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SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. MADAR (Somalia)

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

AGENDA ITEM 95: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
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- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued) (A/39/40, 484, 644)
- (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) (A/39/461)
- (c) ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY (continued) (A/39/535; A/C.3/39/L.48)

AGENDA ITEM 99: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORTS OF THE SECRETARY-GENERAL (continued) (A/39/73, 360, 480 and Add.1 and 2, 499 and Add.1 and 2, 506, 662; A/C.3/39/L.40, L.49, L.50)

1. Ms. EMARA (Egypt) said that Egypt, as one of the first States to sign the International Covenants on Human Rights, had taken steps to ensure their early ratification and regularly submitted its reports to the Human Rights Committee. Her delegation was pleased to note the increase in the number of countries that had signed the Covenants and invited States that had not yet done so to sign and ratify them. Implementation of the Covenants would help to guarantee the enjoyment of human rights throughout the world.

2. The Egyptian Constitution and Penal Code provided for the punishment of crimes involving torture and other cruel, inhuman or degrading treatment and for compensation to the victims of such crimes. Egypt supported the preparation of a draft convention against torture because it believed that such a convention would receive the support of a majority of States.

3. Ms. FRANCO (Portugal) noted that the number of States parties to the two International Covenants barely amounted to half the membership of the United Nations, and that the Covenants were not being fully implemented. Her delegation therefore believed that efforts should be concentrated on adopting concrete measures aimed at promoting wider accession to the Covenants and at strengthening

(Ms. Franco, Portugal)

implementation. To that end, the Centre for Human Rights should be requested to explore the possibilities of providing technical assistance to States that needed it.

4. It should also be noted that the procedure for monitoring the International Covenant on Economic, Social and Cultural Rights was not working properly. Her delegation hoped that in 1985 the Economic and Social Council would agree that the members of the Sessional Working Group entrusted with that task should be independent experts and that the Working Group should meet more often, preferably on an intersessional basis. On the other hand, her delegation was pleased to note that the implementation procedure for the International Covenant on Civil and Political Rights continued to function very efficiently.

5. With respect to the general comment of the Human Rights Committee (A/39/644) offering further elaboration of article 6 of the International Covenant on Civil and Political Rights, it seemed that article 6 hardly provided for such elaboration.

6. Her delegation hoped that steps would be taken to give the work of the Human Rights Committee the publicity it deserved. For example, the texts of the general comments should be published in a bound volume and made available on the same basis as the Covenant itself. Another aspect of implementation was the need for States parties to comply with their reporting obligations. In that connection, her delegation believed that most of the suggestions made by the meeting of the chairmen of several human-rights instruments were very useful and should be pursued.

7. With respect to the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, her delegation was aware of the different cultural, religious, social and political conditions that existed throughout the world and of the historical experiences that might make it difficult for some countries to achieve abolition of the death penalty. However, that second optional protocol would not, as some had argued, result in amendments to the Covenant or be applied uniformly throughout the world. On the contrary, it would only develop article 6 of the Covenant and, given its optional character, a Government not yet in a position to consider abolishing the death penalty would not have to be a party to it.

8. Her delegation agreed that the draft Convention against torture might pose problems for some national legal systems. However, such problems should be dealt with when States considered signing and ratifying the Convention and should not impede its adoption by the General Assembly. Her Government was fully committed to the early adoption of the draft Convention and, accordingly, wished to become a sponsor of draft resolution A/C.3/39/L.40.

9. Mr. KALINOWSKI (Poland) said that the First and Second World Wars had shown the adverse effects of the uncontrolled use of scientific and technological achievements. That was why Poland had been among the first to promote the adoption and implementation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

(Mr. Kalinowski, Poland)

10. The positive effects of that Declaration on the protection of human rights were beyond doubt and one would expect that all States would adhere to it. In fact, however, scientific and technological achievements continued to be misused. Nuclear, chemical and bacteriological weapons were essentially indiscriminate and might bring uncontrollable destruction to the civilian population and transform the planet into a desert. The most important task of United Nations human-rights bodies was therefore to maintain world peace, on which the right to life depended. An important aspect of the right to life was the preparation of societies for life in peace.
11. Poland fully supported the Soviet Union, in both the Third Committee and the Commission on Human Rights in drawing attention to the existing threats to the right to life and urging measures to prohibit any propaganda for war, in particular the dissemination of political and military doctrines and concepts for the first use of nuclear weapons to justify the admissibility of unleashing a nuclear war. Poland and other socialist States, having suffered immense losses in the Second World War, had been forced to provide for their own security and to make it impossible for the imperialist forces to impose their diktat on the entire world.
12. His delegation believed that the time had come to give serious consideration to the drafting of a declaration on human rights and scientific and technological developments. The right to life would certainly be one of the most important issues dealt with in such a declaration.
13. Miss AL-TURAIHI (Iraq) said that the implementation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind was most important in order to share the fruits of such progress in a just manner. It would also assist the developing countries to gain access to scientific and technological progress, as they were entitled.
14. In contrast, scientific and technological progress had made possible the destruction of the entire planet. The international community should therefore attempt to channel such progress towards the cause of peace.
15. The developing countries faced serious problems in availing themselves of the fruits of scientific and technological progress because the existing unjust order was structured to their detriment. It was obvious that, under the International Development Strategy, the industrialized countries must enable the developing countries to gain access to science and technology and, accordingly, global measures were required for the transfer of technology.
16. Despite the many years that had passed since the adoption of the Declaration of the Rights of the Child, children still suffered throughout the world but especially in the developing countries. There was therefore a need for concerted action to assist them. Since children were among the first victims of armed conflicts, Member States should make every effort to respect international instruments on the protection of children in time of war. A working group should therefore be established to study the possibility of drafting a convention on the rights of the child.

(Miss Al-Turaihi, Iraq)

17. Iraq, which had become a party to the International Covenants on Human Rights, hoped that all States would follow suit. She hoped that the General Assembly and the Human Rights Committee would study the possibility of granting scholarships to government officials with a view to assisting Governments in ratifying those Covenants as soon as possible.

18. Mr. TELLE (France) referring to item 99, said that the similarity of the texts of the various human-rights instruments concerning the right to life and the right not to be tortured showed clearly that the right to life could be enjoyed only if there was scrupulous respect for the physical and mental integrity of the human being.

19. Torture threatened that right. However, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had had only limited practical results. The fact that such odious practices as torture, forced disappearances and summary executions continued to occur daily in several regions of the world was proof that vigilance must be exercised everywhere to see to it that such practices were immediately denounced and their perpetrators brought to justice. His delegation therefore welcomed the draft Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/C.3/39/L.40), particularly the consensus provisions relating to universal competence, compulsory pursuit of offenders and compensation of victims.

20. His delegation did not share the view that the mandate of the Committee against Torture, as defined in article 20, would be an interference in the affairs of a State by reason of its powers of inquiry. He pointed out that the system as envisaged would be based, as specified in article 20, on the co-operation of the State party concerned. Secondly, although article 20 gave the Committee against Torture broader competence than that of the Human Rights Committee, his delegation felt that such a step would be justified because of the odious nature of torture and because its manifestations were in most cases easily identifiable. He observed that the procedures proposed in article 20 were not without precedent: the International Labour Organisation had long used similar procedures satisfactorily.

21. His delegation felt that the draft Convention was an effective document and that its adoption was particularly urgent, in view of the increase in torture in the world. By adopting the draft Convention as currently formulated, including articles 19 and 20, the Committee would bring honour upon the United Nations and serve the cause of human rights. Lastly, he paid tribute to the invaluable role of the United Nations Voluntary Fund for Victims of Torture and expressed the hope that more States would contribute to it.

22. Mr. EVMENOV (Byelorussian Soviet Socialist Republic) said that accession to the various international human-rights agreements and strict fulfilment of their obligations under those instruments constituted the main yardstick of the willingness of States to co-operate in promoting respect for human rights. It was gratifying to note that the number of States parties to the two International Covenants was steadily growing. His country had been one of the first to ratify them and its reports under the International Covenant on Civil and Political Rights had been favourably received in the Human Rights Committee in both 1978 and 1984.

/...

(Mr. Evmenov, Byelorussian SSR)

23. In that connection, he listed a number of facts to illustrate the application of constitutional human-rights provisions in the Byelorussian SSR, placing special emphasis on social and economic rights as the essential pre-condition for the enjoyment of political, cultural and individual rights. Thus, for example, the inviolability of the home was contingent upon the individual's right to have a home, which, in his country, was guaranteed to all. In addition to the most basic rights, the Byelorussian Constitution also guaranteed many material and spiritual rights not set forth in the Covenants, such as the individual's right to work in accordance with his vocation, as well as a full range of individual rights.

24. The fact that many countries had not yet acceded to the Covenants was to be deplored. The General Assembly should again call upon States which had not yet done so to become parties to the Covenants so as to make them truly universal instruments.

25. His delegation generally shared the favourable views expressed concerning the work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant of Economic, Social and Cultural Rights and the Human Rights Committee. The existing mechanism for consideration of the reports of States parties fully complied with the Covenants and did not need to be reviewed. It was desirable, of course, that all members of those bodies should refrain from using them for making slanderous attacks on other States parties.

26. Turning to item 99, he said that his country's legislation unconditionally condemned all forms of torture. All cruel treatment of detained persons was illegal and was liable to criminal prosecution. The principles of medical ethics referred to in General Assembly resolution 37/194 had been brought to the attention of the heads of medical establishments and other medical personnel and were strictly complied with, being fully concordant with the Republic's Constitution and laws.

27. The proposed draft Convention against torture (A/C.3/39/L.40) was, on the whole, worthy of attention. Articles 19 and 20 were, however, unacceptable in that they conferred upon the proposed Committee against Torture the role of a supra-State body entitled to inquire into the activities of States and, in essence, to intervene in their domestic affairs. In order to command full support, the draft Convention, particularly its articles 19 and 21, should be carefully balanced to take account of the views of all prospective States parties.

28. Mr. ROELS (Netherlands) said that his delegation appreciated the exemplary work of the Human Rights Committee, as illustrated by its report (A/39/40), both in supervising the implementation of human rights and in interpreting various substantive and procedural provisions of the International Covenant on Civil and Political Rights. The authorities of the Netherlands would certainly attach great importance to the useful information concerning the consideration of reports of States parties and to the case law derived from the consideration of communications of individuals claiming to be the victim of human rights violations. The summary on the nature and results of the Committee's activities under the Optional Protocol on procedural and substantive issues (paras. 570-625) created a valuable frame of reference for interested parties.

(Mr. Roels, Netherlands)

29. With regard to the approach and procedure for consideration of second periodic reports, it might be helpful if the unofficial, non-exhaustive list of subjects and issues presented to the representatives of Chile and the German Democratic Republic (para. 65) were incorporated into general guidelines for the preparation of second reports or, if appropriate, in additional guidelines for individual States parties. Such guidelines could be sent to States parties, together with the notes by the Secretary-General, in requesting the submission of second reports.

30. His delegation felt that the recommendation by the working group on general comments that replies to questions posed to representatives of States parties could be expected during the same meeting as the consideration of the report would place an additional burden on bureaucracies which could not afford to send a large delegation of experts to Geneva or New York.

31. In an earlier report, the Human Rights Committee had formulated a general comment on article 6 of the Covenant, concerning the right to life, which had been deeply appreciated. Its present comment (14), however, contained statements which lay outside the purview of the Committee. His delegation therefore appealed to the Committee to keep more strictly to its mandate.

32. Without under-estimating the long-term consequences of the development and proliferation of mass-destruction weapons, he said that his more immediate concern was the armed conflicts now in progress that were causing death and misery, either directly or indirectly, by absorbing or misdirecting resources necessary for the prevention of large-scale hunger. He drew attention to the plight of children in armed conflicts, particularly those being recruited into armed forces. Resolution 1984/39 of the Commission on Human Rights clearly identified the unacceptable policy of one particular State in that respect. At the 1985 session of the Commission, the Netherlands would introduce specific provisions reiterating international obligations against the use of children in armed forces for inclusion in a draft convention on the rights of the child.

33. The full enjoyment of civil and political rights was a prerequisite for influencing State policies concerning nuclear weapons proliferation. Freedom to receive and impart information about defence capabilities and national defence requirements was a basic prerequisite for meaningful participation in the decision-making process. Unfortunately, only in pluralistic and democratic societies was direct and indirect popular control over State policies guaranteed. Authorities in other societies feared the publication of data on military capabilities and suppressed any initiative for frank and well-informed public debate on the dangers of the nuclear arms race.

34. He hoped his critical remarks concerning general comment 14 would provide food for further reflection by the Committee members. In that context, he reiterated his appreciation for the attention which the Committee had paid to actual violations of the right to life when considering reports of States parties. In the case of the Chilean report, information under the separate heading in the Committee's report on the right to life (A/39/40, paras. 457-462) illustrated the

(Mr. Roels, Netherlands)

attention given by the Committee to clear-cut violations motivated or explicitly condoned by the Chilean authorities. The questions raised by the Committee's members (para. 491) concerning reported killings by automatically triggered fire-arms along the western frontier of the German Democratic Republic shed a rather cynical light on the priorities with regard to the right to life.

35. Another commendable initiative of the Human Rights Committee was the attention paid to detention in psychiatric institutions. He noted that the draft body of principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1983/17 and Add.1) explicitly stated that psychiatric knowledge and skills should only be employed for the diagnosis, therapy and rehabilitation of the patient and should never be abused by being employed for non-medical purposes. The publication of the text of the draft body of principles in all United Nations languages should be followed up by making the text available at United Nations information centres to interested individuals and non-governmental organizations.

36. In connection with the Principles of Medical Ethics adopted by the General Assembly in 1982, he drew attention to an international campaign started by a medical association in Latin America to raise international support for expelling a large number of doctors from its organization because of their alleged involvement in torture. In view of the appeal by the president of that medical organization that the United Nations establish standards to prohibit active or passive involvement of doctors in torture, his delegation wondered whether the pamphlet containing the text of the Principles of Medical Ethics had already reached the various medical associations via Governments or the World Health Organization and called upon the Secretary-General to indicate what role the Centre for Human Rights was playing in its dissemination.

37. Noting that the report of the Secretary-General on the Voluntary Fund for Victims of Torture (A/39/662) contained extensive information about rehabilitation centres in Copenhagen and Toronto for victims of torture, he said that in the Netherlands a centre for medical care for refugees had been involved for several years in the treatment of refugees who had been subjected to torture or maltreatment and a special multidisciplinary team of experts in the medical and paramedical field had been established in June 1984. Experience in the Netherlands confirmed the view that the psychological traumas of those who had been physically abused during imprisonment were considered worse in the long run than the physical after-effects. His Government would transmit relevant information on the activities of the Netherlands concerning the rehabilitation of torture victims to the Board of Trustees of the Fund. In addition, it had decided to pledge a contribution of 50,000 Netherlands guilders to support the Fund. That condition was inspired by the Amnesty International autumn action concerning women as prisoners of conscience, according to which many detained women had been sexually abused.

(Mr. Roels, Netherlands)

38. His Government had again received abundant information on serious forms of non-adherence to the principles contained in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In view of the forthcoming Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief, the Netherlands reserved its position on the subject. His Government would shortly submit its detailed comments on the implementation of the Declaration in the Netherlands. He called upon the Secretary-General to do his utmost to disseminate the text of the Declaration in all United Nations languages as well as in national and local languages. To avoid duplication, the Secretary-General should consult interested non-governmental organizations for an inventory of texts of the Declaration already translated. He also called upon non-governmental organizations to submit information on the question to the Secretary-General on their own initiative.

39. Mrs. IDER (Mongolia) stressed the importance of item 96 and expressed full support of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (General Assembly resolution 3384 (XXX)). The increased use of the achievements of science and technology for other than peaceful purposes and the resulting threat to the right, the right to life, constituted the most urgent problem facing mankind. Her country took active part in the efforts of socialists and non-aligned countries to halt the nuclear-arms race and avert nuclear war. It supported resolution 1984/28 of the Commission on Human Rights and had sponsored the Declaration on the Right of Peoples to Peace just adopted by the General Assembly in resolution 39/11, annex.

40. With regard to item 98, she said that Mongolia was a party to both the International Covenants on Human Rights, reported regularly on the measures it took to give effect to their provisions, and maintained a fruitful dialogue with the Human Rights Committee and the Sessional Working Group.

41. The results of the meeting of chairmen of certain human rights bodies (A/39/484) were disappointing. The Secretary-General's failure to invite the Chairmen of the Committee on the Elimination of Discrimination against Women and of the Group of Three of the Commission on Human Rights enquiring into the implementation of the Convention on the Suppression and Punishment of the Crime of Apartheid showed bias. Her delegation was not satisfied by the explanation that the relevant issues had been covered by the participation of the Chairman of the Commission on Human Rights. Whole regions, including the entire African continent, had not been represented. In view of the meeting's unrepresentative nature, her delegation considered its proposals to be one-sided. Furthermore, the human-rights instruments under which reports were submitted by States parties differed considerably as to their contents, the number of States parties and the nature of the bodies entrusted with consideration of the reports. To lay down identical reporting principles and procedures for all those bodies would therefore be neither possible nor desirable.

42. In conclusion, she endorsed the view expressed by the Director of the Centre for Human Rights that the elaboration of a draft convention on the rights of the child should be given priority attention.

43. Mr. SCHIFTER (United States of America) said that the rights guaranteed by article 18 of the Universal Declaration of Human Rights were more widely respected than many other rights, which were often curtailed, particularly political rights. It was because religious freedom was so widely respected that massive violations in some States stood out with particular clarity. In drawing attention to the situation in two such countries, he wished to appeal to them to end those violations, to permit all their citizens to worship in peace, without Government interference, and to end all discriminatory practices based on religion.

44. The most massive scheme contravening the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was the body of law and regulations which had been in effect since 1929 in the Soviet Union. Those laws placed extraordinarily restrictive limitations on the exercise of religion and no effort had been made to bring them into conformity with the Declaration.

45. He rejected the argument regularly advanced by the Soviet Union that the Soviet scheme to regulate religion was provided for by law and that article 1, paragraph 3 of the Declaration permitted Governments to impose legal limitations on freedom of religion. The argument was a pretext for avoiding its human rights obligations. The Declaration authorized limitations on religious freedom only if "necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others", and a Government's assertion that a particular regulation was necessary to protect public order did not foreclose further inquiry into the matter. Just as South Africa's legally authorized nefarious scheme of discrimination was subject to review by international agencies, so, too, was the Soviet Union's legally authorized scheme for the regulation of religion.

46. Under Soviet law groups could conduct religious activities only if they were registered as "religious associations". The latter were rigidly controlled by a body of rules enforced by the State bureaucracy. Generally speaking, the regulators authorized liturgical services at designated hours in officially authorized places of worship, and persons exercising their religion outside that framework risked punishment by the State. Moreover, in a special effort to prevent parents from passing on their religious beliefs to their children, membership in religious associations was denied to persons under 18 years of age. Every effort was made to discourage all forms of religious instruction.

47. A volunteer spy system had been created whereby neighbourhood committees reported violations of the laws relating to religion to the appropriate authorities. Evangelical Christians, Mennonites, Baptists and Pentecostals, all of whom had refused to register, were most often the victims of Government persecution of religious activists. Roman Catholic priests in Lithuania increasingly were being severely punished for engaging in religious activities and for the violation of government edicts, as were Jews, with the number of legally authorized synagogues reduced to 50 for the whole country.

48. To the chagrin of the authorities, interest in religion in the USSR had been increasing rather than declining. Violations of the law were so numerous that many minor violations were ignored. However, when the KGB's patience ran out, persons

(Mr. Schifter, United States)

guilty of the illegal practice of religion were condemned - often on trumped-up charges - to prison, forced labour or exile or were sent to institutions for the mentally ill. Religious activists also suffered discrimination in the workplace, in violation of article 2 and 3 of the Declaration against religious intolerance.

49. Whereas Baptists, Pentecostals and other religious activists were discriminated against for being activists, Jews in the Soviet Union also were increasingly being subjected to discrimination because of their ethnic origin. Like the non-whites in South Africa, Jews in the Soviet Union, clearly described as such on their official identity cards, were discriminated against in terms of jobs, promotion and educational opportunities, and were villified in the media. The most recent anti-Jewish campaign purported to be anti-Zionist, but was in fact directed against Jews irrespective of their attitudes on Middle East politics. Caricatures of Jews in the Soviet press were reminiscent of the racist cartoons of the Nazi era. Persons of partially Jewish descent were also subjected to discrimination.

50. He urged the Soviet Union, in keeping with article 3 of the Declaration against religious intolerance, and for the sake of friendly and peaceful relations between nations to reconsider its position and to implement the provisions of the Declaration.

51. Egregious violations of human rights, including murder and torture, were committed in many countries, usually when Governments believed that they could be effective against political enemies suspected of plotting their overthrow. However, the Iranian Government practiced murder and torture against the members of the Baha'i religion, a totally peaceful group. It was estimated that since the persecution had begun in 1979, more than 170 adherents had been executed or had died in prison as a result of torture. Many others had disappeared and were presumed dead. Approximately 750 Baha'is were now in prison, about 30 had been sentenced to death, and there were alarming reports of torture. The reason for their imprisonment and possible execution was not even religious activity, but merely belief. Their release was made contingent on the repudiation of their religion. The fact that most of them did not take that step was indeed one of the most amazing stories of modern heroism.

52. It was to be hoped that once the facts had been gathered by the Special Representative of the Commission on Human Rights on all human rights violations in Iran, the Commission could take steps towards improving the situation.

53. Mr. BOUZIRI (Tunisia) emphasized that the rights covered by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were complementary and that their enforcement must be pursued simultaneously. The bodies responsible for monitoring the implementation of the Covenants should continue to reflect the principle of equitable geographical distribution and to represent various systems and civilizations. A Committee of independent experts comparable to the Human Rights Committee should be established to monitor the implementation of the Covenant on Economic, Social and Cultural Rights.

(Mr. Bouziri, Tunisia)

54. He welcomed the fact that an increasing number of States had become parties to the Covenants and hoped that their number would continue to rise. Progress must be made to eliminate apartheid and racism in all its forms, for their continued existence jeopardized the credibility and sincerity of efforts by the United Nations in the human rights field.

55. While his delegation was gratified by the flexibility demonstrated by the Human Rights Committee and the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, it considered it essential that the dialogue between those bodies and States parties should be strengthened. Overemphasis on certain procedural matters could endanger progress in the field. His delegation continued to view meetings of the chairpersons of the various bodies concerned with human rights matters as a useful means of rationalizing their work, facilitating the exchange of information and providing an opportunity for an exchange of views and experience, particularly with regard to the submission of reports by States parties. Referring to document A/39/484 in that connection, he said that the difficulties encountered by the monitoring bodies could be attributed in part to the multiplicity of national entities required to contribute to the reports and to the short intervals between the dates for their submission. Information transmitted by a State party to a monitoring body, in particular with regard to data which was not subject to much variation, should not systematically be requested again by the same body. The United Nations Centre for Human Rights could transmit such information to the bodies requesting it.

56. While his delegation remained open to any proposals to strengthen existing arrangements for the consideration of human rights questions, it felt that solutions to difficulties arising out of the implementation of the human rights Covenants or other instruments should be sought in the first place by the States parties to those instruments. Furthermore, while there was merit in providing advisory services and assistance to States parties regarding international experience in the implementation of the Covenants, regional experience and arrangements in the field of human rights must be taken into account. Accordingly, it would be inappropriate to attempt to draw up model texts for the implementation of international human rights instruments.

57. Turning to agenda item 99, he welcomed the preparation of the draft Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, given the urgent need to eliminate such barbarous practices, in particular in South Africa and the occupied Arab territories. The credibility and effectiveness of the United Nations in the human rights field required that any international legal instrument to combat such abominations received the broadest possible support. Accordingly, Governments should have adequate time to study the text and transmit their views thereon to the Secretary-General.

58. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the motives behind the violent attacks made by some delegations against the Soviet Union were obviously political and showed that recent constructive developments within the

(Mr. Yakovlev, USSR)

Committee had not been to everyone's liking. It was precisely those who had voted against the resolutions condemning racism and zionism as international crimes who now took it upon themselves to lecture the Soviet Union and the Committee on human-rights issues.

59. Referring to allegations made by the representative of the Netherlands, he said that reports submitted by the Netherlands to both the Human Rights Committee and the Sessional Working Group had come under heavy criticism in connection with the brutal treatment of gypsies by the Netherlands authorities, the use of electric shock treatment in psychiatric hospitals in the Netherlands, and reprehensible conditions and practices, including sexual abuse of women, in some prisons in the Netherlands. It was hardly appropriate for the Netherlands delegation, therefore, to accuse others.

60. The same applied to the Canadian delegation, since the deplorable situation of Canada's indigenous Indian population, as well as instances of religious intolerance and anti-Semitism in Canada, were well known.

61. The most blatant attack on the Soviet Union had, however, been delivered by the United States delegation which, it would be remembered, had been in the lead of those refusing to condemn racism and zionism, thus making itself partly responsible for those grave international crimes. The fact that racial discrimination was widespread in the United States was known to all. The situation of its millions of unemployed and homeless was disgraceful. The United States position on the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and other human-rights instruments spoke for itself.

62. In the matter of freedom of conscience, too, the United States was hardly entitled to lecture other countries. Following recent decisions of the United States Supreme Court in connection with religion in schools, The Washington Post had remarked that the wall dividing the Church and the State in the United States was being razed to the ground. The country's non-believers suffered not only official neglect but in some cases actual persecution. In that connection, he referred to the constitution of the state of Arkansas, where atheists could not be witnesses in court or occupy certain public posts. The United States representative should look to the situation in his own country before presuming to lecture others.

63. The right to freedom of conscience and religion included the right to confess no religion, to hold atheistic convictions and to conduct atheist propaganda. All those principles were fully guaranteed in the Soviet Constitution and were unswervingly applied. Believers and unbelievers were equal citizens in the Soviet Union. Far from prohibiting church activities, the law protected them. Some 20,000 religious associations representing some 40 religions and sects, including Christians, Muslims, Buddhists, and Jews currently existed in the Soviet Union. More than 20,000 houses of worship were placed at the disposal of believers free of charge by the State which, in the Soviet Union, owned all such buildings.

(Mr. Yakovlev, USSR)

64. Religious associations had the right to publish religious books and periodicals. Many such publications appeared regularly in a wide range of languages. Mass editions of the Bible had been published four times within the past 15 years; and the most recent edition of the Koran, in 1983, had numbered 40,000 copies. There were 18 religious academies, seminaries and other higher educational establishments for training clerics of all religions.

65. Foreign visitors had on countless occasions reported favourably on the situation in the USSR with regard to religious freedom. It was in the Tsarist Russian empire that Jews had been persecuted and deprived of their rights; under Soviet power, the Jewish religion was treated on an equal footing with all others. There was no discrimination whatsoever against the Jewish population or faith and no anti-Semitism in either policy or practice. It was an open question whether, in terms of religious tolerance, Israel could claim as much. As for the United States, it should stop discriminating against its black population, desist from other human-rights violations and refrain from trying to undermine the discussion of important matters on the Committee's agenda by making unwarranted attacks on other countries.

66. Mr. SUFOTT (Israel), speaking in exercise of the right of reply, said that the vehemence of the remarks made by the representative of the Soviet Union was a measure of the truthfulness of the criticisms directed against it by other delegations, and that those remarks were an affront to the gravity of the issues under deliberation in the Committee. His delegation would make a statement the following day concerning Soviet anti-Semitism and religious persecution. He emphasized that no onslaught against zionism could provide a smoke-screen for Soviet behaviour.

The meeting rose at 6.15 p.m.