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MEETING**

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Chairman: Mrs. Lina P. TSALDARIS (Greece).

AGENDA ITEM 32

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/3077, A/3525, A/3764 and Add.1, A/3824, A/C.3/L.673, A/C.3/L.676-679, A/C.3/L.679/Rev.1, A/C.3/L.680) (continued)

ARTICLE 7 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B) (continued)

1. Mrs. KHADDURI (Iraq) said that after listening to the debate and after studying carefully the many amendments and sub-amendments proposed to article 7 of the draft Covenant on Civil and Political Rights her delegation found that it preferred the original text of the article as drafted by the Commission on Human Rights (E/2573, annex I B). The Commission had had no intention of prohibiting legitimate medical treatment, as some representatives appeared to fear; it was for that reason that it had used the word "experimentation". Article 7 as it stood would in no way interfere with normal medical practices.

2. She strongly favoured the retention of the words "without his free consent", which constituted a guarantee that in a world which lived in the shadow of the "cold war" and in which science was making astounding progress, no one would be compelled to serve the ends of science against his will.

3. Mr. BRISSET (France) stated that all delegations were united in their desire to prohibit the infamous practices referred to in article 7. They differed only with regard to the form of the article. He therefore warmly supported the suggestion made by the Moroccan representative at the preceding meeting to the effect that the Committee should vote on the text of article 7 itself, rather than on the amendments to it. Separate votes could be taken on different parts of the article, thereby allowing full opportunity for deletions. Such a procedure was, of course, contingent on the withdrawal of the various amendments by their authors.

4. Mr. SHALIZI (Afghanistan), Mr. SIMPSON (Liberia), Mr. BOULOS (Lebanon), Miss FAROUK (Tunisia) and Mr. RIBEIRO DA CUNHA (Portugal) associated themselves with the French representative's remarks.

5. Mr. BAROODY (Saudi Arabia) appealed to the sponsors of amendments to withdraw them. Their texts had served their purpose in that they had given rise to a debate which had shed light on the scope and purpose of article 7, and the aims many of them pursued could be achieved by voting separately on certain parts of the article. He was prepared, for example, to vote for the deletions proposed in the Netherlands amendment (A/C.3/L.673), provided that the vote was taken on the relevant passage of the article itself. If, however, the various amendments were not withdrawn, he would find himself obliged to vote against them all, not because he necessarily disagreed with their substance but simply in order to enable the Committee to proceed with its work.

6. Mr. CALAMARI (Panama) supported those remarks. An examination of the various amendments showed that most of them in fact proposed deletions of various parts of the article, so that a separate vote on those passages would achieve their purpose.

7. Mr. HOOD (Australia) regretted that his delegation was unable to withdraw its amendment (A/C.3/L.678). It felt that its text, which was a re-wording rather than a proposal for a deletion, gave expression to the real intent of the article drafted by the Commission on Human Rights.

8. Mr. CALDERON PUIG (Mexico) agreed that the situation would be simplified if the Moroccan representative's suggestion was followed. It was to that very end that his delegation had reintroduced the original Greek-Italian amendment (A/C.3/L.679). In so doing, he had been acting in full accord with rule 123 of the rules of procedure, since no amendment had been moved to the text which he had taken over. That the Mexican amendment was in order was therefore beyond doubt, and he now withdrew it only in order to meet the wishes of a number of delegations.

9. The CHAIRMAN stated that three amendments and one sub-amendment were still before the Committee. The Committee therefore had no choice but to vote on them and would be unable to follow the procedure suggested by the Moroccan representative.

10. After a discussion regarding the order in which those texts should be put to the vote, the CHAIRMAN ruled that the Committee would vote first on the Canadian sub-amendment (A/C.3/L.680) to the Greek-Italian revised amendment (A/C.3/L.679/Rev.1), then on that amendment itself, and then, if necessary, on the Australian amendment (A/C.3/L.678) and the Netherlands amendment (A/C.3/L.673).

11. Mr. CALAMARI (Panama) asked for a separate vote on the words "without his free consent", in the revised amendment submitted by Greece and Italy (A/C.3/L.679/Rev.1). He explained that he was doing so because, if the Canadian sub-amendment (A/C.3/L.680) was adopted, the resulting text would read as set

out between square brackets in that document, which would be meaningless; no one would willingly undergo torture or cruel treatment and no one should undergo it, with or without his free consent.

12. Mr. CALDERON PUIG (Mexico) and Mr. MONACO (Italy) concurred in the Panamanian representative's view.

13. After some discussion, the CHAIRMAN said that she would put those words to a separate vote.

14. Miss MacENTEE (Ireland) suggested that the vote should be postponed until the next day and moved the adjournment of the meeting under rule 119 of the rules of procedure.

The motion for adjournment was rejected by 41 votes to 17, with 11 abstentions.

15. Mr. ELMANDJRA (Morocco) wished to give an explanation of his vote before the voting took place, under rule 129 of the rules of procedure. Although his delegation had always preferred the original text, it had been willing to abstain on the amendments out of deference to the views of other delegations. However, as there would seem to be a tendency to return to the original text, it would vote against all amendments, with the possible exception of part or all of the Netherlands amendment (A/C.3/L.673).

16. Mr. MASSOUD-ANSARI (Iran) said that he too would vote against all amendments, as, if they were adopted, the Committee would have no opportunity of voting on the original text.

17. The CHAIRMAN asked other delegations to defer their explanations of vote until the next meeting, so as to allow the Committee to proceed to the vote.

18. She put to the vote the Canadian sub-amendment (A/C.3/L.680), as orally amended by the Irish representative at the previous meeting, to read "inter alia, no one shall be made to undergo any form of torture or cruel, inhuman or degrading treatment by being subjected...".

The sub-amendment, as amended, was rejected by 40 votes to 12, with 15 abstentions.

19. Miss MacENTEE (Ireland) wondered whether the separate vote requested by the Panamanian delegation on the words "without his free consent" in the Greek-Italian amendment (A/C.3/L.679/Rev.1) was necessary. Now that the Canadian sub-amendment (A/C.3/L.680) had been rejected, there was no further question of linking free consent with torture or cruel treatment.

20. Mr. CALAMARI (Panama) explained that he had asked for a separate vote on the words "without his free consent" if the Canadian sub-amendment was adopted because that sub-amendment radically changed the Greek-Italian amendment. As he had already said, his delegation found the words "without his free consent" acceptable in the context of the Greek-Italian amendment because the latter contained no reference to torture or cruel treatment. However, the rejection of the Canadian sub-amendment, by the vote which had just taken place, had changed the situation, and in consequence the Panamanian delegation would not press its request for a separate vote on the words in question.

21. Mr. BRILLANTES (Philippines) pressed for a separate vote on the words "without his free consent".

22. Mr. FOMIN (Union of Soviet Socialist Republics) was opposed to a vote by division, as the text would not be acceptable to his delegation if it did not contain those words. The text had certainly not been intended to prohibit all medical or scientific experimentation, which would be the case if those words were deleted.

23. Mr. ROSSIDES (Greece) supported the Soviet representative.

24. The CHAIRMAN put the motion for division to the vote.

The motion for division was rejected by 46 votes to 4, with 14 abstentions.

The Greek-Italian amendment (A/C.3/L.679/Rev.1) was rejected by 37 votes to 18, with 10 abstentions.

The Australian amendment (A/C.3/L.678) was rejected by 40 votes to 15, with 11 abstentions.

25. The CHAIRMAN invited the Committee to vote on the Netherlands amendment (A/C.3/L.673). She put to the vote the proposal for the deletion of the words "involving risk".

The proposal was adopted by 41 votes to 8, with 16 abstentions.

26. The CHAIRMAN then put to the vote the proposal for the deletion of the words "where such is not required by his state of physical or mental health".

The proposal was adopted by 25 votes to 21, with 8 abstentions.

27. The CHAIRMAN put to the vote the first sentence of article 7 of the draft Covenant (E/2573, annex I B).

The first sentence was adopted unanimously.

28. The CHAIRMAN put the second sentence of article 7 in its amended form to the vote.

At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken by roll-call.

Norway, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Norway, Pakistan, Panama, Peru, Poland, Romania, Sweden, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Yemen, Albania, Argentina, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, France, Ghana, Haiti, Hungary, India, Israel, Japan, Lebanon, Mexico, Netherlands, Nicaragua.

Abstaining: Philippines, Portugal, Saudi Arabia, Spain, Sudan, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Afghanistan, Australia, Belgium, Brazil, Burma, Cambodia, Canada, China, Ecuador, Federation of Malaya, Greece, Guatemala, Indonesia, Iran, Iraq, Ireland, Italy, Liberia, Libya, Morocco, New Zealand.

The second sentence, as amended, was adopted by 39 votes to none, with 29 abstentions.

29. The CHAIRMAN put to the vote the article as a whole, as amended.

At the request of the representative of the Ukrainian Soviet Socialist Republic, a vote was taken by roll-call.

Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Yugoslavia, Afghanistan, Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Tunisia, Turkey, Ukrainian Soviet Socialist

Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Venezuela, Yemen.

Abstaining: Australia, Liberia, Libya, United Kingdom of Great Britain and Northern Ireland.

Article 7 as a whole, as amended, was adopted by 64 votes to none, with 4 abstentions. ^{1/}

The meeting rose at 6.20 p.m.

^{1/} At the 857th meeting, the representative of the Dominican Republic, who had been absent at the time of the vote, stated that she wished her delegation's vote to be recorded in favour of article 7 as amended.