



SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. HAMER (Netherlands)

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The meeting was called to order at 10.05 a.m.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued) (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/41/138-S/17797, A/41/167, A/41/177, A/41/178 and Corr.1, A/41/183, A/41/341-S/18065 and Corr.1, A/41/607)

AGENDA ITEM 95: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/41/3 (chap. V, sect. A), A/41/70-S/17708, A/41/183, A/41/316, A/41/463 and Add.1, A/41/607)

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

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

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

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

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

1. Mr. GORAJEWSKI (Poland) said that there was no doubt that an international instrument for the improvement of the situation of children throughout the world and the protection of their rights was needed. His delegation therefore supported the elaboration of a draft convention on the rights of the child and, accordingly, had submitted a draft resolution under item 96 which it hoped would attract many sponsors and be adopted by consensus.

2. It had now been established that scientific and technological achievements should be used to promote human rights and peaceful progress. Yet all too often they were used to build new weapons. Poland stood for broad international co-operation in using scientific and technological progress to solve the world's acute problems.

3. With recent accidents in nuclear power stations, his delegation welcomed the elaboration and adoption, under the aegis of IAEA, of the international conventions on early notification of nuclear accidents and on assistance in cases of nuclear accident or radiological emergency.

4. Mr. RICHTER (German Democratic Republic) said that in his country, freedom of belief and conscience were not only enshrined in the Constitution, but were practised in everyday life, and not only within the ecclesiastical community. The churches in the German Democratic Republic had explicitly stated that they saw themselves as "churches in socialism". On various occasions, they had declared that they fully subscribed to the fundamental policies of the Government, particularly with respect to safeguarding peace. As early as 1974, the Synod of the Federation of Evangelical Churches had welcomed the foreign policy of the German Democratic Republic, in that it was aimed at peace, understanding and disarmament.
5. The Churches in the German Democratic Republic co-operated with the Government in various social projects. They operated many hospitals and welfare homes and their charitable work was highly appreciated. Many churchgoers and church representatives were actively involved in efforts to enhance socialist democracy. There were many other examples of the fact that freedom to practise religious beliefs was fully guaranteed in the German Democratic Republic in accordance with the United Nations Charter and the Final Act of the Conference on Security and Co-operation in Europe. The German Democratic Republic, which fully implemented the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, believed that that document was balanced and, given a realistic approach, could serve as a viable instrument of international co-operation.
6. Ms. BROŠŇÁKOVÁ (Czechoslovakia) said that today, the task of the highest priority was that of ensuring the right of every human being to life and of every nation to peace. That was a pre-condition for further international co-operation in the field of human rights, peace and security.
7. Co-operation among States in the field of human rights should also be based on the needs of entire nations. Human rights were often used as a tool to discredit other social systems. Half-truths, deliberate untruths and suppression of facts hampered co-operation in an area that demanded balanced and correct approaches to achieve results. There was a contradiction between the purposes of universal United Nations norms in the field of human rights and a system whose real aim was to accumulate capital. There was also inconsistency between the principle of equal rights and the support for the criminal system of apartheid.
8. Her delegation wished to reaffirm its view that the effectiveness of the International Covenants on Human Rights and the two bodies monitoring their implementation could be greatly enhanced if more States, particularly the politically and economically significant ones, acceded to the Covenants. Those States should take a more objective view of the strengthening of international co-operation in human rights and should see more clearly the deficiencies in their systems for safeguarding human rights. Czechoslovakia is a party to both Covenants and had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If all Member States did the same, the United Nations could play an even more significant role in the protection of human rights.

9. Mr. BEN HAMIDA (Tunisia) said that despite the commendable progress that had been made in codifying humanitarian law, much remained to be done to remove obstacles to the enjoyment of human rights, which could not be protected merely by accession to human-rights instruments. All rights were interdependent, but in a climate of economic disorder and political tension, codification had to be supplemented by the adoption of a declaration on the right to development, which would protect the moral and material development of the individual, thereby enabling him to realize his human rights.

10. His delegation had welcomed the Economic and Social Council's decision to establish a committee to monitor implementation of the International Covenant on Economic, Social and Cultural Rights. As for the Covenant on Civil and Political Rights, Tunisia had requested the States parties to consider the impact of the Organization's financial crisis on the work of the Human Rights Committee. He regretted that that Committee had had to cancel its autumn session and hoped that there would be no further restrictions on its activities. Its work in providing guidelines and observations to States must be continued, but on the understanding that it was still bound by the decisions of the States parties.

11. He was in particular pleased with the interpretation given by the Committee to articles 12 and 13 of the Covenant, as reflected in paragraphs 204 to 207 of its report (A/41/40), but he regretted that the composition of that Committee, like other human rights bodies, did not adequately reflect the provisions of article 31, paragraph 2, of the Covenant, and he urged the States parties to remedy the situation.

12. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that science and technology must be used to enhance the quality of life and not destroy it. Human rights and could not be promoted by those militarists who sought to use science and technology to spur on the arms race - ostensibly to protect Western freedoms, although those freedoms were threatened only by the militarists themselves. Those same warmongers even claimed that military procurement stimulated scientific progress and economic development. Yet those Western countries that spent least on military research had the best economic indicators. Science and technology must be used exclusively to combat such scourges as poverty, disease and ignorance. Only then could they contribute to the cause of human rights.

13. Throughout its history the Soviet Union had consistently advocated and supported disarmament measures and agreements, particularly the reduction and subsequent elimination of nuclear weapons, as well as an end to the arms race, with no side enjoying unilateral military superiority.

14. The fundamental importance of the right to life as the basis for all other rights had been recognized in certain international instruments, and a number of United Nations bodies had stressed that right in their deliberations. He welcomed in that connection the fact that the Commission on Human Rights had adopted a resolution calling upon all States to end the arms race in order to safeguard human rights and fundamental freedoms.

15. Mr. RAMAKER (Netherlands) said he was gratified to hear that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was expected to enter into force within a year. His country was in the process of ratifying the Convention and appealed to other States to do likewise. In eliminating torture, much also depended on measures taken at the national level, including action to ensure that government personnel were made aware of their Governments' policies and obligations. There were too many examples of hostile political language at central policy level resulting in degrading treatment or even torture of certain individuals or groups, and it should be made clear that such behaviour would be severely punished.

16. Recalling General Assembly resolution 40/128, he expressed his delegation's concern about the slow progress being made in the work of the Sixth Committee regarding the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. It was encouraging, however, that so many Governments and individuals had contributed to the United Nations Voluntary Fund for Victims of Torture, resulting in the financing of a number of well-balanced projects. He announced that a further Netherlands voluntary contribution of \$115,000 would be forthcoming shortly.

17. The adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief represented the consensus of the international community, which gave it great moral and political weight. Among the steps taken to give effect to the Declaration, his delegation welcomed the appointment and mandate of a new Special Rapporteur; his work would be facilitated by the final report currently being prepared on the elimination of all forms of intolerance and of discrimination based on religion or belief, which his delegation hoped would be completed in time for submission to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forthcoming session. The text of the Declaration should be disseminated in all the working languages and appropriate measures taken to make the text available for use by United Nations information centres and other interested bodies. It might also be advisable to make it available in national and local languages, after taking stock of versions already translated and disseminated. UNESCO might be associated with the task of ensuring wide publicity for the Declaration.

18. The Declaration should be followed up by an international convention that would take into account the Declaration as well as work already undertaken by the Commission on Human Rights. A working paper (HR/Geneva/1984/BP.2) drawn up for the seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief, held in Geneva in 1984, contained a useful outline for a convention.

19. As to the financial difficulties of the Human Rights Committee, his Government felt that the work of the Committee deserved priority, that it must have the necessary support facilities and that any further shortening or deferral of meetings was unacceptable. Indeed, the Secretary-General should bear in mind that no delegation to the Third Committee had advocated further budget cuts for the Human Rights Committee or in the field of human rights as a whole.

20. Mrs. ITO (Japan) said that her Government had been actively involved in United Nations efforts to promote human rights throughout the world. The two International Covenants on Human Rights were of particular significance in ensuring universal respect for human rights, and her delegation regretted that they had as yet been ratified by only 87 and 83 States respectively. It appealed to all States that had not yet done so to become parties to the Covenants.

21. In the light of the financial and administrative crisis besetting the United Nations, it was of the utmost importance that the efficiency of the various organs within the system, including those concerned with the implementation of human-rights instruments, should be strengthened if the credibility of the United Nations itself was to be maintained. Japan welcomed the efforts of the Human Rights Committee to conduct its work in a more efficient and rational manner. Anticipating an even more stringent financial situation in the year to come, her delegation felt that further innovative ways and means must be sought to enable the Committee to work within its allocated resources without severely curtailing its duties. It hoped that the first meeting of the Committee on Economic, Social and Cultural Rights would provide an opportunity for an exchange of fresh ideas on pragmatic and effective methods for monitoring implementation of the Covenants. Consideration might be given to a division of labour among the Committee members, so as to use their individual expertise to the best advantage. The convening of a meeting of the Chairmen of the relevant supervisory bodies the following year would also provide a valuable opportunity for explore ways of avoiding duplication of work and rationalizing the structure of each body, and to exchange views on the possibility of preparing uniform guidelines or of including a general introduction in each report.

22. While the system of reporting on the implementation of human rights conventions was a useful monitoring mechanism and ensured continuing dialogue between the Committee and States parties, the proliferation of reporting obligations made it difficult for many countries to submit reports on time, if at all. Her delegation hoped that at the Chairmen's meeting there would also be an exchange of views on the possibility of rationalizing the frequency of reporting.

The meeting rose at 11.40 a.m.