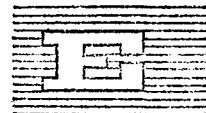


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1982/SR.13
11 February 1982

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 13th MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 9 February 1982, at 4.30 p.m.

Chairman: Mr. GARVALOV (Bulgaria)

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GE.82-15364

The meeting was called to order at 4.45 p.m.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 15)
(continued)

1. Mr. NOVAK (United States of America) said he intended to discuss food, economic organization, disarmament and chemical warfare, freedom from terrorism and the abuse of scientific psychiatric methods - subjects which concerned five human rights of importance to everyone. The human person, who was the subject of human rights, was also the master of science and technology which existed to serve human beings as their instrument. Science and technology must not be allowed to violate the right to life.
2. Only democratic procedures allowed all people to participate in the control of science and technology. In the hands of totalitarian rulers, priorities were distorted in ways that infringed the right to life, the only sure defence of which was the right to liberty and the right to pursue happiness. Those three were inalienable, God-given rights.
3. The great leap forward over the past 200 years which had made it possible for the earth to support a vastly increased population had been due to the invention of a productive system which rewarded inventiveness and labour, and to the application of practical intelligence to scientific agriculture. Yet millions were still going hungry because of inadequate political and economic systems which did not encourage scientific agriculture. Some systems of political economy created an abundance of food both for themselves and for others, whereas other systems were not able to feed even themselves even though not long before the land had proved extremely fertile. Such systems abused the right to life, because they preferred old-fashioned ideology to the daily welfare of their people.
4. Some countries, such as the Soviet Union, violated the right to life by providing inadequate diets for their people while devoting a substantial proportion (13 to 14 per cent in the case of the Soviet Union) of their entire economic output to armaments. His delegation wished whole-heartedly to associate itself with the new plea for disarmament which had been made at the previous meeting by the Soviet representative. It was indeed that same representative who in 1961 had negotiated the McCloy-Zorin agreement which was regarded by some as stating the fundamental principles for disarmament negotiations. At that time, there had been high hopes of progress towards world disarmament and peace, and for many years the United States, acting in accordance with its words about détente, had steadily reduced its spending on arms, while multiplying social spending. However, during that same period, behind the words of détente, the USSR had increased its nuclear and conventional arms budget by an average of 4 per cent a year, thus undertaking the most massive arms build-up in history. Since his country regretted the need to spend any of its resources on arms, it looked eagerly to Moscow for evidence of a major change in direction towards a reduction of armaments. The desire of the United States to disarm was attested to by the fact that it had gladly assisted in the reconstruction of two nations which 37 years before had been its enemies and whose economies now competed with its own. The United States sought such peaceful, co-operative and mutually beneficial competition with all nations and hoped that those who today regarded it as their enemy would join it in the ways of peace and universal development.

5. An appalling example of human rights abuse relating to scientific and technological developments was the use of mycotoxins and other lethal chemical agents upon helpless people who resisted the imperialist ambitions of the Soviet Union and its satellites. Many times since September 1981, the world had been presented with scientific evidence that such chemical weapons were being used in Afghanistan, Laos and Kampuchea, in spite of the body of customary law and international agreements which prohibited the use - or indeed the possession - of those weapons. The Commission must do its utmost to bring those atrocities to an end, for otherwise it would have helped the Soviet Union to deprive the victims not only of their freedom but also of their lives.

6. The right to life also implied the right to freedom from fear. One abuse of that freedom was international terrorism, whose aim was to strike fear into entire peoples by shooting down eminent figures, such as the Pope. The international roots of terrorism had often been exposed but it was frequently the weapon of local persons, in régimes widely scattered round the earth, who coldly murdered their political opponents. His delegation condemned terrorism root and branch whether it was committed by those of the right or of the left, by foes or by those who considered themselves friends of the United States. His delegation condemned the terrorism on all sides in El Salvador and all such acts supported or committed by Cuba, Libya, the PLO, the IRA, the Red Brigades, death squads, right-wing vigilantes, Governments or private brigands, who acted as if terror was a legitimate political method. It was not politics at all; it was savagery. Aided by the sophisticated means placed at its disposal by science and technology, terrorism now threatened régimes of every sort and indeed civilization itself. Terrorism was not a legitimate method of attaining human rights in any circumstances; it generated opponents among the families of its victims. The new-style terrorism required a new response from the Commission.

7. A particularly serious and sinister abuse of scientific knowledge and medical technology was psychiatric mistreatment. At its sixth congress, the World Psychiatric Association had adopted a resolution condemning the abuse of psychiatry for political purposes with particular reference to the Soviet Union. Over the previous 20 years, thousands of sane persons had been committed to Soviet institutions for the insane as a punishment for peaceful dissent, including simple advocacy of human rights, national minority rights and religious belief. The human rights of such people were violated in numerous ways: they were unjustly deprived of their liberty; they were placed among people who were suffering from serious mental disturbance; they were mistreated by the guards; and although perfectly healthy, they were, as a form of punishment, given drugs which had a wide range of serious physical side-effects. Such practices dated from post-Stalin days, when the leadership had instituted "socialist legality", which was called in other countries "due process of law". The Soviet secret police apparently used incarceration in mental institutions as a way round socialist legality in order to deal with activities of which they disapproved. He read out the text of a letter from a Soviet psychiatrist, Dr. Koryagin, who had been imprisoned in a Soviet labour camp because he had published abroad the results of his investigation into the horrible misuse of psychiatry against hundreds of dissidents. The letter concluded with an appeal not to forget the fate of people struggling against torturers armed with drugs. He urged the Commission to give prompt attention to such sickening violations of human rights.

8. Great scientists belonged not only to their own nation but to all mankind. Everyone had an obligation to preserve and protect scientific and technological genius. For that reason it was sad that the Commission was discussing agenda item 15 on the anniversary of the arrest or exile of eminent Soviet scientists, including the peerless physicist Andrei Sakharov.

9. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that scientific and technical developments affected all aspects of society and helped to create suitable conditions for the exercise of human rights. Under socialism, they were applied for the benefit of the individual and of society in general in order to strengthen economic, political, social and cultural rights. Man, as the prime mover of scientific and technological progress, should make the utmost use of that progress.

10. The First Secretary of the Central Committee of the Byelorussian Communist Party, speaking at the Party's twenty-ninth session, had said that the aim of applying advances in science and technology throughout the national economy was to satisfy society's need for high-quality goods and services - an aim reflected in article 15 of the Constitution of the Byelorussian SSR. In that Constitution and elsewhere in national legislation, there were provisions which gave effect to General Assembly resolution 3384 (XXX).

11. In the Byelorussian SSR, all possible measures were taken to promote peace and human welfare by means of science and technology. For over 50 years, under the planned socialist system, citizens had had the right to work and to choose jobs and professions in accordance with their calling, talents and training. The State, pursuant to the relevant constitutional provisions, sought to improve and safeguard conditions of work and to reduce heavy manual labour, on the basis of scientific and technological advances. The country had over 176,000 persons in scientific posts, of whom 36,000 were in teaching. There were some 400,000 volunteers active in scientific and technological work, as well as 350,000 persons, including over 170,000 workers, associated with voluntary work concerning inventions and improvements.

12. In a socialist society, the development of moral principles was an increasingly important factor in scientific and technological advances and their influence on the promotion of a balanced, spiritually rich and moral individual; that was reflected in education, the right to which was guaranteed by the Constitution.

13. The Declaration contained in General Assembly resolution 3384 (XXX) was timely, and its provisions were especially relevant to countries where scientific and technological advances were applied to surveillance and intrusion into privacy. In the Byelorussian SSR, the citizens were protected by law against any interference with their life, health, personal freedom and property. The privacy of telephone and other communications was guaranteed under article 54 of the Constitution.

14. Scientific and technological progress fostered international co-operation on the basis of equality. The Byelorussian SSR, through its relations with many countries, trained thousands of nationals of developing countries, pursuant to the

provisions of the above-mentioned Declaration. One of the Commission's foremost tasks should be to implement the provisions of that Declaration. However, that task was being hindered by a number of secondary questions intended to delay matters, although its implementation everywhere would be one of the best guarantees of peace, security and protection of human rights. His delegation had sponsored Commission resolution 38 (XXXVII); the study undertaken pursuant to paragraph 3 of that resolution would assist developing and developed countries alike in implementing the Declaration. His delegation welcomed the submission by the Secretary-General of a report (A/36/429) on implementation of the Declaration by Member States, pursuant to General Assembly resolution 35/130 A, which his delegation had also sponsored.

15. Although scientific and technological progress could bring benefits to all mankind, it could also pose a threat to individual rights and freedoms. The most frightening aspect of such progress was the continued arms race, which was growing not only in pace and scale but in the number of States involved, thus increasingly threatening the most sacred of human rights - the right to life. During the Second World War more than 50 million lives had been lost and thousands of towns and cities razed; the total amount of explosives used had been equivalent to some five megatons. The stocks contained in present-day arsenals, however, represented a force 10,000 times greater. The build-up went on, and weapons of an even more deadly nature, such as neutron bombs, were being developed. Further rocket bases were being installed in Western Europe, and Washington was doing its utmost to advocate the admissibility of nuclear weapons. The socialist States, on the other hand, were striving to ban such weapons; Mr. Brezhnev, in a statement reported recently in Pravda, had stressed that it would be suicidal for anyone to initiate a nuclear conflict. The harnessing of nuclear energy had been a victory for science, creating hitherto unimagined prospects for energy, medicine and many other fields of science and technology. But the lesson of Hiroshima should not be overlooked, especially since certain Western Powers remained ready to admit and even plan the use of nuclear weapons as an instrument of policy. As noted in the address by the USSR Supreme Soviet to the world's parliaments and peoples in June 1981, the major task of all States should be to free peoples from the threat of nuclear war and safeguard the right to peaceful existence.

16. Peace was an essential part of socialism; no socialist Power advocated warfare. One in every four inhabitants of the Byelorussian SSR had been killed during the Second World War. His country was accordingly prepared to take any measures aimed at protecting the inalienable right to life.

17. Scientific and technological progress knew no frontiers; to use its benefits in the interests of human rights, including the right to life, was man's principal task and duty. His delegation was firmly convinced of the need to disseminate those benefits for the purposes of strengthening peace, international security, peaceful coexistence and détente, assisting in the struggle to achieve national independence and overthrow imperialist aggression, and establishing international economic relations based on justice and equality.

18. He noted that the United States representative had attempted to abuse the discussion of the item in order to make slanderous attacks on members of the Commission. In that connection, it might be useful for members to hear about an instance of inhuman perversion of medicine to serve the purposes of the military-industrial complex in the United States. According to the September-October 1981 issue of the United States publication Hooper Jones, nearly 90 people had been used during the period 1960-1974 as guinea-pigs in criminal experiments aimed at determining the parameters of the radiation sickness syndrome. The experiments had sought to determine what dosage of radiation would cause people to lose their appetite and provoke the onset of nausea. The patients had been systematically administered substantial doses of radiation in two specially equipped chambers in a "clinic" in the Institute for Nuclear Research at Oak Ridge, Tennessee. Apparently, the information obtained had ultimately been used in space research. It had not been possible to obtain the names of most of the patients but one in particular was known, Dwayne Saxon, a six-year-old boy, who had died one month after his last radiation session at the clinic. It was clear that the massive doses of radiation administered in those criminal experiments had hastened the death of the child. It would be interesting to hear the response of the representative of the United States to that report.

19. Mr. KOOLJHANS (Netherlands) said that, although his delegation was fully aware of the dangers resulting from the continuing arms race and the urgency of the problems relating to disarmament, it derived some comfort in the fact that such issues were being and would be thoroughly discussed in other competent bodies of the United Nations, in particular at the coming special session of the General Assembly devoted to disarmament. In connection with the item now under consideration, his delegation was especially interested in two reports prepared by Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, namely, the preliminary report by Mrs. Daes on the protection of persons detained on the grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/474), and the study by Mrs. Questiaux on relevant guidelines in the field of computerized personal files, particularly where they affected the privacy of the individual.

20. It was the task of the Commission and other international bodies to provide the international community with principles, guidelines and guarantees for the protection of such vulnerable groups of persons as those detained on grounds of mental ill-health. Involuntary admission to, and detention and treatment in, mental hospitals should be subject to strict legal, humanitarian and medical conditions and guarantees. Roughly speaking, the mentally ill were characterized by a state of mind that society felt was abnormal, although it could not be said that deviation from normalcy could always be defined as mental ill-health. It was most unfortunate that dissent was sometimes construed as a sickness and that persons who expressed their opinions were taken away and put in psychiatric institutions in order to be "cured".

21. In connection with Mrs. Daes' report, his delegation had been pleased to see the document prepared by the International Association of Penal Law and the International Commission of Jurists (E/CN.4/Sub.2/NGO/35), which contained an extremely useful proposal for guidelines for the protection of persons suffering from mental disorders. It had been noted in the Sub-Commission during the

discussion of Mrs. Daes' report that in all cases of involuntary hospitalization, judicial procedures, including the right of appeal, should be applied before final decisions were taken and that provisions should be formulated for periodic re-examination of cases. Particular attention had also been recommended for the question of the authority of persons who had the right to give consent to the detention of a mentally ill person and for the decision process concerning the type of treatment to be given to patients, as well as for the question of the abuse of the civil and social rights of persons considered to be suffering from mental ill-health. The abuse of involuntary hospitalization, especially in respect of persons who were exercising their right to freedom of expression, was an unacceptable form of violation of human rights.

22. The right to privacy was an important human right and all efforts should be made to protect it against violations resulting from the application of new data collection systems, i.e. computers. Great attention should be paid to the objective for which a computer file was established, as well as to its accuracy and security. Every citizen should, in principle, have the right of access to the information collected by government authorities about himself. The Netherlands Government was very concerned about the problem and was now preparing several important bills comprising general rules for the protection of privacy and guarantees of privacy in connection with the recording of personal data by government institutions, including the police and the internal security service. It was important that mankind should control and master the developments of modern technology, especially in order to protect human rights.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1982/L.3 and L.6)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1982/L.2 and L.4)

23. Mr. SOLA VILA (Cuba), speaking on behalf of the sponsors, introduced draft resolution E/CN.4/1982/L.6 relating to the question of the violation of human rights in the occupied Arab territories, including Palestine. The draft resolution was based on the principles and purposes of the Charter and the fundamental principles of international law. After summarizing its provisions, he drew attention to an amendment which should be made in operative paragraph 3. After the words "United Nations" the following words should be inserted: "and the systematic violation of human rights in the occupied Arab territories, including Palestine, constitute". He commended the draft resolution to the Commission for consideration and adoption.

The meeting rose at 6.05 p.m.