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THIRD COMMITTEE

55th meeting

held on

Friday, 26 November 1982

at 10.30 a.m.

New York

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SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

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- (a) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORT OF THE SECRETARY-GENERAL (A/37/263)
- (b) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL (A/37/264 and Add.1 and 2)

1. Mrs. YAMAZAKI (Japan) said, in explanation of vote, that her delegation had joined in the adoption of draft resolution A/C.3/37/L.32 without a vote as it recognized the necessity of improving the situation of women in rural areas. It had, however, abstained in the vote on the sixth preambular paragraph because it disagreed with the views expressed therein. It had not objected to the adoption without a vote of draft declaration A/C.3/37/L.38 as it hoped that a discussion which had not contributed much to the solution of the real problems that women were facing would be ended as soon as possible.

2. Mrs. FAWTHORPE (New Zealand) said that her delegation had joined the consensus on draft declaration A/C.3/37/L.38 and thanked the co-sponsors, in particular the German Democratic Republic, for the co-operative spirit in which they had approached the negotiations on the draft. It did not, however, see any real need for a new instrument relating to the status of women, because the International Convention on the Elimination of All Forms of Discrimination Against Women was sufficient since it provided the necessary framework for promoting women's rights.

3. Mr. FURLAND (United Kingdom) said that he was gratified that the sponsors had amended draft resolution A/C.3/37/L.32 so that the Committee could adopt it by consensus, but regretted that they had been unable to amend the fifth preambular paragraph to make it acceptable to all delegations. That paragraph did not present a balanced picture with regard either to the exploitation or to the activities of transnational corporations and his delegation had therefore abstained in the separate vote on it. With regard to draft declaration A/C.3/37/L.38, his delegation had not opposed the consensus in order not to thwart the efforts of the co-sponsors and, in particular, the German Democratic Republic, to amend the text with a view to its adoption by consensus. On the other hand, his Government still considered that the adoption of that declaration was not the best way of promoting the type of measures outlined in document A/C.3/37/L.38, since in his country such measures were a normal part of the political and social process. In other words, the declaration was unnecessary. He also shared the reservations expressed by other delegations on the way in which the declaration had been negotiated. In conclusion, he drew the attention of the Committee to the note by the Chairman of the Fifth Committee (A/C.5/37/53) on the reservations made in other committees concerning some chapters of the medium-term plan but did not include those expressed by several delegations, including that of the United Kingdom, on the chapter of the plan relating to draft resolution A/C.3/37/L.37. In view of the amendments introduced in the text of that draft resolution, the Fifth Committee, or the Third Committee at a later stage, should revise that chapter.

4. Mrs. ROSER (Federal Republic of Germany) pointed out that, although her delegation had joined in the consensus on draft resolution A/C.2/37/L.32, it felt that the statement in the fifth preambular paragraph, that women suffered most from the exploitation of agricultural labour in particular by transnational corporations, was an unsubstantiated generalization. For that reason it had abstained from the separate vote on that paragraph. Likewise, the conditions mentioned in the sixth and seventh preambular paragraphs applied not only to rural women but to all people. Her delegation doubted whether the possible benefits to be derived from the comprehensive report requested in operative paragraph 3 justified the additional burden that preparation of such a report would place on the Secretariat even if it was done within the framework of the integrated reporting system. Her delegation wished to place on record its reservations concerning the new fifth preambular paragraph. Not only had the paragraph been introduced very late but her delegation doubted the value of an ever-increasing number of meetings and seminars on related subjects. Moreover, although her delegation had joined in the consensus on draft resolution A/C.3/37/L.38, it remained unconvinced of the need for the declaration. The reference in the eighth preambular paragraph to the right of self-determination was too narrowly defined since that right, which was enshrined in the Charter of the United Nations and in the International Covenants on Human Rights, applied to all peoples not only to those who were under alien and colonial domination. Her delegation would not accept any limitation on the scope and content of that right.

5. Mrs. LUND (Norway) said that her delegation strongly supported the proposals contained in operative paragraphs 2 and 3 of draft resolution A/C.3/37/L.37 that the Member States, the Secretary-General of the United Nations and the executive heads of United Nations organizations and the specialized agencies should make increased efforts to select and appoint women to decision-making positions. It also agreed that in doing so, due account should be taken of the women's professional competence; however, in cases where the level of competence of men and women was equal, her Government was of the opinion that a preference should be given to the appointment or election of a woman in order to achieve a more equitable representation, especially at the national level.

6. Mrs. POUDADE (France) said that while her delegation had joined in the consensus on the draft declaration contained in document A/C.3/37/L.38, that declaration would be justified only if it set forth principles that could be translated into legislative, administrative and judicial measures at both the national and the international level. That was not true of the draft declaration in question, since it simply affirmed principles which, although indisputable, had already been set forth in many international instruments.

7. Mr. BYKOV (Union of Soviet Socialist Republics) pointed out that his delegation had voted in favour of all of the draft resolutions concerning the United Nations Decade for Women adopted at the previous meeting, but that he wished to draw attention to the importance of draft resolution A/C.3/37/L.32 and, more particularly, to that of the draft declaration on the participation of women in promoting international peace and co-operation contained in draft resolution A/C.3/37/L.38. He thanked the sponsors of the draft, particularly, the delegation

(Mr. Bykov, USSR)

of the German Democratic Republic which had introduced a document whose purpose was to contribute to the maintenance of peace and which thus had a direct bearing on the solution of problems which affected not only millions of women but also many millions of men.

8. Mr. AL-MULLA HUSSAIN (Iraq) said that his delegation had already expressed doubts concerning some of the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women. Iraq had adopted legal norms to reflect the principle of equality between men and women but it felt that some aspects of the Convention ran counter to the provisions of Islamic law which granted women certain privileges and gave them certain obligations. For that reason, although Iraq had joined in the consensus on draft resolution A/C.3/37/L.35, it wished to place on record its reservations concerning some paragraphs of the Convention.

9. Ms. RITTERHOFF (United States of America) pointed out that her delegation had not opposed the adoption, by consensus, of the text in document A/C.3/37/L.38 even though it considered the text to be unnecessary. The bulk of the document contained nothing but political rhetoric which had absolutely no legal validity. The manner in which the text had been formulated should not be considered a precedent for the future work of the Committee or of other United Nations bodies. Due to the efforts of the delegation of the German Democratic Republic, which had convened and presided over meetings of a drafting group, there had at least been informal multilateral consultations on the text, in contrast to what had happened the previous year. However, there was already a Convention on the Elimination of All Forms of Discrimination Against Women and thus the text in document A/C.3/37/L.38 was superfluous. Her delegation welcomed the fact that the revised text of the draft resolution encouraged the adoption of appropriate measures to increase the effective participation of women in political and other activities at the national and international levels. It would have been better to use the word "intervention" rather than "interference" in article 4 since that would have been much more in line with the Charter of the United Nations and the principles of international law.

10. Her delegation had joined in the consensus on draft resolution A/C.3/37/L.32, notwithstanding its objection to the fifth preambular paragraph. Far from harming rural women, the transnational corporations had, in fact, increased food production by developing and distributing fertilizers, pesticides and seeds and had thus directly benefited women who constituted the majority of farmers in any country. In any case, the Third Committee was not the appropriate forum for considering the impact - whether positive or negative - of transnational corporations since the United Nations already had an expert body on that question, the Commission on Transnational Corporations.

11. With regard to operative paragraph 6 of draft resolution A/C.3/37/L.34, her delegation believed that it would be more effective and cost efficient to use the existing expert body of the United Nations as the secretariat for the World Conference. With regard to the references in draft resolution A/C.3/37/L.40 to the Programme of Action for the Second Half of the United Nations Decade for Women, she

(Ms. Ritterhoff, United States)

recalled that, although it supported most of the Programme, her delegation had voted against the Programme because it could not agree with the tone of the three negative and unhelpful paragraphs on the situation in the Middle East which some delegations had added. Her delegation's opposition to those paragraphs remained in force. Finally, since there had been no statement concerning financial implications, her delegation assumed that none of the draft resolutions which had been adopted at the previous meeting entailed any financial implications.

12. Mr. ZURITA (Spain) said that his delegation had joined the consensus on draft resolution A/C.3/37/L.38 in recognition of the spirit of accommodation that had prevailed in the negotiations before the vote. Consensus had been difficult to reach because the Declaration was predominantly political. For example, one area of international life had been selected at random for women to participate in. It was likely, nevertheless, that Member States had widely differing ideas on, among other things, what specific measures would help to promote peace. Using the Committee as a means of furthering political ideas that were being discussed in other bodies was a departure from the practical and humanitarian spirit which should guide the Committee in its work. Similarly, the ambiguous terms in which the Declaration had been couched so as to permit its adoption by consensus could give rise to interpretations that had little to do with compliance in good faith with the relevant instruments on the subject.

13. Mr. ALBORNOZ (Ecuador) said that the United Nations would be doing the world a service if it produced a yearly report on the observance of human rights throughout the globe. To prevent tactics designed to single out certain countries for criticism and condemn developments there that were hushed up in other countries, his delegation felt that countries which encouraged the discussion and criticism of others where human rights were concerned should tell the world, through United Nations bodies, how they themselves observed human rights, particularly with regard to the holding of free, democratic and regular elections.

14. Human rights were scrupulously respected in his country thanks to the existence of a pluralist democratic system which encouraged overall economic development and derived from the principles of social justice that had prevailed since the adoption of the 1878 Constitution. The current Constitution, adopted as the result of a referendum in 1978, guaranteed all the rights of the individual, such as the inviolability of life, the right to full material and spiritual development, freedom of conscience and religion, the right to freedom of movement, and the freedom of occupation, trade and industry, while prohibiting discrimination on any grounds, all inhumane or degrading treatment, as well as torture. Women enjoyed the same rights and opportunities as men and voting, which was mandatory for everybody who could read and write, was universal, equal, direct and secret. Under article 44 of the Constitution, moreover, the Universal Declaration of Human Rights and the related covenants had the force of law in Ecuador.

15. At the same time, his country was actively involved in defending human rights within its region and subregion. In 1980, together with other Latin American countries and Spain, it had signed the Riobamba Charter of Conduct in which the

(Mr. Albornoz, Ecuador)

signatories reiterated their solemn commitment to respect human, political, economic and social rights as a basic tenet of their domestic conduct. Ecuador had also signed a long series of international instruments on the subject; it had been one of the first countries to ratify the International Covenant on Economic, Social and Cultural Rights, and the first to submit its report to the Economic and Social Council's Working Group.

16. Even in the case of the most minor domestic disturbances, the democratic Government of Ecuador had promptly notified the competent United Nations bodies of the steps taken either to establish or to suspend human rights, as it had done in connection with the unrest in October of the current year. Against that background, his country had considered the report of the Commission on Human Rights and felt that, although the kind of overview that would lend real weight to the discussion of the observance of human rights around the world was missing, an awareness of the international community's responsibility in that respect was beginning to emerge under a number of items relating to violations of human rights and fundamental freedoms in any part of the globe. The growing significance of the notion of the right to development ought to be emphasized in the report, since overall development was synonymous with justice both nationally and internationally. The fact that the work of the General Assembly's Committee on Information had been included under the item was encouraging. In the same spirit, the United Nations should make efforts to achieve disarmament, which would in turn lead to development. Consequently, the Economic and Social Council, which played such an important part in that field, should be strengthened.

17. A vital prerequisite for the application of the International Covenant on Civil and Political Rights was the withdrawal of foreign occupation forces from territories that did not belong to them, together with foreign agitators fostering subversion, so that the peoples concerned could decide their own future in free and democratic elections.

18. Mr. MASSMANN (Federal Republic of Germany) said he was pleased that the number of States parties to the International Covenants on human rights had grown again since 1981, but pointed out that more than half the Member States of the United Nations had still not acceded to them. Given the importance of the world-wide application of the Covenants, United Nations activities in that area should be given more publicity. His delegation agreed with the view expressed by the United Kingdom delegation in its statement of 23 November: the Human Rights Committee did not get the attention its work merited, and one way to attract more publicity would be to hold sessions away from Headquarters. In that regard it should be noted that the meeting held in Bonn in 1981 had given the Committee valuable experience while increasing the interest of the German public in intergovernmental action to protect human rights.

19. His delegation supported the Human Rights Committee's repeated request for its documentation to be published annually and agreed with the view of the Committee Chairman, as expressed in his letter of 25 October 1982 addressed to the Secretary-General, that reports from States parties to the Covenant were a unique source of

(Mr. Massmann, Federal Republic of Germany)

information on the measures taken under different legal, political and social systems for the realization of civil and political rights, as well as the difficulties encountered and means of dealing with them.

20. The Human Rights Committee was facing a number of procedural problems. First of all, with regard to the question of how to consider the country reports, the only specific measure adopted so far was the formulation of general comments, which, in their current form, were merely an interpretation of specific articles of the Covenant on Civil and Political Rights regarding deficiencies noted in the implementation process. That approach could not be regarded as a permanent solution. Quite to the contrary, although there was too little information available for the Human Rights Committee to be able to determine to what extent every single provision of the Covenant was being observed in the countries under consideration, that Committee could draw attention to gross and massive violations and name the countries concerned.

21. With regard to the question of complaints by individuals, the General Assembly should consider itself responsible for ensuring that the comments made by the Human Rights Committee were heeded, since the most that that Committee could do without exceeding its powers was to indicate which laws were applicable in each particular case.

22. His delegation supported the suggestion put forward by the delegation of Austria in its statement of 23 November 1982 that the agenda of the meetings held by the States parties to the Covenant should include consideration of questions relating to the activities of the Human Rights Committee.

23. With regard to the changes made in the composition, organization and administration of the Sessional Working Group on the Implementation of the International Covenant on Economic Social and Cultural Rights, primarily owing to the fact that that Group had been transformed into a group of experts the procedure established for the consideration of country reports would improve, and, with full support from the States parties to the Covenant, the Group's work would eventually be comparable to that of the Human Rights Committee.

24. Moreover, with regard to the serious human rights problem constituted by the abuse of psychiatry, his delegation welcomed the report prepared by the Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on guidelines and principles relating to the detention of persons on grounds of mental ill-health.

25. His delegation had listened with great interest to the comments made by various delegations on his country's proposal that a draft optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty should be drafted and was pleased that some countries that could not, for the time being, accede to any such optional protocol had, nevertheless, recognized the humanitarian objectives on which the proposal was based.

26. Mr. MITREV (Bulgaria), speaking under agenda item 86, said that his Government had always regarded international activities aimed at promoting the rights and interests of the child as a natural basis for co-operation among States and a manifestation of the common endeavour to guarantee a better future for mankind.

27. Bulgaria had endeavoured and would continue to endeavour to intensify and expand such co-operation. For example, the "Banner of Peace" movement, which had been started over three years earlier at the initiative of Lyudmila Zhivkova, was an important instrument for drawing the international cultural community's attention to the need to meet all the economic, social, political and cultural prerequisites for the exercise of the right of each child to completely harmonious development.

28. In August 1982 the Second International "Banner of Peace" Assembly, which had been attended by children from over 100 countries, had been held in Bulgaria. Those children had come to his country to express the sincere desire of young people throughout the world to live in peace and friendship in a spirit of understanding and co-operation, in a world free of the danger of nuclear war. The Assembly had been welcomed and supported by over 100 statesmen, politicians, scientists and cultural workers from all parts of the world. His delegation wished to express its heartfelt gratitude to all those who had contributed to the success of the Assembly, particularly to Mr. Amadou Mahtar M'Bow, Director-General of UNESCO.

29. Another major event devoted to questions relating to children held in Bulgaria in 1982 had been the launching of the Lyudmila Zhivkova International Foundation by a group of nearly 150 public figures in such fields as literature and art, science and education from 36 countries, who had come to Bulgaria to initiate a movement designed to promote peace, creativity, beauty and children.

30. His delegation welcomed the proposal put forward by the delegation of Poland that a draft convention on the rights of the child should be prepared and took note with satisfaction of the work of the Commission on Human Rights on the draft convention and of the progress made in that respect. At the same time, it urged the Commission to accord top priority to that question at its following session and to complete the drafting of the text in question. In that connection, his delegation had sponsored draft resolution A/C.3/37/L.46 and hoped that its adoption would contribute to the rapid drafting and signing of a convention on the rights of the child.

31. With regard to agenda item 84, at the time when the General Assembly had adopted the item on the elimination of all forms of religious intolerance, his delegation had expressed the view that all the rights and freedoms set forth in the Declaration or based on it should also apply to atheists, in order to ensure that atheists were on an equal footing with those who held religious beliefs. It wished to reiterate that, in accordance with the relevant provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, the rights accorded to religious institutions or individuals could not and should not be used to the detriment of those holding any type of belief, whether it was theistic, non-theistic or atheistic.

(Mr. Mitrev, Bulgaria)

32. In the world of today, under the pretext of protecting religious freedom, certain circles and classes were abusing the expression "elimination of all forms of religious intolerance" in order to pursue a policy of pressure and discrimination against non-believers, to accentuate and exploit the differences among people belonging to different religions and holding different beliefs and to disguise as religious conflicts the deep-seated social crises existing in Western society. Even in the Committee, some delegations were trying to use issues relating to religious intolerance in order to impose on others their biased views on religious freedom and, even worse, to misuse questions relating to religion for the purpose of political propaganda.

33. With regard to agenda item 88, his delegation had consistently supported the idea of adopting a code of medical ethics and hoped that the drafting of such an instrument could soon be completed as a result of good will and a willingness to make compromises on the part of all the parties concerned.

34. Mrs. DRACHEVA (Union of Soviet Socialist Republics) said that the Soviet Union supported equitable international co-operation in the promotion and development of protection for human rights and fundamental freedoms and believed that such co-operation should take place in accordance with the provisions of the Charter of the United Nations, on a sound legal basis. The International Covenants on Human Rights, under which member States had specific legal obligations regarding the implementation of fundamental rights and freedoms, were particularly important international agreements in the field in question.

35. Her country had played an active role in drafting those Covenants and, in view of the fact that all human rights were interrelated, had supported the idea of drafting a single instrument, which had not proved possible owing to resistance from the Western countries. Some representatives of those countries were trying to limit the concept of human rights through de facto exclusion of such socio-economic rights of the workers, as the right to work and the rights to education and social security.

36. Evidence of that trend was the attempt to draw a distinction between "individual" and "collective" rights. Experience had amply justified the view of human rights as a unified whole which determined the legal position of the individual in society. By its resolution 32/130, the General Assembly had made it clear that human rights were interdependent and indivisible and had indicated that the enjoyment of economic and social rights was an essential precondition for the full realization of all human rights and freedoms.

37. The ratification of the International Covenants by the Soviet Union had been a logical and coherent step, since the rights and freedoms enshrined in them had long been a reality in that State, whose main concerns were the living and working conditions and spiritual development of Soviet man. Soviet legislation not only fully guaranteed the enjoyment in the Soviet Union of all the rights and freedoms set out in the Covenants but in fact went much further.

(Mrs. Dracheva, USSR)

38. The new constitutions of the Union of Soviet Socialist Republics which had recently been adopted guaranteed for the 15 Union Republics and the 20 Autonomous Republics the enjoyment of a broad spectrum of social, economic, political, civil and cultural rights for all citizens, without any distinction. The social and economic development strategy for the 1980s was designed to ensure the development of the Soviet nations and peoples and would enable the Soviet régime to demonstrate even more clearly its humanitarian nature and creative promise.

39. The International Covenants envisaged machinery for the implementation of their provisions. The Human Rights Committee established by the International Covenant on Civil and Political Rights had been operating successfully for nearly six years. His delegation felt that the results of the Committee's sessions and, in particular, the comments made at its sixteenth session on article 14 of the Covenant were positive but that the Committee devoted excessive and unwarranted time to the consideration of secondary questions relating to the organization of work, to the detriment of its main function, which was to consider the reports of Member States on their implementation of the Covenant's provisions.

40. The Sessional Working Group established within the Economic and Social Council to examine the reports of States Parties to the International Covenant on Economic, Social and Cultural Rights had proved its usefulness; his delegation therefore opposed any attempt to complicate the Group's work and to engage in an interminable and unjustified review of the organization of that work.

41. The International Covenants on Human Rights should become truly universal documents, and the constant increase in the number of States Parties to them was therefore a source of satisfaction. The participation of States in those agreements was, to some extent, an indication of their political will to help promote the development of respect for human rights. Yet the United States and a number of other economically developed countries, whose representatives sought to appear in word as defenders of human rights but in deed were speculating with human rights as a means of interfering in the internal affairs of other States, were not parties to them.

42. In 1977, the representatives of the United States had launched a spectacular but fruitless publicity campaign about the signing of the Covenants by the United States. Today the Covenants were still gathering dust on a shelf in the United States Senate, waiting in vain for ratification. Meanwhile, the international community wished to know when the United States would be in a position to ratify the Covenants and to assume its international obligations to guarantee human rights and freedoms in that country. For a true guarantee of human rights, the maximum possible number of States must participate in the Covenants. The General Assembly should therefore again make an appeal on that subject to those States which had not yet become Parties to the Covenants.

43. Turning to agenda item 86, she said that the convention on the rights of the child proposed by Poland would also help to strengthen the legal base of international co-operation in the field of human rights. In view of the distressed

(Mrs. Dracheva, USSR)

situation of children in many parts of the world, the early elaboration of that convention would be an effective contribution to strengthening the rights of the child and to improving the situation of children. The Commission on Human Rights could elaborate a draft convention on the rights of the child at its next session. Her delegation supported the draft resolution on the convention on the rights of the child contained in document A/C.3/37/L.46.

44. With regard to agenda item 84, she said it was well known that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief covered not only the right to profess any religion but also the rights not to profess any religion, to hold atheistic convictions and to engage in atheistic propaganda in conformity with the individual's conscience, without being subjected to pressure. No one could be discriminated against on the basis of his religious convictions or his atheism.

45. Soviet legislation fully guaranteed the enjoyment of the principle of freedom of conscience. The rights to profess any religion or to profess no religion, to celebrate religious rites and to engage in atheistic propaganda were set out in articles 34, 39 and 52 of the fundamental laws of the Soviet Union. Provision was also made for the equality of citizens irrespective of their attitude towards religion and the equality of all religions before the law. Similarly, there were guarantees of freedom from pressure to profess a religion or not to do so, the inadmissibility of using religion to the detriment of society, the State or the individual, non-interference by the State in the internal affairs of the Church, and non-interference by the Church in State affairs.

46. In the territory of the Soviet Union today there were more than 20,000 religious associations of various sects representing approximately 40 religions and religious tendencies. They included the Russian Orthodox Church, the Muslim, Buddhist and Jewish religions, the Catholic, Armenian, Georgian and Lutheran churches, Evangelical Christians, Seventh Day Adventists and others.

47. Such religious associations could issue publications. The Russian Orthodox Church published the review of the Patriarchate of Moscow every month. An almanac entitled "Theological Works" was published. Various editions of the Bible, the New Testament, the Psalter and a number of books for religious services had been published. Another edition of the Koran was now in preparation. Muslim lunar calendars were published periodically as well as a Muslim review in four languages.

48. On the other hand, because of the rapid socio-economic progress, the enhancement of the cultural level and the creative activity which had taken place in the Soviet Union, the masses of the people had drawn away from religion. Nevertheless, believers enjoyed full freedom of conscience. The Reverend Billy Graham, who had attended the conference on the elimination of the threat of nuclear war held at Moscow in May 1982 and had preached in an evangelical church, had thereafter said clearly that the people of the United States would be very surprised when he told them that he had been in three churches full of worshipers,

(Mrs. Dracheva, USSR)

that in all three of them there were singing and services and that he had found churches open everywhere in the Soviet Union. The United States authorities had opposed the Reverend Mr. Graham's visit to the Soviet Union and had later expressed their dissatisfaction at his statements.

49. In connection with the relevant provisions of the Covenants and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, it was necessary to point out that discrimination and intolerance existed in a number of Western countries, as for example in the United States against persons who held atheistic convictions. In many states of that country persons who did not believe in God were not permitted to hold official posts or to testify in court. Furthermore, it was established practice for public officials to take a religious oath. Even United States bank notes bore the inscription "In God we trust". One could well imagine the outcry in the West if bank notes in the Soviet Union were inscribed: "In God we trust not." Such a violation of freedom of conscience was inconceivable in the Soviet Union but was a reality in the United States, as also was the persecution of progressive religious activists. A sufficient example was the FBI's long harassment of Dr. Martin Luther King, which had ended with his tragic death.

50. In May 1982 a world conference of religious personalities against the nuclear threat had been held at Moscow. Representatives of various religions from 90 countries had taken part. The final document of the conference had contained an appeal for the adoption of decisive measures with a view to stopping the arms race, cleansing the planet of nuclear waste and devoting the resources thus released to the building of a world without war.

51. Lastly, she said that in his statement of 23 November the representative of the United States had spread cheap rumours of alleged religious persecution in the Soviet Union. In a plethora of anti-Soviet inventions derived from dubious sources, that saviour of human souls had reached the point of sacrilege, for it was sacrilege to disseminate outrageous lies about anti-Jewish discrimination and anti-Semitism in the Soviet Union. The representative of the United States had thereby played the unenviable role of spokesman for racist Zionist propaganda.

52. Mrs. LUND (Norway) said it was evident from the Human Rights Committee's report that that Committee had made considerable progress in its work despite the problems which it faced. The advances made included an amendment to the decision on periodicity adopted in 1981. The decision, as amended, provided an incentive to present supplementary reports, which was particularly useful, since experience had shown that in the examination of initial reports more questions were asked than were answered.

53. Further progress had also been made in connection with general comments on State reports. The experience gained in examining State reports and the progress made in elaborating guide-lines should make the Human Rights Committee give serious consideration to the question of adopting reports on the report of each State Party.

(Mrs. Lund, Norway)

54. Additional thought should also be given to the problem of how to secure the effectiveness of the Protocol in the absence of means of enforcement and to the creation of a separate unit in the United Nations Secretariat whose sole task would be to provide services to the Human Rights Committee in its various functions.

55. The implementation machinery adopted for the International Covenant on Economic, Social and Cultural Rights had not been as efficient as that for the International Covenant on Civil and Political Rights. In that connection, Economic and Social Council resolution 1982/33 would improve considerably the efficiency of the Sessional Working Group on the Implementation of the International Covenant on Economic, Cultural and Social Rights established by the Economic and Social Council. It was to be hoped that the Sessional Working Group would in future present more substantial reports commenting on how States Parties discharged their obligations under the Covenant.

56. It was a matter of concern that torture and other forms of humiliating and degrading treatment human beings were being increasingly used in the world. In that connection, she hoped that the draft convention against torture and other cruel, inhuman or degrading treatment or punishment could be finalized at the earliest possible time and that satisfactory and effective provisions for its implementation would be established.

57. Her delegation welcomed the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief but considered it important to examine the question of the implementation of the Declaration within the United Nations system. It therefore supported the proposal of the Irish delegation that, as a first step, the Declaration should be brought to the attention of the appropriate specialized agencies and other relevant bodies within the United Nations system, so that they might suggest appropriate measures which could then be presented to the Commission on Human Rights for further consideration.

58. Norway had participated actively in the important work done by the working group on elaborating a draft convention on the rights of the child. It was to be hoped that the adoption of that instrument would prompt Member States to alter their national legislation in order better to protect the interests and rights of the child in all aspects of social life.

59. Mrs. DINH THI HUYEN (Viet Nam) welcomed the progress that had been made in the elaboration of a draft convention on the rights of the child, since her Government attached great importance to the care and education of children. The Constitution of the Socialist Republic of Viet Nam contained provisions concerning children, and recently Viet Nam had adopted a law for the protection, care and education of children which established the fundamental rights of children and the duties of the family, the State and society towards them.

60. In 1946, the Vietnamese people had promulgated their first Constitution as a free nation, in which all civil, political, economic, social and cultural rights of

(Mrs. Dinh Thi Huyen, Viet Nam)

its citizens were recognized. In the course of the long struggle for national liberation, the rights and duties of the people had been further elaborated and embodied in the 1959 and 1981 Constitutions. Furthermore, the Government of the Socialist Republic of Viet Nam had acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

61. In article 67 of the 1981 Constitution, citizens of Viet Nam were guaranteed the freedom to practice or not to practice a religion. Religions in Viet Nam had always been the targets of the vicious "divide and conquer" policy of aggressors, whereas the policy of the Government of Viet Nam was to unite all religions and give them the opportunity to participate in the struggle for national liberation and the peaceful reconstruction of the country.

62. Scientific and technological progress must be used in the interests of peace and for the benefit of mankind. Its use in accelerating the arms race and increasing the danger of a nuclear war must be denounced and condemned by all mankind. The Vietnamese people were still suffering from the devastating consequences of the most barbarous chemical warfare in history. In its war of aggression, the United States had used hundreds of tons of toxic chemicals against the peoples of Viet Nam, Laos and Kampuchea, destroyed crops and forests and caused deaths and illnesses. Viet Nam was doing its best to repair the immediate and long-term damage to human beings and to the environment that had resulted from the toxic chemicals used by the United States. In order to cover up its crimes and evade its responsibilities, however, the United States was now resorting to lies and imputing those crimes to the victims themselves.

63. Mr. ALMOSLECHNER (Austria), commenting on item 87 (d), said that there was a trend within the United Nations toward identifying and promoting more and more human rights, among them the rights to development, to education and to work. One should not, however, lose sight of the need to continue to ensure the enjoyment of the already established rights, especially the most fundamental of all, the right to life. Accordingly, Austria had from the outset welcomed the proposal concerning the elaboration of another optional protocol to the International Covenant on Civil and Political Rights which would abolish the death penalty, and hoped that the Committee would at the current session formulate a request to the Commission on Human Rights to undertake the task of elaborating that protocol.

64. In those countries which had abolished the death penalty, that action had not had adverse effects on the maintenance of public order; on the other hand, capital punishment involved great hazards, ranging from possible errors in verdicts to the most excessive form of capital punishment, mass execution.

65. The Austrian Government considered that if Member States were to refrain from executing death sentences in all cases where national law provided for the possibility of clemency, that would constitute a small initial step towards the ultimate goal of eliminating the death penalty altogether. Where Governments decided to follow that course, they could communicate declarations to that effect to the United Nations, similar to the unilateral declarations against torture.

66. Mrs. PARRALES (Nicaragua), referring to item 86, said that despite the advances made as a result of the International Year of the Child, in many parts of the world the lot of children left much to be desired. Twenty per cent of the world's small children suffered from malnutrition, almost 130 million of them lived in absolute poverty and of the 140 million disabled children, 120 million lived in developing countries. The number of refugee children was increasing. Moreover, children were being wounded, terrorized and separated from their families because of war. Thirty-one per cent of the labour force of the developing countries was composed of children.

67. Even though a convention on the rights of the child would not eliminate the suffering of the children of the world, an international instrument of that kind could help to promote the rights of children and make national and international activities better integrated.

68. The Government of Nicaragua had made great efforts to protect children, despite the considerable difficulties imposed by the constant threats and aggressions to which it was being subjected from neighbouring territories, in which the Central Intelligence Agency and the current United States Government were participating. Sixty-eight per cent of Nicaraguan children were undernourished and in some outlying urban districts child mortality was as high as 200 per thousand. The Ministry of Health, with the assistance of mass organizations, was putting into practice programmes such as the supplementary food programme for 60,000 mothers and children in eight departments of the country. Similarly, over 16,000 pregnant and nursing mothers were receiving care in health centres. Endemic goiter, which had affected 33 per cent of the population up until 1979 and 20 per cent thereafter, remained a nutritional problem that had to be eradicated. The revolutionary Government had declared a long-range war on malnutrition, for the infant mortality rate was to a large extent a result of that social evil. The Sandinist people's revolution had taken it upon itself to ensure that children now received the kind of special attention that they had never been given in the past.

69. With regard to item 87, her delegation supported the proposal of the Government of the Federal Republic of Germany for 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 Statute on Rights and Safeguards for Nicaraguans, promulgated after the victory of the Sandinist revolution in 1979, provided that the right to life was an inviolable and inherent human right and that there should be no death penalty in Nicaragua. The Revolutionary Government had ratified the American Convention on Human Rights, which provided that the death penalty should not be restored in the countries which had abolished it.

70. Regarding item 88, his country supported the action of the Netherlands in respect of the preparation of a draft code of medical ethics designed to eliminate all forms of torture and inhuman treatment so widespread in Latin America. In the opinion of his delegation, the participation of medical or any other staff in acts of torture was governed essentially by the nature of the political and social régime in power.

71. Mr. GERSHMAN (United States of America), speaking in exercise of the right of reply, said that according to studies on repression in the Soviet Union, about half the people sentenced for the crime of opinion, who were held in prison, labour camps or psychiatric prison hospitals in the USSR belonged to religious groups, notably Baptists, whose persecution had been intensified in the past three years. He could name innumerable persons who had been condemned for their religious beliefs, among them the Reverend Vladimir Shelkov, head of the Adventist Church in the Soviet Union, who had died in Siberia in January 1980 at the age of 84, after 25 years in prison for his religious activities; the Reverend Gleb Yakunin, Orthodox priest, who was serving a prison sentence of five years and who had recently gone on hunger strike for the return of his Bible which had been confiscated; Nicholas Khrapov, Baptist minister, aged 68, sentenced to three years' forced labour in September 1980; and many more. No less important was anti-Semitic persecution, based on the idea that Judaism taught theft, treason, perfidy and hatred of all peoples, according to the book entitled Judaism and Zionism whose author, Trifim Kichko, had been honoured in one of the Soviet Socialist Republics. All that should cause no surprise, considering that under article 227 of the Penal Code of the Russian Soviet Federative Socialist Republic, organizing or directing a group whose activities, under the pretext of preaching religious beliefs and performing religious ceremonies, might endanger the health of citizens or encourage them to reject certain social activities or fail to carry out their civic duties, was a punishable offence, subject to prison or exile.

72. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the United States delegation's reply, which had been prepared before the main statement of the Soviet Union was made, was clearly nothing but Zionist propaganda. Zionism must not be confused with Judaism: as a religious belief, Judaism existed in the Soviet Union on the same level as other religions, but the Soviet Union fought and would continue to fight against zionism, which was merely a form of racism. Bearing in mind that the Soviet Union had lost 20 million of its citizens during the Second World War to save the Europeans, including the Jews, to accuse that country of anti-Semitism was worse than blasphemy. If a racist organization such as the Ku Klux Klan could organize demonstrations in the United States of America because that country was an open society, his delegation would prefer closed societies.

73. The United States delegation should bear in mind the words of Averell Harriman, the patriarch of United States diplomacy and a fighter against facism, who, referring to the current wave of anti-Soviet hysteria in the United States of America, had drawn attention to the danger of a policy based on ignorance and prejudice.

The meeting rose at 1.10 p.m.