

United Nations
**GENERAL
ASSEMBLY**

FORTIETH SESSION

*Official Records**



THIRD COMMITTEE
53rd meeting
held on
Monday, 25 November 1985
at 3 p.m.
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. ZADOR (Hungary)

CONTENTS

- AGENDA ITEM 96: QUESTION OF AGING: REPORT OF THE SECRETARY-GENERAL (continued)
- AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE: REPORT OF THE SECRETARY-GENERAL (continued)
- AGENDA ITEM 102: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)
- AGENDA ITEM 103: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
- AGENDA ITEM 104: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued)
 - (b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)
 - (c) REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)
- AGENDA ITEM 144: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room IX 2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

85-58002 49106 (E)

Distr. GENERAL
A/C.3/40/SR.53
2 December 1985

ORIGINAL: ENGLISH

/...

18p

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

AGENDA ITEM 96: QUESTION OF AGING: REPORT OF THE SECRETARY-GENERAL (continued)
(A/C.3/40/L.26/Rev.1)

1. Mr. GOMEZ (Assistant Secretary-General, Office for Programme Planning and Co-ordination) said that at the 46th meeting, the Third Committee had adopted draft resolution A/C.3/40/L.26/Rev.1 on the question of aging. The report requested of the Secretary-General in paragraphs 1 and 2 of that resolution was to be submitted to the Economic and Social Council at its first regular session for 1986 for appropriate recommendations to the General Assembly at its forty-first session.

2. Bearing in mind the short time available, the Secretary-General proposed to implement the draft resolution in the following manner: a report on the progress achieved in preparing the full report requested by the General Assembly would be submitted to the Economic and Social Council at its first regular session of 1986. That report would contain the information available at the time, particularly with regard to the request made in paragraph 1. A more complete report, containing inter alia an analysis of programmatic and financial aspects of activities undertaken within the United Nations system under the Vienna International Plan of Action on Aging since its inception would be submitted to the General Assembly at its forty-first session. The preparation of that report would be part of the process of reporting on the implementation of the Plan of Action. In that context, draft resolution A/C.3/40/L.26/Rev.1 did not have programme or financial implications.

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

AGENDA ITEM 102: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/40/3 and 493 and Add.1-2)

AGENDA ITEM 103: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued) (A/40/3 and 331; A/C.3/40/3)

AGENDA ITEM 104: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/40/3, 40, 109, 160, 267, 393, 600 and Add.1, 605, 678 and 750; A/C.3/40/2)

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

(b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)

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

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

/...

3. Mrs. ROGERS (United States of America), speaking on item 144, said that in some countries, torture and other cruel, inhuman or degrading treatment or punishment were used systematically as instruments of governmental policy and there was a wide disparity between the real situation in the world and the universal standard set by the international community. The United States deplored such practices wherever they occurred and would never accept that they could be justified by any exceptional circumstances. It would make every effort to work with other Governments and non-governmental organizations to combat torture world-wide. The United States believed that it was in the best tradition of international humanitarian co-operation to assist the victims of torture and had recently presented its initial contribution to the United Nations Voluntary Fund for Victims of Torture.

4. With respect to item 102, technological advancements were being used in many parts of the world to enhance the free flow of information and to increase the range of choices available to the individual in all walks of life. At the same time, similar technological developments were being used in some countries to restrict the free flow of information and to control the movement of people within and across borders. Some delegations had insisted that the item under consideration was a vehicle for engaging in debate on disarmament, which was outside the mandate of the Third Committee. Those delegations loudly proclaimed that the right to life was threatened by one or another military weapon possessed by their actual or potential adversaries. Her delegation believed that such discussions did not belong in the Committee, because there were other forums that were more appropriate to debate such matters. One might therefore assume that the introduction of disarmament subjects into the Third Committee was an effort to avoid discussion of certain uncomfortable human rights issues.

5. Among the serious human rights issues being considered was the protection of persons detained on the grounds of mental ill health. An important study on that question had been prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights. Her delegation regretted that that Sub-Commission had not yet completed a draft body of guidelines, principles and guarantees on the subject.

6. Her delegation again drew attention to the fact that human rights violations referred to in General Assembly resolutions were widespread in a number of countries. On previous occasions her delegation had provided considerable detail about the political abuse of psychiatry in the Soviet Union. That was tragic because such a policy was so unnecessary. A great, militarily powerful nation did not need to lock people up because they disagreed with State ideology. The United States therefore appealed once again to Soviet authorities to show respect for the dignity of the individual.

7. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the International Covenants on Human Rights were particularly valuable because they did not confine themselves to mere declarations, but laid legal obligations on the States parties to guarantee basic rights and emphasized the interdependence of political and economic rights, the rights of peoples and the right of the individual.

(Mr. Yakovlev, USSR)

8. Many States with different social structures and at different stages of development had acceded to the International Covenants, which demonstrated their truly universal nature, but the continued boycott by some States posed a real obstacle to progress. The persistent refusal of the United States, for instance, gave particular cause for concern. The attacks on the socialist countries by the United States delegation were designed to distract attention from the failure of the United States Government to respect human rights. Eight million people, by official statistics alone, were deprived of their fundamental right to work and exposed to poverty and illness.
9. The extent to which the freedom of religion or belief was respected in the United States could be judged from a trial currently in progress in Tucson, Arizona. The Federal Bureau of Investigation (FBI) had infiltrated a group of religious activists, placing listening devices in their churches and keeping track of their movements. The group, which had gained the support of many other religious and political groups, had provided temporary shelter for the victims of the dictatorial régimes of Guatemala and El Salvador. Members had been subjected to repression, and their houses had been searched. The 11 defendants were charged with aiding illegal immigrants and faced prison sentences of up to five years, as well as a heavy fine. Their statement that they had acted from political and religious conviction had been ignored, and they had been treated like common criminals.
10. However, plantation owners in the southern states who employed large numbers of Latin American workers every year at very low wages were never brought before the courts. Indeed, the federal judge in charge of the case was connected with an agricultural concern which employed many such workers. In the words of one of the defendants, the Reagan Administration considered that human rights issues were a liberal plot designed to injure United States military interests. It should cease its persecution of the activists and take steps to guarantee human rights throughout the country.
11. His country called upon the United States to accede to the International Covenants on Human Rights: the forthcoming twentieth anniversary of their adoption would provide a good opportunity.
12. The United States delegation had made an unsubtle attack on socialism and Marxism-Leninism, but the fact was that they provided a material guarantee of all human rights, including the right to work and the right to take part in government. The opportunity to vote and to be elected to local and national office was not merely a constitutional principle in his country, but a reality. The Communist Party of the Soviet Union would continue to encourage respect for all fundamental rights and freedoms.
13. The Human Rights Committee, established under the International Covenant on Civil and Political Rights, provided valuable general comments on matters arising from the reports of States parties.

(Mr. Yakovlev, USSR)

14. With regard to the International Covenant on Economic, Social and Cultural Rights, his delegation welcomed the Economic and Social Council's decision to establish the Committee on Economic, Social and Cultural Rights, and declared its readiness to co-operate with the new Committee in its work.
15. Mrs. ARUNGU-OLENDE (Kenya) said that her delegation appreciated the work being done by the Centre for Human Rights to assist States parties to understand and meet their obligations under the human rights covenants. The Government of Kenya continued to endeavour to meet its obligations and to uphold its commitment to respect the human rights of all individuals, societies and nations. Only in a society where human rights were respected could there be any meaningful progress. Many religious groups were doing charitable work in Kenya and the recent Eucharistic Congress in Kenya was a demonstration of her Government's willingness to permit all religious denominations to preach what they believed in.
16. In order to eliminate torture, it must be prohibited by law, as it was in Kenya. Efforts by Governments to outlaw and punish systematic torture were especially needed. Education could also play a role in publicizing the evils of torture. Kenya supported the United Nations Voluntary Fund for Victims of Torture, because the Fund would assist those victims whom the law had failed to protect.
17. With respect to the question of a convention on the rights of the child, her delegation looked forward to the completion of such a convention, which would give further protection to the child.
18. Mr. PALACIOS (Spain) said that, in many parts of the world, political or religious belief continued to be a reason for persecution, exile, torture or death. His delegation believed that recognition of the principle of tolerance and the freedom of religion or belief was highly important for the enjoyment of all other human rights.
19. With respect to item 102, he noted that there was an ever-widening gap between those who enjoyed the great advances in science and technology and the rest of the world. It was urgent to facilitate the participation of all in the process, ensuring at the same time that such participation did not involve a threat to the right to life or individuality, and to use those advances in the interest of peace and in the promotion of respect for human rights and fundamental freedoms for all.
20. Spain maintained that human rights were indivisible: no distinction should be made between civil and political rights on the one hand, and economic, social and cultural rights on the other. Furthermore, violations of human rights, wherever they took place, should be the concern of the international community; they were beyond the exclusive domestic jurisdiction of States and therefore could not be defended by invoking Article 2, paragraph 7, of the Charter.
21. Spain was a party to both the International Covenants and to the Optional Protocol, and had made the declaration provided for in article 41 of the International Covenant on Civil and Political Rights. It believed that one of the

/...

(Mr. Palacios, Spain)

most useful means of strengthening the protection of human rights at the international level was the progressive acceptance by all Member States of the obligations contained in those instruments. It therefore again appealed to all States that had not yet done so to become parties to the Covenants.

22. Spain believed that the efforts of the international community to combat torture, which paradoxically was practised often in the name of national authority or security, should continue to be channelled through the United Nations. There was a need to strengthen the system of protection of the individual. Spain was one of the 33 countries that had, up to now, signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It appealed to all countries that had not yet done so to sign that instrument. Spain also fully supported the appointment by the Commission on Human Rights of a special rapporteur to examine questions relevant to torture.

23. With respect to the question of a convention on the rights of the child, his delegation had participated in the open-ended working group and fully supported the drafting of such a convention.

24. Mr. DIRAR (Sudan) said that there was an intrinsic link between human rights and the mission of the United Nations as embodied in the Charter and the International Covenants on Human Rights. It had become evident that most violations of the Charter involved the denial of human rights, beginning with the right of nations and peoples to self-determination, and that the greatest dangers to international peace and security were those arising from violations of such rights.

25. Although the international community had established principles and norms to protect the individual and human dignity, the Arab and Palestinian inhabitants of the occupied territories, the people of Namibia and the black majority in South Africa were daily subjected to massive violations of their human rights. The human rights situation in the world did no honour to mankind, particularly since violations of human rights in many parts of the world were part of State policy. He wondered whether it served any useful purpose to speak of human rights as long as such conditions prevailed. Individuals, groups and peoples must enjoy a life of dignity in which basic human rights were guaranteed and they were safe from oppression, deprivation and discrimination. Since entire peoples were deprived of such dignity, the human rights situation was indeed sombre.

26. His country had been under military rule for 16 years, ending with the victorious popular uprising of 6 April 1985. During that time, it had come to know oppression, corruption and the denial of human rights. Hundreds had fallen in the struggle against military dictatorship. That the popular victory had not been the first of its kind in his country showed the determination of its people to govern itself and achieve its rights.

27. Following the removal of the dictatorship, the country had entered a transitional period in preparation for full democracy, and the patriotic forces had

/...

(Mr. Dirar, Sudan)

adopted an interim constitution. A constitutive assembly would be elected to draft a permanent constitution which would determine the future form of government. The interim constitution accorded particular importance to matters relating to human rights and fundamental freedoms. It also provided for democracy, a multi-party system, an independent judiciary, independent universities and independent information media. The interim constitution affirmed the role of the Supreme Court in protecting such rights and preventing their curtailment other than through legislation in the interests of public order, public health and protection of the national economy.

28. One of the pillars of democracy was the avoidance of all forms of fanaticism. His country had never known religious fanaticism, and its people had always been known for its tolerance. The report on the Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters relating to Freedom of Religion or Belief (A/40/361) had confirmed his delegation's belief in the importance of avoiding intolerance. The principles of tolerance could not be imposed by law or by State authority but could only be inculcated by providing the necessary educational and cultural basis. That view was a result of his country's understanding of the fact that Africa and the Arab Islamic world had suffered from the intolerance, hostility and assumed superiority of the foreign Powers and alien cultures that had dominated the region for many years. In that connection, his delegation called attention to the renewed provocation brought about by the desecration of Islamic Holy Places in Palestine.

29. If the Committee's work on the elaboration of a convention on the rights of the child was to be serious and realistic, it must tackle the question of the situation of children in third-world countries, where thousands were dying daily of hunger and disease. There was a need to face the danger posed by the various media influences to which children were exposed and which distorted their image of the world and caused confusion in their minds between good and evil by glorifying violence and fostering egoistic attitudes.

30. His delegation attached particular importance to the link between scientific and technological developments and human rights. While science and technology could solve many problems in such fields as food production, health care and communications, the unrestricted use of science in the armaments field posed a grave danger to the enjoyment of human rights and to the future of mankind. Efforts to close the technological gap between the industrialized and the developing countries were of particular importance, since its persistence could lead to the permanent backwardness of the third world. Scientific and technological development was the result of human thought and effort in all parts of the world over a number of centuries and, in that perspective, should be a unifying rather than a divisive factor.

31. Miss LEE Han Yin (Singapore) said that Singapore, which had sworn to uphold and protect the fundamental human rights enshrined in the Charter, had established a Presidential Council that was mandated to examine complaints of discrimination against minorities. Every effort was also made to ensure that the judiciary was independent and fair.

/...

(Miss Lee Han Yin, Singapore)

32. The world appeared to have made great strides forward with respect to human rights during the past 40 years. However, on close examination, the human rights situation today revealed that progress had been more apparent than real. For example, the International Covenant on Economic, Social and Cultural Rights was a dead letter. Prospects for a change appeared bleak because some countries were reluctant to accept economic, social and cultural rights as human rights. In the case of the International Covenant on Civil and Political Rights, many signatories had failed to meet their reporting obligations.

33. However, the most disturbing development was the fact that debates on human rights at the United Nations had become characterized by deep cynicism and appalling hypocrisy. Some countries tainted by abuse of human rights took the moral "high ground", accusing other nations of human rights violations. They loudly championed peace and the right to life as prerequisites for the enjoyment of human rights. Yet, while condemning the use of force, they had taken over other States by force and continued to use force to maintain their domination. They regarded human rights instruments as political weapons to be used against their adversaries, not as a code of conduct which they should honour.

34. There were other countries that regarded themselves as guardians of individual liberties such as freedom of thought and speech. Yet they balked when asked to act decisively against the blatant denial of human rights for the black people of South Africa and Namibia. Given the contradiction between their words and actions, those States should not take offence when the developing countries did not take too seriously their strictures on the need to uphold freedom. In the view of her delegation, the debate in the Third Committee was sterile. The truth was that individual liberties were meaningless without development. Freedom of speech, thought and choice were farcical to those trapped in poverty and hunger.

35. From the direction of the debates, it was clear that human rights had gradually become a hostage to politics. While Member States sought to prove that their political adversaries were guilty of human rights abuses, the victims of such abuses were forgotten. There was a need for concrete measures to improve the human rights situation and strengthen human rights instruments. In that connection, her delegation was encouraged by the establishment of the United Nations Voluntary Fund for Victims of Torture and by the efforts of some Governments to reduce human rights abuses in their countries. Those developments might be harbingers for a more constructive approach in the future.

36. Mr. CASTELLÓN (Nicaragua) expressed concern that nine years after the entry into force of the International Covenants on Human Rights only about half of the member States had become parties to them, and only 35 had ratified the Optional Protocol. His delegation agreed with the suggestion that the United Nations should carry out a survey to ascertain the impediments preventing States from becoming parties to the two Covenants, and should advise those States on how to overcome the impediments.

/...

(Mr. Castellón, Nicaragua)

37. His delegation had also noted from the Secretary-General's report (A/40/600) the large number of States parties to the Covenants which had not fulfilled their reporting obligations. However, the great majority of those States were developing countries which had technical or staff problems in preparing their reports. He therefore welcomed the technical assistance offered by the Human Rights Committee in that regard. The various seminars organized by UNITAR were also extremely useful in providing practical training to officials in the preparation of reports.

38. The Secretary-General's report (A/40/600/Add.1) containing a compilation of guidelines for the preparation of reports under the five conventions on human rights was also very useful.

39. His Government welcomed the establishment of the Committee on Economic, Social and Cultural Rights pursuant to a decision of the Economic and Social Council, and hoped that the new body would be able to remedy the shortcomings of the previous system.

40. Following the Sandinista revolution, the death penalty had been abolished, and his Government accordingly supported the idea of elaborating a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. The right to life should be given the greatest protection: it was impossible to correct any miscarriage of justice in the case of capital punishment.

41. The Sandinista Government scrupulously respected human rights, and had ratified all five human rights conventions, something which the preceding Somoza dictatorship had not wished to do. His Government had done its utmost to improve the lot of the previously exploited masses in the areas of education, health, agrarian reform and social security. Torture had disappeared from Nicaragua with the Somoza régime. A Committee for the Promotion and Protection of Human Rights had been established in accordance with Economic and Social Council resolutions, and its activities had received recognition from the population and from various international bodies invited to verify the human rights situation in the country. The Inter-American Commission on Human Rights, Amnesty International and the International Commission of Jurists, among others, had visited his country several times and his Government had welcomed their constructive suggestions. He emphasized that, despite the foreign aggression to which the Nicaraguan people were subjected, it was his Government's policy for its officials to give special attention to human rights.

42. Mr. WIJEWARDANE (Sri Lanka) said that his country had acceded to all five international human rights conventions and had made the declaration provided for in article 41 of the International Covenant on Civil and Political Rights. It had organized human rights seminars, translated the principal human rights instruments into vernacular languages and introduced human rights topics into university and school curricula. His delegation noted with concern the slow increase in accession to the two Covenants, and appealed to all States to accede to them and to adhere more closely to the principles of the Charter.

/...

(Mr. Wijewardane, Sri Lanka)

43. Referring to the report of the Human Rights Committee (A/40/40), he welcomed the initiatives to provide technical assistance and training courses in order to enable States parties to meet their reporting obligations. His delegation, like the Human Rights Committee, considered that the International Covenant on Civil and Political Rights should be brought to the notice of administrative and judicial authorities and should be translated into the main languages of every State party. The Secretariat's efforts in publishing the documents of the Human Rights Committee in bound form would be of great help in that respect. His delegation also welcomed the compilation of the general guidelines regarding the form and contents of reports to be submitted by States parties under the five human rights conventions (A/40/600/Add.1).

44. 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, would doubtless contribute to mutual respect and harmony among people of different religions and cultures. His country was a multi-racial and multi-religious State; every citizen enjoyed freedom of religion and freedom of worship, and the Government was empowered to take measures against manifestations and publications which ran counter to the interests of racial and religious harmony. Separate Ministries of Religious and Cultural Affairs had been established for Hindus and Muslims, and elements of the world's four principal religions were taught in schools. Religious harmony in his country remained undisturbed, despite the social and natural upheavals which the nation had occasionally experienced.

45. His delegation firmly believed that scientific and technological progress should be planned with a view to serving human needs and social justice. The widening gap between developing and developed nations could be bridged only by accelerating the development of the former and giving them access to scientific and technological advances from the industrialized countries.

46. He paid tribute to all concerned in the elaboration of the draft convention on the rights of the child, particularly the Government of Poland, and assured them of his delegation's continued co-operation.

47. Miss AL-ZAYANI (Bahrain) said that even States which were not parties to the International Covenants on Human Rights could have legislation that was in keeping with the spirit of those instruments. Such was the case in Bahrain.

48. Despite differences in outlook arising from their different religious beliefs and ideologies, the participants in the Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters relating to Freedom of Religion or Belief, held at Geneva in December 1984, had been able to agree that there were principles of tolerance common to all religions. The true Islamic religion stressed equality among peoples on the basis of the underlying principles of religion and truth. It honoured the revealed religions and regarded the prophets who had preceded the Prophet Muhammad with sympathy and appreciation. As many participants had stressed, education was the best means of combating religious fanaticism since it helped foster the kind of dialogue that underlay religious tolerance.

/...

(Miss Al-Zayani, Bahrain)

49. Her delegation, while stressing the importance of religious tolerance, believed that there were a number of matters that did not come under that principle. The kind of religious tolerance laid down in the Islamic religion did not extend to polytheism, heresy or practices that were forbidden by God. Islam had established rules governing the entire spectrum of life, all of which were mentioned in the Holy Koran.

50. However, religious tolerance clearly implied non-interference with religious beliefs and holy places. In 1969, the burning of the Al-Aqsa Mosque in Jerusalem had aroused Muslim and international public opinion against the religious racism practised by the Zionist authorities in violation of the principle that holy places should be respected and preserved, all the more so when they were sacred to more than one religion.

51. Mrs. OSSEIRANE RAMADAN (Lebanon) drew attention to the organic link between structures of control at the political, economic and social levels and human rights at the individual level. The human rights of individuals and societies could not prevail in the absence of democratic societies that ensured both freedom and justice. Lebanon had participated in establishing the concept of human rights and had always been a pioneer in their effective implementation. However, owing to the ongoing hostilities in its territory and to the consequent weakening of the State and the rule of law, coupled with foreign interference in its internal affairs and foreign occupation, human rights in Lebanon had suffered great setbacks.

52. Over the centuries, Lebanon had been a bulwark of freedom and a refuge for the oppressed, and had become a model of tolerance and fraternal coexistence. It was the oldest constitutional democracy in the Middle East, its Constitution having been adopted in 1926, and, since independence, the transfer of civil power had always taken place through democratic elections. The Chamber of Deputies continued to perform its legislative functions, and the laws embodying the citizens' basic rights continued to be regarded as firmly established and indispensable, no matter how difficult circumstances might be. Citizens enjoyed freedom of religion, freedom of the press, freedom of expression and freedom of association. Men and women enjoyed equality before the law and were equally entitled to vote, to stand for election and to enter the civil service.

53. The bitter reality confronting Lebanon as a result of the hostilities and conspiracies of which it had been victim for more than 10 years had, however, adversely affected its ability to implement its laws relating to human rights. The problems it had encountered had been the result of foreign intervention in its internal affairs, acts of violence committed by warring local factions, Israeli violence against Palestinians living in Lebanon since 1948, the 1967 Arab-Israeli war, the 1982 Israeli invasion of Lebanon and the continuing abusive practices of the Israeli occupation authorities. The aspirations of individuals had become limited to ensuring respect for minimum rights that were taken for granted in other societies, such as the right to life and the freedom of movement.

/...

(Mrs. Osseirane Ramadan, Lebanon)

54. The reports of the various human rights bodies continued to reflect Lebanon's dedication to the freedoms that freedoms that underlay its very existence. Complaints submitted to them had been limited to the dangers and difficulties encountered by the Lebanese people in wartime conditions and to cases of violence, kidnapping and detention. Those acts had been committed in the context of the violence directed against Lebanon and its institutions by armed forces or groups that, given wartime conditions, had been able to bypass the authority of the State. The Lebanese Government undertook, within the means available to it, to make every effort to establish the necessary contacts for the release of all foreign and Lebanese detainees. The hostilities taking place in Lebanese territory had not led to an abrogation or modification of the laws which embodied fundamental freedoms but had made it difficult for the Government to protect such freedoms and to ensure their observance in practice.

55. Despite the small size of the country and the paucity of its natural resources, the Lebanese people, because of its vitality, its openness to others and its fostering of creative individual initiative in a unique climate of freedom and democracy, had been able to build a sound and progressive society. However, the consequences of the 1967 Arab-Israeli war, other internal, regional and international factors and the 1982 Israeli invasion had undermined the foundations of a State that had perhaps been unable to protect them for reasons stemming from the liberal nature of its system.

56. Clearly, foreign aggression and occupation remained the most salient causes of human rights violations. The policies pursued by the Israeli occupation forces had resulted in the death of thousands of Lebanese and the destruction of livelihoods and property, and hundreds of thousands had been driven from their homes. Those policies had nourished the seeds of violence and fragmentation among the confessional groupings, to say nothing of the enormous damage inflicted on the country's infrastructure. Despite the sacrifices of the Lebanese people in its resistance to Israeli occupation, a large part of southern Lebanon was still occupied and abusive practices incompatible with the most elementary norms of human rights continued. Israel continued to attack villages within and around the so-called "security zone" inside Lebanese territory, to demolish homes, to arrest citizens, to destroy crops and to impose a maritime blockade on the ports, particularly that of Tyre.

57. There could be no exercise of human rights under foreign occupation, just as human rights could not be guaranteed without respect for the sovereignty of States and without just, democratic governmental and private institutions. The achievement of human rights was a process that remained to be completed, and every stone added to the edifice was a contribution to international action in that field. In the same way, each stone allowed to topple threatened to bring the entire edifice down. Accordingly, Lebanon took the opportunity once again to call for the implementation of Security Council resolutions 524 (1978), 508 (1982) and 509 (1982) demanding the withdrawal of the Israeli forces from all Lebanese territory, and to request the deployment of United Nations forces along the entire length of the internationally recognized boundaries. It reiterated its call to the

/...

(Mrs. Osseirane Ramadan, Lebanon)

international community to support the efforts of the Lebanese Government to regain its full sovereignty and to extend the authority of the State and the rule of law over all Lebanese territory. Only then could all the inhabitants of Lebanon be protected and civil, political and economic rights ensured.

58. The veritable catastrophe that had overtaken Lebanon in the last 10 years would have been enough to destroy more firmly established and powerful States. The unique steadfastness demonstrated by Lebanon and its people throughout that period affirmed its right to and its capacity for a life of freedom and dignity and the resumption of its pioneer role in so many fields. Lebanon would continue its efforts to preserve its institutions and to defend democracy and the freedoms that underlay its very existence.

59. Mr. PHEDONOS-VADET (Cyprus) said that it had at last been accepted that human religious belief and atheism should be tolerated. The inviolability of personal faith was guaranteed by the International Covenants on Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. However, Turkey continued to perpetrate acts of religious intolerance against his country. Since the thirty-eighth session, when he had made a statement concerning proven cases of desecration of Greek Orthodox churches (A/C.3/38/SR.53), seven more cases had occurred. His Government denounced those sacrilegious acts.

60. Mr. AKYOL (Turkey), speaking in exercise of the right of reply, said that the lies of the Cypriot delegation would not have a lasting effect because hypocrites were not taken seriously. They attempted to hide their own crimes by playing the role of victim. Greek nationalists had mutilated and murdered Turks, including children, and set their homes on fire. The blind hatred and intolerance on the part of Greek Cypriots had made life a nightmare for Turkish Cypriots.

61. Mr. GARVALOV (Bulgaria) speaking on item 101, said that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief embodied the determination of Member States to practise tolerance of all beliefs, religious and atheistic alike.

62. In his country, the Church was separate from the State and the educational system was separate from the Church. The Constitution guaranteed full equality for all citizens, whether believers or non-believers, while the Religious Denominations Act of 1949 guaranteed freedom of conscience and of religion for all citizens.

63. Religious groups were entitled to organize their institutions and services as they wished, provided that they did not act in contravention of the law, public order or conventional morality. They were entitled to open places of worship and perform services in public, and to collect and use revenue in accordance with a prepared budget. The State provided subsidies, offered tax relief and helped to preserve and restore religious monuments, which formed as part of the nation's common heritage.

(Mr. Garvalov, Bulgaria)

64. It was a punishable offence under his country's Criminal Code to prevent citizens from practising their faith or performing religious services, but it was also an offence to force a citizen to participate in religious rites and services.

65. Mrs. BARGHOUTI (Observer, Palestine Liberation Organization) said that she wished to draw attention to the barbaric practices employed by the Zionists against the population of the occupied Arab territories. Those practices amounted to a policy of genocide against the people of Palestine extending from 1948, through the massacres at the Sabra and Shatila camps in September 1982 and the gassing of 500 schoolgirls in April 1983, to the current period in which the Israeli authorities were continuing to persecute the Arab population in general and political prisoners in particular.

66. A recent Amnesty International report indicated increasing ill-treatment of Palestinian prisoners in the occupied Arab territories and southern Lebanon, including prolonged periods of hooding, standing, beating, and the refusal to provide medical treatment. The report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories (A/40/702) confirmed the ill-treatment of prisoners in particular, in the central prison at Nablus.

67. The Palestinian people were therefore calling for an independent international commission to investigate and report on the conditions in which prisoners were held, in an attempt to end the inhuman practices to which the Arab people of the occupied territories were being subjected. Such treatment had only heightened the commitment of her people to achieving self-determination. They would remain steadfast to their principles until they had done so.

Rights of reply

68. Mr. ZARIF-KHONSARI (Islamic Republic of Iran) said that, earlier in the debate, two representatives had referred to the situation of the Baha'is in his country. However, their remarks were based on the Western concept of the freedom of religion, which was not necessarily well-founded. History showed beyond question that Baha'ism had functioned as a political movement which sought to promote subservience to foreign occupiers of his country. The proof was that the British had bestowed a knighthood and special insignia on the leader of the Baha'is as a reward for his services and the latter had written to King George V in praise of the British occupation of Iran.

69. It was obvious that the claim of such an organization to represent a religious faith was not acceptable, despite foreign support. However, although Baha'ism was not recognized as a religion, being a Baha'i was not a punishable offence. Some Baha'is had been tried and punished, but only, like other citizens, for offences such as espionage and participating in the crimes of the Shah. A number of them had testified that they had committed subversive acts on the instructions of Baha'i governing bodies in order to create discontent and disaffection.

70. The claim that the Baha'is were a persecuted, law-abiding religious movement was without foundation and it was regrettable that the cause of human rights and religious freedom had been used as a political weapon in their name.

4...

71. Mrs. ROGERS (United States of America) said that the information media in her country exemplified the high regard in which it held freedom of speech, freedom of the press and human rights in general. However, her Government did not care to sign documents if it did not think that they could be enforced to the letter. The Soviet Union, on the other hand, seemed to put the emphasis on signing the International Covenants on Human Rights but had consistently failed to honour them. It was to be hoped that the Government of the USSR would come to place as much stress on honouring the covenants as it did on signing them.
72. Mr. YEDID (Israel) said that the remarks of the representative of Bahrain on the lack of religious freedom in Israel were at best a lie. There was freedom of religion in Israel and his country protected and ensured free access to the shrines and centres of every religion in Jerusalem.
73. Mrs. PAPAJORGJI (Albania) expressed surprise at the attack made on her country at an earlier meeting by the representative of the Netherlands, with which it had good relations. She rejected the statement in question, which appeared to be part of the imperialist campaign to interfere in her country's internal affairs.
74. As far as religion was concerned, her country's Constitution expressed the will of the people, which was that religious belief was a matter for the individual to decide. Albania did not require anyone not to believe, and no one had the right to force religion on its people. More important than a country's attitude to religion was its attitude to peace and democracy.
75. Although there were atheists in every country, the representative of the Netherlands had shown no concern about them. His accusation of totalitarianism was also misdirected. Albania was a democratic country whose people would never allow anyone to interfere in their internal affairs, instruct them what to do, divert them from their socialist path or deprive them of what they had achieved by their own sacrifices.
76. Mr. PHEDONOS-VADET (Cyprus) said that the subject of religious intolerance, which had been the point of his earlier statement, had been ignored by the Turkish representative whose accusations against Greek Cypriots were senseless. As for the accusation that he (the representative of Cyprus) did not represent all Cypriots, he had a better claim to do so than the representative of Turkey.
77. In contrast to what had been alleged about Greek Cypriots' hatred for Turkish Cypriots, the Government of Cyprus had never preached hatred but had always sought reconciliation. It was the Turks who were preaching hatred of the Greeks in their attempt to segregate the two communities.
78. In conclusion, his own unanswered accusation against the Ankara Government had been that of discrimination against numerous Moslem, Christian and other religious movements in Turkey, such as the Shiites, Alevis, Kizilbashis, Yürüks, Gypsies, Aptals, Dönmes, Yezidis, Armenians, Assyrians and Aramean Jacobites.

79. Mr. AKYOL (Turkey) said that the statement by the representative of Bulgaria did not reflect reality. The history of Muslims in Bulgaria had been one of oppression. The Bulgarian Government had followed a policy of Bulgarization to change the Islamic identity of 1.5 million Turkish Muslims. That campaign had intensified in 1984, when they had refused to change Turkish-language place names, and villages had been taken over and people killed. Schools and mosques had been closed and Korans removed. Such persecution was a violation of the United Nations Charter and of the Bulgarian Constitution.

80. In Cyprus, the Greek Cypriot community currently held power. In 1974, the Greeks had wanted to expel the Turkish community from the island. Following Turkey's intervention, however, Turkish Cypriots had been allowed to remain. The Greek Cypriot population had publicly accepted that situation as witnessed by the Secretary-General during his visit.

81. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the representative of the United States had not even tried to explain the violations of basic human rights in her country. Her arguments about the openness of American society were unconvincing, given her Government's lack of political will to implement the International Covenants on Human Rights. The United States had voted against some of the most important provisions of those covenants and the fact that it could not ensure their implementation was not a valid excuse for refusing to sign or ratify them. Such a refusal showed not only inability but also unwillingness to observe the covenants.

82. The United States representative had pleaded the notion of American democracy, but the reality presented a sad picture. Freedom from arbitrary arrest, torture and violence were elementary human rights but a 25-year-old American black had been beaten to death in custody by white police for painting on the walls of the subway. A two-year investigation had ended in the usual way, with the perpetrators of the crime being cleared. In another case, the death penalty was still hanging over a black activist who had been arrested on trumped-up charges after his family moved to an all-white area in Birmingham, Alabama. An all-white jury had sentenced him to life in prison, where he had joined the struggle against racial discrimination and become a leader of the protest movement against cruel and inhuman conditions. Following a riot in which a criminal had killed a warden, the activist had been sentenced to death, despite the evidence of witnesses, under a law dating from the days of slavery. Only pressure from the American and international public had delayed execution of the sentence.

83. The United States should put an end to such violations of the international covenants and should respect fundamental human rights and freedoms.

84. Miss AL-ZAYANI (Bahrain) said that the story of the Jerusalem mosque was well known everywhere and did not require corroboration by Israel. A recent article in The Village Voice newspaper of New York entitled "Jewish Terrorists in Israel" had reported the Israeli plans to burn the mosque. Furthermore, it was clear from news reports that Mr. Kahane's mission was to chase the Arab population from the territory of Israel.

85. Mr. PHEDONOS-VADET (Cyprus) said that he would not waste time replying to Turkish allegations, because the records of the Committee were full of the relevant replies.
86. Turkey liked to accuse others of changing place names, but he had in his possession a book which showed how many names in Cyprus had been changed after the 1974 Turkish invasion.
87. He said that, under Turkish administration, Bulgarians, Kurds, Armenians and Greeks had been massacred.
88. Mr. YEDID (Israel) said that the response of the representative of Bahrain consisted of easily exposed lies which were an insult to one's intelligence.
89. Mr. GARVALOV (Bulgaria) said that he rejected Turkey's slander and lies and that during the centuries of Turkish domination hundreds of thousands of people had been killed in Bulgaria. Bulgaria's resettlement policy had consisted of allowing those persons of Turkish descent who wished, to emigrate.
90. Religious rights in Bulgaria were fully guaranteed. The anti-Bulgarian campaign to convince the world that Muslims were being oppressed in Bulgaria was truly slanderous. Bulgarians of Turkish origin had reached, and the Mufti in Bulgaria had published an article stating that Muslims were free to practise in Bulgaria, and that the Turkish Government had no right to speak for Bulgarian Muslims.
91. Turkey had its own problems, such as the Armenian genocide, to which it did not admit, the oppression of 10 million Kurds, who were not allowed to study their own language, and the hundreds of thousands of Turks who had been gaoled and tortured.
92. Miss AL-ZAYANI (Bahrain) said that the representative of Israel was determined to refute the facts, and had accused her of lying. Israel, however, had lied for four decades about its occupation of Palestine. Indeed, who had killed Jesus Christ, the Arabs or the Jews?
93. Mr. AKYOL (Turkey) said that the statement by the Bulgarian representative was not convincing. No evidence had been presented that minorities in Turkey were not allowed to use their own language. Bulgaria should allow representatives of the world press into its own territory.
94. The theory about the absence of minorities in Bulgaria was absurd: a Turkish minority had lived in Bulgaria ever since the fourteenth century. In 1981, a Bulgarian leader had acknowledged that the Turkish minority existed.
95. Statements about Turkish genocide of Armenians paralleled statements made by Armenian terrorists and reinforced the theory that Bulgaria was linked to international terrorism.

96. Miss BYRNE (United States of America), said that the USSR representative appeared to have misinterpreted her colleague's reply. She had not said that the United States did not sign human rights instruments because it could not live up to them, but that it was careful about what it signed because it observed such documents scrupulously. In contrast, the USSR signed agreements readily but adhered to them only when it wished.

97. With regard to the specific accusation about the young black who had died in police custody, she understood that his family was currently pursuing the case through the civil courts. She had not understood the Soviet representative's other remarks and could not comment on the basis for them. However, the point was that the United States did not seek to hide its imperfections but conducted its affairs openly. She was sure that the USSR representative could not say the same and that it was a mistake on his part to pit his country against the United States on the subject of human rights.

98. Mr. GARVALOV (Bulgaria), said that the Turkish representative's allegation that there was a persecuted Turkish minority in Bulgaria was untrue. The people to whom he was referring were the descendants of those whom the Grand Vizier of the Ottoman Empire had himself acknowledged, shortly after the liberation of Bulgaria, to be Bulgarians converted to Islam under the Turkish occupation. As for the allegation that Bulgaria had links with terrorists, there were better grounds for accusing Turkey of fostering terrorism through its own violations of human rights.

99. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the United States representative had failed to respond to his challenge to the United States to accede to and implement the International Covenants on Human Rights. If the examples which he had already given of the violations of such rights were not enough, he could cite the case of the violence used against a black sect in Philadelphia in May 1985 which had exposed the real situation in the United States. On that occasion, the authorities had blockaded, opened fire on and set fire to a house in the black quarter of the city, as a result of which 11 occupants, including five children, had been burned to death and a whole block destroyed. Investigations had shown that the Chief of Police had deliberately delayed fighting the fire until it was too late. It was also known that the Federal Bureau of Investigation had backed the local police action, providing 10 kilograms of high-power explosives used exclusively for military purposes, and that the federal authorities had supplied the police with an arsenal of military weapons.

100. A member of the House of Representatives had later said that there was neither moral nor legal justification for such violence, that it was a consequence of racism and that the whole black population felt as if it had been attacked. That incident was an indication of the real state of human rights in the United States.

101. The CHAIRMAN said that discussions on the seventh cluster of items had thus been concluded.

The meeting rose at 7.05 p.m.