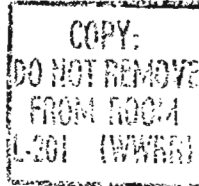




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THIRD COMMITTEE
52nd meeting
held on
Monday, 25 November 1985
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. ZADOR (Hungary)

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/3, 77, 173, 361 and Corr.1 (in French only), 398, 570)

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(a) REPORT OF THE HUMAN RIGHTS COMMITTEE

(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

(c) REPORTING OBLIGATIONS OF STATES PARTIES TO UNITED NATIONS CONVENTIONS ON HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL

AGENDA ITEM 144: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/40/3, 191, 604, 821, 876)

1. Mr. OLZVOY (Mongolia) said that, in its Declaration on the Right of Peoples to Peace, the General Assembly had solemnly proclaimed that the peoples of the planet had a sacred right to peace and that the preservation of that right constituted a fundamental obligation of each State because peace was a prerequisite for material well-being and the implementation of the rights and fundamental freedoms of individuals. Scientific and technological achievements should therefore be used to promote the economic and social progress of the peoples of the world and to solve the tremendous problems facing them, instead of becoming a means to exterminate mankind. It was thus a matter of deep concern that imperialist circles were spending huge amounts of resources to manufacture weapons, in particular nuclear weapons, and initiating a research programme to develop a "Star Wars" technology. The misuse of scientific and technological advantages for military purposes also had an adverse impact on the socio-economic development of countries and hindered the full realization of the economic, social and cultural rights of individuals. The implementation of the United Nations Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind was therefore very important in ensuring the enjoyment of the right to life and peace.

(Mr. Olzvoy, Mongolia)

2. His country attached great importance to the implementation of the international covenants on human rights; the political, economic, social and cultural rights of all its citizens, which were proclaimed in those documents, were legally, socially and economically guaranteed. His Government fulfilled its obligations, including reporting on a regular basis, as a State Party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and held the view that all the rights provided in both Covenants were interlinked and of equal status.

3. It was to be hoped that replacing the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights with a committee would help to further the effective monitoring of the implementation of the instrument's provisions.

4. As to the status of the Covenants, his country shared the concern of many States that a large number of countries had not yet acceded to those human rights instruments. Among them was the United States of America, whose authorities attempted to confer on themselves the right to judge how other countries observed human rights, while they did very little to preserve and defend the fundamental rights of their own people. Under the pretext of defending human rights, reactionary and imperialist forces pursued a policy of aggression and military intervention or interference in the internal affairs of sovereign States. The General Assembly must renew its appeal to all States which had not yet done so to ratify or accede to the international covenants on human rights before the observance of the twentieth anniversary of their adoption.

5. In Mongolia, children were the most respected citizens and enjoyed all basic rights, including the rights to free medical service and to an education. His country therefore supported international efforts to improve the situation of children throughout the world and joined in carrying out the programme for universal immunization. On the basis of its experience in implementing the Declaration of the Rights of the Child, his delegation considered that the United Nations should elaborate a universally accepted legal instrument to protect and promote those rights. It was therefore to be hoped that, at its forty-second session, the Commission on Human Rights would give the highest priority to the completion of the draft convention on the rights of the child.

6. Mr. TANASA (Romania) said that it was undeniable that the progress of science and technology was one of the most important factors in the development of human society. It was generally recognized that there existed a link between the development of science and technology and the implementation of human rights and fundamental freedoms which contributed to the attainment of the ideals of freedom, peace and prosperity of all peoples of the world. The United Nations had therefore adopted the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. It was also well-known that the arms race aimed at producing increasingly destructive weapons and the enormous accumulation of military arsenals endangered the very existence of life on Earth.

(Mr. Tanasa, Romania)

7. Romanian scholars had always been vigourously in favour of intensifying efforts to use the discoveries of science and technology for the benefit of mankind and of defending the supreme values of civilization. Scientists in general must do their utmost to ensure that their discoveries were used exclusively for peaceful purposes and to promote co-operation and friendship among nations. Over and above any political, philosophical or religious differences, it was the humanitarian duty of scientists everywhere to make unremitting efforts to ensure that the products of their creative endeavours were not devoted to war and hatred among peoples but to the cause of building a better and more just world.

8. In all international forums, his Government had underlined the great responsibility incumbent on scientists for the present and future of the human condition because they were fully aware of the destructive power of the military arsenals and the danger generated by the continuation of the arms race. They must make their opinions known so that the potential of modern science and technology might serve the welfare, freedom and independence of peoples. The discoveries of scientific and technological research must be used to narrow the gaps between rich and poor countries, to do away with the underdevelopment affecting two thirds of the world's population, to eradicate diseases threatening millions of human lives and to protect the environment for the benefit of present and future generations. In short, they must be used to solve the most serious problems impeding the real promotion, enjoyment and observance of fundamental human rights. In that spirit General Assembly resolution 38/112 stipulated that the establishment of the new international economic order called in particular for an important contribution to be made by science and technology to economic and social progress.

9. His delegation reiterated that science must become an arm of life so that people might increase their contribution to the universal treasure of knowledge and so that the values of peace, understanding, progress and friendship might triumph on earth. Further practical measures must therefore be adopted to implement the provisions and principles of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

10. Mrs. KRAMARCZYK (German Democratic Republic) said that the joint commitment to work for peace, disarmament and social justice was the basis for the co-operation between the socialist State and the churches in the German Democratic Republic. That commitment was consistent with the principles contained in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the application of which depended to a large extent on the development of trust between State and Church by means of a constructive dialogue. Trust could only develop if there was separation of State and Church, which meant that the churches and other religious communities managed their affairs independently, within the framework of the country's Constitution and laws.

11. The Constitution guaranteed the freedom to engage in religious activities and the freedom of belief and conscience. On the basis of mutual tolerance and confidence, her Government supported the churches in their work and in the establishment of relationships with other national and international religious

(Mrs. Kramarczyk, German Democratic Republic)

groups. Examples of such support were the dedication of a Mormon temple in 1985, the participation of members of the churches in the German Democratic Republic in international ecclesiastical organizations and activities, and the fact that they had acted as hosts for numerous ecumenical events such as, for instance, an international seminar on the human rights programme of the churches for implementation of the Helsinki Final Act. Those examples illustrated the freedom and diversity of religious life in her country.

12. The Government also supported church activities in the area of charity services and welfare work, in which all citizens could take part. In addition to the work with the elderly, the sick and the handicapped, she also drew attention to the activities of the home mission and welfare service of the evangelical Churches and of the Caritas organization of the Catholic Church. Assistance provided by the State had helped to improve the material and social conditions of the persons employed in those institutions and make them equal to the conditions enjoyed by employees of the State health institutions. Public funding was provided for training the staff of charitable organizations in medical schools belonging to the Church or the State.

13. In the conduct of relations between the State and the Church, in line with the Constitution, the State's primary concern was to ensure that differences of philosophical perceptions and concepts should not be obscured. What should be done was to identify common interests, in the course of a permanent dialogue, and formulate joint strategies to solve the many problems which could be solved given a constructive approach. That also held true for co-operation on human rights.

14. For more than a decade the Protestant Churches had participated at the international level and within the country itself in discussions on human rights, and they were actively committed to the solution of human rights problems. The publications and opinions of the Churches with regard to human rights received increasing attention from Marxist scholars, and the contributions of Protestant authors were truly valuable, in both theory and practice, for the exercise of human rights in the German Democratic Republic. Since 1983 it had been established practice for the human rights organs of the Churches to invite Marxist experts to discuss the subject. One example was the international seminar on the human rights programme of the Churches for implementation of the aforementioned Helsinki Final Act, held in the city of Eisenach in November 1984.

15. Her country's Churches had always stressed the relationship between peace, justice and human rights and had therefore supported the relevant activities undertaken both by the national Government and at the international level. The commitment of the Churches in the German Democratic Republic to guaranteeing the exercise of human rights had received the highest recognition by ecumenical bodies.

16. On the subject of her country's decision to promote equitable co-operation with citizens holding different beliefs, she recalled the statement made at the end of 1984 by the Chairman of the State Council to the effect that the German

(Mrs. Kramarczyk, German Democratic Republic)

Democratic Republic would continue in the future to apply the principle that each citizen, irrespective of social background, religious belief or world outlook, was entitled to have the best possible opportunity of active participation in social affairs.

17. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said that scientific and technological progress was an important factor in the development of societies. The application of the latest scientific and technological discoveries opened up new prospects for successfully solving the social and economic development problems of various States and, in general, for improving the living conditions of all peoples.

18. However, scientific and technical progress also created problems, for its achievements could be used to intensify the arms race, suppress popular movements and deprive individuals and peoples of their rights and fundamental freedoms, especially the right to life. That situation had prompted some Members of the United Nations to try to direct the application of scientific and technological achievements exclusively towards peaceful ends.

19. Those efforts had resulted in the proclamation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. The importance of that document lay in the fact that it stated the obligation of States to contribute to international co-operation in the utilization of science and technology for the strengthening of international peace and security, freedom and independence and the social and economic progress of peoples, and for guaranteeing the exercise of human rights and fundamental freedoms in accordance with the Charter of the United Nations.

20. His country carried out the provisions of the Declaration. Scientific progress was used to speed up the growth rate of the economy and increase its efficiency. By the end of the present five-year plan the national income would have increased by 32 per cent. In the next five-year plan industrial production would exceed the present level by 25 per cent.

21. The Byelorussian Soviet Socialist Republic had a large number of scientific institutes and hundreds of technological research organizations, laboratories and offices employing more than 180,000 people. In the first four years of the present five-year plan alone, the Institute of the Academy of Sciences of Byelorussia had introduced 1,200 innovations yielding benefits which could be evaluated at over 600 million roubles.

22. In the planned socialist economy unemployment had been eliminated more than 50 years ago. All citizens had a right to work and to choose their occupation. The State tried to improve working conditions through the application of scientific and technological advances. More than half a million specialists were engaged in that work. That was a direct result of free education, a right embodied in the Constitution.

(Mr. Komissarov, Byelorussian SSR)

23. The Declaration provided for protection of the rights of the individual and, in particular, guarantees of his physical and intellectual inviolability. In the Western countries technological achievements were often used to improve the system of totalitarian supervision and to interfere in individual's private lives. In the bourgeois societies science and technology were used against people. In Western Europe the level of unemployment resulting from automation might climb to over 16 per cent within the next 10 years.
24. The allocation of enormous resources for the militarization of science and technology definitely worked against the social and economic development of mankind. Nuclear catastrophe threatened life on Earth, and the arms race might be extended even into outer space. That squandering of material resources (hundreds of millions of dollars for the Star Wars programme alone) was taking place in a hungry world in which millions of children died every year.
25. A small reduction in the amount currently being spent on armaments would be enough to overcome hunger, disease and illiteracy on a world scale. All the world's peoples would benefit from the division of resources from the arms race - including the developing countries, which required assistance to overcome the problems inherited from colonialism. It had been pointed out in a statement by the States parties to the Warsaw Treaty that the provision of scientific and technological assistance must be made conditional upon its peaceful use.
26. The brain drain and the activities of transnational corporations were alike contrary to the Declaration's provisions. The Byelorussian SSR co-operated closely with many countries, especially the developing nations, and was providing training for some 6,000 specialists from 102 developing countries.
27. His delegation, convinced that it was important to implement the Declaration, had at the fortieth session of the Commission on Human Rights sponsored resolution 1984/29, which requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study on the use of the achievements of scientific and technological progress to ensure the right to work and development.
28. Mr. KAKOLECKI (Poland) said that his country attached great importance to the broad acceptance and implementation of the Covenants, which were important instruments for giving effect to one of the purposes of the United Nations: to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.
29. In Poland, social justice had become a cornerstone of the country's system. The law was applied equally to all. Freedom of worship and conscience, guaranteed under the Constitution, was fully respected. The problem of unemployment did not exist. There was a comprehensive social security system, free schooling at all

(Mr. Kakolecki, Poland)

levels and a standard of education to match that in most of the more developed countries. Within the system of Polish legislation the catalogue of civic, economic, social and cultural rights was broader than that provided for in international instruments. Even before the Covenants had been ratified, their provisions had been taken into consideration in drawing up domestic legislation. For that reason, comparative research undertaken prior to ratification had shown that Poland's domestic legislation conforms essentially to the Covenants' provisions. Constitutional and other legal provisions provided institutional safeguards for observance of the law, and established specific forms of responsibility for infractions.

30. Institutional guarantees of civil rights and freedoms in Poland had been broadened in recent years, both in legislation and in its application. The constitutional system of state agencies had been expanded through the creation of the Constitutional Tribunal and a Tribunal of State. The parliamentary elections of 16 October 1985 had been a significant event in national life, in that they had helped promote socialist democratization, and the results had strengthened Parliament's role and position as the supreme legislative body.

31. As some delegations had already mentioned during the debate, equal attention should be given to the exercise, protection and promotion of civil and political rights of economic, social and cultural rights. Those human rights were closely connected and indivisible. Therefore, his delegation welcomed the Economic and Social Council's decision to establish a Committee on Economic, Social and Cultural Rights, on the lines of the Human Rights Committee.

32. In general, his delegation appreciated the Human Rights Committee's important work. In Poland's view, consideration of the reports submitted by States parties pursuant to article 40 of the Covenant was an important contribution to its implementation, and Poland had recently submitted its report to the Committee. The comments of the Human Rights Committee might be helpful to States in the fulfilment of their reporting obligations. Especially noteworthy was the comment on article 6 of the Covenant, relating to the most important of human rights - the right to life. It reflected the concern about the development and proliferation of increasingly awesome weapons of mass destruction. Faced with the growing threat to the right to life as a result of the arms race, States had the obligation to take all possible measures to prevent nuclear war, to support disarmament, to remove the danger of the militarization of outer space and to ensure peaceful co-existence in that realm. Human rights could be exercised only in a world at peace and in conditions of social and economic development.

33. The Covenants' effectiveness depended largely on their universality and on the strict observance by States parties of their obligations. It was gratifying to note the growing number of States parties to the Covenants. However, it remained a matter of concern that a number of States, including some of the most developed, had not acceded to them. His delegation fully supported the appeals, reiterated in General Assembly resolution 39/136 and in the Secretary-General's report on the work of the Organization, for all States to accede to the Covenant.

34. Mr. PETERS (Netherlands), said that a recent article in a French newspaper had described human rights as "a continuation of politics by other means"; the comment might sound blasphemous to members of the Third Committee, but he wished to enlarge on the possible parallels and conflicts between politics and human rights.

35. The International Covenants, like all human rights legislation, were a limitation rather than a continuation of politics, since their provisions limited the scope of government policy and practice in regard to the individual. On the one hand, the Covenants obliged States to refrain from action; on the other, they required them to act. Nevertheless, although politics and human rights could be in opposition to one another the exercise of human rights was a political goal, often reaffirmed by the United Nations.

36. The General Assembly, in adopting the Covenants, had also set up a mechanism to monitor their implementation. Recent events had shown the wisdom of deciding to establish a non-political body such as the Human Rights Committee, and the Netherlands had long been advocating the creation of a parallel body for similar tasks relating to the International Covenant on Economic, Social and Cultural Rights. It therefore welcomed the Economic and Social Council's adoption, without a vote, of its proposal to establish a Committee on Economic, Social and Cultural Rights.

37. The Netherlands appreciated the report of the Human Rights Committee (A/40/40), which, like every report of that Committee, added to the understanding of the International Covenant on Civil and Political Rights. However, the statements made by States parties in introducing their reports were too often narrow in view. Questions and remarks by members of the Committee were often taken as threats that had to be parried, and very seldom did States seek guidance on domestic problems. Nevertheless, the fact that the Committee's members represented varying cultures enabled them to take a more detached view of States parties' efforts.

38. Similarly, communications filed with the Committee under the Optional Protocol should not be treated as attacks. Over the past two years the number of communications concerning policies of the Netherlands Government had increased. Rather than take a negative attitude, his Government had considered it proof that the Covenant was effective and that Dutch citizens and lawyers were aware of the provisions of the Covenant and the Optional Protocol.

39. A Netherlands law journal had recently cited figures demonstrating that the international human rights instruments, including the International Covenant on Civil and Political Rights, were being invoked increasingly in the Netherlands. The adoption and publication of the so-called general comments by the Human Rights Committee promoted the coherence of human rights laws in all States parties. The comments should be taken into consideration not only by the national judiciary but also by Governments in the development of their national policies. The decisions on communications submitted under the Optional Protocol were equally important.

(Mr. Peters, Netherlands)

40. His country welcomed with the publication of a number of selected decisions of the Committee in document CCPR/C/OP/1. The document undoubtedly would strengthen observance at the international level of the rights enshrined in the International Covenant on Civil and Political Rights.

41. He underlined the importance of publicizing the procedure whereby individuals could resort to United Nations organs in their quest for justice. At the fortieth session of the Commission on Human Rights his delegation had proposed the publication of a booklet on the Human Rights Committee, to be modelled on a similar publication concerning the Committee on the Elimination of Racial Discrimination (Sales No. E.79.XIV.4). That proposal was in line with operative paragraph 13 of General Assembly resolution 39/136, which urged the Secretary-General to give more publicity to the work of the bodies set up under the International Covenants on Human Rights.

42. Some human rights instruments established a legal basis for publicity activities. An example was the International Covenant on Civil and Political Rights which, in article 19, paragraph 2, affirmed that everyone had the right to seek, receive and impart information and ideas of all kinds. The texts of the human rights instruments came within the scope of that provision and were exempt from the restrictions provided in article 19, paragraph 3, and article 4. In some countries, however, there were obstacles to the dissemination of human rights instruments. In the view of his delegation, States not only should be encouraged to disseminate such material but were obliged not to obstruct that dissemination.

43. His country was concerned about the Soviet Union's policy of subordinating freedom of expression to the interests of the people, as observed in paragraph 306 of the report of the Human Rights Committee. It was certainly improper to introduce a blanket clause as a basic principle to restrict the exercise of the rights mentioned in article 19 of the International Covenant on Civil and Political Rights. His country was of the opinion that human rights legislation should be more precise and should avoid vague concepts which could easily let human rights drift in the direction of unlimited politics.

44. The concept of "morals", also mentioned in article 19, paragraph 3, of the International Covenant on Civil and Political Rights, was very sensitive, since it was linked to the values and ideologies of each individual society. He referred to a decision of the Human Rights Committee in that regard (decision 61/1979, of 2 April 1982), the opinion expressed by the Committee with regard to communication No. R.14/61 and the individual opinion given by a member, with which two other members had associated themselves (see A/37/40, annex XIV, para. 10.3 and appendix), and expressed the hope that the Committee would be able to address that issue again. The Committee could not be expected to formulate a simple criterion which would always provide an indisputable "yes" or "no" with regard to public morality, but it might attempt to further define the concept and reduce the area of ambiguity.

(Mr. Peters, Netherlands)

45. The adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during the thirty-ninth session of the General Assembly had been a triumph of political will. However, the international community had no reason for complacency. One of the first aims was to make the Convention a universally binding instrument. His Government had introduced a bill in Parliament the adoption of which would enable it to ratify the Convention, and it urged States which had not yet done so to sign and become parties to the Convention.
46. Meanwhile, torture continued to be practised in many parts of the world. Governments often stated that torture was a crime under domestic law and that persons violating that law would be prosecuted. It would be useful if those States widely publicized such prosecutions, not only to show their determination to act against torture, but also for the sake of the deterrent effect.
47. There were also other practical measures which would help to reduce the occurrence of torture, some of which were mentioned in General Assembly resolution 3453 (XXX) of 9 December 1975. The Assembly had since adopted two valuable sets of rules in that regard, the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the Principles of Medical Ethics (General Assembly resolution 37/194). His delegation hoped that the Sixth Committee would draw inspiration from the speed with which the Assembly had acted in 1984 in adopting the Convention against Torture, and would complete as soon as possible the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
48. In his country a clinic had been opened which specialized in the treatment of victims of torture, partly funded by a government grant. At the international level, his delegation welcomed the appointment of a Special Rapporteur to examine questions relevant to torture, and called on all States to extend to him their fullest co-operation. His country also attached great importance to the Voluntary Fund for Victims of Torture. The report of the Secretary-General (A/40/876) showed that an increasing number of Governments, non-governmental organizations and individuals were making contributions to the fund, and his country hoped that that number would continue to increase.
49. Religious identity and tradition were an integral part of the cultural heritage of a nation and therefore contributed to the enrichment of cultural life. The production, acquisition, receipt, importation, dissemination and full use of religious publications and other materials by communities of believers and individuals could be considered beneficial to all States. Governments should refrain from using technical pretexts to impede the dissemination of those publications.
50. Despite the General Assembly's adoption by consensus in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, religious intolerance remained very common in many parts of the world. Such intolerance was not only of a private nature but also, in

(Mr. Peters, Netherlands)

many cases, an integral part of government policy, despite official protestations to the contrary. For example, in the totalitarian States believers were habitually harassed, and in Albania all religious activity was expressly prohibited by the Constitution and Government policy. His delegation therefore welcomed the resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities requesting the Commission on Human Rights to urge the Government of Albania to adopt adequate constitutional and legal measures with a view to ensuring that freedom of religion or belief was guaranteed in a concrete way, that discrimination on the ground of religion or belief was proscribed, and that adequate safeguards and remedies were provided against such discrimination.

51. He hoped that ever-fewer reasons would be found to disqualify human rights activities as a mere continuation of politics. Rather, the domain of politics should increasingly be a continuation of human rights activities and give sufficient attention to the promotion of universal respect for and observance of human rights and fundamental freedoms.

52. Mr. PAZ AGUIRRE (Uruguay) said that in the course of the past year his country had restored its democratic institutions. He expressed Uruguay's gratitude for the United Nations system of protection and promotion of basic rights, which had proved its effectiveness in his country in recent years when those rights were being violated. Uruguay reaffirmed its staunch support for any action designed to strengthen the mechanisms established by the United Nations, within the framework of the principles of international law.

53. Uruguay supported the proposal for the drafting of a second optional protocol to abolish the death penalty, and favoured the establishment of a post of United Nations High Commissioner for Human Rights, as originally proposed in 1950 at the fifth session of the General Assembly. He welcomed the adoption by consensus of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the General Assembly on 10 December 1984.

54. The actions of the current Government of Uruguay attested to the full restoration of human rights in his country, in fulfilment of the international obligations assumed, as evidenced by Uruguay's ratification of the American Convention on Human Rights (the San José Convention). At its forty-first session, the Commission on Human Rights decided by acclamation to close the case of Uruguay. That decision confirmed the international community's recognition of and confidence in Uruguayan democracy.

55. Since 1 March 1985, when the new constitutional Government had taken office, political and civil freedoms had been fully restored in Uruguay. A law amnestying all persons detained without trial had been passed, the judiciary had regained full independence and the freedom of the press had been re-established. Academic autonomy and the freedom of the universities had been restored. All rules or regulations banning or restricting trade union rights had been rescinded. A national repatriation commission had been set up in close collaboration with the United Nations High Commissioner for Refugees to encourage the return of exiled

(Mr. Paz Aguirre, Uruguay)

Uruguayans. Proceedings to reinstate public officials dismissed for political, ideological or labour union reasons had been initiated. Measures to ensure labour stability had been adopted, and a bill on "defence of democracy" had been submitted to Parliament with a view to safeguarding democratic stability in Uruguay. All such action demonstrated the Uruguayan Government's firm resolve to respect human rights fully and in their entirety.

56. He commended the work of the Human Rights Committee and thanked the experts on the Committee for their dedication to the cases involving Uruguayan citizens, within the framework of the machinery established by the Optional Protocol. The report of the Human Rights Committee (A/40/40) stated that Uruguay had submitted a series of lists to the Committee giving the names of the persons who had been freed between August 1984 and 1 March 1985 and had informed the Committee that, under an amnesty law enacted by the new Government, all political prisoners had been freed and all forms of political bans had been lifted. The Committee had expressed its satisfaction.

57. In accordance with a presidential decision, the next periodic report from Uruguay to the Human Rights Committee would be prepared by an interministerial working group. That report would attempt to give the fullest possible picture of the human rights situation in the country.

58. His delegation firmly repudiated the abominable and criminal practice of torture. The Government of Uruguay gave primary attention to the strict observance of article 26 of the Constitution, which provided that accused and convicted persons should not be molested in any way. The fight against torture, considered "an offence to human dignity", had been a constant feature of United Nations history and was closely associated with the democratic beliefs of Uruguayan society, which, as the President of Uruguay had stated to the General Assembly on 24 September 1985, was essentially pluralistic, tolerant, freedom-loving and respectful of human rights.

59. Mr. BROWNE (Fiji) said that although four years had elapsed since the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the practices against which the Declaration was directed were still evident in some countries.

60. Freedom of worship was an important corner-stone of the Constitution of Fiji, a country which was composed of many races, cultures and faiths and was therefore extremely conscious of the need for all religions to play an active part in nation-building.

61. The people of Fiji were deeply saddened to note that, despite the universal abhorrence of religious persecution, a number of unscrupulous Governments still persecuted defenceless religious minorities and even tried to obliterate them. Sometimes religious groups were used as scapegoats to divert attention. The persecution of the Baha'i community was a case in point. He appealed to all Governments to respect the practice of all religions, including the Baha'i faith,

(Mr. Browne, Fiji)

and expressed the hope that the future would bring not only material progress but also spiritual improvement.

62. Mr. MATSUKA (Ukrainian Soviet Socialist Republic) recalled that the International Covenants on Human Rights had been adopted and opened for signature, ratification and accession almost 20 years earlier, on 16 December 1966. Those two legal instruments were the basis of a new stage of multilateral co-operation between States for the promotion and development of human rights and fundamental freedoms. The Covenants had withstood the test of time, which attested to the good judgement of the Ukrainian Soviet Socialist Republic and the other Member States that had helped to draft them. Their adoption had been possible because of the strengthening of peaceful coexistence between States with different socio-economic régimes which were prepared to work together to achieve international détente.

63. The Covenants had now become basic instruments. Compatibility with their norms constituted the yardstick used in drafting other human rights texts, including United Nations resolutions. It was therefore paradoxical that those supremely authoritative international instruments had yet to attain a truly universal character. At the end of 1984, only about half of the States Members of the United Nations were parties to the Covenants. Currently, 80 and 84 countries respectively had assumed the obligations deriving from the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

64. The effectiveness of multilateral legal instruments depended first and foremost on their universality, and States which were not parties to them did not strictly fulfil the obligations which were incumbent on them as States Members of the United Nations. Furthermore, the accession of States to those instruments not only created legal consequences but also had fundamental moral and political implications and showed to what extent Governments were sincere about human rights and fundamental freedoms. That was the standpoint to take in judging current statements which reasserted the strongest support for the ideals of democracy and the most earnest desire to observe and exercise human rights throughout the world, an undertaking from which the country concerned was itself sometimes excluded.

65. The other yardstick by which the effectiveness of the Covenants was measured was the strict observance of their provisions. Such observance could not simply be passive or consist in refraining from carrying out specific acts. It required active participation. It required the creation of the material, legal, administrative, moral and psychological conditions which would make true respect for human rights and fundamental freedoms possible. It was also very important to identify the obstacles which impeded implementation of the provisions of the Covenants. Commendable work was being performed to that end by the specialized bodies concerned, the Human Rights Committee and the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, which was now the Committee on Economic, Social and Cultural Rights. In that context, he stated that at its twenty-fifth session the Human Rights Committee had examined and deemed satisfactory the second

(Mr. Matsuka, Ukrainian SSR)

periodic report of the Ukrainian Soviet Socialist Republic on the implementation of the International Covenant on Civil and Political Rights.

66. It must not be forgotten that the principal function of organs such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination was simply to assist States parties and help ensure full compliance with the Covenants and other international legal instruments in the field of human rights. Thus, attempts to attribute to those organs monitoring functions and the authority to give instructions to sovereign States were totally groundless and blatantly contradicted article 40 of the International Covenant on Civil and Political Rights, which stipulated that only the Human Rights Committee could study the reports submitted and make general comments.

67. The establishment of general guidelines regarding the form and content of reports was consistent with a specific political intent and possibly reflected the tendency of the bureaucratic organs of the United Nations to inflate the financial expenditures of the Organization as well. Nevertheless, international co-operation was fruitful and genuine because it was dependent on the commitment and earnest desire of States to protect human rights. Furthermore, the fact that new international instruments entailing universal obligations continued to be elaborated demonstrated the vitality of the United Nations in meeting the obligations imposed by the Charter.

68. The future convention on the rights of the child represented progress with regard to the Declaration on the Rights of the Child, of 20 November 1959, and other international legal instruments which recognized the special rights and needs of children. During the forty-first session of the Commission on Human Rights, five more articles of the draft convention had been adopted. However, the drafting process was very slow, which could only be explained by the relatively unconstructive attitudes of certain delegations which did not appear to be ready to assume specific obligations to protect the rights of children.

69. Resolution 1985/50 of the Commission on Human Rights highlighted the fact that, 25 years after the adoption of the Declaration, the situation of children still left much to be desired in much of the world. Many of the 122 million children born in 1979, the International Year of the Child, had died of hunger, malnutrition and infectious diseases in Asia, Africa and Latin America. The infant mortality rate occasioned by those phenomena was 40,000 children per day. Clearly, the problem of survival could not be considered in isolation from other fundamental questions such as world peace, in view of the fact that the arms race absorbed enormous resources which might be used to combat disease, hunger and illiteracy, protect mothers and build the schools required by 123 million school-age children who had never set foot in a schoolroom. Child labour still existed in many industrialized capitalist countries, and, given the prevailing economic crisis, there was no real likelihood of change. Data from ILO indicated that more than 50 million children were forced to work for a living. In addition, the pernicious influence of pornography and sadistic propaganda, which was at least

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partly responsible for the increase in juvenile delinquency and drug addiction, was growing. The draft convention on the rights of the child must therefore be broadened and adopted as a matter of urgency, and States must demonstrate their commitment and readiness to co-operate in good faith to that end.

70. Sister Janet CARROLL (Observer for the Holy See) recalled the long years of negotiations which had led to the proclamation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief on 25 November 1981. It was appropriate to reaffirm that the Declaration guaranteed the most fundamental of freedoms - the freedoms of religion, conscience, thought and conviction - which flowed from the innate equality and dignity of human beings and governed their essential relation with their Creator. Regrettably, manifestations of intolerance and discrimination continued to exist in some countries. In addition, there was often a wide divergence between the human rights proclaimed in the Constitutions of States and the International Covenants and their implementation by persons in authority, security forces and police. Minorities and, occasionally, large segments of the population were bound by restrictions concerning religious practice and instruction.

71. The Catholic Church was concerned with more than merely the intolerance directed at its own members, since, from its point of view, all human beings were creatures of God. In the course of its disinterested service to humanity it had heard with anguish the cries for help of Orthodox Christians, Protestants, Muslims, Jews, Hindus, Buddhists and adherents of any faith who were victims of discrimination or repression. Paradoxical as it might seem, the fact that a State's constitution guaranteed the effective exercise of religious freedom sometimes resulted in discrimination, and even the exclusion of practitioners from various spheres of civil and social life. Without seeking to embroil itself in controversy, the Catholic Church was urging civil authorities in all countries not to fear believers simply because they held religious convictions which, in fact, made them responsible citizens, respectful of truth and committed to the common good.

72. The seminar organized by the United Nations Centre for Human Rights, held in December 1984 at Geneva, constituted an important contribution to understanding, respect and tolerance with regard to religious freedom, even though its conclusions were somewhat general. The international community must continue to be aware that any attack on human dignity had a definite impact on the freedoms of all human beings. The Holy See wished to draw attention to the importance of the study by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the current dimensions of the problems of intolerance and of discrimination on the grounds of religion or belief, which afforded an opportunity to mould public opinion and foster greater solidarity among the victims of religious persecution.

73. The meeting of experts on human rights, held at Ottawa in May 1985, had reiterated that man must be viewed as more than an abstract concept. However, although the representative of the Holy See at that meeting had stressed the need

(Sister Janet Carroll, Observer,
Holy See)

to defend religious freedom and guarantee its effective exercise as a major concern of the countries which had participated in the Helsinki Conference, it had not been possible to adopt a document on that subject by consensus. That had revealed yet again how difficult it was to settle human rights questions involving people from societies and cultures that placed differing values on various fundamental rights and freedoms.

74. Ten years previously, the Helsinki Conference had indicated that the improvement of communication would enable all peoples to enjoy better living conditions. The Holy See had helped draft the Final Act of Helsinki, making a special appeal for liberty of conscience and religion, which had been reiterated at Belgrade, Madrid and Ottawa. There had been some concrete results in that direction, as Pope John Paul II had stated in his general audience of July 1985.

75. Respect for the principle of religious freedom would in turn benefit international peace and security, which were threatened every time human rights, and particularly the rights of the spirit and of human conscience and creativity, including the relationship between God and his creation, were violated. In conclusion, the Holy See wished to see the necessary work done and the experience of various countries taken into account so that a comprehensive international convention on the promotion and protection of freedom of religion or belief might be elaborated.

The meeting rose at 12.50 p.m.