



SUMMARY RECORD OF THE 47th MEETING

Chairman: Mr. HAMER (Netherlands)

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The meeting was called to order at 10.20 a.m.

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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)

AGENDA ITEM 98: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/510)

AGENDA ITEM 103: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/41/3 (chap. V, sect. A), A/41/511, A/41/607, A/41/701-S/18394, A/41/706)

1. Mr. THORSTEINSSON (Iceland), speaking on behalf of the five Nordic countries, reiterated their strong support for the early completion and adoption of the Convention on the Rights of the Child, being drafted by the open-ended Working Group set up by the Commission on Human Rights. It was comforting to note that considerable progress had been made at the last meeting of the Working Group in January 1986 and that a large number of non-governmental organizations had participated in the drafting and had put forward many constructive proposals. The Nordic countries would like to thank Poland and the United Nations Children's Fund (UNICEF) for their preparatory work. A wider country representation from all regions would be desirable in the preparations. It was essential that the Working Group should meet in January 1987, as scheduled, so that it would be able to submit the draft Convention to the Human Rights Committee in February 1987.

2. The most important aspect of the remaining work was the implementation of the Convention. It was vital that the rules be formulated so as to establish the most effective safeguards for the rights of children. The Nordic countries were glad that provisions had been included in the draft to protect children in times of war,

(Mr. Thorsteinsson, Iceland)

such as a ban on the recruitment of children, and to protect them against unsatisfactory working conditions. Many of the provisions in the draft were already included in other international instruments and applied to adults as well as children. Nevertheless, the Nordic countries felt that a Convention dealing specifically with the rights of children was fully justified in recognition of their special status.

3. Mr. POERSCHKE (German Democratic Republic) said that over a period of 10 years the Human Rights Committee had done useful work, establishing important criteria for the establishment of universal human rights standards and for the equitable co-operation of States in the application of such standards under their respective legal systems. The German Democratic Republic had ratified the Conventions on human rights 10 years ago and from the outset had attached great significance to the work of the Human Rights Committee. It was glad to note that the number of States which had acceded to the Conventions had increased considerably, although it regretted that a number of States had not yet ratified them. It was impossible to speak convincingly about respect for human rights in other countries without even being willing to assume obligations for one's own country and while making every effort to keep alive the criminal apartheid régime which had become a symbol of the negation of the fundamental precept of all human rights, i.e. that all human beings were equal.

4. There were two factors which explained why the Human Rights Committee had been able to accomplish such successful and broadly recognized work. The mutual confidence existing between States and the Committee was obviously rooted in the Committee's orientation towards co-operation, which found its expression in the application of the consensus principle, based on respect for differing views and systems within a pluralistic world. The Committee had not allowed itself to be persuaded to go beyond its mandate and transform the reporting procedure into a covert fact-finding or complaint procedure. Such an attitude merited appreciation, for it was not at all easy to resist the pressure put on the Committee through interventionist propaganda campaigns organized by States not parties to the Convention.

5. An important prerequisite for the Committee's success had been and continued to be the recognition that, in order to maintain a constructive dialogue, both the Committee and the States parties must be ready to listen to each other. Dialogue did not end in decisions, judgements, recommendations or observations by one side. His delegation was convinced that the Committee could bring greater influence to bear if, in considering the reports of the States Parties, it took more care to identify the specific problems arising for individual countries in the implementation of international human rights standards. The universality of such standards as defined in the Covenant was not reflected in their uniform implementation but in the recognition they could be implemented in many different ways according to the social and historical background of every nation; it was also reflected in the international co-operation necessary for their promotion.

(Mr. Poerschke, German
Democratic Republic)

6. The Government of the German Democratic Republic welcomed all efforts aimed at improving the present reporting system and avoiding duplication. However, it would have serious doubts if a uniform mechanism applicable to all reporting procedures were introduced. The existing Covenants differed in both their subject-matter and implementation machinery. Those differences were politically intended by States when elaborating the Covenants. Consequently, standardization would ignore or violate the political intentions of States.

7. Mr. ATTEWELL (Canada) said that standard-setting had been the first task of the Organization in the field of human rights when it started its work in 1946. The Canadian delegation had consistently viewed the standard-setting phase of United Nations action as the first element in a longer process. That process had two additional phases: one involved the translation of agreed standards into binding obligations; the other involved establishing effective implementation machinery to ensure that standards were put into practical effect. Those three steps - standard-setting, treaty-making and implementation - were complementary.

8. While the standard-setting activities of the United Nations had been impressive, there were several important gaps. Work on the Convention on the Rights of the Child represented the kind of detailed, intensive standard-setting and treaty-making activity which could help to broaden the basis of standards. That was especially relevant given the many innovations in domestic treatment of that issue in jurisdictions over the last three decades.

9. A much more difficult issue was that of technological development, which had major implications for human rights and for the evolution of entire societies. Perhaps the best approach in that and similar cases where the sheer magnitude of the issue hindered progress was to break the item into complementary parts. With respect to technology, for example, one of the foremost implications in the field of human rights was the impact of technological developments on freedom of information and on the rights of individuals and groups to protection from disclosure of personal and private materials gathered in computerized data bases. The Third Committee and the Commission on Human Rights should consider that question more closely.

10. There were several other areas where standard-setting could be enhanced, for example, the rights of minorities. Although it was important to adopt definitions and define standards which could be applied to all regions and situations, the problems of minorities in many countries were of pressing importance. An example was the situation of religious minorities in Iran and of Jews who wished to leave the Soviet Union. In one sense, those situations reflected a failure to implement existing standards of human rights; in another sense, a reinvigorated instrument dealing with the rights of minorities would make it possible to assess those situations and monitor violations more effectively.

11. Similarly, the right to promote human rights needed to be accorded greater importance. Various international instruments already contained guarantees relating to freedom of opinion, freedom of expression and the right to promote

(Mr. Attewell, Canada)

human rights. In many countries, however, persons were imprisoned, subjected to internal exile, removed from their jobs or even incarcerated in psychiatric institutions simply because they advocated that their countries should adhere in practice to the rights and obligations which existed in theory in their constitutions. Canada supported the activities of the Commission on Human Rights regarding the right to promote human rights.

12. His delegation was also in favour of greater involvement by the United Nations in the elaboration of standards dealing with the rights of indigenous populations. The first step would be to adopt a coherent standard-setting strategy which could apply to all parts of the world in which there were indigenous populations. Then follow-up work could be undertaken on the binding obligations and the types of implementation mechanisms necessary to effect a total transformation in approaches to that issue within the United Nations.

13. His delegation once again praised the Human Rights Committee for its excellent work. In 1986 the Committee had again submitted to the General Assembly a report which showed the seriousness with which it was fulfilling its responsibilities to monitor the implementation of the International Covenant on Civil and Political Rights. He looked forward to the first report to be submitted to the Economic and Social Council by the newly established Committee on Economic, Social and Cultural Rights. The membership of the new Committee led his delegation to believe that its work would be as successful as that of the Human Rights Committee.

14. The General Assembly had affirmed that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention should be given to the implementation, promotion and protection of economic, social and cultural rights and civil and political rights. His delegation therefore believed that the two bodies of experts established to monitor the implementation of the Covenants should receive all possible assistance from the General Assembly in carrying out their tasks. Both bodies should have summary records in view of the importance of those documents in publicizing the practice and jurisprudence of the bodies responsible for monitoring the implementation of the Covenants.

15. Mrs. SARANGERE (Mongolia) said that the International Covenants on Human Rights occupied a central place in the system of international instruments on the subject. The entry into force of the Covenants had marked a new stage in the evolution of international co-operation to ensure respect for human rights and fundamental freedoms. The Covenants proclaimed the right of all peoples to self-determination, namely their right to determine their own political system and pursue their economic, social and cultural development, and also the right to dispose freely of their own natural resources.

16. The genocidal acts of the imperialist countries against sovereign States and their constant interference in the internal affairs of countries which had chosen an independent course of development not only constituted violations of the Covenants but also prevented peoples from achieving national and social emancipation. The right to life was of fundamental importance among human rights. Currently, with the advances made in space and nuclear technology, it was only by

(Mrs. Sarangere, Mongolia)

building up international trust and security that the necessary conditions could be created to achieve peace and freedom without such threats as "Star Wars". Her delegation stressed the importance of the General Assembly's recent decision to consider in 1987 the provisions of the declaration proposed by Mongolia on the right of peoples to peace.

17. Human rights and fundamental freedoms were universal. Political, civil, economic, social and cultural rights were interlinked and interdependent. The recognition of that interdependence was an essential requirement for implementing the provisions of the International Covenants on Human Rights. There could be no talk of human rights when in the streets beggars were dying of hunger and exposure and were being denied their most elementary rights, while millions of dollars were being spent on the manufacture of arms, which further reduced the already slim budget devoted to social purposes. Human rights could not be invoked when assassins were sent to undermine the independence of States and when peaceful towns were attacked and their inhabitants were killed. It was alarming that some States did not wish to adhere to the most important instruments in the sphere of human rights. The United Nations should call upon all States which had not yet done so to ratify the instruments on human rights.

18. In Mongolia human rights were fully respected and the Constitution guaranteed the equality of rights of all citizens in the economic, social and cultural spheres. Mongolia, as a State party to the International Covenants on Human Rights, honoured the obligations it had undertaken and submitted periodic reports. The report considered in 1986 had been commended by the members of the Committee. Mongolia, together with other socialist countries, had submitted a proposal for the establishment of a comprehensive system of international security, since the security of States was closely linked with the struggle to ensure respect for human rights, especially the right to life in peace.

19. Scientific and technological progress could make valuable contributions to the economic and social development of all countries. His delegation shared the views expressed in General Assembly resolution 40/112 that the resources of mankind and the activities of scientists should be used for the peaceful economic, social and cultural development of countries and for improvement of the living standards of all people. It was important that States should comply with the provisions of the Declaration on the use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, as a means of protecting civil rights and fundamental freedoms, particularly the right to life. In addition, his delegation fully endorsed resolution 40/111 concerning the right to life and the need for the international community to make every effort to strengthen peace and to achieve general and complete disarmament. He was concerned at the increasingly widespread use of scientific and technological progress for military purposes, and particularly at the fact that such extensive intellectual and material resources were devoted to the arms race in outer space, in the so-called "Star Wars". While the serious economic and social problems in many countries constituted an obstacle to the enjoyment of fundamental rights and freedoms, the enormous expenditures on the arms race could not be justified on humanitarian grounds, as those who supported the Strategic Defence Initiative sought to do.

(Mrs. Sarangere, Mongolia)

20. With regard to agenda item 96, it was very important to promote the physical and spiritual development of children. He supported the proposal of Poland that a convention on the rights of the child should be elaborated as soon as possible and welcomed the fact that the forty-second session of the Commission on Human Rights had made some progress in the elaboration of the draft convention. The adoption of such a convention would be a testimony to the desire of Member States to improve the condition of children.

21. Mr. ABDEL RAHMAN (Sudan) said that his country reaffirmed its commitment to fundamental human rights. The importance of respect for the human rights and fundamental freedoms of all, without distinction, was repeatedly underscored in the Charter of the United Nations. Although all States Members of the United Nations had undertaken to work towards those objectives, some States still had not fully attained them, while others did not even recognize the validity of human rights. A number of States continued their systematic violation of human rights because they received the support of certain Powers.

22. The Sudan attached great importance to the question of human rights and the protection of those rights was a principle enshrined in the Constitution. Since the restoration of democracy, the Sudan had acceded to the International Covenants on Human Rights and would soon accede to the Optional Protocols. Democracy had put an end to a series of tragic events in the Sudan, which was now beginning a new era of hope in which fundamental rights and freedoms, the independence of the judiciary and freedom of religion, were guaranteed.

23. The Sudan hoped that those Member States which had not yet done so would ratify the International Covenants on Human Rights as soon as possible and regretted that 20 years after the adoption of those Covenants, many countries had still not acceded to them. Those States which claimed to have lofty ideals in the area of human rights and which prided themselves on respect for such rights should act in accordance with those ideals. Israel was an example of a State which committed brutal violations of human rights and which had no moral authority to pass judgement on such matters. Its accusations against the Sudan lacked any factual basis.

24. He was concerned at the potential effects of the financial crisis of the United Nations on the work of the Human Rights Committee. It was important that the Committee should be able to continue to discharge its mandate and the Sudan therefore supported the decision adopted at the 696th meeting of the Committee, concerning the formulation of provisional measures. He also supported the decision taken at the ninth meeting of the States parties to the International Covenants on Human Rights that summary records should be prepared for meetings of the States parties.

25. The Sudan had submitted its fourth periodic report to the Secretary-General for transmission to the Committee on the Elimination of Racial Discrimination. Some countries had had difficulties in submitting the reports. The report of the Secretary-General (A/41/510) recommended appropriate measures to assist Member States in that task. Nevertheless, an effort should be made to simplify the format and corresponding guidelines.

(Mr. Abdel Rahman, Sudan)

26. The Sudan had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and would ratify it as soon as the necessary constitutional formalities had been fulfilled. In his view, the necessary measures to eliminate torture should be taken by national authorities.

27. He reminded the States parties to the International Covenants on Human Rights that it was necessary to keep in mind the criterion of geographical distribution in the establishment of groups charged with monitoring compliance with the Covenants, and he hoped that future elections of experts would ensure equitable geographic distribution.

28. Mr. TOTH (Hungary) said that the International Covenants on Human Rights were not mere declarations but instruments that placed legal obligations on States parties to guarantee fundamental freedoms, and that made them particularly valuable. The effectiveness of the Covenants depended heavily on the strict observance by States parties of their obligations thereunder and on the universal acceptance of their provisions. It was a matter of great concern that only about half of the States Members of the United Nations had ratified or acceded to the International Covenants on Human Rights, since that meant that some countries were unwilling to facilitate the monitoring activities of relevant bodies, such as the Commission on Human Rights and the Committee on Economic, Social and Cultural Rights. The ratification and implementation of the International Covenants, together with proper reporting on implementation, constituted an integral part of a country's human rights record.

29. In July 1986, the Human Rights Committee had considered the second periodic report of Hungary. He hoped that the dialogue established on that occasion had led to a greater understanding of the specific means applied by a socialist country like Hungary in the implementation of the provisions of the Covenants.

30. The recent amendment of the Constitution, in 1983, had been one of the most significant legislative events in Hungary, similar to the amendment of the Civil Code in 1977, which had amplified the protection of personal rights as a result of the obligations undertaken in signing the International Covenant on Civil and Political Rights. The text of that Covenant had been officially promulgated and published, and its provisions had been duly reflected in the law. In addition, on 25 June 1986, Hungary had signed the International Convention against Apartheid in Sports and was considering the possibility of signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

31. With regard to agenda item 103, he shared the view that scientific and technological progress constituted one of the main elements for promoting the effective enjoyment of human rights. Scientific and technological development could accelerate overall social and economic development and help to narrow the gap between rich and poor countries and do away with underdevelopment. At the same time, one could not forget the possible danger of misusing scientific development, which could increase the nuclear threat and endanger the most fundamental human right, namely, the right to life.

(Mr. Toth, Hungary)

32. His delegation considered it extremely important for children to grow up and live in peace and believed that it was a common goal of the international community to ensure that future generations learned all the values which formed an integral part of the culture of mankind. His delegation appreciated the dedication of the Polish experts who were drafting the convention on the rights of the child and hoped that their work would soon be completed.

33. Turning to agenda item 94, he recalled that the Hungarian Civil and Criminal Codes declared it an offence to discriminate against persons on the ground of religion. In Hungary, religion was a private affair of citizens, and the relationship between the State and the churches was characterized by peaceful coexistence and mutual respect. The Hungarian churches had played a major role in the dialogue between Marxists and Christians, a process whose significance it was as yet hard to assess.

34. Mrs. ASHTON (Bolivia) said that she appreciated the readiness with which the Commission on Human Rights had implemented Economic and Social Council resolution 1984/32 relating to her Government's request for technical assistance in human rights matters. Under the auspices of the Centre for Human Rights, the first national human rights training course had been conducted in La Paz in May 1986, with the participation of officials from various ministries and representatives of the Parliament, the Supreme Court of Justice, the University of Bolivia and the Permanent Human Rights Assembly of Bolivia. The course provided guidance on international and regional human rights instruments and briefly reviewed the Statutes of the Inter-American Court of Human Rights and Commission on Human Rights. Her Government was setting up a permanent commission that would be responsible for preparing the various reports which Bolivia was required to submit under the international human rights instruments.

35. One of the most serious violations of human rights and fundamental freedoms was torture. Her Government was concerned that for several decades dictatorial Governments had been trying to impose their will under the pretext of reasons of State that ran counter to the sovereignty of the people. In Bolivia, the reigns of terror imposed in the past had left many martyrs to the cause of freedom and social justice and many of the survivors of those reigns of terror had suffered severe physical, emotional and psychological damage. Bolivia had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 1985, and the National Congress was currently considering its ratification.

36. The Declaration of the Rights of the Child adopted by the General Assembly in 1959 had been a milestone, promulgating principles that would serve as a guide to Governments in matters relating to the protection, welfare and respect of children. Despite the time that had elapsed since then, the draft convention on the rights of the child had still not been completed. Her delegation took note of the progress that had been made in that respect and hoped the instrument would soon become part of the existing system for the promotion of human rights.

(Mrs. Ashton, Bolivia)

37. Her delegation had taken note of resolution 1986/20 of the Commission on Human Rights, which called for the appointment of a special rapporteur to examine reports of incidents and governmental activities inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

38. With respect to human rights and scientific and technological developments, it was urgent to take appropriate steps to apply scientific and technological advances in ways that promoted world peace. Her delegation believed that there should be greater international co-operation to permit States to share the benefits of scientific and technological progress. Furthermore, it would be to the advantage of the third-world countries if advances in science and technology were shared for peaceful and development purposes. The international community must always be on guard against being taken in by advances that were contrary to the interests of mankind.

39. Despite the serious international financial crisis, which was a result of the unjust economic system, the constitutional Government of Bolivia was making enormous efforts to preserve the Bolivian constitutional system within the limited resources at its disposal and at immense sacrifice. The Government was committed to maintaining a climate of confidence and security in order to guarantee the full enjoyment of human rights and fundamental freedoms.

40. Mr. SERGIWA (Libyan Arab Jamahiriya) said that the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief was one of the most important international instruments relating to fundamental freedoms. Sacred Scriptures such as the Koran, the Gospels and the Torah did not differ on essentials, but men distorted their principles to achieve their political objectives. That was a phenomenon that could be observed in occupied Palestine, where the Zionists had bent the Torah to serve their interests and expansionist ideas. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had provided detailed information on the violations committed in those territories. However, certain events should be mentioned that demonstrated the religious intolerance of the Zionist entity, such as the violation of holy places, the premeditated burning of the Al-Aqsa Mosque which had been a flagrant provocation to Muslim Arab sentiment, the aggression against the faithful praying in its precincts, the Judaization of the holy places, the fact that Muslims were prevented from practising their religion, and the persecution and oppression of persons professing the Muslim religion.

41. With regard to human rights and scientific and technological developments, his delegation believed that all countries should co-operate to achieve peace and economic and social development. There must be a halt to the arms race, which was a grave threat to the peace and security of all the peoples of the world. It affected the economic situation of many countries and was one of the reasons why the developing countries could not reap the benefit of scientific and technological advances except on rare occasions. It was unfortunate that some of the advanced

(Mr. Serqiwa, Libyan
Arab Jamahiriya)

industrialized countries had prevented the third world from succeeding in its determination to progress in that field, with the result that efforts to draft a code of conduct for the transfer of technology had collapsed.

42. The United States had adopted a policy of opposition to the Libyan Arab Jamahiriya that impeded the latter's progress in the use of science and technology for peaceful purposes. He referred to the embargo imposed on his country by the United States, which prevented it from receiving material for its petroleum industry and from importing equipment for civilian and agricultural projects. Libyan students in the United States were also being prohibited from studying in fields related to energy and aviation. That and the expulsion of Libyan students from the United Kingdom were practices contrary to the provisions on the use of scientific and technological progress for the benefit of mankind.

43. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the United Nations had established guidelines to ensure that the results of scientific and technological progress would be used for the strengthening of peace and for the well-being of all mankind. For example, in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly at its thirtieth session, it was deemed inadmissible that scientific and technological achievements could be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms. Consequently, all States should take measures to guarantee that scientific and technological achievements satisfy the material and spiritual needs of all sectors of the population.

44. The need for compliance with the provisions of that Declaration was particularly evident in those western countries where a system of total surveillance of the population, using technical and scientific methods and involving terrible experiments on human beings, had been introduced and was being extended. Moreover, it should not be forgotten that the main obstacle to the development of peoples was the arms race, especially the nuclear arms race. For instance, implementation of the "Star Wars" programme by United States scientists meant the squandering of billions of dollars in a world in which millions of people were dying of hunger and were not receiving adequate medical care or education. If those resources were used for peaceful purposes, all the peoples of the world, especially those in the developing countries, would derive benefit from the elimination of hunger, illiteracy and ignorance.

45. Technological progress yielded different results under different political and social systems. For example, in capitalist societies the consequence of developments in electronics and robotics was that millions of people, especially among the young and the educated, were doomed to unemployment, while wealth and power were concentrated in the hands of an ever smaller number and militarism was on the increase. Scientific and technological progress should, on the contrary, be directed solely towards creative purposes and the development of mankind. The

(Mr. Ogurtsov, Byelorussian SSR)

Soviet proposal of 15 January 1986 on total nuclear disarmament by the year 2000, which would rid the earth of nuclear and chemical weapons and all types of weapons of mass destruction, was based on socialist policy whose aim was a creative society.

46. Scientific and technological progress contributed to the strengthening of peace and security. Byelorussia, in compliance with the provision of the aforementioned Declaration relating to the strengthening and development of the scientific and technological capacity of developing countries with a view to accelerating the realization of the social and economic rights of the peoples of those countries, was co-operating with many developing countries. Its experts were actively involved in the introduction of modern technology into those countries, and in the previous academic year 6,000 specialists, mainly from developing countries, had received higher education in its educational establishments.

47. A condition for the success of scientific and technological co-operation and the use of progress for development was the strengthening of peace and security through peaceful coexistence, the halting of the arms race, support for the liberation struggle of peoples opposed to imperialism and the fostering of social progress on just and equitable terms.

48. Mr. BANDARA (Sri Lanka), referring to the elimination of all forms of religious intolerance, said that the concept of human rights was derived from the religious and cultural heritage of mankind, since the great religions emphasized the oneness of man.

49. In Sri Lanka, a multiracial, multilingual and multireligious society, religious harmony was considered to be of vital importance, which was why the Constitution guaranteed every citizen freedom of religion, encompassing beliefs, public and private observance, worship and teaching. As a result, there were separate Ministries of Religious and Cultural Affairs for Hindus and Muslims, all important holy days of the four religions practised in the country had been declared public holidays, all religions were taught in schools and religious institutions dispensed their teaching in their own special centres. The Government of Sri Lanka had adopted a variety of measures to prevent the politicization and commercialization of religion. He welcomed the study undertaken by Mrs. Odio Benito on present-day problems of intolerance and discrimination on grounds of religion or belief. Consideration of the report by the Sub-Commission in 1987 would contribute to mutual respect, understanding, peace and harmony among peoples of different religions and cultures.

50. With regard to human rights and scientific and technological developments, he shared the concern of other delegations about the present dichotomy between scientific and technological developments and ethical requirements. The developing countries could not accept complacently the failure of science and technology to serve the poor and the needy. Scientific and technological progress should be planned, directed and developed to serve human needs and further national and international well-being. As long as there was no equitable sharing of the benefits of scientific and technological advances by all countries, it would not be

(Mr. Bandara, Sri Lanka)

possible to talk of genuine realization of human rights in all their manifestations. Without a global strategy affording the developing nations access to scientific and technological knowledge, the disparity between the developing and developed countries would continue to grow. The international community should therefore continue to exert its efforts towards a restructuring of international economic relations and the equitable sharing of the results of scientific and technological progress.

51. He thanked the Government of Poland for its pioneering role and active dedication in the preparatory work for the convention on the rights of the child and welcomed the progress made in drafting the text. It was to be expected that, once completed, the Convention would meet with universal recognition. Meanwhile, the international community should combat the tendencies towards child exploitation observed in many parts of the world.

52. Mrs. SANTHOSO (Indonesia) said that religious tolerance, proclaimed by the United Nations in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and subsequently at the Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters relating to Freedom of Religion or Belief, held in Geneva in December 1984, had always been part of the national Indonesian character and been guaranteed by the State from the first days of Indonesia's independence.

53. Indonesia, the majority of whose population professed Islam, also included Christians, Hindus and Buddhists. While it did not have a State religion, it was not a secular society. Under its unique political system, based on the Pancasila State philosophy, the first principle of which was belief in God, leaders of various religions were helping to shape the character and personality of the Indonesian people. They were also participating in the struggle to achieve not only balanced progress, political stability and economic prosperity, but also spiritual well-being and moral responsibility.

54. The main task of the Department of Religious Affairs, established in 1946, a few months after the proclamation of independence, was to maintain the harmonious relations among the different religious groups, and to foster their relationship with the Government. The government policy with regard to religious tolerance was to prevent conflicts and to develop dynamic co-operation between the various religious groups by such measures as the establishment in 1980 of an Interreligious Consultative Board, comprising Muslim, Christian, Hindu and Buddhist leaders. The Constitution of Indonesia guaranteed freedom to every resident to perform his religious duties.

55. With regard to item 95, on human rights and scientific and technological developments, scientific progress in Indonesia had been successfully applied to food production, making the country an exporter of rice for the first time. Experiments were being conducted to develop new energy sources and to improve transport, telecommunications, medicine and industry, and it was hoped that

(Mrs. Santhoso, Indonesia)

development could be extended to such areas as biotechnology and genetic engineering, new industrial materials and the use of laser technology.

56. In applying scientific inventions and new technologies, Indonesia was particularly mindful of the need to increase employment opportunities. It had had encouraging experience in the use of new technologies to produce low-cost, labour-intensive goods for daily needs. The advances made in high technology were also being applied in such areas as aircraft construction and shipbuilding. Because Indonesia was composed of thousands of islands, priority was given to transport technology.

57. With regard to the question of a convention on the rights of the child and, in particular, the principle of the protection of the child against all forms of neglect, cruelty and exploitation, she said that, as long as families and children continued to live in poverty, barely meeting their daily needs, child labour would not cease, and children would still be exploited. Although the completion of the drafting of the convention would not automatically solve the problem, it would be a considerable step, because it would provide useful guidelines for the protection of the rights of the child.

58. With regard to item 103, Torture and other cruel, inhuman or degrading treatment or punishment, she said that Indonesia's commitment to the protection of human rights was illustrated by its ratification, 28 years earlier, of the relevant Geneva Convention of 12 August 1949, which had been promulgated as a national legal instrument in Law No. 59 of 1958. Furthermore, in 1985 Indonesia had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/41/511, annex). Her Government was committed to ensuring the protection of human rights through the enforcement of its laws. Seminars and workshops for law-enforcement officials had been conducted for that purpose.

59. Mr. ALVAREZ VITA (Peru) said that the concern for human rights had shattered common conceptions and, because they had been transformed into universal norms, human rights had ceased to be exclusively within the internal jurisdiction of States. The most significant element of that process, initiated with the Charter of the United Nations, was the Universal Declaration of Human Rights, which had in turn been the source of the Covenants. The process continued to evolve together with the development of the concept and content of human rights.

60. Various trends of thought had shown that, notwithstanding the discrepancies regarding their legal nature and essence, human rights constituted an integral, interdependent and indivisible whole, and needed to be exercised simultaneously so as not to be reduced to mere formal categories devoid of meaning. If the premise was accepted that human rights were inherent in human nature and, for that reason, predated the very creation of the State, the jurist must give them concrete legal form, and society as a whole must spare no efforts to see that the subject of human rights was no longer widely ignored. Another extremely important task was to achieve the goal of seeing that human rights, which were the birthright of all people, were genuinely and effectively exercised by all mankind.

(Mr. Alvarez Vita, Peru)

61. The international community's concern about human rights was demonstrated by the activities undertaken in that area. Through the years, not only had considerable experience been gained, but a set of international norms on human rights had also been established, constituting a legal corpus that acted as a code of conduct for States. It could be affirmed that there was practically no aspect of international law which did not directly or indirectly have a bearing on human rights.

62. Referring to the elimination of all forms of religious intolerance, he said that that issue had been the subject of strong disagreements among Member States. The drafting of norms on that type of discrimination had not yet been completed. The international community could not remain indifferent to the flagrant violation of human rights in the form of religious intolerance. Peru supported the work on religious intolerance achieved by the Special Rapporteurs for the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

63. There was a huge contrast in the contemporary world between North and South, i.e. between the developed and the developing world. However, human rights were not and could not be the exclusive birthright of the inhabitants of the rich countries, or of those belonging to particular socio-economic groups. Out of the new needs of the individual and of mankind arose a set of new rights, which were necessarily going through an initial stage of legal regulation but the assertion of which was not, for that reason, less justified.

64. With regard to the draft convention on the rights of the child, Peru, which had a large child population, was particularly sensitive to that issue. It had participated since the outset in the Drafting Group on that convention. There was a growing need for such a convention, and Peru would continue to lend its support in that regard.

65. His country was a party to the international human-rights instruments and had made declarations under article 41 of the International Covenant on Civil and Political Rights and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. Peru also believed it was necessary to continue to support the work of the Human Rights Committee and to promote the work of the Committee recently established to ensure implementation of the International Covenant on Economic, Social and Cultural Rights. States that had not yet done so should ratify the Covenants and their optional protocols.

66. His country had fulfilled most of its reporting obligations. It was only two reports behind, for the reason that most of its legislation was currently being brought into line with its new Constitution, which gave special importance to human rights. It had submitted to its Parliament the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it was a signatory, and had participated actively in the group which had drafted that instrument. It was to be hoped that Peru would soon be able to deposit the instrument of ratification of the Convention.

67. Mrs. MARCOULLIS (Cyprus) said that since the founding of the United Nations, progress in the development and elaboration of international standards in the various fields of human rights had been notable. The noble principles embodied in the Universal Declaration of Human Rights had acquired binding force through the establishment of bodies which were intended to supervise the implementation of the International Covenants on Human Rights.
68. Her delegation wished to express its satisfaction at the high quality of the report of the Human Rights Committee (A/41/40). The members of that Committee should be praised for their independence, integrity and dedication to the high goals they were pursuing in monitoring the implementation of the Covenant. More publicity should be given to the text of the Covenant and to the work of the Committee, in order to promote the observance and enjoyment of the rights set forth in the Covenant. Her delegation welcomed the publication of the Committee's official public records for the period 1977-1978 and hoped that their publication would continue.
69. A major development in the Committee's work during the period under review had been the consideration of the second periodic reports of States parties. Her country supported the approach and procedure of the Committee for the consideration of those reports and wished to express its appreciation for the general comment on the position of aliens under the International Covenant on Civil and Political Rights.
70. Regarding the report of the Secretary-General on the Status of the International Covenants and the Optional Protocol, her delegation was concerned over the slow rate of new ratifications and accessions. Her country had been among the first to sign and ratify the two Covenants and attached great importance to their universal application. It therefore urged those countries that had not yet done so to ratify the Covenants and urged the United Nations to consider means that would help achieve the universal application of those important human-rights instruments.
71. Despite the achievements made in the elaboration and adoption of many human-rights instruments, perhaps in no other United Nations activity was there a higher degree of discrepancy between the resolutions adopted and the realities of international life. Human-rights violations were not, regrettably, isolated cases. In many corners of the globe, there were mass, flagrant and continuous violations of human rights, either open or indirect. What was most urgently needed was not idealistic declarations; it was important not to spare efforts to find means for achieving universal application and full implementation of human rights, especially in cases of gross and mass violations resulting from aggression from without or upheaval from within.
72. Mr. KWAK (Observer for the Democratic People's Republic of Korea) observed that the situation of children in many parts of the world was far from satisfactory and that millions of children were suffering because of inadequate social conditions, natural disasters, armed conflicts, exploitation and hunger. That situation called for urgent and effective measures on a national and international level.

(Mr. Kwak, Observer, Democratic
People's Republic of Korea)

73. His Government had paid special attention to children, who were the masters of the future and successors of the revolution and who were responsible for the destiny of the nation. Thus, under the Law on the Nursing and Upbringing of Children, State institutions and social and co-operative organizations built nurseries and kindergartens at the best-suited places and furnished them with all the equipment necessary for the care, education and recreation of children. Through the same channels, children were provided with food and clothing, parks and playgrounds were built for them and the best nutrition, hygiene, physical culture and living conditions for children were scientifically guaranteed.

74. Among other measures, his Government had introduced compulsory primary-school education in 1956, compulsory secondary-school education in 1958 and a compulsory 9-year technical education system in 1967. In the development of education, the "Theses on Socialist Education" set forth by President Kim Il Sung assumed outstanding significance.

75. His delegation recognized the importance of an international convention on the rights of the child and commended the delegation of Poland for having made the first proposal in that respect and for its strenuous efforts towards completion of the convention. It also supported the activities of the other members of the open-ended working group for the completion of the final draft. Similarly, his delegation recognized the important role of UNICEF and UNESCO in helping the developing countries, including his own, to improve the situation of children. His Government, which had gained much experience in that field, was prepared to co-operate with other countries; indeed, it was already co-operating with the non-aligned and other developing countries.

76. Mrs. ARGUILLAS (Philippines) said that the United Nations had made remarkable progress in the field of human rights and fundamental freedoms, especially with regard to standard-setting. The United Nations was currently facing the important challenge of seeing to the implementation of the international instruments on the protection of human rights, and her Government supported all efforts to that end.

77. Her country was a party to the international instruments on human rights. In 1986 it had ratified the International Covenant on Civil and Political Rights and made the declaration under article 41, by which it recognized the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claimed that another State party was not fulfilling its obligations under the Covenant. Her country had also acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Constitutional Commission of the Philippines had incorporated the provisions of those instruments into the new Constitution of the Republic, which would be submitted to the Filipino people for ratification February 1987. She cited some provisions of the draft constitution relevant to the items under consideration, in which the freedoms enshrined in previous constitutions were guaranteed. She also referred to new provisions aimed at ensuring the proper implementation of those guarantees.

(Mrs. Arquillas, Philippines)

78. With regard to the rights of the child, reports on child abuse and exploitation, especially in metropolitan Manila and tourist spots throughout the country, had evoked the indignation of Philippine society and had moved both the Government and civic organizations to embark on a national plan of action integrating all programmes and services pertinent to the well-being of children. As a part of that plan, on 3 June 1986 the President of the Philippines, Mrs. Corazón C. Aquino, had signed the Proclamation of the Year of the Protection of Filipino Exploited Children. An inter-agency task force had been established to supervise the implementation of the plan: it included Government offices and agencies, and private, non-governmental and international organizations.

79. Her country had supported the drafting of a convention on the rights of the child, since it considered that the improvement of the situation of children throughout the world was a global concern and responsibility.

The meeting rose at 1.10 p.m.