to receive and consider communications for individuals subject to their jurisdiction who claimed to be victims of violation by the State party concerned of any of the rights set forth in the Covenant. Her delegation was therefore proud to bring to the attention of the Committee that the Optional Protocol had entered into force in Portugal on 3 August 1983. Portugal's readiness to declare itself bound by the Optional Protocol could be seen as a reflection of the seriousness with which it viewed its commitments to human rights and to the fulfilment of its treaty obligations.

23. Her delegation had studied the report of the Human Rights Committee (A/38/40) and was pleased to note that the Committee continued to strive for uniform standards in the implementation of the provisions of the Covenant. It noted with particular interest the statement in paragraph 376 that the Committee had continued to implement paragraph 4 of article 40 by adopting general comments relating to articles 19 and 20 of the Covenant, and it was pleased to learn that at its twentieth session the Human Rights Committee had initiated consideration of the methods and procedures that should govern the consideration of second periodic reports, as that represented another important step in the elaboration of interpretative rules on the implementation of the Covenant.

24. With regard to the International Covenant on Economic, Social and Cultural Rights, her delegation was pleased to note the improvements in the functioning of its mechanism of control, as a result of the implementation of Economic and Social Council resolution 1982/33. It expected that in 1985, the Council would agree that the members of the Sessional Working Group should be independent experts and that it should meet more often, preferably on an intersessional basis. She expressed her delegation's hope that in the not too distant future the Sessional Working Group would reach a level comparable to that of the Human Rights Committee.

25. Mr. CERMAK (Austria) said that all were aware that the world human rights situation was far from satisfactory. It was commonly recognized that the situation in regard to respect for human rights was directly dependent on the overall political, economic, social and cultural conditions under which people lived. In addition, there was a growing recognition that peace and human rights were indivisible. Without respect for human rights and fundamental freedoms and without global improvement in the humanitarian field in all its aspects, peaceful coexistence and détente among States could not be achieved.

26. There was a growing and alarming tendency towards religious intolerance in many parts of the world. Freedom of religion and belief was an achievement of fundamental importance which must not be endangered. International efforts to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief must continue and should be made known to all, especially those subjected to discrimination because of their religion or belief.

/...

(Mr. Cermak, Austria)

27. It was a well-known fact that many political prisoners in different parts of the world were frequently subjected to torture. While his delegation considered that existing human rights instruments already outlawed torture, their implementation was far from satisfactory. As there were reliable reports that torture continued to be practised in many countries, his delegation welcomed the ongoing work in different United Nations bodies aimed at developing new methods, and extending existing ones, of eradicating that abhorrent practice. With regard to the draft convention on the subject, he still hoped for positive results in the coming negotiations of the Working Group. However, positive results did not mean only a text commonly agreed on. If such a convention could not provide for sound measures for effective protection of potential victims, then the need for a critical review of the current approach to that urgent problem became obvious. The elaboration of new instruments in that field could be supported by Austria only on the condition that the International Covenant on Civil and Political Rights was preserved in its entirety and that existing standards of protection were significantly raised.

28. With regard to item 96, he said Austria was particularly interested in a number of international instruments on human rights which provided for reports to be submitted by States parties. If those instruments were to be effective, there must be an appropriate follow-up mechanism whereby, firstly, an established reporting system would provide information about the implementation and acknowledgement of the instruments and, secondly, the instruments themselves would be adjusted to the changing environment and circumstances. Standardization of the reporting systems under the auspices of the United Nations would provide a universal assessment and implementation format. His delegation was aware, however, that such standardization was a long and time-consuming process which required thoughtful preparation.

29. The world was currently witnessing an increase in the application of the death penalty, a most inhumane form of punishment. Austria firmly rejected that penalty as incompatible with human dignity and the sanctity of human life. It supported all efforts aimed at its universal abolition and hoped for the successful outcome of the relevant negotiations in the Commission on Human Rights.

30. In conclusion he observed that since the proclamation of the Universal Declaration of Human Rights, the way Governments treated their people could no longer be regarded purely as an internal affair but had become the legitimate concern of the international community. The thirty-fifth anniversary of the adoption of the Declaration provided an opportunity not only to raise public awareness regarding the importance of promoting and protecting those rights but also to re-examine policies concerning the observation and promotion of human rights. His Government would continue to regard that as one of the most important endeavours of the times.

31. Mr. SERGIWA (Libyan Arab Jamahiriya) said that his country firmly believed in the need for peoples of the developing world to live in peace and, accordingly, it supported General Assembly resolutions on the use of science and technology for



(Mr. Sergiwa, Libyan Arab Jamahiriya)

development, including the elimination of disease and poverty. It strongly condemned the use of science and technology for the oppression of peoples, as in the case of the colonialist and racist régimes, especially the Zionist entity, which were keeping the peoples of South Africa, Namibia and Palestine in subjection. The use of resources for research on weapons of mass destruction meant proliferation of those weapons, any one of which was much more powerful than that used at Hiroshima. Because 60 per cent of the world's resources was used for weapons development, developing countries had benefited only minimally from the application of science and technology for development. Poverty and hunger could be eliminated in the developing countries if only a small part of the amount spent on weapons was used for development.

32. Some countries had a monopoly on science and technology and limited their exportation to the third world, as the United States had done in placing an embargo on the supply of technology to his country for use in civilian aircraft. In addition, the United States had prevented Libyan students from studying aviation in that country because, it had stated, those students were a threat to United States security. That was a denial of freedom of education, a right which should be assured without distinction as to race, and should be investigated by UNESCO.

33. With regard to item 95, he said the child was one of the most important elements of society and special attention should be paid to its needs. General Assembly resolutions on the rights of the child showed the unfortunate situation of children throughout the world as a result of delinquency and drug addiction stemming from unsatisfactory economic conditions, the legacy of colonialism and racism. Children in the occupied Palestinian territories, Namibia and South Africa were orphans because of the murder of their parents by the Zionists and colonialists in places such as Sharpeville, Soweto, Sabra and Shatila. The international community should therefore pay special attention to those regions.

34. The health, education and food needs of children should be met and schools should play a role complementary to that of parents in that regard. He hoped that the open-ended Working Group would complete its work on a draft convention on the rights of the child for submission to the Commission on Human Rights at its next session.

35. With regard to item 93, he said discrimination on the basis of religion was an affront to the dignity of mankind. At a recent seminar held at Tripoli, at which many third world countries and the Holy See had been represented, Moslems and Christians alike had expressed the view that peace was a divine gift and had reaffirmed the right of all to bring up their children as they wished. They had also agreed that no one should be compelled to reject his or her own religion or to adhere to anyone else's. His delegation, however, noted that certain entities used religion for political purposes. The Zionist entity, a racist body, debased religion by using it for its own purposes and by claiming that the Jews were God's chosen people. For example, Jews were considered to be Israeli citizens while Arabs were not. In addition, Jews could own Arab land under the pretext of security. All those laws were racist and smacked of religious intolerance in a region where Jews had always been sheltered by Arabs and had been allowed to practise their religion freely.

36. Mr. BYKOV (Union of Soviet Socialist Republics) said that his country had consistently advocated co-operation, pursuant to the Charter, in promoting respect for human rights and fundamental freedoms on a sound legal basis. On the Soviet Union's initiative, the principle of respect for those rights and freedoms had been included in the Charter and in the International Covenants and other human rights instruments, thus reflecting the very nature of the Soviet Socialist State and its achievements in guaranteeing political, civil, economic, social and cultural rights for all. It was for the sake of such rights that the Great October Revolution had been fought. As the General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Supreme Soviet of the USSR, Yuri Andropov, had said, communists had always been opposed to the exploitation of man by man, and they were now fighting also to defend human civilization and the human right to life.

37. The Soviet Union regarded all human rights and freedoms as indivisible. It had sought from the outset to embody in a single instrument all political, civil, social and economic rights, but certain of the Western States which at the time had formed a majority of the Organizations' Members had made that impossible. Some of their representatives still tried to distort the meaning of human rights, playing down such rights as the right to work and education and making artificial distinctions between so-called "individual" and "collective" rights. The truth was that people could really assert their rights and freedoms only when they were free from exploitation and social oppression, able to have a say in national and social affairs, and confident that they would never be deprived of their means of earning a living, and when their rights, freedoms and material well-being were guaranteed by the State.

38. The International Covenants, which placed specific legal obligations on the States parties, had strengthened the Organization's capacity to promote respect for human rights and fundamental freedoms, pursuant to the principles and purposes of the Charter. Their ratification by the Soviet Union had been a logical step since the rights and freedoms they referred to had long been realized in that country; Soviet legislation not only conformed to but went beyond the provisions of the Covenants. The Constitutions of the Soviet State, its 15 Union Republics and its 20 Autonomous Republics safeguarded the widest range of social, economic, political, civil and cultural rights for all citizens without distinction. Furthermore, the long-term strategy for the nation's economic and social development in the 1980s, promulgated at the Twenty-Sixth Congress of the Communist Party of the Soviet Union, would enhance the enjoyment of those rights even further.

39. The Soviet Union appreciated the Human Rights Committee's work, including that of its nineteenth session, pursuant to article 40 of the Covenant on Civil and Political Rights. The Committee's comments were addressed not to individual States parties but to them all, and were based on the experience gained from considering the reports received. It was rightly pointed out that not all reports gave sufficient information about how article 20 of the Covenant was being implemented. According to paragraph 2 of the general comment on article 20 (A/38/40, annex VI), the Committee believed that States parties which had not yet done so should take the measures necessary to fulfil the obligations set forth in that article and should themselves refrain from any propaganda or advocacy of the sort to which it

(Mr. Bykov, USSR)

referred to. The recommendation deserved the fullest support if the Committee was to be able to carry out its work constructively and to enhance friendly relations among States.

40. At the same time, his delegation felt that the Committee had spent too much of its time on secondary questions to the detriment of its main task of considering States parties' reports, pursuant to the Covenant. Some members of the Committee had criticized the Secretariat about lack of preparation for the session and the Secretariat's failure to pay enough attention to the proposals, made by many of the Committee's experts, relating to timely and regular consideration of States parties' reports; it was hoped that those comments would be heeded. The Council's Sessional Working Group of Governmental Experts had shown its usefulness, although the protracted, unjustified review of organizational matters did not improve its efficiency.

41. The growing number of States parties to the International Covenant was a source of satisfaction, but there were still many States which had not yet ratified or acceded to them, and the General Assembly should again appeal to them to do so. The stubborn refusal of certain countries, including the United States, to ratify those instruments was an indication of their negative attitude towards international co-operation in the field of human rights. United States representatives, moreover, repeatedly invoked human rights issues as an excuse for interfering in other States' internal affairs. The United States Senate was still delaying ratification of the Covenants even though that country had signed them in 1977. That meant that the United States had not yet undertaken an obligation before the international community to protect the rights and freedoms of its own citizens and to submit the reports provided for by the Covenants. At the current meeting, the United States representative had again slandered the Soviet Union, using a draft resolution submitted under item 94 as a pretext for baseless allegations about the detention of persons in Soviet mental institutions on account of their political views or on other non-medical grounds. Instead of making such attacks, the United States delegation would do well to note the prevalence of such practices in its own country, instances of which had been recorded in United States periodicals by eminent and qualified persons. One such person, at the University of Vermont, had noted that nervous disorders, often attributable to unemployment or fear of it, afflicted between 33 and 39 million United States citizens, many of whom could not obtain the requisite treatment. It had been recorded that some 500,000 persons were admitted to United States mental institutions each year, and that in many of them conditions of physical violence and degradation prevailed. The prisons were no better. In one so-called special block in Illinois, "medical" measures were applied to prisoners deemed too difficult to deal with in ordinary prisons; roughly 80 per cent of the inmates were persons belonging to national minorities, including Black Muslims. In addition to the treatment they received, they were kept in isolation and denied basic rights such as facilities for working, studying and communicating with their families.

42. Completion of a draft convention on the rights of the child, proposed by the Polish People's Republic, would broaden the legal basis of international human

(Mr. Bykov, USSR)

rights co-operation. The work would already have been completed but for the impediments contrived by certain delegations; however, the Commission on Human Rights should be able to complete the task of drafting such a convention at its next session.

43. Mr. Chavanaviraj (Thailand) took the Chair.

44. Miss CHENG (Democratic Kampuchea) said that nothing was more precious to people the world over than the right to live in peace and harmony with their own kind in their own country and society. Without the enjoyment of the rights enshrined in the Universal Declaration of Human Rights, there could be no life with dignity and a sense of identity; such was the case of the Kampuchean people, who were living under the yoke of foreign domination because of the barbaric invasion and occupation of Kampuchea by the Socialist Republic of Viet Nam. The aggressor intended not only to colonize Kampuchea but also to destroy the very fibre of Kampuchean society. The Vietnamese had not hesitated to use the advances and new discoveries of science and technology to maim, kill, and dehumanize the Kampuchean people. In addition, chemical and bacteriological weapons supplied by the Soviet Union were still being used in Kampuchea. Mankind welcomed the new discoveries of science and the advancement of technology and derived tremendous benefit from them. Unfortunately, the Kampuchean people had experienced only the negative results of that advancement. Because of the destruction of the agricultural infrastructure, the people were reduced to using archaic means of earning their daily bread and even the little that they had produced was often plundered by the invaders to feed their more than 200,000 troops.

45. The situation in Kampuchea did not provide a suitable environment for an adult, let alone a child. When a child was born in occupied Kampuchea, his or her first sight of the world was already clouded. His or her fundamental rights had already been violated and the right to proper care, nutrition and education had already been denied. As a result of the war, thousands were orphaned or separated from their natural parents. Children were forced to learn Vietnamese in schools before learning their own language and were taught a history of Kampuchea fabricated by the occupier, such as that the present territory of Kampuchea had been part of Viet Nam and that all culture and civilization of South-East Asia came from Viet Nam. The rights of the Kampuchean child could be guaranteed only after the complete withdrawal of Vietnamese forces. Without the removal of the root cause of the problem, the Kampuchean child would never have a future. Struggling for a just cause, and being confident of final victory, the Kampuchean people were preparing for the reconstruction of their country by taking care of the children who would bear the heaviest tasks of defending and developing an independent, neutral and non-aligned Kampuchea once the foreign forces had been forced to withdraw.

46. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was of great significance to her delegation. The Government of Democratic Kampuchea believed that people had a right to follow any religion or belief without being subjected to discrimination.

(Miss Cheng, Democratic Kampuchea)

In the liberated areas under its control, many Buddhist temples had been built and men of all ages had become monks. In areas under the enemy's temporary control, the invaders continued to destroy and plunder religious places, shrines and temples.

47. Torture, incarceration and the disappearance of Kampuchean intellectuals living under the occupation forces were on the rise. In Phnom Penh alone, there were more than 30,000 political prisoners in various prisons in and around the city. Thousands of them had been tortured to death and many had disappeared. It was only with the total withdrawal of the occupation forces from Kampuchea, in accordance with the relevant United Nations resolutions, that the Kampuchean people would be able to enjoy their right to live in peace, dignity and freedom. The restoration of peace and independence in Kampuchea would bring about an era of genuine peace, security and stability in South-East Asia.

48. Miss RADIC (Yugoslavia) said that so far attention had been focused primarily on the negative aspects of scientific and technological developments and their adverse affects on human rights. There were many such aspects and they should not be underestimated but should be countered by international action. However, the international community should also give thought to the benefits to be derived from scientific and technological developments and to their application to the task of rapidly creating conditions which would foster human rights. Yugoslavia, together with Japan, had sponsored a draft resolution that had been adopted without a vote as resolution 1983/41 by the Commission on Human Rights at its thirty-ninth session. As provided in that resolution, her Government had submitted to the Secretary-General its views on the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms. Her delegation hoped that the Secretary-General would be able to submit a substantive report on the basis of such comments to the fortieth session of the Commission on Human Rights.

49. Yugoslavia fully supported current efforts to draft a convention on the rights of the child and hoped that they would be given priority, for such a convention would benefit children the world over.

50. Since ratifying the two International Covenants on Human Rights in 1971, Yugoslavia had regularly submitted well-received reports to the Human Rights Committee that had documented its strong and continuing commitment to the protection and promotion of all human rights and fundamental freedoms.

51. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that his country's social and economic progress, including enhancement of the rights of women and children and the application of scientific and technological developments for the benefit of all, bore ample witness to its commitment to the Human Rights Covenants on and its observance of all generally recognized human rights. Ukrainian citizens fully exercised the social, economic, political and personal rights and freedoms proclaimed in the country's Constitution and laws, regardless of their origin, social or economic situation, sex, education, attitude toward religion, occupation

(Mr. Khmil, Ukrainian SSR)

or domicile. All were guaranteed such rights as the rights to work, leisure, health care, housing, education, sickness and old-age benefits and cultural development, in accordance with the aims of the socialist system. That did not mean, however, despite what opponents of socialism claimed, that political and civil rights were any less effectively guaranteed: the provisions of the Universal Declaration of Human Rights were fully implemented in the Ukrainian SSR in the conviction that all human rights were interdependent. Thus everyone had the right to vote for members of the Soviets of People's Deputies and to stand as candidates for such office; similarly, all citizens were able to participate in the work of the public commissions attached to the executive committees of the Soviets and in a wide variety of professional, cultural, youth and other organizations. All were able to feel that they had a part to play in the affairs of the State and society, and freedom of speech, publication, assembly, and conscience were safeguarded. Furthermore, all draft laws and party programmes were open to public scrutiny. Civil and political rights, therefore, were clearly upheld to the same degree of economic, social and cultural rights.

52. It could not, on the other hand, be asserted that any social and economic rights were enjoyed by the peoples of South Africa or the Arab territories occupied by Israel, since those peoples were being denied their basic civil and political rights. In fact, no such assertion could be made regarding any region where economic and political power resided in the hands of a privileged minority; yet certain countries where such conditions prevailed were vociferous in their alleged support for human rights, regardless of the unemployment, poverty and homelessness prevailing among their own peoples. Despite their claims about the paramount importance of civil and political rights, it was clear from the low turn-out in major elections held in such States how little opportunity the general public felt it really had to elect candidates of its own choice. Such situations could hardly be described as "participation in the political process"; they were a travesty of democracy, and those thus brought to power should be ashamed to claim any mandate from their peoples, let alone criticize other countries.

53. Likewise, claims that individual rights and freedoms were protected ill became a State in which, every year, nine persons out of every 100,000 were murdered, one in 17 resorted to crime and one in 22 was arrested. For a State with such a record to lecture other countries on rights and freedoms was sheer hypocrisy.

54. The International Covenants represented a standard for all States, and accession to those instruments was a true test of a State's concern for human rights. However, barely half of the Organization's Members had acceded to the Covenant on Economic, Social and Cultural Rights, and even fewer to the Covenant on Civil and Political Rights. It was regrettable that progress towards universal adoption of those instruments had been so slow. It was to be noted in that connection that certain States which presumed to lecture others on human rights were not parties to the Convention.

55. Co-operation with the Human Rights Committee, pursuant to the International Covenant on Civil and Political Rights, and with the Council's Sessional Working

(Mr. Khmil, Ukrainian SSR)

Group of Government Experts, was a highly important aspect of international co-operation in the field of human rights. His delegation appreciated the work done by the Human Rights Committee during its seventeenth, eighteenth and nineteenth sessions and the generally co-operative and constructive spirit in which national reports had been reviewed. A valuable feature of the Committee's work was its consensus approach. It would appear, however, that too much attention had been given to secondary questions.

56. The work of the Sessional Working Group of Governmental Experts should be speeded up; States parties to the Covenant should be more responsive to the questions raised by its reports and to the human rights questions concerned.

57. The Ukrainian SSR supported the work aimed at elaborating a declaration on the rights of the child, and had always fully supported United Nations efforts to promote the well-being of children. His delegation welcomed the initiative of the Polish People's Republic with regard to a declaration and had participated in the relevant working group of the Commission on Human Rights; those efforts had been supported by all States except one. It was hoped that a draft declaration could be completed at the next session of the Commission on Human Rights.

58. Mr. AL-HADDAWI (Iraq) said that the issue of human rights was germane to all human activity. It was rendered the more crucial by the development of science and technology, which made it easier for individuals to be exploited by other individuals or to be treated arbitrarily by Governments.

59. Iraq called upon all nations to ensure the equality of their citizens, by passing effective legislation to equalize social conditions and by fostering political tolerance of different ideologies. Freedom and democracy for the majority were the desired goals.

60. The arms race was preventing developing countries from gaining access to the benefit of scientific advances. If a part of the resources squandered on the arms race had been diverted to social programmes, hunger and disease would long since have been wiped out.

61. Iraq gave pride of place to human rights in its own legislation and sought to meet all the needs of its citizens. For instance, there was currently no unemployment in his country. Iraq's development programme devoted a large part of the national budget to assimilating technical and scientific advances. It was trying to become a developed country with all possible speed, but not at the cost of losing the Arab character of its civilization by absorbing all aspects of modern culture. It provided for the Islamic training of Iraqi children who would be proud of their ability to deal with the problems of the future in a way consistent with Arab traditions and would hold high the flag of human rights. It provided free compulsory primary education for all and free secondary and higher education. The doors of its universities were open to students from other countries as well, free of charge. It was in favour of the elaboration of a convention on the right of the child.

(Mr. Al-Haddawi, Iraq)

62. The reports of the Human Rights Committee, which had a world-wide impact, had made no mention of the sufferings of the Palestinian people, even though they had dealt with lesser complaints of political and personal violations of human rights. The use of force and the imposition of colonial control anywhere undermined human rights and respect for human values. Thus no one speaking of human rights could fail to mention the tragedy of the Palestinian people and their treatment at the hands of the Zionist entity as second-class citizens, often cut off from their links with their Arab identity, subject to the profanation of their holy places, and living under the threat of expulsion, detention and torture.

63. Mr. COORAY (Sri Lanka) said that the reporting procedures provided for in the various human rights instruments were a valuable means of publicizing and protecting human rights. His delegation hoped that the publication of the official records of the Human Rights Committee, as called for in General Assembly resolution 37/191, would commence as soon as possible. It also hoped that there would be co-ordination within the United Nations system to reduce the proliferation of reporting procedures under the various human rights instruments, which was causing difficulties for certain States parties. Those Member States which had not yet become parties to the International Covenants on Human Rights should do so as soon as possible.

64. Sri Lanka considered it highly important to implement the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. Scientific and technological progress should be planned and directed to serve human rights and needs and to further social justice nationally and internationally. A global strategy was needed that would ensure the equitable sharing of the benefits of scientific and technological advances by all countries so that they could fully satisfy the economic and social needs of their people. Such a strategy would give the developing countries access to modern scientific and technological developments by promoting the transfer of technology and encouraging suitable types of indigenous technology. It was, indeed, one of the purposes of the United Nations to foster such fruitful international co-operation in order to promote human rights and fundamental freedoms for all.

65. His delegation hoped that the Commission on Human Rights would give the highest priority to completing a draft convention on the rights of the child. Sri Lanka had a comprehensive programme to ensure the rights of the child, and had begun to draw up a Children's Charter that would establish the right of all children to care and education. The United Nations Declaration of the Rights of the Child together with the proposed convention should result in giving all children the rights and freedoms to which they were entitled. The international community would thereby be reaffirming its faith in the inherent dignity of the human person.

66. Mr. ZARIF (Islamic Republic of Iran), speaking in exercise of the right of reply, said that it came as no surprise that the United States and some of its Western allies had once again taken up the banner of support for the Baha'is in Iran who had been collaborating with the United States in an organized,



(Mr. Zarif, Islamic Republic of Iran)

well-financed but none the less vain effort to destabilize and overthrow the Islamic Republic. The United States had unquestioningly repeated the Baha'is claims, hoping that its repetition of them would change lies into facts. The Baha'is were said to be guilty only of adhering to a peace-loving, non-political belief, and their organization was said to have disbanded its national and local spiritual assemblies in complete obedience to the instructions of the Iranian Government. Yet it was that same well-intentioned and totally obedient organization that less than two months earlier had instructed all its members to use every measure in their power - including economic terrorism and hoarding - in order to weaken the Islamic Republic. His delegation cited the example of a notorious confessed hoarder who had recently been brought to justice. Events of the past four years had made it clear that Baha'i organizations were only fronts for counter-revolutionary activities with clear political objectives. The history of their collaboration with the Shah's régime and the Zionist entity established the subservience of the group to foreign colonial Powers. His Government had repeatedly announced that it was the privilege of its citizens to practice any ideology. However, espionage and other counterrevolutionary activities carried on under the guise of religious practices were not sanctioned by the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on religion or belief and were not permitted in the Islamic Republic of Iran. Religious freedom and other human rights were too important to be sacrificed to the political ambitions of the American imperialists and their Zionist allies and the international community should not tolerate such hypocrisies.

67. Mr. GEBRE-MEDHIN (Ethiopia), speaking in exercise of the right of reply, said that at the Committee's 50th meeting the United States representative, ostensibly speaking on the subject of religious intolerance, had given expression to his Government's ideological intolerance of socialism and all other trends that challenged its imperialist ambitions. The countries cited in the United States statement all had political and economic systems not to its liking and were, moreover, targets for either open aggression or covert subversion by the United States. The United States representative had made nothing but baseless and self-serving allegations that would have no effect.

68. As regarded Ethiopia, the revolution in that country had swept away both the oppressive secular bureaucracy and the Ethiopian Orthodox Church hierarchy that had had been in league with it. In its place a new church leadership had been chosen by the believers, in accordance with their tradition. The United States found that regrettable but Ethiopia did not. In the new Ethiopia, Church and State were separate in both theory and practice, and no religion now enjoyed any official status. People continued to practise both the Christian and Moslem faiths without any impediment. It was an unadulterated lie to claim, as the United States had done, that no one under the age of thirty was allowed to attend church services under penalty of fine or imprisonment. He invited the United States representative to come to Ethiopia to witness for himself the conditions there. His delegation rejected various other malicious allegations in the United States statement. It would, however, be less than candid not to state that the Government of Ethiopia, respecting and defending as it did the rights of individuals and groups to practise

(Mr. Gebre-Medhin, Ethiopia)

their religions freely and openly, by the same token expected all individuals and groups to refrain from using religion as a cover to advance political objectives that were inimical to Ethiopia's unity, sovereignty and territorial integrity as well as to its popular revolution.

69. Mr. GERSHMAN (United States of America), speaking in exercise of the right of reply, said that he stood by everything that had been said previously by his delegation. The evidence for its statements was considerable; he referred, for instance, to the report of the Lutheran World Federation on the many repressive measures that had been taken since 1980 by the Ethiopian Government against Christian churches, such as confiscation of property, oppression and closing of churches. Those were well established facts that were known to the Commission on Human Rights, as were also the facts regarding the situation of the Baha'is in Iran, which spoke for themselves.

The meeting rose at 6.30 p.m.