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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 9 March 1982 from the Representative of
United States of America addressed to the Commission
on Human Rights at its thirty-eighth session

Further to my letter of 8 March 1982 communicating to you the statement of my delegation on the situation of human rights in El Salvador and in the interest of continuing to save the time of the Commission I wish to inform you that my delegation has decided not to deliver the statement on Soviet Jewry for which it was inscribed.

I would therefore be grateful if the statement annexed to this letter which was to have been delivered by Mr. Jacob Stein, adviser to the United States representative to the Commission on Human Rights, is circulated to the Commission as an official document in connection with its consideration on item 12.

(Signed)

Michael Novak
Representative of the United States
of America on the Commission on
Human Rights

ANNEX

STATEMENT BY JACOB STEIN, UNITED STATES ADVISER
TO THE THIRTY-EIGHTH SESSION, UNITED NATIONS
COMMISSION ON HUMAN RIGHTS, ITEM 12, SOVIET JEWRY

9 MARCH, 1982

Mr. Chairman, my delegation comes from a nation composed of peoples from some 160 cultures of this world. In the United States, Mr. Chairman, all of us are minorities. We comprise the third largest Slavic culture of the world, the second largest black culture, the second largest Irish culture, the second largest Italian culture, the third or fourth largest Hispanic culture, and so on. Perhaps for this reason, Mr. Chairman, our people have a sensitivity to the plight of minorities elsewhere on the planet.

Among these minorities, Mr. Chairman, there is often much suffering. In one short speech, we cannot deal with all the minorities of the world who need the attention of this Commission. Yet we are attached to many of them by ties of family and shared history. We must speak today about a few of them.

Some of our colleagues have spoken eloquently about the plight of the Bahai, two generations of whose leadership have already been assassinated, while the third generation is under threat. Last year, we spoke briefly about the plight of Lithuanian Catholics, the Latvians, Estonians and others in the Baltic States whose culture, language, religion, and very identity have long been under grievous threat. We spoke earlier in this session about the plight of the black population in South Africa, a population of tremendous talent, potential, and high aspiration. We would like to have spoken longer - had time permitted - of the poor Hmong people of Laos, gentle and solid mountain folk, against whom chemical warfare has been launched. We did speak briefly earlier about the embattled Miskito and Suma Indians of Nicaragua. Our concern also extends to the Indians and Ladinos in Guatemala, enmeshed in daily violence which descends upon both.

Mr. Chairman, sometimes it seems as if the world is still very far removed, in the just and fair treatment of minorities, from the ideals of the Universal Declaration of Human Rights.

One example may serve as an illustration of this general pattern around the world, the plight of the Jews of the Soviet Union.

Three indices of mistreatment stand out: first, the right of emigration and reunification with families; second, cultural and linguistic rights; third, flagrant discrimination and, in this case, anti-semitic propaganda and practise.

Emigration rights are a cornerstone of human rights. The documents of the great revolution of modern society vigorously articulate this right. The right to leave a country is precedent for all other rights. For a racial community, facing discrimination and persecution, as is the case of the Jewish community within the Soviet Union, denial of the right to leave, may be tantamount to the total deprivation of liberty, if not of life itself.

And yet the Soviet Union does not regard itself bound by the solemn undertakings to which it has committed itself. Article 13(2) of the Universal Declaration of Human Rights stipulates that everyone has the right to leave his country and return to his country. The legally binding International Convention on the Elimination of All Forms of Racial Discrimination sets forth in article 5, paragraph D, subsection 2, the same formulation, and this Convention was adopted unanimously by the General Assembly on 21 December 1965. The International Covenant on Civil and Political Rights in article 12, paragraph 2, reads: "everyone shall be free to leave any country including his own". Mr. Chairman, this resolution was adopted unanimously by the General Assembly on 16 December 1966. More recently signed by the Soviet Union was the Helsinki Final Act in August 1975. This Act stresses in the provisions included in basket 3 that the parties are to "expedite" and "facilitate" the "reunion of families" and that those applying for exit visas should not be deprived of their rights.

Mr. Chairman, the international community should be able to presume that the Soviet Union which undertook the pledges contained in these various documents, would honour them. But, Mr. Chairman, it is a tragic reality that Jews in the Soviet Union, some two and a half to three million in number, are today virtually denied the right to leave. The monthly emigration rate for this minority has been cut by 90 per cent since 1979. Thousands of Jews have been refused their exit visas, and live in a kind of twilight existence. Many have been deprived of jobs and facing social ostracism.

And yet, Mr. Chairman, instead of fulfilling its obligation under international law the Soviet Union engages in gross violations of human rights provisions concerning the right to emigrate and the reunion of families. Soviet spokesmen at the Madrid Conference have publicly hinted that the right of the Jews desiring to emigrate is being held hostage to the detente process. This is a cruel and barbarous linkage.

Mr. Chairman, the second measurement of minority human rights is the right of cultural and linguistic freedoms. Here again international law is crystal clear. The International Covenant on Civil and Political Rights states in article 27, "In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with other members of their group, to enjoy their own culture, to profess their own religion, or to use their own language." Yet for the Jewish minority in the Soviet Union, these obligations, cultural, linguistic, educational, are all observed in the breach. Virtually all Jewish institutional life has been eliminated and Yiddish language schools liquidated. The Hebrew language has no official status, and, as for the private teaching of Hebrew, teachers are threatened with possible arrest and trial.

Mr. Chairman, the third measure of denial of rights is anti-semitism and anti-Jewish discrimination. Compounding the Soviet assault on the integrity of its Jewish community, on their culture, is the massive anti-semitic propaganda campaign of the Soviet Government in the press and in the cinema. Here too, the Soviet Union stands naked before the international community in breach of its solemn international undertakings. The Convention on the Elimination of All Forms of Racial Discrimination stipulates in article (4) that contracting parties are to

eradicate incitement to racial discrimination. Further, Mr. Chairman, the International Covenant on Civil and Political Rights in article 20 (2) states "Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". The Soviet Union callously violates these obligations through a massive propaganda campaign masked as anti-Zionism, but which in fact is directed against Judaism, Jewish tradition and Jewry itself. Stereotypes designed to incite to hatred appear in the Soviet press. Jewish religious works are violently criticized as reflecting the basest of human qualities.

Mr. Chairman, with the exit gates virtually closed to Jews, with the propaganda of hatred being increasingly disseminated in the Soviet Union, with their right to enjoy their culture denied, their schools closed, is it any wonder that the Jews of the Soviet Union fear for their future and perhaps face a national catastrophe?

Mr. Chairman, my delegation pleads for this minority, and also for all others elsewhere in the world, that states everywhere might begin to meet their obligations to religious, national, ethnic and other minorities within their own boundaries. The human race is like a symphony, in which each culture plays its proper part. To damage any one culture is to damage the harmony and beauty of the whole. Mr. Chairman, states are sovereign. But they, too, are under the law. International law protecting individuals and minorities is the concern of every one of us. For in this world, we are all minorities. To defend those among us most in need today is, for each of us, our own best defence tomorrow.