



SUMMARY RECORD OF THE 31st MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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**Distr. GENERAL**  
A/C.3/36/SR.31  
4 November 1981

ORIGINAL: ENGLISH

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

AGENDA ITEM 75: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)  
A/36/3/Add.23 (Part I), A/36/137, A/36/158; A/C.3/36/L.4)

AGENDA ITEM 85: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/429 and Add.1 and 2)

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(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued) (A/36/40)

(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) (A/36/455)

(c) ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/441 and Add.1)

AGENDA ITEM 91: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/36/3/Add.19, A/36/3/Add.23)

(a) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/426 and Add.1)

(b) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/140 and Add.1-4)

1. Mrs. NGUYEN BINH THAN (Viet Nam) said that while in the wake of the International Year of the Child, many countries had been able to make laudable efforts to create conditions favorable for the development of the child in conditions of freedom, dignity and security, as proclaimed in the Declaration on the Rights of the Child, the lot of children in many regions of the world unfortunately still left much to be desired. Statistics from various sources had revealed that 200 children in the third world were undernourished and that only one baby in two would survive more than a few years. Famine and the lack of drugs and doctors were the reason for that high infant mortality rate. In addition, some children were wounded, terrorized and separated from their families because of war.

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(Mrs. Nguyen Binh Than, Viet Nam)

2. It was particularly tragic to learn that children in many countries were currently being forced into hard labour. Thirty-one per cent of the work force in developing countries was comprised of children, and coal mines in some countries employed up to 300 children who worked 8 hours per day, 280 metres under ground, in mines lacking sufficient ventilat.on and light. In a number of Asian countries the exploitation of child labour was notorious. Hundreds of millions of children worked 15 hours per day without pay, in factories where they were forced to operate dangerous machines and in an atmosphere containing pollutants that caused respiratory diseases or, in some cases, paralysis. In those same countries, children were sold every day, at a rate of 500 per week, including young girls between the ages of 12 and 18 who were sold into prostitution. What was most revolting was the apathy of Governments which closed their eyes before such affronts to human dignity.

3. Since children were the most vulnerable human beings, Governments and all of society must protect them and provide the best conditions for their development. The exploitation of child labour and the sexual exploitation of children were the by-products of systems in which the search for profit overrode all other considerations. Her delegation believed that Governments' claims to respect for human rights should be measured by the care which they provided to their children. For its part, the Socialist Republic of Viet Nam, despite considerable post-war difficulties, had made great efforts for the protection of its children. On 21 July 1971, a decree of the Council of Government had established, the Central Committee for the Protection of Mothers and Children, with the task of studying and submitting to the Council of Government guidelines and work plans concerning the protection of mothers and children and of assisting the various branches in the preparation of guidelines relating to their social well-being. Out of a population of 50 million, 15 million children were currently in schools and kindergartens. Illiteracy had been virtually eliminated from Viet Nam, as had been noted by UNESCO, which had referred to the exceptional success and the exemplary character of the Cam Binh commune.

4. Her delegation wished to add its voice to that of the international community in speaking out against the shameful practices of which children in many countries were victims, and to pay tribute to the initiators of the draft Convention on the Rights of the Child. As a sponsor of draft resolution A/C.s/36/L.14, Viet Nam fully subscribed to the ideas, proclaimed in the United Nations Charter, of peace, dignity, tolerance, freedom and brotherhood, which were necessary for the development of the child.

5. Mrs. LORANGER (Canada) said that in its report (A/36/40) the Human Rights Committee had submitted general remarks on its conception of its responsibilities under article 40, paragraph 4, of the International Covenant on Civil and Political Rights concerning the submission of reports by States Parties. Her delegation regretted that the Human Rights Committee had not yet established the modalities for an articulate dialogue which could be undertaken with States Parties following the submission of reports by the latter. It was not sufficient for States to submit a report every five years, as had just been decided by the Committee under article 40, paragraph 1(b), of the Covenant. In the intervening period between the five-yearly reports, the Human Rights Committee should endeavour, through a procedure to be determined, to obtain replies to questions raised in its consideration of a given report.

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(Mrs. Loranger, Canada)

6. On the other hand, it was clear that article 40, paragraph 1 (b), of the Covenant allowed the Human Rights Committee much latitude in requesting reports from States Parties whenever it deemed that appropriate; her delegation believed that the Human Rights Committee should exercise that prerogative more often. Article 4 of the Covenant provided that certain rights recognized by the Covenant could not be suspended by a State Party, even in time of public emergency which threatened the life of the nation. That was one of the crucial provisions to which States Parties must scrupulously adhere, and for that reason her Government believed that whenever the Human Rights Committee had serious reason to believe that certain fundamental provisions of the Covenant were breached, it should request the States concerned to report urgently on the status of respect for human rights. In making that suggestion, her delegation did not wish in any way to encourage an atmosphere of confrontation between the Human Rights Committee and States Parties; it merely wished to point out that the Human Rights Committee had the duty to ensure compliance with the Covenant. By exercising too much caution, the Human Rights Committee might fail to live up to the confidence placed by States Parties in a body entrusted with ensuring that the International Covenant on Civil and Political Rights was a credible instrument for the protection of the rights of peoples.

7. With regard to the Optional Protocol to the International Covenant on Civil and Political Rights, her Government believed that the procedure for the consideration of communications was well under way. One could, however, regret the slowness of the procedure while hoping that after the necessary initiation period, the Human Rights Committee would acquire the capacity to hand down decisions more quickly. Secretariat support was essential in that connexion, and while the positive efforts made by the Division of Human Rights should be noted, there was also reason to regret the lack of readiness on the part of the Secretariat to acknowledge by concrete gestures the growing importance of the human-rights sector within the United Nations over the past decade.

8. In April 1981, her Government had submitted its report under articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights. That report, containing hundreds of pages, had been prepared in close consultation with the ten Provincial Governments in Canada which, like the Federal State, were bound by the provisions of the Covenant. When that report came to be studied in the Spring of 1982 in New York, a delegation of Canadian experts would be present to hear comments and answer questions from the Sessional Working Group which had been entrusted by the Economic and Social Council with studying reports submitted by States Parties to the Covenant. Her Government sincerely hoped that the Working Group would seriously study the Canadian report, which had been carefully compiled. The study of reports submitted by the Working Group led her Government to believe that the latter had not fully carried out the mandate entrusted to it. The laconic reports of the Working Group could not be compared to the excellent ones submitted annually to the General Assembly by the Human Rights Committee. At the next session of the Economic and Social Council, a special agenda item would be devoted to the future composition, organization and administrative arrangements of the methods of work of the Sessional Working Group. That would be the time to correct the defects which her delegation

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(Mrs. Loranger, Canada)

had just indicated, and Canada, in co-operation with other members of the Council, would endeavour to propose positive solutions for the problems involved.

9. Canada, having abolished the death penalty in 1977, believed that there was merit in the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The subject was a difficult one and raised passions in a number of countries, but it deserved the attention of the General Assembly even if all States would be in a position to adopt such a second optional protocol immediately. There was no doubt that the United Nations would be honouring human dignity by enshrining the principle of the abolition of the death penalty in an international instrument.

10. Mr. GIUSTETTI (France) speaking on Agenda Item 75, said that, according to the United Nations Charter, peace and equality could not be achieved among peoples without being present in individual relations. That was why the Charter had given priority to the elimination of discrimination from human relations. While conventions on the elimination of racial and sexual discrimination had been concluded, the third main form of discrimination identified in the Charter had not yet been the subject of such an agreement. The draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, contained in document A/C.3/36/L.4, rectified that very serious deficiency. His delegation was, on the whole, satisfied with the proposed text, the need for which had been eloquently expressed by many delegations.

11. The fact that the text was the product of 20 years of work was not in itself sufficient reason to end the search for a formulation which could be supported by all. His delegation attached great importance to consensus and felt that the value of the text could be measured not only by its intrinsic qualities but also by the amount of support it had from the international community. Surely the United Nations was not incapable of reaching agreement on basic principles in the fight against religious discrimination. Most Member States, representing the majority of possible viewpoints on religious issues, had agreed on those principles. They should do the Organization the justice of showing that, after 20 years of work, it was not unable to define a set of principles acceptable to the majority of peoples in the struggle against religious intolerance. His delegation was therefore convinced that the draft declaration should be adopted at the current session of the General Assembly and expressed the hope that it could be approved without a vote.

12. Mrs. WARZAZI (Morocco) said the fact that the General Assembly had before it a draft declaration on the elimination of all forms of religious intolerance should be a source of satisfaction to all and give reason to hope for a more humane, more tolerant, and therefore more peaceful future. She pointed out that Islam had, above all, preached the doctrine of tolerance, which meant allowing other people to act and think in ways different from oneself. Indeed, since the dawn of Islam, the tolerance practised towards Jews and Christians had been extremely benign. Numerous passages in the Quran left no room for doubt on the matter. Her delegation trusted that the draft declaration now before the Third Committee would be effective in the struggle

(Mrs. Warzazi, Morocco)

against both religious intolerance and religious fanaticism and persecution, which had been and continued to be the source of great suffering. She expressed the hope that at the current session of the General Assembly in 1981 the efforts of almost 25 years would result, through a worthy demonstration of tolerance, following the example set by the Economic and Social Council, in the adoption of a declaration to protect such an essential right.

13. Her delegation appreciated the work done by the Human Rights Committee. The experts on that Committee had a heavy responsibility, since the future of human rights depended to a large extent on their integrity, impartiality, judgement and discretion. Any failure on the part of an expert to live up to any one of those qualities might jeopardize the confidence shown by Governments in submitting their reports and accepting the commentaries thereon; it might also provide an easy opportunity for those who liked fishing in troubled waters and we're prepared to use any device to promote their interventionist and ill-intentioned political aims. Her delegation did not believe that the time was ripe to undertake a publicity campaign on the work of the Human Rights Committee unless that publicity was carried out on a very broad basis.

14. Turning to Agenda Item 87 (c), she said that she found it difficult to find the connecting link between a protocol aiming at the abolition of the death penalty and the existing Optional Protocol to the International Covenant on Civil and Political Rights. The present Optional Protocol, once it had been ratified by one State, would enable the Human Rights Committee to study individual communications dealing with the violation of any one of the rights referred to in the Covenant. While understanding the motivation of the delegations favouring the abolition of the death penalty, she felt that the only appropriate action which could be taken at present was to embark upon a debate on the question, in order to enable all Member States to make known their views on the advisability of an international stance on the abolition of the death penalty. She hoped that during those discussions, those who favoured the abolition of the death penalty would display patience and moderation and would refrain from making value judgements on the death penalty, which continued to be in force in 115 countries for reasons which those countries evidently considered valid. She recalled that after the United States Supreme Court had abolished the death penalty in June 1972, President Nixon had requested Congress in 1973 to reinstitute it for certain crimes, asserting that the only way to attack crime in America was the way in which crime attacked the citizens of the country - without pity. It was clear, however, that the death penalty should be used only in extreme cases and that those sentenced to death should have the opportunity of appealing for clemency, as was the case in her country.

15. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-fourth session, had adopted, without a vote, a resolution recommending that the Human Rights Commission should request the Economic and Social Council to urge Governments to abolish the death penalty for political crimes. It was regrettable that many people were being held in detention for political reasons and that in various parts of the world the number of executions, often summary executions, of political opponents was increasing. Moreover, torture was becoming not only more

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(Mrs. Warzazi, Morocco)

widespread but also more sophisticated. What was most distressing was the lack of compassion in the death sentences given to South African nationalists or in the torture suffered by the people in the occupied Arab territories. No effort should be spared to eliminate those modern ills, which affected all but a few countries.

16. Her delegation attached great importance to Agenda Item 85, "Human rights and scientific and technological developments." She regretted that, despite the inclusion of that item in the agenda of the International Conference on Human Rights held at Teheran in 1968, there had as yet been no true international debate on the subject. For example, the UNESCO study in the late 1960s on the impact of technology and science on privacy and on certain rights of the individual might usefully have been broadened. She recalled that the July 1973 issue of the UNESCO Courier had been devoted mainly to the growing threat to human rights and fundamental freedoms posed by the abuse of certain audio-visual devices, computers and data banks. The UNESCO Courier had also drawn attention to the dangers to individual rights constituted by new methods of psychological investigation, ranging from the lie detector to personality tests. The Secretary-General should submit, along with his report on replies received from Governments, studies of the type mentioned by the Deputy Director of the Division of Human Rights. She hoped that the studies being prepared in pursuance of the Sub-Commission's resolutions 11 (XXXIII) and 12 (XXIII) would be submitted to the General Assembly upon completion. The General Assembly might then recommend exhaustive studies on the observance of human rights in relation to the use by States, organizations or groups of the results of science and technology; it might further consider drafting specific instruments to protect the individual everywhere and at every moment of his life, and to protect the peoples of the world against the threat of thermonuclear, bacteriological and chemical weapons.

17. Mrs. YANISHCHITS (Byelorussian Soviet Socialist Republic), speaking on Agenda Item 86, said that her Government's policy towards the younger generation followed the words of Lenin that children should be given all that was best. She recalled that the International Year of the Child had already become an important chapter in the struggle for peace, happiness and prosperity not only for children but for all of mankind. On the first day of that year, Leonid Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the USSR, had spoken of an obligation to try to ensure that the children of all nations would not know war and that they would have a peaceful and happy childhood. All parents desired above everything else, that their children would live in a peaceful world. Her country, the first in the world to establish a comprehensive State system of medical supervision over the health of every child, had a wide and growing network of health, educational and recreational facilities for children.

18. One could not avoid feeling horror at the statistics testifying to the cruel injustice inflicted on the children of the world, as cited by the representative of Poland at the Committee's 27th meeting. It was difficult to imagine that 4,000 children died every two hours as a result of poverty, hunger and disease. No one could be idle in the face of the fact that one tenth of the children born during the

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(Mrs. Yanishchits, Byelorussian Soviet Socialist Republic)

International Year of the Child were no longer alive. In terms of wasted talent and in terms of simple humanity, that represented an enormous loss, one which was shared by all of mankind. She compared the carefree existence of children in some parts of the world, children who would never want for bread, with the plight of South African youths detained in prisons, children dying in bombing raids in Lebanon, and barefoot children in Angola fleeing the vultures of death from neighbouring South Africa. Whenever a child suffered, all the mothers of the world suffered. She hoped that the day would come when all the children of the world would be assured a happy future.

19. For those reasons, her delegation supported the initiative of the Polish People's Republic, which had submitted a draft convention on the rights of the child in 1978. She regretted that that convention had not been adopted in the International Year of the Child and that, two years later, it had not yet emerged from the drafting stage. Owing to the unconstructive attitude of a number of countries, the Commission on Human Rights and its special working group had not been able to complete work on the draft convention. There had, of course, been a certain amount of progress, agreement having been reached on the preamble and seven of the 27 articles. That, however, was clearly not enough. She felt that greater progress could be made if all the members of the working group showed a true willingness to complete work on the text promptly. Recalling General Assembly resolutions 34/34 and 35/131, which stressed the need to continue work on the text, she welcomed the decision of the Economic and Social Council, contained in its resolution 26 (XXXVII), to hold a one-week session of an open-ended working group prior to the Commission's thirty-eighth session in order to expedite work on the draft convention. In her delegation's view, the additional time given to the working group in 1982 should be used to complete the drafting of the convention and to submit it for approval to the Economic and Social Council and then to the United Nations General Assembly.

20. She welcomed the constructive efforts of the Polish People's Republic in submitting draft resolution A/C.3/36/L.14, which requested the Commission on Human Rights to give maximum priority to the question of completing the draft convention on the rights of the child. Her delegation was happy to endorse that draft resolution and would spare no effort in favour of the adoption of a decision on the question of the rights of the child which was worthy of the noble aims of the United Nations.

21. Mr. PHEDONOS-VADET (Cyprus) said that the report of the Human Rights Committee was a perfect example of how words could be translated into deeds. The International Covenant on Civil and Political Rights and its Optional Protocol offered all States the possibility of proving their respect for human rights and fundamental freedoms. In addition, both international instruments could, through the procedures of the Human Rights Committee, assist States Parties in remedying any violation of their obligations under the Covenant. The Human Rights Committee was not a tribunal but a United Nations body whose purpose was the furtherance, promotion and respect of human rights. His delegation commended the Human Rights Committee for its report and would join the Danish delegation and other delegations in submitting a draft resolution on the International Covenants on Human Rights to the Third Committee.

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22. Mr. KHORASSANI (Iran), speaking in exercise in the right of reply, said that the representative of Morocco had quoted from the Holy Quran passages in which the regime in Morocco no doubt believed. He wished to assure the representative of Morocco that many Christians, Armenians and Zoroastrians had been killed by the criminal Shah, and Iranians now went to the martyrs' cemetery to pray for them. The representative of Morocco might also be surprised to learn that Iranians, Armenians and Zoroastrians were working for the Islamic Revolution in Iran and were part of the volunteer construction corps which worked free of charge in building schools, roads, mosques and bridges. On the battlefield too there were many non-Muslims who were dying as martyrs for the way of God and the defence of the homeland. It should be remembered that the criminal Shah had been well received by the Moroccan Government after he had feld Iran.

23. Mrs. WARZAZI (Morocco), speaking on a point of order, said that in her statement she had not mentioned Iran, and she was therefore surprised to hear her country being attacked by a Muslim brother.

24. The CHAIRMAN said that it was always difficult to determine why a delegation objected to a statement made by another delegation, but he was sure that the representative of Iran would take note of the reply made by the representative of Morocco.

25. Mr. KHORASSANI (Iran), continuing his statement in exercise of the right of reply, said that the facts were there for all to see; even if he had misunderstood the representative of Morocco, the reference to Islam by that representative had given his delegation the right to reply. The international community should remember that the suffering which the people of the Sahara was now undergoing was not in harmony with human rights. Many Saharans had been killed or disabled in battle, and no defence of the criminals responsible for their suffering should be heard in a committee of the General Assembly, which should display a high religious spirit and concern for society as a whole.

The meeting rose at 4.30 p.m.