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COMMISSION ON HUMAN RIGHTS

Thirty-fourth session

SUMMARY RECORD OF THE 1472nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 March 1978, at 10.25 a.m.

Chairman: Mr. N'DIAYE SENEGAL

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GE.78-4130

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 22) (continued)
(E/CN.4/WG.2/225; E/CN.4/L.1366/Rev.2)

1. Mr. LOPATKA (Poland), speaking on behalf of the sponsors of draft resolution E/CN.4/L.1366/Rev.2, said that the discussion had revealed general agreement that a Convention on the Rights of the Child was necessary and that it would be useful to continue work on the draft. Not all delegations, however, had supported the proposed time-table for the work. A compromise had been reached, as a result of which he proposed the following changes: in the draft resolution for the Commission, in the second line of operative paragraph 2 "the" before "draft Convention" should be replaced by "a" and in the fourth line of that paragraph, the phrase "with a view to adopting the Convention" should be replaced by the phrase "with a view to concluding, if possible, a Convention". In the draft resolution for the Economic and Social Council, the two operative paragraphs should read:

Takes note with satisfaction of the initiative undertaken by the Commission at its thirty-fourth session with a view to concluding a Convention on the Rights of the Child and to the adoption of this Convention, if possible, by the General Assembly during the International Year of the Child;

Recommends to the General Assembly that it consider including in the agenda for its thirty-fourth session, as a priority matter, the question of the adoption of a Convention on the Rights of the Child."

2. He hoped that the Commission would adopt the draft resolution by consensus.

3. Mr. RIGG (Panama) said that his Government was especially interested in protecting the rights of the child and intended to enact a series of permanent measures to commemorate the International Year of the Child. The Commission's work on the Convention would encourage States to enact legislation to protect children, who constituted a large and totally defenceless sector of the world population, open to every kind of abuse, even from their own parents. The United Nations must take a firm stand on the question. The Panamanian Government offered its full co-operation to ensure that during the International Year of the Child rules of conduct were established which would outlaw both the corporal and the mental punishment of children.

4. Mr. MEZVINSKY (United States of America) said that his delegation supported the oral amendments to the draft resolutions proposed by the Polish representative. It would be premature to negotiate a Convention on the Rights of the Child by 1979, since continued efforts were still necessary for the implementation at the national level of the Declaration on that subject. The activities which would take place in 1979 in association with the International Year of the Child would provide the necessary basis for the negotiation of a Convention which it was to be hoped would be implemented by national legislation.

5. He understood that the United Nations Children's Fund (UNICEF) would report to the Economic and Social Council and to the General Assembly at its thirty-fourth session with interim recommendations, which might well include a recommendation for a Convention and valuable information on which to base it. At that time the decision whether the Commission or some other United Nations body like the Commission for Social Development should conduct the necessary negotiations would be taken.

6. He pointed out that his delegation supported only the draft resolution in document E/CN.4/L.1366/Rev.2 and not the annexed draft Convention.

7. The CHAIRMAN said that if there were no objections, he would take it that the Commission wished to adopt draft resolution E/CN.4/L.1366/Rev.2, as orally amended, by consensus.

8. It was so decided.

9. Mr. GROS (France) recorded his delegation's reservation on the fourth preambular paragraph of the draft resolution for the Economic and Social Council which, in a text meant to be universally applicable, referred to the new international economic order. If a vote had been taken on the draft resolution, his delegation would have abstained.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 10) (continued) (E/CN.4/1255; E/CN.4/Sub.2/393 and Add.1, E/CN.4/Sub.2/394; E/CN.4/SCO/211, E/CN.4/SCO/213, E/CN.4/SCO/226; E/CN.4/L.1400, E/CN.4/L.1408)

10. Mr. JEANNERAUD (Observer for Switzerland), speaking at the Chairman's invitation, thanked the Commission for adopting at its 1471st meeting the amendment to operative paragraph 1 of the draft resolution appearing in document E/CN.4/L.1400, whereby the Secretary-General was requested to transmit documents concerning the draft Convention on torture and other cruel, inhuman or degrading treatment or punishment for their comments not only to the Governments of States Members of the United Nations but also to those of States which were members of the specialized agencies. The Swiss Government and people were particularly concerned with the question of human rights of persons subjected to any form of detention or imprisonment and the Commission's decision would enable Switzerland to associate itself in the future with efforts undertaken in that field.

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING:

(b) THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 15) (continued) (E/CN.4/1223 and Add.1-5, E/CN.4/1240, E/CN.4/1241; A/10275; A/32/161, A/32/162, A/32/170, A/32/171; E/CN.4/SCO/217, E/CN.4/SCO/220)

11. The CHAIRMAN announced that the Canadian representative had formally requested that the item should be kept on the Commission's agenda for its thirty-fifth session.

12. Mr. ERMICORA (Austria) supported the Canadian representative's request.

13. The CHAIRMAN said that, if there were no objections, he would take it that the Commission agreed to the item being retained on its agenda, as the Canadian representative had requested.

14. It was so agreed.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND THE DIGNITY OF ALL MIGRANT WORKERS (agenda item 23) (L/RES/31/127; L/RES/32/120; E/RES/1926(LVIII); E/RES/2003(LXII); E/CN.4/L.1411)

15. Mr. UTKAN (Turkey), speaking as Chairman Rapporteur of the informal working group on agenda item 23, introduced its report (E/CN.4/L.1411). The entire work of the group had been directed towards overcoming the paradoxical situation in which the issue of migrant workers was becoming increasingly important and attracting the growing interest of the Economic and Social Council and the General Assembly while the Commission remained inactive on the subject. The group had completed the first phase of its work but it required future consolidation. There had been a wide range of suggestions covering the many problems faced by migrant workers; they had even included the idea of a declaration or convention on the rights of migrant workers. At the same time, the difficulties of conducting an effective analysis of the issue in a working group had been appreciated, since it was a matter of breaking relatively fresh ground.

16. The working group had concentrated on an urgent and topical aspect which required special attention, namely the situation of the children and families of migrant workers. That approach was reflected in draft resolution A in the report. The draft resolution had originally been submitted to the group as a working paper, which had made it possible to take into account all the comments of delegations and to reach a consensus. Since concern for the families and particularly the children of migrant workers was a relatively recent development, the Commission would be doing pioneer work. In both the preambular and operative paragraphs, the need to take special measures to improve the situation of the children of migrant workers was linked with the International Year of the Child and it would be useful if that fact was taken into account by the co-ordinating machinery which had been established in connexion with the International Year.

17. The working group had also felt the need to define the Commission's approach to the problem and to suggest an effective method of conducting its future work. It had unanimously concluded that the Commission must not remain as inactive as in the past.

18. The working group had had before it a working paper submitted by the delegations of Colombia, Turkey and Yugoslavia (E/CN.4/L.1411, annex III), which had put forward three main ideas. The first was the need for the Secretary-General to undertake a comprehensive study of the work already done in the field by the different international organizations, so that there would be no overlapping. The report could usefully include proposals or suggestions for action in line with the 1975 report of the Secretary-General on strengthening the programmes designed to improve the lot of migrant workers (E/CN.5/515 and Corr.1 and 2). The second idea was that the Commission must associate all the relevant United Nations bodies and intergovernmental organizations with its future work on the subject, without overlooking the important work done by various non-governmental organizations. The third idea was that it might be useful for an open-ended working group to meet for a few days before the Commission's next session, in order to study the Secretary-General's report and to submit specific proposals at that session.

19. Those ideas were embodied in draft resolution B. The proposals had been fully discussed by the working group and there had been general agreement on the usefulness of preparatory work which would enable the Commission to go beyond the exploratory stage with regard to action on the human rights of migrant workers and thus accomplish the task entrusted to it by the General Assembly. A number of suggestions had been made with regard to the timing and nature of the proposed working group, but for technical reasons related to the availability of conference rooms and of interpretation the group had decided to recommend to the Commission the arrangements set out in operative paragraph 2 of draft resolution B. He drew attention to operative paragraph 4 of that resolution, which proposed that the Commission should study the subject as a matter of priority at its thirty-fifth session.

20. Mr. SAHON (Deputy Director, Division of Human Rights) said that operative paragraphs 1 and 2 of draft resolution B had financial implications in the amount of \$28,000. The Secretariat could make the necessary accommodation and services available to the working group to meet during the period 11 to 15 December 1973, at a cost of \$23,000. Owing to shortage of staff in the Division of Human Rights, it would be necessary to employ the services of a professional for two months to undertake the consolidated report, at a cost of \$5,000.

21. The CHAIRMAN said that, if there were no objections, he would take it that the Commission wished to adopt draft resolutions A and B in document E/CN.4/L.1411.

22. It was so decided.

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 16) (E/CN.4/1900/215; E/CN.4/L.1401, E/CN.4/L.1409)

23. Mr. FIEDORCZ (Austria), speaking as the Chairman Rapporteur of the informal working group on agenda item 16, introduced its report (E/CN.4/L.1401). In paragraph 3¹ the sentence in square brackets in paragraph 1 of the Soviet Union proposal should be deleted.

24. The informal working group had held eight meetings but its efforts had not been fruitful; in fact, they had revealed the extreme difficulty of drafting a declaration on the subject. The group had considered only article 1, on which some 23 proposals had been submitted. The discussion had ranged over the need to specify or limit the freedom of religious belief in so far as it might incite persons not to fulfil their obligations as citizens and the desirability of including theistic or atheistic beliefs and the right to criticize religious beliefs. It had proved impossible to draft a text for article 1 and indeed he wondered whether the article was really necessary, since the main thrust of the declaration to ensure tolerance and non-discrimination lay in articles 2 onwards. He drew attention to the invitation issued by the United States representative to representatives of all permanent missions in New York interested in the draft convention to attend a series of open-ended meetings (paragraph 41).

25. Turning to draft resolution E/CN.4/L.1409, he said that it was a purely procedural proposal for an open-ended working group to meet throughout the thirty-fifth session of the Commission. In the light of the discussion on a similar procedural resolution relating to the draft Convention on torture (E/CN.4/L.1400), he proposed that the opening phrase of operative paragraph 1 should be amended to read "suggests that all Member States and all other States members of specialised agencies ...". He hoped that it would be possible to adopt the draft resolution by consensus.

26. The CHAIRMAN said that, if there were no objections, he would take it that the Commission wished to adopt the draft resolution as orally amended.

27. It was so decided.

28. MRS. LUCINI (Holy See), speaking at the invitation of the Chairman, said that he wished to comment on the results achieved by the informal working group and on draft resolution E/CN.4/L.1409.

29. His delegation deeply regretted the slow progress which had been made on the draft declaration during the current session. The group had been unable to reach agreement even on the first article, although the topic had been on the Commission's agenda for the past 16 years. He could not help wondering whether some participants in the working group had lacked the political will to reach a conclusion on the subject.

30. Turning to the substance of the discussions on article 1, he said that two proposals had been made - one, to introduce the notion of "anti-religious views" and the other, "the right to criticize religious beliefs". Those concepts had not been acceptable to the majority of the participants, the more so as there had been no mention of views which were favourable to religion. Some participants had pointed out that such negative concepts were incompatible with the aim of the draft declaration and therefore had no place in it. Representatives of the traditional Moslem countries, especially in Africa, and some Latin American countries, had opposed the introduction of the notion of "atheistic beliefs" in the draft declaration. His delegation questioned the wisdom of dealing with freedom of religion and of atheism at one and the same time in the draft declaration. While it agreed that it was necessary to recognize freedom of belief as an internationally recognized right not to adhere to any religion, it had noted a trend to speak not only of a belief in general but of several kinds of beliefs and, first and foremost, of atheistic beliefs. Past experience had shown, however, that action in favour of atheism constituted intolerance of religion and religion was inadequately protected on the grounds that religious activities were misused.

31. He had been surprised to hear some participants in the working group's discussions assert that they could not agree to use as article 1 of the draft declaration the wording of article 18 of the Covenant on Civil and Political Rights, which dealt with the same subject of freedom of religion and belief and had already been ratified by over 40 States Members of the United Nations. It was still more striking that even the States which had ratified the Covenant were not ready to accept that wording for the first article of the draft declaration. The results of the discussions at the present session could

therefore only be described as a step backward. That being so, he wondered whether it would not be possible for the Commission to do something more at its thirty-fifth session to speed up its work on the draft declaration.

32. In his delegation's opinion, draft resolution E/CN.4/L.1409 did not go far enough. As a number of other working groups were already planned for the thirty-fifth session, the group on intolerance and discrimination based on religion and belief would have only a limited number of opportunities to meet. To assist the Commission, his delegation was prepared to draw up a new and concise text, taking into account the discussions at the thirty-fourth session. The text could be discussed in August-September 1973 by a restricted group of participants interested in the subject and composed of representatives of the main traditional religions and non-religious beliefs. The revised text could then be sent to Governments with a request for their written comments, so that a new report could be prepared by the Secretary-General before the thirty-fifth session. His delegation would appreciate it if that offer could be mentioned in the Commission's report.

33. The Holy See had always upheld the desirability of having a declaration on religious intolerance and discrimination. Never before had freedom of religion been claimed so insistently, particularly when it was limited. The Holy See was constantly receiving appeals from individuals and groups of all creeds. A declaration would guarantee more respect for religious freedom to everyone who desired to adopt or choose a religion.

34. The Holy See had the impression that the principle of freedom of religion was not fully respected at the present time. There were in various countries people who were underprivileged because of their religious opinions and even persecuted for them. In various countries prohibitions or limitations were imposed on many manifestations of religious life, either by legislation or administrative action or more frequently just in practice. Even though Constitutions guaranteed religious freedom, some authorities made every effort to deter citizens from professing a religion or maintaining religious communities.

35. Mr. LEVIN (Agudas Israel World Organization), speaking at the invitation of the Chairman under rules 75 and 76 of the rules of procedure, said that the declaration on the elimination of all forms of intolerance and discrimination based on religion or belief was long overdue. It had first been talked of in the General Assembly of the United Nations in 1946.

36. The organization which he represented had come into being in 1912 and had branches in 23 countries. It was deeply worried by the delay in the drafting of the declaration by the Commission. Numerous organizations in consultative status with the Economic and Social Council had approached the Commission officially on the subject. He quoted from two communications (E/CN.4/NGO/176 of 29 January 1974 and E/CN.4/NGO/108 of 3 February 1976).

37. There was no need for him to dwell on the importance of such a declaration. The Jewish people had suffered throughout the ages because of religious discrimination. In the Roman Empire discriminatory laws had been enacted against Jews and in the Middle Ages Jews had been persecuted by the Spanish inquisition. In modern times, religious intolerance with regard to Jews had reached unprecedented proportions in the Nazi holocaust.

38. Religious intolerance had done unimaginable harm not only to Jews. The Crusaders had slaughtered some million Frenchmen suspected of being Albigensians. The Pact of Omar of 637 had imposed a great many restrictions on Christians. The Armenians had been decimated by the Turks in the First World War.

39. Seen against the broad historical background, a declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief was a vital component of world peace itself. It was therefore hard to see the reason for the delay in completing the text. The working group had been unable to reach a consensus on article 1, but it was worth recording that the Moelen countries had participated in the discussions and the United States had made an interesting proposal to enable the discussions to continue in New York in the interval before the next session of the Commission. It was not essential to reach a consensus in the working group; some articles of the Universal Declaration of Human Rights had not been adopted by consensus in the Drafting Committee but no one today regretted that they had been included in it.

40. He suggested that the controversial elements should be eliminated from the drafts before the Commission and that it should agree on a short text. He would eliminate the whole of article 1, for any attempt to define "religion" and "belief" was bound to provoke dissension. After all, the Declaration on the Elimination of All Forms of Racial Discrimination had not attempted to define the term "race".

41. He read out the text of a declaration composed of 10 articles, which he proposed for the consideration of the Commission. It included two articles taken from the working paper submitted by the Netherlands and Sweden. The preamble as approved by the Commission two years earlier would, of course, remain as it stood.

42. Mr. BUCHANAN (United States of America) said that his delegation urged the Commission to adopt the report of the informal working group (E/CN.4/L.1401). While commending the working group on its diligence, it regretted the inability to reach agreement on a draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. In order to expedite the Commission's work on the subject, his delegation had invited members of all Permanent Missions to the United Nations in New York to a series of open-ended meetings to look at the whole declaration and perhaps to suggest some wording to the 1979 working group. The process of the protection of human rights was a continuing one and he urged all Member States to participate in that informal group.

43. Freedom of conscience was of transcendent value to every human being and religious belief was as wide as the world and as old as time. Like the framers of the Constitution of the United States, Americans held freedom of conscience and of religious belief to be among the basic rights of man. Many of the early settlers in the United States had fled from religious persecution in Europe but most of the States in which they had settled had begun to persecute and discriminate against dissenters in their turn. In time, however, the struggle for freedom of conscience and belief had culminated in the inclusion of guarantees of freedom of conscience and religious belief in the United States Constitution and in those of the individual States. It was essential that accord should be reached on that basic human right if nations were to progress in other areas of major concern such as technological co-operation, disarmament and détente.

44. The basic principles which had been discussed in connexion with the draft declaration were incorporated in several documents to which Member States had already agreed, including the Universal Declaration of Human Rights and the Final Act of the Conference on Security and Co-operation in Europe. What remained to be done was to ensure that the rights guaranteed in those principles were put into practice.

45. A basic function of the Congress of the United States was the protection of the rights of American citizens. It had sub-committees which focused attention on violations of human rights throughout the world. It had set up a commission after the signing of the Final Act of the Conference on Security and Co-operation in Europe to monitor compliance abroad with its provisions and to make recommendations for improved compliance in the United States itself. It had reduced aid or restricted trade because of violations of human rights wherever they occurred.

46. It would be easy for the Commission to drop the whole idea of the draft declaration, but that would be tantamount to abandoning the millions of people whose rights were being violated every day. It had to persevere with firmness and fairness in that and every other vital area of human rights.

47. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that it seemed to him that there was no justification for the pessimism expressed by speakers on the subject of the draft declaration. He had participated in the work of the informal working group and had had the impression that it had been much more active than in previous years. It was wrong to judge the results of the work done only by the end product. While it was true that the working group had failed to reach a consensus, he had had the feeling that it had been quite close to a compromise and he looked towards the future of the draft declaration with optimism. The basic articles were much more important than the preamble and had to be carefully worked out. The aim must be to prepare a well-balanced document reflecting various points of view. Some speakers had suggested that it might be wise not to aim at a consensus, but obviously a consensus was desirable.

48. He had gained the impression that the representative of the Holy See had been referring to the Soviet Union when he had said that some countries which were parties to the Covenant on Civil and Political Rights were not prepared to repeat article 18 of that Covenant in the draft declaration. As far as the Soviet Union was concerned, its position was that, since article 18 already existed in the Covenant, there was no need to repeat the same text elsewhere. Many participants in the working group had said that it was necessary to go further than article 18 in the draft declaration. It would be a step forward to make that text more specific and indicate what the limitations were.

49. Some speakers had urged that there should be no reference to atheism in the draft declaration. That idea had already been dismissed by the Commission.

50. Mr. BEAULIEU (Canada) regretted that the working group had once again made very little progress in preparing the draft declaration. He welcomed the optimism shown by the representative of the Soviet Union, but it seemed to him that the Commission was merely marking time. If it wished to make any progress, it would have to come to a firm decision to produce some positive results from its prolonged discussions.

51. From the outset the working group had had before it a draft article 1, affirming the right of States to engage in anti-religious propaganda. There had been proposals and counter-proposals on the subject, and some delegations had rejected any reference to militant atheism. The time had come for members of the Commission to decide whether they wished to draw up a text which went further than article 18 of the Covenant on Civil and Political Rights or which at least drew the logical consequences from it. The mandate given to the Commission by the General Assembly had, in fact, been to enlarge upon the meaning of that article. The lengthy discussions on draft article 1 of the declaration had shown that the Commission did not lack resources. If some representatives chose to call into question the very basis of the draft declaration, the discussions would become sterile and discourage those of good will. In any case, the divergences of view would not be overcome by semantic juggling. It was necessary to think of other ways of tackling the question. It would be useful to clarify the whole question of discrimination and not be held up on the matter of definitions. It would also be worth while to draw up brief and specific rules designed to proscribe discriminatory practices in the field of religion and beliefs.

52. The growing interest of all delegations in the discussions of the working group, and the active participation of some delegations which had not previously taken part in its work, should encourage the Commission to make further efforts. He welcomed the statement in paragraph 41 of the report (E/CN.4/L.1401) concerning the invitation to be issued by the United States delegation, which was a practical suggestion. He also welcomed the offer of the Holy See to draw up a revised text of the draft declaration. He hoped that the Commission would adopt draft resolution E/CN.4/L.1409 by consensus.

53. Mr. EL-FATTAI (Syrian Arab Republic) said that the subject under discussion presented no problem for his country, which firmly believed in the struggle against all forms of intolerance and of discrimination based on religion or belief. The fact that three great religions co-existed in the area from which he came was evidence of the fact that tolerance and non-discrimination had historically been the basis of its civilization.

54. He owed it to history to correct what had been said by a representative of a non-governmental organization about Khalif Omar and his fact. Khalif Omar was well known for his services not only to Islam but to the world at large. Under his descendants, three religions - Christianity, Islam and Judaism - were thriving. His delegation differentiated between Zionism, which was a political movement bent on colonization, and Judaism, which was a divine revelation respected in the Koran. He would be failing in his duty as a member of the Commission if he failed to mention what was happening in occupied Palestine, the Golan Heights, Sinai and the West Bank. The bulletin of the World Council of Churches had published alarming news of religious intolerance and discrimination being practised openly in Israel. The speaker who had mentioned the name of Khalif Omar should endeavour to correct the situation in Israel, in which there was a serious danger of the impending liquidation of Christianity and Islam. The bulletin of the World Council of Churches described the concern expressed by a delegation of the United Christian Council in Israel at the passing of a law by that country calling for fines and prison sentences for those who offered or received material inducements which could lead to a change of religion.

The delegation had drawn attention to the dangers inherent in that law and the desire of the Christian community in Israel to see it repealed. It had proposed the establishment of an independent ecumenical commission of inquiry to probe allegations against the churches, clear up public prejudices and misconceptions about the Christian Church and contribute to the creation of a new climate of trust, collaboration and dialogue in Christian-Jewish relations.

55. The Vatican's concern about the same law had been reported in Le Monde of 23 February 1978. The Holy See had made four specific observations on the new law: firstly, that the vagueness of its terminology could give rise to hostile interpretation; secondly, that it had been discussed and approved by the Knesset in an anti-Christian spirit; thirdly, that it could encourage false accusations of corruption against Christians and, fourthly, that it was likely to be followed by other concessions made by the Government to the majority religious parties.

56. Religious intolerance and discrimination had thus become part of the legislation of a country which claimed that its own rights had once been violated in other parts of the world.

57. Mr. CARVALHO (Bulgaria) said that the informal working group's report faithfully reflected what had taken place. Although it had not been possible to reach agreement on the text of article 1 of the draft declaration, the discussions had been fruitful and exhaustive. For article 1, the aim should be to have a text covering freedom of thought, conscience, religion and belief and embracing the right of every individual to adhere to any religion or belief, or not to do so.

58. His delegation had gained the impression from the statement of an earlier speaker that that fundamental aspect was being disregarded and that it was erroneously thought to be the working group's task to endeavour to force belief or religion on everyone.

59. An unbiased analysis of the working group's report showed that there were no grounds for pessimism. His delegation had opposed a suggestion in the group that the report should state that the working group had failed to achieve any results; the proposed sentence to that effect had been removed from the final version of the report.

60. An objective analysis of the working group's report would also show that there had been no attempt to engage in semantics, to prolong the discussions on article 1 or on the draft resolution or to delay the Commission's work. It was apparent from the report that the working group had at one time been close to general agreement. Referring to paragraph 41 of the report, he said that the United States suggestion should in no way replace the functions of the Working Group or of the Commission. He did not know whether the Bulgarian Permanent Mission in New York would be able to assign an expert to participate in the informal group suggested by the United States representative. If it was unable to do so, he would not wish his delegation to be placed in an unequal position vis-à-vis other delegations in that respect.

61. Mr. BARRONI (Observer for Israel) said that his country had participated from the outset in efforts to draft a declaration or convention on the elimination of religious intolerance. His delegation had been encouraged by the Commission's discussion and particularly by the frank and stimulating statements of the United States and Canadian representatives. The Syrian representative had introduced a discordant note into a discussion that should have been devoted exclusively to ecumenical understanding. Israel had always promoted and practised religious tolerance. The law to which the Syrian representative had referred was meant for the protection of all religions, including the Moslem faith, against any kind of pressure, including financial pressure or inducement.

62. The world had witnessed Israel's policy of religious co-existence as exemplified by the Pope's visit to Jerusalem in 1966 and the recent visit of President Sadat, who had prayed in the El Aksar mosque.

63. The CHAIRMAN said that the Commission had now concluded its discussion of agenda item 16. He invited it to take a decision on draft resolution E/CN.4/L.1409.

64. Draft resolution E/CN.4/L.1409 was adopted.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION (agenda item 11) (continued) (E/CN.4/1273 and Add.1-4, E/CN.4/1274, E/CN.4/1283; E/CN.4/NGO/218, E/CN.4/NGO/221, E/CN.4/NGO/222; E/CN.4/L.1368/Rev.1, E/CN.4/L.1385/Rev.1, E/CN.4/L.1386, E/CN.4/L.1387, E/CN.4/L.1392, E/CN.4/L.1397, E/CN.4/L.1404, E/CN.4/L.1412, E/CN.4/L.1413)

65. Mr. SADI (Jordan), introducing the report of the Working Group established to consider matters referred to in Commission decision 4 (XXXIII) and General Assembly resolution 32/150 (E/CN.4/L.1413), drew the Commission's attention to the draft resolution recommended for its adoption in paragraph 9 of the report. The word "effective" should be inserted before the words "enjoyment of human rights" in the title of the draft resolution and the words "including the question of the programme and methods of work of the Commission" should be added at the end of the title.

66. The Working Group had adopted its report after considerable difficulty. Every effort had been made to incorporate as many ideas and observations as possible. Certain delegations had not been entirely satisfied with the report, but it reflected the general opinion of the Working Group and he hoped the Commission would adopt it by consensus.

67. The CHAIRMAN pointed out that the agenda item on which the title of the draft resolution in document E/CN.4/L.1413 was based did not include the word "effective" which the representative of Jordan had asked to have inserted.

68. Mr. SADI (Jordan) withdrew his suggestion that the word "effective" should be inserted in the title of the draft resolution. The words "including the question of the programme and methods of work of the Commission" should, however, be added since they were part of the wording of the agenda item.

69. Mr. SLESZYNSKI (Christian Democratic World Union), speaking at the invitation of the Chairman, said that his Union wished to reiterate its views on the most effective means of ensuring the effective enjoyment of human rights. Since existing international law on the subject was generally satisfactory, what was required was to concentrate on procedures to ensure its implementation. There were two alternative means of realizing that objective. The first was the establishment of a High Commissioner or High Commission for human rights in accordance with Articles 55 to 59 of the Charter of the United Nations. If a High Commission was established, it should be composed of persons enjoying general confidence. The second alternative was to increase the competence and activities of the Commission by establishing a permanent bureau of at least three members representing different geographical areas.
70. The permanent bureau should have the power to receive complaints concerning violations of human rights under Economic and Social Council resolution 1503 (XLVIII) and submit them to the Commission with its views and recommendations; to carry out local investigations; to formulate additional questions when Government replies failed to give a clear picture of the human rights situation in their countries; and to maintain effective co-operation with other United Nations organs concerned with promotion of respect for human rights in the context of General Assembly resolution 32/130. To that end, it was necessary that the permanent bureau should be able to work constantly to carry out its tasks, that the length of the Commission's sessions should be greatly extended, that its means of action should be considerably increased and that the necessary facilities for carrying out its work should be guaranteed.
71. His Union was convinced that the spirit and the letter of operative paragraph 2 (e) of General Assembly resolution 32/130 required the specific formulation of measures by which control over the fulfilment of State obligations in the field of human rights could be ensured.
72. Mr. DURHAM (International Indian Treaty Council), speaking at the invitation of the Chairman, said that his Council, and American Indians throughout the Americas, had been encouraged by the Commission's discussions and its adoption of various resolutions. The obvious commitment of delegations to working out procedures and programmes for the promotion of human rights would be important for mankind for years to come. For the programme and methods of work of the Commission to be effective, however, countries themselves must admit their human rights problems openly and honestly. Countries such as Canada, Australia and the United States of America in particular should co-operate closely with the Commission.
73. Indians detained in certain Latin American countries with repressive or military régimes certainly suffered more than those in United States prisons. His Council nevertheless felt compelled to draw attention to the situation in countries, particularly the United States of America, which were publicly proclaiming the cause of human rights while covertly violating those rights. President Carter's Administration had stated its willingness to receive any charges of human rights violations in the United States of America. He therefore suggested that that country might provide the Commission with thorough statistical documentation on the situation of black, Indian and Spanish-speaking prisoners in its federal and State prisons, so that a realistic discussion could be held on the application of a body of principles for their protection. Similar action by other countries with a large population of poor people and a judicial and

correctional system run by richer people might also be helpful, particularly where minority populations were the poorest, as was the case in Canada and Australia. Economic factors were important, since the reasons for the imprisonment or detention of many people in those countries originated in conditions of poverty and alienation.

74. Indians were the poorest sector of the population in the United States of America. Their arrest rate was three times higher than that of American blacks and ten times that of whites. The situation appeared to be the result of political and economic causes. American Indians were given longer sentences for the same crimes than either blacks or whites and were granted parole less frequently. That situation had become more severe since the Wounded Knee occupation in 1973. Indian prisoners were more culturally deprived and alienated than other prisoners and in one case had had their health services removed for demanding their right to cultural and religious expression. Health services in all United States prisons were inadequate and sometimes non-existent. That was particularly serious for Indian prisoners, who often suffered from diseases caused by poverty. The situation was even worse when there were political factors. He cited various cases to show the harsh treatment meted out in such cases. For racist reasons, it was impossible for an Indian to obtain a fair trial in the United States. He gave a number of examples of Indians who had been imprisoned for strictly political reasons and in which fabricated evidence or no evidence at all had been submitted to the white juries. Witnesses had been intimidated and prisoners ill-treated.

75. A new prison policy of the United States Government involved behaviour modification of prisoners, brain-washing, use of dangerous and harmful drugs, and medical and psychological experiments. Such treatment was intended to prevent any religious, political or social activity of which the Bureau of Prisons did not approve, or was used for punitive purposes.

76. It would be an important advance in the field of human rights if the United States of America would provide the Commission with detailed information on its prison policies and conditions.

77. The CHAIRMAN said that the statement just made came more appropriately under agenda item 12 than under agenda item 11 and the Commission had already concluded its discussion under agenda item 12.

The meeting rose at 1.5 p.m.