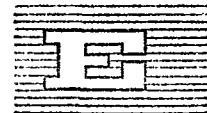


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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 12th MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 9 February 1982, at 10 a.m.

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

Human rights and scientific and technological developments

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The meeting was called to order at 10.25 a.m.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 15)
(E/CN.4/Sub.2/474)

1. Mr. MOMPOINT (Chief, Research, Studies and Prevention of Discrimination Section, Division of Human Rights) said that the subject under consideration had been given increasing attention by the international community, especially since the adoption in 1975 by the General Assembly of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

2. Scientific and technical progress was generally considered a determining factor in the development of human societies. The General Assembly and the Commission on Human Rights had frequently emphasized that human resources and scientific work should contribute to the peaceful development of all countries in the economic, social and cultural fields and to the raising of standards of living for mankind. In its resolution 36/56 of 25 November 1981 the General Assembly had stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration and had requested the Commission to give special attention to the question of such implementation. In the same resolution, the General Assembly had requested the Commission to continue its consideration of the question of the protection of those detained on grounds of mental ill-health, in the light of the action being taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with a view to submitting a report to the General Assembly.

3. At its thirty-fourth session in the preceding year, the Sub-Commission had had before it a preliminary report (E/CN.4/Sub.2/474) prepared by Mrs. Daes, Special Rapporteur, containing guidelines for the protection of persons detained on grounds of mental ill-health and principles for the protection of persons suffering from mental disorder. The Special Rapporteur had informed the Sub-Commission that her final report, which would be submitted to the Commission at its next session, would be based on replies to a questionnaire circulated to governments and organizations and on data from other sources.

4. At its most recent session the Commission had taken up another aspect of the subject in its resolution 38 (XXXVII), when it had invited the Sub-Commission to undertake a study on the use of the results of scientific and technological progress for the realization of the right to work and development. The Sub-Commission had not yet, however, acted on that request.

5. In response to Commission resolution 10 B (XXXIII) and following studies carried out at the request of the General Assembly, the Chairman of the Sub-Commission had appointed Mrs. Questiaux as Special Rapporteur for the study of guidelines on the uses of electronics which might affect the rights of the person and the limits which should be placed on such uses in a democratic society. The study would be submitted to the Sub-Commission at its next session.

6. At its most recent session, the General Assembly had requested the Secretary-General to ask the Department of Public Information to prepare a booklet outlining the main points from the studies conducted by the Secretary-General on the protection of the privacy of individuals and the sovereignty and integrity of nations in the light of technological advances in recording and other practices, on the protection of the individual and his physical and intellectual integrity in the light of advances in biology, medicine and biochemistry, the uses of electronics which might affect individual rights and the balance which should be sought between scientific and technological developments and the intellectual, spiritual, cultural and moral uplifting of mankind.

7. Mr. ZORIN (Union of Soviet Socialist Republics) said that the relation between scientific and technological developments and human rights had long been under investigation in the United Nations and elsewhere. Many studies had been devoted to different aspects of the question. It was mainly on the basis of the conclusions of those studies that the General Assembly, in 1975, had adopted the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

8. While science and technology could be synonymous with progress, they also brought the threat, and even the possibility, of destruction of the planet. More than 20 years before the explosion of the first atomic bomb, a Soviet scientist, Vernadski, had pointed out that while progress in that field gave man the opportunity to plan the course of human existence, it was not certain whether mankind would know how to control that force or was sufficiently mature to use it wisely.

9. That view of the future was not without foundation. The two atomic bombs dropped by the United States of America in 1945 had caused more than 300,000 deaths and an incalculable number of disabled. According to military experts, the destructive power of the nuclear devices currently in existence was 10,000 times greater than that of all the explosive devices used during the Second World War. There were now 10,000 tons of TNT for every one of the earth's inhabitants. Nuclear weapons had continued to develop from the qualitative standpoint also. After the development of the hydrogen bomb, the neutron bomb, which could destroy all life on the planet, had been brought into being.

10. The expansion of nuclear arsenals was only one aspect of the problem. For several decades billions of dollars had been spent on the development of new weapons. According to United Nations reports, 60 million highly-skilled persons throughout the world were working in armaments-related occupations. At the same time, however, the problem of unemployment had not been solved in the western countries. It was estimated that by investing 1 billion dollars in the armaments sector, the opportunity was lost of creating 14,000 jobs in industry or 30,000 civil service posts. The armaments race therefore constituted an enormous waste. An editorial in the International Herald Tribune of 3 February had stated that there were at present 25 million unemployed in western Europe and 9 million in the United States of America. That social scourge was a nightmare for western leaders, who remembered the great economic crisis which had led to nazism in Germany, fascism in Italy and hegemonism in Japan before the Second World War.

11. In a declaration adopted in Paris in December 1981 at a world trade union conference on the social and economic aspects of disarmament, the consequences of the arms race for millions of individuals continuing to suffer hunger and poverty had been highlighted. It had also been pointed out that the arms race was preventing the developing countries from overcoming their economic backwardness and was an obstacle to the establishment of the new international economic order.

12. The arms race could have even more serious consequences owing to the fact that some leaders sought to create a climate of mistrust between countries and to interfere in the domestic affairs of others in order to dictate their policy, impose on them harmful doctrines and provoke "local" wars, which gave them an opportunity to try out new weapons. Such leaders wished to prevent the conclusion of international agreements on the limitation or prohibition of nuclear or chemical weapons, the reduction of military forces in Europe and other measures.

13. All that was a cause of great concern to peace-loving peoples. It was significant that the main decisions taken by the General Assembly at its most recent session were on the question of arms limitation and reduction. The relevant draft resolutions, which were consistent with the principles of the foreign policy of his country, had been submitted by it or had had its active support. As Mr. Brezhnev had stated at the Twenty-Sixth Congress of the Communist Party of the Soviet Union, it was vain and dangerous for each side to seek to overcome the other through the arms race or to hope to become the victor by triggering a nuclear war. In his country's view, the only way to guarantee the primary human right, the right to life, was not to prepare for war but to strengthen peace. The Supreme Soviet of his country, in a declaration to the peoples of the world in June 1981, had stated that all those who encouraged the arms race were pushing mankind towards the abyss.

14. It was essential for the Commission on Human Rights to help to guarantee the right to life by elaborating a draft resolution incorporating the ideas set out in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and various other declarations and resolutions adopted in recent years. That resolution must emphasize the need to take measures to guarantee the right of man to live in peace. In view of the increasingly grave threats, there could be no doubt that action by the international community in the field of human rights would be meaningless if it could not guarantee the right to live in peace. Military preparations hampered the realization of economic, social and cultural rights and the enormous sums wasted on the arms race prevented the carrying out of social programmes, which in turn hampered the achievement of civil and political rights. Leaders of countries which favoured greater military spending exaggerated foreign threats so as to increase the population's distrust of other countries and sought to manipulate public opinion.

15. His country was sure that the Commission would adopt a resolution on defence of the right to live in peace which would be a decisive contribution to the solution of one of the fundamental problems of the contemporary world. As Mr. Brezhnev had stated at the Twenty-Sixth Congress of the Communist Party of the Soviet Union there was no more lofty ideal than that of guaranteeing the right of peoples to live in peace. His delegation hoped that there would be wide support in the Commission for such a draft resolution.

16. Viscount COLVILLE OF CULROSS (United Kingdom of Great Britain and Northern Ireland) observed that in his introductory statement, the Director of the Division of Human Rights had stressed the importance of the most fundamental right, the right to life. Scientific and technological process in such fields as medicine and agriculture had helped enormously to protect the peoples of all countries against disease and hunger, but the simultaneous developments in weaponry threatened the lives of everyone on earth. On that point, he supported the observations made by the representative of the USSR. The Government of the United Kingdom considered reduction of the resources devoted to arms to be the international community's most important task. His country had initiated the 1972 Biological Weapons Convention and it had played a prominent part in the negotiation of the Partial Test Ban and Non-Proliferation Treaties. It was also participating actively in the negotiations in the Committee on Disarmament. Unfortunately, despite those efforts, the results of the first disarmament decade had been disappointing and the world was a more dangerous place than it had ever been. The increases in expenditure on armaments had also reduced the resources available for tackling social and economic problems, especially in the poorest countries. In his own country there was a keen awareness of the current serious problems for world peace, and of the need for co-operation to solve them.

17. Psychiatry was another area in which science could be prejudicial to human rights. Detention in hospitals and psychiatric institutions was sometimes necessary, but it was essential that only persons genuinely in need of treatment should be taken into psychiatric institutions and that, during their detention, they should be treated with due regard for their dignity as human beings and that they should be allowed to leave as soon as they were no danger to themselves or to society. It was an abuse of psychiatry and of the integrity of the medical profession and of human rights when authorities imprisoned in psychiatric institutions normal people whom they wished to remove from society and when drugs were administered to them with the objective of reducing their capacity for independent thought and action. Such practices were not only abominable from the standpoint of the individual but created an atmosphere of fear in society as a whole.

18. Four years earlier the Commission had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of protection of persons detained on grounds of mental ill-health against treatment that might adversely affect the human personality and its physical and intellectual integrity. The Sub-Commission had appointed a Rapporteur, Mrs. Daes, to prepare guidelines on the subject and, at the Rapporteur's request, the Secretary-General had transmitted a questionnaire to governments and various other bodies. Some replies had been received during 1981. In a report contained in document E/CN.4/Sub.2/474, Mrs. Daes had set out some preliminary considerations but had concluded that she needed more responses from governments and other organizations before she would be in a position to submit draft guidelines to the Sub-Commission. At its most recent session, the Sub-Commission had asked that a final report should be submitted to it at its thirty-fifth session. By its resolution 36/56B, the General Assembly had requested the Commission to continue its consideration of the question in the light of the work of the Sub-Commission and to submit a report to the General Assembly at its thirty-eighth session. His delegation appreciated the work already done in the Sub-Commission and hoped it would be completed within the time-limit laid down by the General Assembly. It therefore urged those governments and organizations which had not yet replied to the questionnaire to do so as a matter of urgency. At the present session, the Commission should take note of the Sub-Commission's work. His delegation would shortly be submitting a draft resolution to that effect which it hoped would be adopted by consensus.

19. He wished to stress his country's interest in the study on the importance for individual privacy of advances in the field of electronics, which was relevant to article 12 of the Universal Declaration of Human Rights, concerning arbitrary interference in individual privacy. The Sub-Commission's study would provide an opportunity for further consideration of the subject by the United Nations, and it was to be hoped that it would be completed and submitted to the Sub-Commission in the near future.

20. Mr. de SOUZA (France) recalled that in 1968 the International Conference on Human Rights had, in the Proclamation of Teheran, warned that scientific and technological progress might endanger human rights and had consequently drawn attention to the need for increased vigilance; it had also stressed the advantages offered by such progress from the standpoint of development. The United Nations had thus oriented its work in that field along those two lines.

21. In the first place, with regard to the potentially negative aspects of scientific and technological developments, the General Assembly, by its resolution 2450 (XXIII), had invited the Secretary-General to undertake a study, which was currently suspended. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, for its part, had carried out two studies, one dealing with guidelines to ensure that persons were detained in psychiatric institutions solely on grounds of mental ill-health, and the other with guidelines to govern the use of computerized personal files. His delegation wholeheartedly approved that work, which should provide the Commission with ample material for consideration. It was in that spirit that France had taken the initiative of submitting to the General Assembly, at its most recent session, a draft resolution which the Assembly had adopted and by which it had instructed the Department of Public Information to prepare a booklet outlining the main points of the studies prepared by the Secretary-General on the subject of human rights and scientific and technological developments.

22. However, scientific and technological developments also had a positive impact on development. Scientific and technological progress was good in itself, and it was merely a question of denouncing the improper use made of it. For example, electronics might well be applied for the illegal exploitation of personal data before it was applied for such uses as the management of co-operatives. That danger existed for both the industrialized and the developing countries. However, it was necessary to bear in mind also that, in the latter countries, the inadequate level of scientific and technological development limited the effective enjoyment of human rights in some respects. It was important, therefore, for measures to be taken at the international level to accelerate such progress in all countries, which meant not only ensuring a more equitable distribution of the advances already made in that field but also, and primarily, enabling all countries to make a contribution to scientific and technological development.

23. Therefore, it was in the light of the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and particularly its paragraphs 5, 6 and 8, that the Commission had a duty to formulate a body of standards which would prohibit the use of scientific and technological achievements to the detriment of human rights, and to encourage the work of bodies entrusted with the task of defining a new international economic order that would ensure the equitable participation of all countries in scientific and technological developments.

24. Mr. MARTINEZ (Argentina) said that his delegation, too, was aware of the positive and negative aspects for human rights of scientific and technological developments. As the delegation of the USSR had just observed, the arms race endangered an especially fundamental right - the right to life - and disarmament contributed to the economic and social development of all countries, in particular the least advanced among them. He hoped that that delegation's suggestion would be favourably received. Similarly, like the United Kingdom delegation, his delegation was looking forward to the final report on guidelines and principles for the protection of the mentally ill, which Mrs. Daes, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, was to submit.

25. While endeavouring to correct or neutralize some negative consequences of certain scientific and technological developments, the Commission should seek to promote effective and efficient international co-operation which would make it possible to derive benefit from such progress with a view to meeting the material and spiritual needs of the peoples of the world, in accordance with the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

26. Mr. YOUSEF (Observer for Iraq) said that the links between human rights and scientific and technological developments had aspects which were both positive and negative. The Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly on 10 November 1975 (resolution 3384 (XXX)), of which he quoted operative paragraphs 1 and 2, was a most useful text for envisaging those reciprocal effects. He then referred to resolution 38 (XXXVII) of the Commission on Human Rights, which called for the fullest use to be made of the results of scientific and technological progress in order to ensure the greatest possible satisfaction of human material and spiritual needs. Recently, the General Assembly had once again, in resolution 36/56, of which he quoted operative paragraph 1, stressed the importance of applying the principles of its 1975 Declaration.

27. In the relationship between scientific developments and human rights, the use of nuclear energy for peaceful purposes occupied a special place. Several conferences had been devoted to that question, including one at Geneva from 6 to 16 September 1971 under the auspices of the United Nations and IAEA. The conference had given an understanding of the extensive role nuclear energy could play in the fulfilment of the development plans of countries of the third world. He listed several important aspects of that role: utilization of nuclear energy to reduce the salinity of soils and improve agricultural lands, nuclear medicine, electricity production, creation of alternative sources of energy, all activities which entailed the training of scientific and technical personnel. He then referred to the principles which should govern international co-operation in the use of nuclear energy for peaceful purposes and which were set out in General Assembly resolution 32/50: first, such use was of great importance for economic and social development; secondly, all States had the right to develop their programme for the peaceful use of nuclear technology for such development; thirdly, all States should have access to the technology and materials needed for the peaceful use of nuclear energy.

28. Iraq, as a producer of petroleum, was aware that that resource would one day be exhausted. Its leaders had therefore sought to use its revenue from petroleum to ensure the country's technical and scientific progress. At present, Iraq was making use of nuclear energy to accelerate its development, generate electricity and improve and desalt the soil. It was also making progress in the field of nuclear medicine.

29. Iraq's nuclear facilities had been constructed for peaceful purposes, under the control of IAEA. The Israeli raid against those installations, which had taken place in June 1981, had been an act of aggression, strongly condemned by the Security Council in resolution 487 (1981) and by the General Assembly in resolution 36/27. That Zionist aggression had constituted a violation of human rights in that it had infringed the right to use science and technology for the benefit of mankind. It was the expression of a racist ideology aimed at hampering the exercise of the right of peoples to development. Furthermore, it was certain that Israel itself possessed nuclear weapons; that had been stressed in the report of the experts appointed in that connection by the Secretary-General (A/36/431). In that regard, it was necessary to draw attention also to the close co-operation between South Africa and Israel in the nuclear field, a co-operation which sought to enable the latter country to play more effectively the role of guardian of imperialist interests in the Arab world. In that connection, he referred to General Assembly resolution 32/130, the preamble of which recognized that aggression and threats against national sovereignty constituted situations which in themselves were and generated mass and flagrant violations of all human rights and fundamental freedoms; he also quoted operative paragraph 1 (e) of the resolution. In conclusion, he said that the Commission should strongly condemn the Israeli aggression as a violation of human rights and adopt appropriate resolutions to put an end to Zionist acts of aggression against the Arab nation, which was fighting against under-development.

30. Mr. BATIUK (Observer for the Ukrainian Soviet Socialist Republic) said that scientific and technological progress symbolized the hope of mankind for a better future. It was regrettable, in those circumstances, that it was sometimes diverted from its purpose - for example, by the militarist forces which engaged in an unbridled arms and even nuclear race - and was used in such a way that it might result in the annihilation of mankind.

31. Only through co-operation by all States would it be possible to reduce that military threat by giving priority to the right to life and the triumph of reason over distrust. It was in that spirit that the General Assembly had adopted resolution 36/81 B at its most recent session.

32. The billions of dollars spent on armaments could be usefully employed for the benefit of the underprivileged. The Commission therefore had a duty to ensure that, through inter-State agreements, the benefits of science and technology were employed exclusively in the interest of international peace and for the benefit of mankind and, to that end, immediately to undertake the preparation of a study on the right to life.

33. Mr. FRAMBACH (Observer for the German Democratic Republic) recalled that in his statement at the opening of the session, the Director of the Division of Human Rights had observed that, without legal and social protection of human life, the very fabric of our societies would be destroyed. One of the important aspects of protection of the right to life was the use of scientific and technological progress in the interest of peace and for the benefit of mankind. In resolution 36/56 A,

the General Assembly had stressed that the resources of mankind and the activities of scientists should be used only for peaceful economic, social and cultural development. He also referred to the Declaration on the Use of Scientific and Technological Progress, adopted by the General Assembly in resolution 3384 (XXX), and said that his country favoured the full application of the principles set forth in that Declaration, principles which had, moreover, become everyday practice in the German Democratic Republic. Article 17 of that country's Constitution prohibited any misuse of science directed against peace, international understanding, or human life and dignity, and its national policy had always been aimed at promoting the humanistic nature of science.

34. In the field of international relations, the position of the German Democratic Republic was that the activities of the United Nations, and in particular of the Commission, related to science and technology should seek to prevent any abuse of scientific and technological achievements that would favour imperialism, the development of weapons of mass destruction and the neo-colonialist exploitation of developing countries. In that connection, he drew attention to the positive impact of disarmament on development.

35. The strengthening of peace through arms limitation was of the first priority. Such was the purpose of the actions taken in that field by his Government, in concert with the USSR and the other fraternal socialist countries. The socialist countries were seeking peace, since the construction of socialism required peace and at the same time strengthened it. In pursuing that goal, the socialist countries hoped that current international tensions would be decreased, that the arms race would be halted and that détente would be encouraged. In their opinion, there was no other way. At the Tenth Congress of the Socialist Unity Party of the German Democratic Republic, Mr. Honecker, the General Secretary of the Central Committee, had said: "The peoples should not have to go about their daily business under the threat of war, but in a secure atmosphere of peace, which should finally become their normal way of life".

The meeting rose at 12.10 p.m.