

United Nations
**GENERAL
ASSEMBLY**



FORTIETH SESSION

*Official Records**

THIRD COMMITTEE
51st meeting
held on
Friday, 22 November, 1985
at 3 p.m.
New York

SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. ZADOR (Hungary)

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Distr. GENERAL
A/C.3/40/SR.51
27 November 1985

ORIGINAL: ENGLISH

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/3, 77, 173, 361, 398 and 570)

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(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)

(c) REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 144: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/40/3, 191, 604, 821 and A/40/876)

1. Mr. SCHWANDT (Federal Republic of Germany), speaking on item 104, said that the Universal Declaration of Human Rights was a historic accomplishment that had set the direction for all subsequent work in that field. Today, work on the codification of human rights was almost completed. However, despite the universal recognition of human rights, the existing system was still weak. Only 85 Member States were parties to the International Covenant on Economic, Social and Cultural Rights and only 81 were parties to the International Covenant on Civil and Political Rights. Another frailty of the system was its lack of safeguards to protect the individual against abuses of power by his own Government. His delegation therefore welcomed Economic and Social Council resolution 1985/17 establishing the Committee on Economic, Social and Cultural Rights and hoped that its work would gain the same wide recognition as that of the Human Rights Committee.

2. With regard to the report of the Human Rights Committee (A/40/40), his delegation regretted that the dedicated work of that body still did not receive the international attention it deserved, and therefore wished to encourage the attempts to give greater publicity to the Committee's activities. His delegation would also appreciate all efforts to provide the Committee with adequate meeting rooms to allow the attendance of members of the public and representatives of non-governmental organizations.

(Mr. Schwandt, Federal
Republic of Germany)

3. His delegation welcomed the fact that the Human Rights Committee continued to transmit such general comments as it might consider appropriate to the States parties. However, it regretted that the Committee, in its general comment 14 (23), had very clearly deviated from its mandate by formulating demands for the further development of international law which fell within the competence of other bodies. While his delegation could agree with the previous general comment 6 (16), concerning the right to life, the Covenant did not give an answer as to how peace could best be protected. That question came under the mandate of United Nations organs that were more competent in the matter.
4. A major new development in the Human Rights Committee's reporting procedures was the inclusion of its views, under article 5 (4) of the Optional Protocol, on a number of communications relating to complaints by individuals. His delegation hoped that the States parties in question had provided effective remedies in accordance with the views expressed by the Committee.
5. Miss CAO-PINNA (Italy), referring to item 104, said that, while her delegation appreciated the remarkable work being done by the Human Rights Committee, it regretted that only half of the Members States were parties to the International Covenant on Civil and Political Rights and only 35 were parties to the Optional Protocol. The importance of publicizing the texts of the Covenant and the Optional Protocol therefore became increasingly evident. Since the same considerations applied to the International Covenant on Economic, Social and Cultural Rights, her delegation wondered whether the Centre for Human Rights could include in its programme of work a study, to be made by an independent expert, on ways of promoting awareness at the national level of the existence of the two Covenants and of the respective supervisory bodies for their implementation in order to stimulate action to ratify or accede to them.
6. Since those two instruments had been jointly considered and adopted and constituted a whole, and since the two bodies entrusted with the consideration of reports of States parties to the Covenants should perform their function with equal effectiveness, the adoption of Economic and Social Council resolution 1985/17 establishing the Committee on Economic, Social and Cultural Rights was encouraging.
7. Turning to item 144, she said that Italy was among the 37 States that had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and fervently hoped that in 1985 the list of signatories would be much longer and that there would also be a long list of States parties to the Convention. Italy was confident of an early approval by parliament of the act of ratification of the Convention.
8. Ms. BROŠŇAKOVÁ (Czechoslovakia) said, with regard to item 102, that scientific and technological progress was one of the main driving forces of the economic, social and cultural development of every society and the basic prerequisite for the all-round development of civilization. It was also conducive to creating favourable conditions for the exercise of civil and political rights.

(Ms. Brošňáková, Czechoslovakia)

9. Paradoxically, however, scientific and technological achievements had not served to solve mankind's gravest problems, such as famine or illiteracy, but rather had been used, to an even greater extent in recent years, for military purposes. All progressive forces were expressing utmost concern at attempts to extend the arms race into outer space, which would have a destabilizing effect on the overall strategic situation. The aim of the reactionary forces of imperialism was to achieve military superiority and to dictate their will to other peoples and States, thus threatening the most valuable right of nations - the right to life in peace and to independent and free development. Every Government should take a responsible attitude in using science and technology for the benefit of man, not against him. Ideological differences should not disturb relations among nations and impede normalization of the current gloomy international situation.

10. Her delegation regarded the question of the relation between human rights and scientific and technological developments as very significant. Furthermore, the interdependence between economic, social and cultural rights, on the one hand, and civil and political rights on the other could not be doubted. It could hardly be expected that substantial progress could be achieved in the international protection of human rights without a relaxation of tension, disarmament, the building of confidence and increased international co-operation. As the States parties to the Warsaw Treaty had declared, the socialist States advocated the full safeguarding of human rights in all fields, with respect for the sovereign equality of all States.

11. Turning to item 104, she noted that the International Covenants on Human Rights, because of their universal and binding nature, were an important means to protect human rights internationally. However, owing to the failure of politically as well as economically significant States to accede to the Covenants, full use had not been made of the mechanisms of their respective organs, which could help to strengthen co-operation among States with different social systems. Given the need for an equal approach to both Covenants, her delegation welcomed the establishment of the Committee on Economic, Social and Cultural Rights. Her delegation expected that the activity of that Committee would be regarded as having the same significance as the Human Rights Committee.

12. Czechoslovakia had always actively participated in international efforts to enhance respect for human rights. In so doing, it was fulfilling the purposes of the United Nations Charter.

13. Mr. YEDID (Israel), speaking on item 101, said he wished to draw attention to the numerous discriminatory measures taken by Soviet authorities which were seriously hampering the practices of Judaism in the Soviet Union. One of the most onerous was the rigorous, though unpublished, ban on the study of the Hebrew language among Jews. Although a knowledge of Hebrew was indispensable to the practice of their religion, Jews were excluded from the few officially-approved Hebrew courses, and no textbooks were available in Hebrew. Jews who sought to study or teach Hebrew privately fell victim to police repression.

(Mr. Yedid, Israel)

14. During the past year, the Soviet assault on Hebrew instruction among Jews had escalated to a new level of intensity and brutality. The Soviet authorities had sentenced a number of teachers of Hebrew or persons whose homes were centres for Hebrew language study to terms of imprisonment or hard labour - on trumped-up charges - thus revealing their true position - that Jewish culture was, in its very essence, subversive to them. The study of Hebrew was, of course, the real reason for the conviction of those persons; the Soviet Government did not dare to admit that, however, because it would then be confessing to grave breaches of international and, indeed, of Soviet law. By denying the study of Hebrew, the Soviet authorities were denying Jewish citizens the key to the study and practice of their faith.

15. Moreover, there were no facilities in the USSR for the training of Jewish clergy. The sole facility where Soviet rabbis could be trained was the rabbinical seminary in Budapest; it was strange indeed that the 2.5 million Jews in the Soviet Union were forced to rely for their spiritual need on the existence of such a facility in Hungary, which had a mere 60,000 Jews. In addition, there were no more than 60 functioning synagogues in the Soviet Union, the overwhelming majority of which were in the Caucasus and Central Asia, where less than 10 per cent of the Soviet Jewish population resided. Soviet Jews had been the subject of harassment, verbal abuse and threats in the practice of their religion.

16. All the cases of discrimination cited were flagrant violations of the Soviet Government's international obligations under articles 18 and 27 of the International Covenant on Civil and Political Rights, and they failed to meet the standards of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It must also be remembered that the persecution had taken place against a background of relentless and scurrilous defamation of Judaism in the Soviet media.

17. His delegation urged the Soviet Government to allow Jews to study the Hebrew language and to practise Judaism free from fear, on the same basis as other recognized religious groups in the Soviet Union.

18. Mr. GOLEMANOV (Bulgaria) said that the United Nations during its 40 years of existence had laid a solid basis for international co-operation in promoting human rights and fundamental freedoms. The number of ratifications of and accessions to the Covenants and other international human rights instruments had been growing steadily. He regretted, however, the chronic failure of some Member States to meet their obligations under those instruments.

19. His country appreciated the constructive manner in which the Human Rights Committee had conducted its work, and also welcomed the establishment of the Committee on Economic, Social and Cultural Rights. His delegation considered that some States at least had the economic potential to obtain results in the area of economic, social and cultural rights and hoped that the new Committee would dissipate whatever doubts might still exist about the relevance of the International Covenant on Economic, Social and Cultural Rights to such issues as unemployment and poverty.

(Mr. Golemanov, Bulgaria)

20. His delegation would like to reiterate its doubts about the usefulness of meetings of chairmen of human rights bodies. If another such meeting were to be convened, it should be restricted to issues of a non-substantive nature, because the chairmen, apart from purely technical matters, could represent only themselves or their countries. He also hoped that next time the Chairmar of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid would be duly invited.

21. Turning to item 102, he said that the question of whether the tremendous achievements in science and technology would serve mankind or bring about its destruction was of the highest priority. His delegation did not believe that the right to life could be safeguarded by using the most advanced technology for the purposes of destruction. The philosophy of fear as the main motivation for State action was dangerous and could easily become fatal for all. The achievements of science and technology should be used exclusively for the benefit of all peoples.

22. Miss BYRNE (United States of America), speaking under item 101, said that, despite almost universal agreement concerning the principle of religious freedom laid down in the Universal Declaration of Human Rights and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, actual respect for that right remains distressingly far from universal.

23. The search for religious freedom had brought millions of immigrants to her country, which had long recognized freedom of religion as a basic human right. Her country had a tremendous number and variety of churches and religious organizations and its practice conformed to its statements on religious freedom. In a number of countries, however, religious intolerance still reigned, sometimes as deliberate government policy. Some Governments were in the hands of fanatics who claimed to represent the only interpretation of God's will, while others sought to suppress belief in God and replace it with Marxism-Leninism.

24. There was no doubt that the most massive contravention of article 18 of the Universal Declaration of Human Rights and of the 1981 Declaration was to be found in the Soviet Union, which went to extraordinary lengths to prevent or disrupt the exercise of religious faiths. The Soviet Union claimed that, since article 1 of the 1981 Declaration allowed legal limitations on religious freedom, its actions complied with its national commitments. That was not true, since the Declaration tolerated limitations only if necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. Soviet claims were remarkably similar to those submitted by South Africa as justification for apartheid: in South Africa the white minority, and in the Soviet Union party members, bureaucrats, and policemen, claimed to have a revealed truth as the basis for widespread discrimination and injustice.

25. Soviet religious persecution generally did not discriminate among its victims: believers of all faiths were hounded from their jobs, jailed, beaten, committed to mental hospitals, and forced into exile. Churches were turned into museums, seminars closed and Islamic practices labelled "survivals of the past". Membership in religious organizations was banned for persons under 18 years of age. Membership in the Communist Party was held incompatible with religious beliefs.

(Miss Byrne, United States)

26. Despite the repression, the Soviet people's interest in religion continued to grow, so much so that Soviet authorities had relied on sentencing religious dissidents to mental hospitals to avoid too many internationally embarrassing trials of religious activists.
27. Religion was persecuted throughout the communist empire, including its newest candidate for membership, Nicaragua, where the Government has openly engaged in a campaign against the Catholic Church. Even His Holiness the Pope had been publicly insulted by crowds organized by the Sandinistas, and the official campaign against Nicaraguan evangelical organizations had recently increased in intensity.
28. One of the world's most peaceful religions, the Baha'i religion of Iran, had been subject to extreme persecution by the Iranian authorities over the past six years. Organized Baha'i activities had been banned by decree in 1983, many Baha'i leaders had been imprisoned, and since 1979 nearly 200 Baha'is had been executed or tortured to death. Thousands had been imprisoned or forced into exile and tens of thousands had been dismissed from their jobs. Baha'i community property, including schools and cemeteries, had been seized and holy shrines demolished. Parents were not allowed to teach their children the Baha'i faith. The courage and sacrifice of the Baha'i community of some 350,000 people in Iran should not be in vain, and the United Nations had the moral duty to speak out in their defence. The world community had a right and a responsibility to determine whether performance matched State pronouncements.
29. Mr. LY (Senegal) said that religious intolerance and torture had grown to unequalled proportions, with the second often being the result of the first. Religious minorities in some countries had to practise their rites secretly and sometimes were excluded outright from political and public life. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief had largely remained a dead letter, as had been acknowledged by the 1984 seminar on the Encouragement of Understanding, Tolerance and Respect in Matters relating to Freedom of Religion or Belief, the report of which was contained in document A/40/361. In his delegation's view, the United Nations should accordingly consider elaborating a convention on the elimination of intolerance based on religion or belief.
30. In Senegal, religious tolerance was a daily reality; the Constitution forbade religious intolerance in any form. Indeed, the destiny of his country had been for two decades in the hands of a Catholic, a religion embraced by less than 10 per cent of the population.
31. The adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had raised many hopes, but that fundamental legal instrument had still not come into force, through lack of ratification by the required number of States. His country, which had actively contributed to elaborating the Convention, had signed it as soon as it had been opened for signature, and was in the process of ratifying it, just as it had ratified the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

(Mr. Ly, Senegal)

32. The question of a convention on the rights of the child was particularly important to his country, which took part in the relevant working group established by the Commission on Human Rights. The draft convention should focus on the situation of children in developing countries, who were often the victims of hunger, drought and illiteracy. It was, however, a moot point whether it served any purpose to recognize the rights of children who were dying of hunger.

Rights of reply

33. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the representative of Israel, a country whose dismal human rights record was well known, had simply repeated long familiar arguments, whereas the United States representative had surprised him with the intolerant and fanatical tone of her statement, particularly when referring to Marxism and the socialist countries.

34. In his own country, State-subsidized places of worship existed for even the smallest religious groups because the USSR did not permit religious discrimination either in law or in practice. In the USSR, no one was persecuted for believing in God or not believing in God, because belief was a matter of conscience and was protected. It was therefore a lie to say that the Soviet Union made war on religion. Those who had been to the Soviet Union and observed religious practices there drew different conclusions. In the United States, there was discrimination against those who did not believe in God; every president took an oath on the Bible and atheist statements could result in persecution. In other cases, people had been sentenced for their religious views, in violation of the Helsinki Act. In the Soviet Union, on the other hand, the legal system prohibited persecution for religious statements. Violators of the law were prosecuted regardless of their religion.

35. Miss BYRNE (United States of America) replied that she had shown restraint in her statement and could have provided many more examples to prove her point. She failed to understand the accusations made by the Soviet representative against her country, because they were so inapplicable to the real situation. In the United States, freedom of religion meant freedom to believe or not to believe, as one saw fit.

36. Mr. CASTELLON (Nicaragua) said that the United States was understandably not a party to the human rights covenants, because they entailed reporting obligations on implementation of the right of self-determination, action that would have been embarrassing in the light of such cases as that of Grenada. His own country, where clergymen even served in the higher echelons of government, respected freedom of religion. Only those who interfered improperly in the country's domestic affairs were excluded from public life. Roman Catholics and many small religious sects alike practised their religion freely in Nicaragua.

37. Mr. YEDID (Israel) said that the Soviet Union's long-standing hostility to Israel was well known and that its opposition to human rights had been demonstrated in its aggression in Afghanistan and elsewhere.

38. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said he wondered why the United States representative did not understand him, because he had merely been referring to existing United States legislation. Many state courts in the United States refused to accept the testimony of non-believers. In some states non-believers could not hold public office and atheist speeches could result in prosecution; the theory of evolution was not allowed to be taught, because teaching had to be consistent with the Bible. Instead of lecturing others on freedom of religion, the United States representative should answer those points.

39. Miss BYRNE (United States of America) replied that she still failed to recognize her country in the description offered by the Soviet representative. In the United States there was freedom even of non-belief. A believer would swear in taking the oath of office, whereas the non-believer would affirm. She wondered why those allegedly suffering from religious oppression in the United States did not line up for visas to the Soviet Union.

The meeting rose at 5.55 p.m.