



SUMMARY RECORD OF THE 46th MEETING

Chairman: M r u . BROŠNAKOVÁ (Czechoslovakia)

CONTENTS

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

AGENDA ITEM 95: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

AGENDA ITEM 96: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

AGENDA ITEM 97: INTERNATIONAL COVENANTS ON HUMAN RIGHTS

AGENDA ITEM 98: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS

AGENDA ITEM 103: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

AGENDA ITEM 99: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (A/41/3, (chap. V, sect. A); A/41/70-S/17708; A/41/93; A/41/113-S/17760, A/41/117-S/17765, A/41/130-S/17747; A/41/167, A/41/177, A/41/178, A/41/183; A/41/341-S/18065 and Corr.1; A/41/607)

AGENDA ITEM 95: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (A/41/3 (chap. V, sect. A), A/41/403 and Add.1 and Add.1/Corr.1; A/41/70-S/17708; A/41/103, A/41/316, A/41/607)

AGENDA ITEM 96: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (A/41/3 (chap. V, sect. A) ; A/41/70-S/17708; A/41/607)

AGENDA ITEM 97: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (A/41/3 (chap. III, sect. C and chap. VII), A/41/40, A/41/509; A/41/70-S/17708, A/41/113-S/17760; A/41/316, A/41/326, A/41/607, A/41/695, A/41/701)

AGENDA ITEM 98: REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS (A/41/510)

AGENDA ITEM 103: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/41/3 (chap. V, sect. A), A/41/511, A/41/706, A/41/607, A/41/701)

AGENDA ITEM 99: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/41/3 (chap. III, sect. C))

Introduction of draft resolutions A/C.3/41/L.46, L.47, L.48 and L.51

1. Mr. STROHAI, (Austria) paid tribute to **the** Centre for **Human** rights for the work it had done and expressed regret that **the** financial **crisis** of the United Nations had further reduced the **resources** devoted to the Centre's activities.

2. As the General **Assembly** had **just** celebrated the twentieth anniversary of the adoption of the International **Covenants on Human Rights**, **his** delegation urged that **more States** should ratify those instruments and **that the** international community should co-operate closely with the expert bodies in the field of **human rights**. **However**, it was **the** implementation of those instruments which was essential. Since **the gap between norms** and reality was **narrowing** only slowly the international **monitoring mechanisms** must be strengthened. **In that** connection, he expressed satisfaction at the establishment of the Committee on Economic, Social and **Cultural Rights**, which was to hold its first session in 1987.

3. His delegation also welcomed the report of the Human **Rights** Committee (A/41/40) and was pleased with the cost-saving measures the Committee had taken. **Some of them**, like the cancellation of the Committee's 1986 autumn session, **would**,

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(Mr Strohal, Austria)

however, seriously hamper the Committee's work. Austria therefore urged all States which had ratified the Covenants to fulfil their financial obligations as speedily as possible.

4. His delegation would welcome a second optional protocol to the International Covenant on Civil and Political Rights aimed at the ultimate abolition of capital punishment. The seventh Additional Protocol to the European Convention on Human Rights, on the elimination of the death penalty, which had been adopted on the basis of an Austrian initiative, might serve as an example. It was the first binding international instrument on the subject and it had already entered into force, including in Austria. A further optional protocol would be all the more desirable because of the growing tendency to promote capital punishment as an effective deterrent against drug-related crimes.

5. The reporting obligations of States parties to the United Nations Conventions concerning human rights placed a considerable burden upon those States. Given the very high number of reports that were overdue, his delegation was convinced that urgent action must be taken to alleviate the burden on States parties whose technical and administrative resources were limited. The training courses organized by the Centre for Human Rights were important steps in that respect. It would, however, also be desirable to standardize and unify the reporting procedures.

b. Concerning the elimination of all forms of religious intolerance, his delegation invited all States to co-operate with the Special Rapporteur of the Commission on Human Rights. His task was a very difficult one for religious intolerance was regrettably very common all over the world.

7. His delegation shared the concern of many other delegations regarding certain scientific and technological developments which were potentially dangerous for the enjoyment of human rights. It was particularly interested in the activities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in that area.

8. His delegation hoped that the draft convention on the rights of the child would be finalized in January 1987. It was pleased to see that a satisfactory solution had been found to the problem of the protection of children from economic exploitation, in armed conflicts and from drug abuse. Other issues, like that of the protection of children from other forms of exploitation and their protection under criminal law, required further consideration.

9. His delegation was preparing to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A European convention on that subject was currently being drafted. In addition, his Government had contributed to the Voluntary Fund for Victims of Torture to demonstrate its solidarity with such victims.

10. In conclusion, he reiterated that Austria firmly believed in the importance of well-defined international norms on human rights and fundamental freedoms and in

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(Kr. Strohalystra)

the close monitoring of the implementation of those norms by the international community.

11. **Mr. FRAMBACH** (German Democratic Republic), referring to agenda item 97, pointed out that the International Covenants were very important for co-operation between States in the field of human rights, adding that his delegation was wholly opposed to any attempt to add new provisions to the Covenants or to introduce semi-official interpretations of them. No expert body was empowered to modify the terms of obligations contracted by States under those instruments.

12. The indivisibility of human rights - civil and political rights and economic, social and cultural rights - had been affirmed in many United Nations resolutions. It was unfortunate that the unity which had characterized the Universal Declaration of Human Rights had not been preserved in the Covenants; they should have been a single convention. Furthermore, his delegation had already drawn attention to a number of facts which demonstrated that economic, social and cultural rights had not received the attention they deserved in United Nations human rights activities. To neglect those rights, as a number of States did, was inexcusable. The requirements of the present and of the future demanded that all human rights be considered as having the same binding nature. His delegation could well understand the difficulty which developing countries encountered in ensuring the implementation of economic, social and cultural rights because of the colonial and neo-colonial exploitation which they had suffered and which they continued to suffer. Whence the importance of the right to development, which his delegation hoped soon to see codified. By contrast, unemployment, social cutbacks and even hunger, which affected millions of people every day, in countries which had the material means of ensuring an adequate standard of living for all their citizens, were unacceptable.

13. Therefore much remained to be done in order to ensure that economic, social and cultural rights were recognized throughout the world; that was confirmed by the reports which had been submitted to the Commission on Human Rights at its forty-second session by the Directors-General of ILO, WHO, FAO and UNESCO. His delegation hoped that the newly established Committee on Economic, Social and Cultural Rights would help to underscore the importance of those rights.

14. **Mr. HILL** (Australia) expressed profound concern about the effects of budgetary cuts which fell disproportionately heavily on human rights activities. The cancellation of the 1986 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the cancellation of that Sub-Commission's Working Group on Indigenous Populations, were particularly regrettable.

15. The Centre for Human Rights had suffered from a reduction in personnel, and his delegation urged the Secretariat to redeploy the Centre's staff, giving priority to the Working Group on Enforced or Involuntary Disappearances and to the special rapporteurs.

(Mr. Hi 11, Australia)

16. The supervisory machinery established by various human rights instruments was under pressure because of both financial constraints and the alarming number of overdue reports. The Human Rights Committee had reacted responsively to the financial crisis by reviewing its activities. The new Committee on Economic, Social and Cultural Rights, which would begin its work the following year, must be given adequate financial and other resources to discharge its task. It was vital to maintain summary records for the substantive work of all treaty bodies, including the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women. Without them, reporting procedures would be crippled. Such records would be particularly important for the new Committee on Economic, Social and Cultural Rights when it determined its working methods. Again, savings could be made by reducing the volume of documentation of lesser importance.

17. It would also be useful to institute a procedure whereby States parties to the International Covenant on Civil and Political Rights would regularly notify the Human Rights Committee when a state of siege, emergency or exception was imposed. Moreover, Australia would welcome further study of derogations from key article 9 Of that Covenant and other international human rights instruments.

18. Australia supported the initiatives to promulgate a second optional protocol to the Covenant, with the aim of abolishing the death penalty. The previous year it had signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and work was proceeding towards ratification. The report submitted to the Commission on Human Rights by the Special Rapporteur charged with examining questions relevant to torture, which dealt mainly with aid to victims, deserved careful study. It was particularly important to monitor instances of torture in countries under states of emergency, siege or exception. International measures should be considered to ensure adequate investigation of cases of suspicious death.

19. Work on a draft convention on the rights of the child was making good progress. Australia continued to participate in it, but hoped that the convention would build upon the existing framework of international standards rather than seeking in some instances to rewrite them. Procedures for implementing the new convention must also be realistic and take into account the experience gained with regard to other human rights instruments.

20. The work being carried out within the United Nations on the implications Of new medical technology, the gathering of computer data and other practical questions arising from the relationship between human rights and science and technology was valuable and should be continued.

21. His delegation pointed out that the tasks of the Third Committee was to contribute to peace and co-operation, leaving the question of the relationship between peace and human rights to the competent forum.

22. Mr. MEZZALAMA (Italy) noted that, while the International Covenants on Human Rights - the twentieth anniversary of which had just been celebrated - had achieved considerable success, much remained to be done to implement them fully. The major responsibility in implementing the provisions of the Covenants rested with States, and the United Nations should ensure that they were effectively applied. To ensure respect for human rights, States should create appropriate international implementation machinery and change their legal systems accordingly. It should be noted that the public was becoming more conscious of the value and force of the International Covenants and was learning to appeal to them to protect their rights fully vis-à-vis the State.

23. In that process, judges, who had a certain autonomy in the performance of their functions, should ascertain the degree of compliance of the State with the provisions of the Covenants. In that regard, it was striking to note the limited number of judgements making reference to the Covenants. That might be so, on the one hand, because the constitutions of many countries contained the same principles as the Covenants and, on the other hand, because more advanced instruments, such as the European Convention on Human Rights, were already recognized and applied in some areas. It was also possible that judges were not fully aware of the real scope of the Covenants, which should be a sort of universal code of human rights.

24. The States Members of the United Nations should foster a more intense co-operation in the judicial application of the Covenants. Thus, States should envisage specialized information programmes at all levels of the legal system, promote comparative studies of the human rights provisions embodied in national and regional legal instruments as well as in the International Covenants and prepare reports containing judicial decisions in which direct or indirect reference was made to the Covenants, with the aim of publishing a specialized yearbook.

25. Inspiration could also be drawn from the European example, in particular the computerized system set up on the occasion of the thirtieth anniversary of the European Convention on Human Rights, which enabled judges to have direct access to all decisions taken by the European Court of Human Rights.

26. MsBYRNE (United States of America) said that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief represented the very best that the United Nations had to offer in the human rights field, for it expanded the concept of religious freedom enshrined in the Universal Declaration of Human Rights. Although limitations on that principle might be imposed in order to protect public safety, they could in no case justify massive and systematic violations of that right.

27. She noted with satisfaction the work of Mrs. Odio Benito, the Special Rapporteur entrusted with studying the general problems of intolerance and of discrimination on the grounds of religion or belief, which would add greatly to knowledge on that subject, and the work of Mr. Ribeiro, the Special Rapporteur charged with examining incidents and governmental actions inconsistent with the Declaration, which was aimed at identifying existing problems and suggesting remedies. Indeed, as the Secretary-General observed in his report on the work of

(Ms. Byrne, United States)

the Organization (A/41/1), the appointment of special rapporteurs was the direction of the future.

28. Freedom of religion was perhaps the most precious human right, and responsible Governments should seek to encourage respect for that right. If certain individuals refused, because of religious conviction, to fulfil some of their duties as citizens, legal arrangements could be made without suppressing their religious freedom.

29. There were, unfortunately, some countries where the exercise of that right was drastically limited. Official persecution of one or another religion was, as everyone knew, not a new phenomenon. From all appearances, such persecution was almost pathological, stemming from a sense of insecurity and fear of the moral authority which religious leaders might have over citizens.

30. Her delegation wondered what caused a super-Power to imprison Jews, Muslims and members of other religious groups and to prohibit the study and publication of sacred texts, religious instruction and worship. In Albania, where the Constitution prohibited all religious activity, the Government had closed all religious institutions and imprisoned, and sometimes even executed, members of the clergy. In North Korea, no church had been built since the Korean War. In Vietnam, there were priests and monks in so-called "re-education camps", which at other times would have been called concentration camps, the Bible was prohibited and sermons required Government approval. In Nicaragua, the régime in power, not content with trying to humiliate the Pope during his recent visit, had expelled members of the Catholic clergy, hounded the small Jewish community into exile and had seized the properties of several other religious groups. The régime installed in Afghanistan had mounted a campaign against the Muslim religion with the Afghan population, which preferred to die rather than to submit. She also cited the example of the Baha'is of Iran, who were considered non-believers and therefore imprisoned, executed and denied of all their rights.

31. As a country which since its foundation had welcomed all religions, the United States asked those Governments to stop persecuting and imprisoning citizens who wished to exercise their religious freedom and appealed to the international community to express to Iran its revulsion over the inhumane and unjustifiable persecution of the Baha'is of which the Iranian Government was guilty.

32. The other nations could do nothing more useful than to work forcefully and energetically to defend the essential right of freedom of religion or belief.

33. Mr. YAKOVLEV (Union of Soviet Socialist Republics) recalled that the General Assembly had just celebrated the twentieth anniversary of the adoption of the International Covenants on Human Rights. Those Covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, were inseparable. Millions of people deprived of work, shelter and nourishment could not effectively exercise their civil and political rights. For a migrant worker or a ruined farmer, the exercise of such rights was only an empty word. In the capitalist countries, to enjoy such rights one had to

(Mr. Yakwlev, USSR)

be rich, in other words, to be one of the privileged. The lot of the unemployed and the migrant workers, if they did not attain wealth by illegal means such as drug trafficking or organized crime, was poverty. Respect for human rights did not mean complacent utterances or mendacious propaganda. The International Covenants stipulated the right to work, education and the participation of all in the management of the affairs of State. Rejection of the Covenants meant rejection of human rights, whose indivisible nature was affirmed in their preambles.

34. Some delegations had claimed in the Third Committee that socialism only recognized economic and social rights, to the exclusion of civil and political ones. That was a serious mistake, even a deliberate distortion of the facts. The Soviet Union, as a party to both Covenants, recognized and effectively guaranteed to each individual the full range of individual human rights. In the socialist countries, contrary to what some would like to have one believe, the State was not an end in itself. It was only the guarantor of social justice and equality for all in all areas.

35. At the twenty-seventh Congress of the Communist Party of the USSR, a new orientation was defined based on the democratization of Soviet society in all areas and on social and economic development. The socialist régime developed successfully only when the workers participated in the management of public affairs.

36. At the international level, it was the socialist countries which had proposed the creation of a global system of international security in which the strengthening of human rights and humanitarian co-operation played a very important role.

37. In the field of human rights, slanders, insults and propaganda could not replace a readiness to co-operate. As for the right to freedom of conscience in particular, some delegations had presented themselves to the Third Committee as the jealous custodians of that freedom, but the situation in the countries they represented hardly authorized them to play that role. In the United States, for example, there was genuine discrimination against atheists. In the USSR, on the contrary, the State considered that beliefs, whether religious or atheist, were the affair of each individual, with all religions being considered equal before the law. In the Soviet Union, the State did not interfere in the affairs of the church and the church did not interfere in the affairs of the State. Those who claimed otherwise were motivated by a spirit of dishonest propaganda.

38. Faithful to the obligations it had undertaken under the Covenants, the Soviet Union was opposed to any violations of human rights, particularly to torture. It had therefore signed, on 10 December 1985, the Convention against Torture, which it was prepared to ratify. It also welcomed the progress made in the preparation of a draft convention on the rights of the child, to which it attached great importance.

39. In general terms, the Soviet Union felt it necessary to strengthen co-operation in the field of human rights, through the adoption and application by all States of the International Covenants on Human Rights.

40. Mr LY (Senegal) was concerned that the Sub-Commission on the Prevention Of Discrimination and Protection of Minorities had not yet examined the report of Mrs. Odio Benito, the Special Rapporteur assigned to study the current scope of the general problems of intolerance and discrimination based on religion or belief, in which the Rapporteur had painted a frightening picture of the situation in the world. He hoped that the Sub-Commis. ion would give it priority at its next session because religious intolerance had assumed such proportions that any delay constituted a failure for the protection and promotion of human rights. He recalled that in Senegal religious toleration drew its sources from tradition and from the provisions of the Basic Charter.

41. His delegation felt that the United Nations must contemplate the preparation of an international convention on all forms of intolerance based on religion or belief. Education, training, information and advisory assistance made a decisive contribution in encouraging religious tolerance both among the population and in Government circles.

42. Torture was often the consequence of religious intolerance. He regretted that the International Convention on Torture had not entered into force because it had not been ratified by the required number of countries. Senegal itself had ratified it in August 1986 and his delegation appealed to all States to do the same. A real "disarmament of minds" was necessary to ensure that every human being was respected simply for being human.

43. Referring to the working group on the rights of national, ethnic, religious and linguistic minorities, he said that it should first try to define the concept of "minority" because the manipulation of that concept for political purposes could encourage the phenomenon of ethnic nationalism, which was a threat to the sovereignty of new States in particular.

44. As for the convention on the rights of the child, Senegal fervently hoped that the working group dealing with that question would complete its discussions at the next special session so that the General Assembly could examine the draft convention at its forty-second session. The convention should take into consideration the situation of children who were victims of famine, desertification, drought, malnutrition, disease and illiteracy. It should also take into account the economic conditions of the developing countries and confirm the need for international assistance and co-operation in their favour. One might wonder what use it was to recognize a broad range of rights in the case of children dying of hunger.

45. His country had just submitted its initial report on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its second periodic report pursuant to article 40 of the International Covenant on Civil and Political Rights.

46. The twentieth anniversary of the adoption of the International Covenants on Human Rights should be an occasion for new accessions to those international instruments. It was essential to ensure their universality.

47. Mr. SCHWANDT (Federal Republic of Germany) said that, even though the twentieth anniversary of the adoption of the International Covenants on Human Rights had recently been celebrated, his country was concerned about the task still facing the United Nations in the field of human rights. Although every individual had been acknowledged as a subject of international law, who should be respected as such by all Governments, the human rights system remained vulnerable since of the 159 Member States of the United Nations, only 88 were parties to the International Covenant on Economic, Social and Cultural Rights and only 86 to the International Covenant on Civil and Political Rights. The Federal Republic of Germany called upon States to show their political will to give the international covenants a truly universal character.

48. He was also concerned about the lack of safeguards to protect the individual against abuses of power by his own Government, since the existing procedures and machinery in that area left much to be desired. His delegation welcomed the establishment of the Committee on Economic, Social and Cultural Rights, which was to assist the Economic and Social Council in the discharge of its mandate under the Covenant. His delegation hoped that the Committee's work would gain the same wide recognition as that of the Human Rights Committee.

49. When submitting its second periodic report, his country had come to appreciate the constructive dialogue which took place in the Human Rights Committee. It was, therefore, with regret that it had endorsed the consensus decision to limit the number of sessions of the Committee. Any decision affecting the work of the United Nations system in the field of human rights, which was already inadequate, would seriously affect one of the most basic objectives of the Organization. His country attached great importance to publicizing the work of the human rights bodies. In particular, it was essential to publish summary records of those bodies' meetings, not only for the benefit of the Human Rights Committee and the States parties, but also for the public, which must be kept informed of the important work done by the United Nations in the field of human rights.

50. Mr. BROWNE (Fiji), speaking on agenda item 94, said that Fiji was a multicultural, multiracial and multireligious society, where freedom of religious worship was guaranteed by the constitution and religious organizations made a valuable contribution to national development efforts.

51. The Declaration on the elimination of all forms of religious intolerance, adopted in 1981, was the fruit of many years of work by the United Nations, and particularly by the Commission on Human Rights. However, despite the apparently unanimous support for freedom of religion, certain countries used religion for sectarian and unjust ends or conducted campaigns of religious persecution, often attacking isolated and defenceless religious minorities in order to divert public attention from current problems. His country deplored the persecution of Bahá'ís, Jews, Christians and Muslims in various countries and called upon the Governments responsible to respect their obligations under the Charter of the United Nations. Fiji hoped that Member States' protestations of support for religious freedom would soon become a reality and that United Nations bodies would take vigorous action to ensure greater respect for the international human rights instruments. The Government of Fiji would do its utmost to encourage respect for human rights, of which freedom of religion was a vital component.

52. **Mr. GOLEMANOV (Bulgaria), speaking on agenda item 97, said that the adoption and entry into force of the two International Covenants on Human Rights were among the most significant achievements of the United Nations. However, there was an ever-widening gap between declared commitment and the actual behaviour of States in the field of human rights. Much remained to be done if the International Covenants on Human Rights were to be universally accepted, which was an essential pre-condition for realizing the objectives of the Charter of the United Nations. His country was a party to all the major international instruments, and was preparing to ratify the Convention against Torture.**

53. **It was also important to understand and accept the indivisibility and interdependence of civil, political, economic, social and cultural rights. Some countries tended to distinguish between civil and political rights and economic, social and cultural rights, and sometimes talked of the rights of an abstract individual, while failing to address the needs and interests of real human beings. Such an approach did not further the enjoyment of human rights and fundamental freedoms. It was encouraging to note, however, that the number of States parties to the two Covenants was increasing and that most Member States were aware that the maintenance of peace was a pre-condition for the full achievement of human rights. The idea of the right of peoples and individuals to development had made some progress, despite the stubborn obstruction and resistance of certain parties.**

54. **Bulgaria welcomed the constructive dialogue between the Human Rights Committee and the States parties to the International Covenant on Civil and Political Rights, as well as the establishment of the Committee on Economic, Social and Cultural Rights. His country commanded the work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, which had reached some important conclusions. It had pointed out the link between the need to preserve peace and the promotion of economic, social and cultural rights; the need to establish a new international economic order if economic, social and cultural rights were to have any meaning in countries whose economies were subjected to neo-colonial pillage and exploitation; and the necessity of considering the social situation and level of economic development of a country for the evaluation of its performance in implementing economic, social and cultural rights.**

55. **The fact that a number of industrialized countries, some of which were party to the two Covenants, did not implement the provisions of the International Covenant on Economic, Social and Cultural Rights, "to the maximum of their available resources" not only led to large scale violation of those rights, but also affected the enjoyment of civil and political rights and fundamental freedoms by millions of people. The unemployed, the homeless, the poor and the dispossessed (who were not represented in the Government) they were the victims of economic discrimination in all fields - housing, health care, education and professional training.**

56. **It was essential to continue international co-operation and the exchange of experience and, in order to make that possible, to establish an atmosphere of trust and preserve peace and international security.**

(Mr. Golemanov, Bulgar is)

57. Turning to agenda item 95, he said that the adoption by the General Assembly of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind had rightly emphasized essential considerations, particularly the need to guarantee the right to life by maintaining and strengthening international peace and security. The argument that the prevention of nuclear war and the preservation of life on earth had no bearing on the debate and work of United Nations human rights bodies was completely without foundation. Political doctrines based on the belief that, in order to have peace, the peoples of the world must live in fear - a fear which the militarization of space could only increase - were hardly reassuring to those who wished for peace and respect for human rights. The Bulgarian delegation was convinced that science and technology should be used in a way relevant to all major modern problems, from the prevention of war and the maintenance of peace, through the full realization of the right to development and the elimination of hunger and disease, to progress and social justice. The United Nations system had the important role of deciding which uses of science and technology were in accordance with the noble ideals of the Charter of the United Nations. Bulgaria was prepared to participate actively in those efforts.

58. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic), speaking on item 95, said that human rights would be better guaranteed if all the achievements of science and technology were used for the sole good of mankind and for peaceful purposes. There were, however, forces which fuelled the arms race, increased the threat of war and led the world to the brink of nuclear catastrophe. That provoked protests from all pacifists, including many scientists. Scientists understood better than anyone else that mankind would not survive a nuclear war, which could be unleashed by a simple technical error. Even the most advanced technological systems were subject to unexpected damage and disasters, as was demonstrated by the recent tragic accidents involving the space shuttle Challenger and the Chernobyl nuclear power plant.

59. The Chernobyl accident had deeply affected the Ukrainian people. It had been necessary to mobilize all the scientific and technological resources of the Soviet Union in order to eliminate the consequences. That accident, like other nuclear accidents that had occurred in different countries of the world, showed that the safety of civilian nuclear activities required a quick and responsible reaction in the event of an incident, and the joint action of the States and international organisations concerned.

60. Nuclear weapons presented, however, a much greater danger than the accident at Chernobyl. In many Western countries, the acceleration of military preparations was often accompanied by a campaign to propagate politico-military doctrines affirming the inevitability, if not the validity, of the outbreak of wars on a small or large scale involving the use of nuclear weapons or other weapons of mass destruction. Militarist circles in those countries were also striving to transform space into a theatre of military confrontation. That atmosphere of military psychosis inevitably provoked fear, distrust and hatred of other peoples. It promoted mass violations of human rights: the opinions of citizens, their behaviour and their private lives were the subject of constant surveillance.

(Mr. Mateouka, Ukrainian SSR)

61. Hundreds of billions of dollars were spent each year for research and development for military purposes. Those sums could be used to solve the serious socio-economic problems of mankind, including hunger, disease, unemployment and illiteracy. In addition, the military sector diverted from the production of objects useful and necessary to mankind an army of skilled workers, not to mention engineers, scientists and other specialists.

62. Scientific and technological progress presented dangers which were not limited to the military field, in that it could lead to unemployment, poverty and hunger. Phenomena in the West such as "technical" unemployment, urban problem, environmental pollution and the exploitation of natural and human resources were some examples.

63. In the Ukrainian SSR, science was a productive force which played an increasingly important role in the economy. It also helped to solve many social problems, to improve the well-being of the entire population and to permit the harmonious development of the individual.

64. The year 1986, proclaimed International Year of Peace by the General Assembly, could and must go down in history as the year of the cessation of the arms race. The Third Committee must contribute to the strengthening of international peace and the realization of the inalienable right of each individual to life.

65. Mr. HOPPE (Denmark), speaking on behalf of the five Nordic countries on items 97 and 103, said that the Human Rights Covenants and the Universal Declaration of Human Rights constituted what had been rightfully referred to as the International Bill of Human Rights. The United Nations must closely monitor the implementation of and respect for their provisions through the bodies specifically established for that purpose. The Nordic countries were generally satisfied with the way in which the Human Rights Committee was fulfilling its mandate, but deplored the failure by a number of States parties to meet their reporting obligations. That problem had reached such proportions that it undermined the very standing of the Covenant. The Nordic countries welcomed the establishment of the Committee on Economic, Social and Cultural Rights, which should lead to more effective monitoring of the implementation of the Covenant on Economic, Social and Cultural Rights.

66. The increase in the number of States parties to the two Covenants and to the Optional Protocol, while modest, was a welcome development. The Nordic countries regretted, however, that only about half of the States Members of the United Nations had acceded to the Covenants and that there were only 37 States Parties to the Optional Protocol. They therefore urged those Member States that had not yet done so to accede to the Covenants and the Optional Protocol and to make the declaration under article 41 of the Covenant on Civil and Political Rights.

67. More than a thousand persons were sentenced to death each year throughout the world. As was known, the Nordic countries had consistently supported the proposal for a second optional protocol to the Covenant on Civil and Political Rights aimed

(Mr. Hoppe, Denmark)

at the abolition of the death penalty. They therefore anxiously awaited the results of the examination of that proposal by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

68. It would be good if the Chairmen of the bodies entrusted with supervising the implementation of human rights instruments were to meet again in 1987 with a view to improving the functioning of those bodies. It would be logical and advisable for the Chairman of the Committee on the Elimination of Discrimination against Women also to participate in that meeting.

69. The international community stood united in its rejection of torture as one of the most serious violations of human rights. Under the Covenant on Civil and Political Rights, no derogation from the prohibition of the use of torture was acceptable. It was, unfortunately, a practice current in different regions of the world, whether it had been institutionalized by certain régimes, was a relic of the past, or was due to the fact that law-enforcement officials were not subjected to any control. The Nordic countries had therefore wholeheartedly welcomed the adoption by the General Assembly on 10 December 1984, by consensus, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. They appealed to all Member States to ratify that Convention as soon as possible so that it would enter into force without delay and the surveillance machinery set in motion. They urged Member States to respect its provisions. The Nordic countries welcomed the appointment of a special rapporteur to examine questions relevant to torture and awaited his second report with interest. They were also gratified that the United Nations Voluntary Fund for Victims of Torture had already received contributions, and hoped that Member States would continue to show generosity.

70. Efforts were also necessary at the national level. One could cite, for example, the establishment, a few years before, of a rehabilitation centre for victims of torture at the University Hospital in Copenhagen where doctors, psychologists and social workers were striving to heal the physical and psychological wounds of victims of torture and to facilitate their social reintegration. Other countries had followed or were about to follow that example. Efforts should be made to improve the capacity of the United Nations to respond promptly and effectively to all violations of human rights, wherever they occurred. That required political will and increased resources. Above all, it required that Governments fulfilled their obligations at the international level to protect and promote the rights of all individuals.

71. Mr. FRANCO (Permanent Observer for the Holy See) said that the Catholic Church, as the depositary of its Founder's doctrine on the unique and inalienable dignity of the human person, took a strong interest in human rights violations. The Church, like the international community, believed that those rights were not granted by the State, but were the human person's inherent and inalienable due. That conviction was rooted in the belief that the human being was a creature of God.

72. Since the human person was social by nature, religious freedom must include the right of the individual to profess his faith publicly, together with others who

(Mr. Franco, Permanent Observer,
Holy See)

shared it. And yet, not only was there still intolerance among members of different religious faiths, but also, particularly in modern times, there was intolerance on the part of some Governments which posed obstacles to free religious expression by their citizens and the activities of religious institutions. The Holy See never tired of denouncing such abuses, perpetrated in the name of "raison d'Etat". Without ignoring the other religious persuasions, his delegation felt bound to denounce, especially in the Third Committee, the confinement or expulsion of bishops, priests and lay Catholics, discriminatory acts committed against them on account of their religious belief, the prohibition against publicly exercising the ministry and imparting religious teachings to the faithful, the closing down of seminaries and the limitation in the number of candidates to the priesthood, and the banning of Catholic periodicals and liturgical and theological works. His delegation raised its voice in protest on behalf of thousands of persons reduced to the rank of second-class citizens and forced to attend schools which sought to cut them off from their cultures, their families and their nations. The Church had known various types of persecution throughout its history. In modern times, its members were branded as enemies of the revolution by some and, conversely, as reactionaries by others. What they stood for, in fact, was the autonomy and the freedom of the human person in relation to political power, and the human person's place at the centre of the social and economic order. For that reason, the Church could not remain silent before violations of the rights of the person, of religious or ethnic minorities, of migrants and refugees, or of entire peoples, no matter what the price might be for denouncing them.

73. In October 1986, at Assisi, 120 leaders, representing all religious traditions, had gathered at the invitation of Pope John Paul II to fast and to pray for world peace. Thus intolerance gradually gave way to dialogue. The Holy See hoped that similarly, the religious intolerance of some Governments would also give way to respect and dialogue, in the search for the common good of the community and of all mankind. The Church professed the same principles as were solemnly enshrined in the preamble to the Universal Declaration of Human Rights, and wanted to co-operate with all persons of good will in building a free world. It strived to form citizens who desired the common good and were lovers of social justice and peace. Without respect for human rights, there could be no genuine peace and development, at either the national or the international level. The Church prayed for the elaboration of juridical instruments which would protect the foremost human right, religious freedom.

74. Ms. BARGHOUTI (Observer, Palestine Liberation Organization), speaking on item 103, said that the Palestinians, like the blacks of South Africa, were among the peoples who suffered most from torture, in the broadest sense of the term. The lot of the Palestinians today was effectively what the lot of the Jewish people had been in Europe, particularly under the Nazi régime.

75. Many of the world's peoples had, over the centuries, been oppressed by other peoples. However, colonialism - in its ancient and modern manifestations - and

(Ms. Barghouti, Observer, PLO;

racial segregation were the **cruelest** forms of oppression. The Palestinian people had been, and continued to be, the victims of a particularly **relentless** form of oppression. When they had not actually been deported, they had been stripped of their lands, which had been turned **over** to new immigrants. Many a Palestinian had fled his land to **escape** mistreatment by **Zionist** gangs trained in the most sophisticated techniques of physical and mental torture. It was an irony of fate that the former victims of Nazi oppression and terror had themselves become torturers and treated the Palestiniene as they themselves had been treated. Perhaps the cruelest torture of all had been to uproot a segment of that people, forcing it to live in **camp**s in inhuman conditions. What could be more cruel than to destroy a house and scatter its occupants on the pretext that one of the family members living there had threatened the security of Israel? What could be more cruel than the **perpetual** fear of being **arrested** or attacked by Israeli forces? Could anyone imagine how much terror and fear had been aroused in Palestinian women and children by the American-made Israeli aircraft flying **over** their camps, spreading destruction and death? How could the psychological and social effects of such acts be gauged? And yet, such was the treatment to which the Palestiniene were subjected every day.

76. However, the psychological torture to which the Palestinian people were subjected was not all. There were the Palestinian detainees who were physically and mentally tortured and forced to live in **overcrowded** cells, in deplorable sanitary conditions, deprived of their most basic human rights. And there were the ordeals to which Palestinians had been, and continued to be, subjected in southern Lebanon in the Al Ansar prison, built by the Israeli army. The conditions of detention there and the tortures inflicted upon the detainees were every bit as horrible as in the Nazi concentration camps. That was just one more vile episode to be added to the long list of crimes perpetrated by the **Zionists**, such as the massacres at Deir Yassin, Kafr Kestem and the most recent atrocities at Sabra and Shatila. One need only recall the scandal which had recently made headlines out in Israel, when it was uncovered that two disarmed Palestinian fighters who had fallen into the hands of the Israeli forces had been beaten to death after conducting a guerrilla operation.

77. In its report, Amnesty International had confirmed the barbarism and cruelty of Israeli practices. In a letter addressed to the Israeli Minister of Defence, Amnesty International had stressed that international law strictly forbade beating a prisoner in order to elicit information. It was incumbent upon the international community to take measures to ensure the implementation of the 1949 Geneva Conventions, particularly article 32 of the Geneva Convention relative to the Protection Of Civilian Persons in Time of War, in which the contracting parties had agreed to refrain from any form of torture or mistreatment of such persons.

78. No form of oppression that the Israeli authorities could exercise against the Palestinian people would prevent them from carrying on their struggle, by all available means, under the leadership of their sole legitimate representative, the Palestine Liberation Organization, to regain their inalienable rights: the right to return, self-determination and the establishment of an independent State.

**AGENDA ITEM 99: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued)**

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

Draft resolution A/C.3/41/L.46 and L.47

79. Mr. **MPOUEL BALA** (Cameroon) introduced draft resolutions **A/C.3/41/L.46** and **L.47** on behalf of the Group of African States. The international community had always supported the cause of refugees and was doing its utmost to create acceptable living conditions for them. Unfortunately, those efforts had been blocked in recent years by an onslaught of natural disasters, especially in Africa, which had been devastated by drought and migratory locusts. With the assistance provided in connection with both International Conferences on Assistance to Refugees in Africa (**ICARA I** and **ICARA II**) the refugee flows had been stemmed to some extent, and there had been some progress, particularly in the areas of voluntary repatriation and the implementation of rural development projects.

80. Draft resolution **A/C.3/41/L.46** was to be seen in the context of previous conferences on assistance to Africa and he hoped that, like its predecessors, it would be adopted by consensus.

81. The preamble of the draft resolution took into consideration the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, adopted at the special session of the General Assembly devoted to the critical economic situation in Africa, and also took note of the declarations adopted recently by the Assembly of Heads of State and Government of the Organization of African Unity. The General Assembly expressed concern that many of the Projects submitted to the Second International Conference on Assistance to Refugees in Africa were yet to be funded and implemented, drew attention to the complementarity between refugee aid and development assistance and, in the operative part of the draft, urged the international community to maintain the momentum created by the Conference and to translate into reality the projects submitted.

82. Draft resolution **A/C.3/41/L.47** concerned assistance provided to South African and Namibian refugee women and children. An overview of United Nations activities showed that the Organization had always concerned itself with the situation of women and children throughout the world and especially in South Africa and Namibia. That was recalled in the first, second and third preambular paragraphs of the draft resolution. In the operative paragraphs, the General Assembly called upon all Governments, intergovernmental organizations and non-governmental organizations (para. 2) to intensify their support to and solidarity with refugee women and children outside South Africa and Namibia and in front-line States. It was a factual text which should attract support from all Governments. The Group of African States appealed to the solidarity of all countries so that the two draft resolutions could be adopted by consensus.

Draft resolution A/C.3/41/L.48

83. Mrs. CHIWELE (Zambia) introduced draft resolution A/C.3/41/L.48 on behalf of the sponsors, which had been joined by the Bahamas, Cameroon, the Congo, Egypt, Indonesia, the Philippines and Rwanda. She drew attention to the omission, in the fifth line of operative paragraph 8, of the words "and Namibia" after "from South Africa".

84. The deteriorating situation in South Africa and Namibia was causing an increase in the number of student refugees in that part of the continent, and it was therefore necessary to provide more assistance to the countries of asylum. The sponsors of the draft resolution hoped that it would be adopted without a vote.

Draft resolution A/C.3/41/L.51

85. Mr. KLINGENBEBG (Denmark), introducing the draft resolution, informed the members of the Committee that the consultations with delegations on the text of the draft resolution had not resulted in a consensus. He therefore requested the members of the Committee to defer a decision on the text to the next General Assembly, so that fresh consultations might be held in other relevant international forums. For the sake of clarity, he pointed out that the concept of "regional integration" was aimed at broadening the notion of local integration so as to encourage other countries in a given region to assist the country of first asylum. In the sponsors' view, regional integration should be applied only as an intermediate solution. Countries of first asylum should not be part of the envisaged quota system. Finally, the High Commissioner for Refugees could encourage States to admit refugees, but could, of course, only make recommendations and should on no account act as a substitute for the competent national authorities.

86. Mrs. BARKER-HARLAND (United Kingdom), speaking on behalf of the 12 States members of the European Economic Community on the subject of draft resolution A/C.3/41/L.47, stressed the importance attached by the Twelve to reaching a consensus on the draft resolution. The Twelve were therefore concerned that the text had been introduced without the customary preliminary consultations.

87. The CHAIRMAN drew the Committee members' attention to the fact that the draft resolutions adopted by the Committee at the previous day's meeting failed to mention several reports - A/41/713, A/41/637 and Corr.1 and A/41/558 - which the Committee had had before it under the item on narcotic drugs. If there was no objection, she would take it that the Committee wished to take note of those reports in the respective draft resolutions.

88. It was so decided.

89. Mr. BEN HAMIDA (Tunisia), speaking in exercise of the right of reply, said that the representative of Israel had taken the liberty of attacking a number of Arab countries, including his own, on the subject of respect for human rights. Quite apart from the fact that the statement made by the representative of Israel was a tissue of outright lies, what was particularly absurd was that it came from

(Mr. Ben Hamida, Tunisia)

the representative of a country for which human rights did not exist. He had no intention of dwelling on the subject. Israeli practices were well known, and he would merely refer delegation5 to document A/41/680, which dealt with those practices.

90. Miss NGUYEN THI NHA (Viet Nam), speaking in exercise of the right of reply, categorically rejected the accusations levelled at her country by the United States representative. Apart from the fact that the right to freedom of religion was enshrined in the Vietnamese Constitution, Viet Nam was grateful to all those, Catholics and Buddhists alike, who had taken part in the war against the American invader. If Vietnamese adept5 of the Catholic or Buddhist religion5 had been persecuted after the country's liberation, it was because traitor5 to their country had concealed themselves behind the mask of religion. Instead of attacking other countries, the United States representative would do well to ask herself why her Government was so reluctant to ratify the International Covenant5 on Human Rights.

91. Mr. GJIKI (Albania), speaking in exercise of the right of reply, wholly rejected the slander levelled against his country by the United States representative. He observed that it was not the first time that American imperialism had launched attack5 of that kind. In fact, it was the same string that it had been harping on for 42 years, the reason being that the development of socialist Albania was not to the liking of American imperialism. He reserved the right to reply in greater detail to the United States representative at a later meeting.

92. Mr. KWAK (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that he was outraged by the United States representative's daring to speak of the destruction of churches in North Korea when it was in fact American bombardments during the Korean War that had caused that destruction. He wondered how the United States of America dared to speak of the human rights situation in other countries after the harm it had done throughout the world and especially in Korea. Instead of making such accusations, the United States representative would have done better to offer apologies to the Korean people for the crimes which her country had committed against them.

93. Mr. NARIEL (Afghanistan), speaking in exercise of the right of reply, said that the remarks made by the United States representative were to be seen as part of the psychological warfare waged by her country against Afghanistan. He was surprised, however, that the United States representative dared to speak in that way, given her country's share of responsibility in the massacre of Palestinians and the Reagan Administration's recent actions against Libya. The United States representative was trying to distract attention from the undeclared war that her country was waging against Afghanistan by financing the activities of the Afghan counter-revolutionaries to the tune of millions of dollars. With regard to religious freedom in Afghanistan, he said that it was after the revolution that the Afghan Ministry of Religious Affairs had been set up. Moreover, all the mosaics which had been damaged by the counter-revolutionaries had been repaired. The right of Muslims, Hindus and Sikhs alike to practise their religion freely was

(Mr. Nabil, Afghanistan)

recognized. Finally, there were several religious schools functioning normally in Afghanistan. The United States Government was trying to play the card of Islam in Afghanistan, but that manoeuvre did not deceive the Afghan **people, who knew very** well that the united States of America was the worst enemy of Islam.

The meeting rose at 6.30 p.m.