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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Report of the Third Committee

Rapporteur: Mr. Carlos CASAJUANA (Spain)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Human rights and scientific and technological developments" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 97, 99, 100, 101 and 106 at its 39th to 43rd, 46th, 51st, 55th and 56th meetings, on 10, 11, 14, 15, 17, 23, 28 and 29 November 1988. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/43/SR.39-43, 46, 51, 55 and 56).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Economic and Social Council, chapter V, section A (A/43/3); 1/

(b) Letter dated 22 July 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Secretary-General (A/43/480).

4. At the 39th meeting, on 10 November, the Under-Secretary-General for Human Rights made an introductory statement.

1/ To be issued as Official Records of the General Assembly, Forty-third Session, Supplement No. 3 (A/43/3/Rev.1).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/43/L.45

5. At the 46th meeting, on 17 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Belgium, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, Germany, Federal Republic of, Italy, Luxembourg, Morocco, Norway, Singapore, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/43/L.45) entitled "Implications of scientific and technological developments for human rights".

6. At its 51st meeting, on 23 November, the Committee adopted draft resolution A/C.3/43/L.45 without a vote (see para. 17, draft resolution I).

B. Draft resolution A/C.3/43/L.47

7. At the 46th meeting, on 17 November, the representative of the Byelorussian Soviet Socialist Republic, on behalf of Afghanistan, Algeria, Angola, Argentina, Bangladesh, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, the Byelorussian Soviet Socialist Republic, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Mali, Mongolia, Morocco, Nepal, Nicaragua, Panama, Peru, Poland, Romania, Sierra Leone, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Viet Nam and Zambia, introduced a draft resolution (A/C.3/43/L.47) entitled "Human rights and scientific and technological developments".

8. At the 51st meeting, on 23 November, the Committee adopted draft resolution A/C.3/43/L.47 by a recorded vote of 106 to none, with 23 abstentions ^{2/} (see para. 17, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lao

^{2/} The delegations of Panama and Senegal subsequently stated that, had they been present during the voting, they would have voted in favour of the draft resolution. The delegation of Australia subsequently stated that, had it been present during the voting, it would have abstained in the vote on the draft resolution.

People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

9. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Cuba and Japan. A statement was also made by the representative of Bulgaria.

C. Draft resolution A/C.3/43/L.48 and Rev.1

10. At the 46th meeting, on 17 November, the representative of the Union of Soviet Socialist Republics, on behalf of Afghanistan, Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Nicaragua, Poland, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, and Viet Nam, introduced a draft resolution (A/C.3/43/L.48) entitled "Human rights and scientific and technological developments: the right to life". Subsequently, Romania joined in sponsoring the draft resolution, which read as follows:

"The General Assembly,

"Reaffirming the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person, to maintain international peace and security and to develop friendly relations among peoples and international co-operation in promoting and encouraging universal respect for human rights and fundamental freedoms,

"Recalling the relevant provisions of the Universal Declaration of Human Rights, 3/ the International Covenant on Economic, Social and Cultural Rights 4/ and the International Covenant on Civil and Political Rights, 4/

3/ Resolution 217 A (III).

4/ Resolution 2200 A (XXI), annex.

"Bearing in mind that, in its resolution 38/75 of 15 December 1983, the General Assembly resolutely, unconditionally and for all time condemned nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life,

"Convinced of the need to intensify efforts to foster the spirit of mutual respect, understanding and confidence and to combat attempts to incite enmity, hatred and intolerance and to impose "enemy image" stereotypes,

"Convinced also that all the rights and freedoms, as well as the material and spiritual wealth that both man and nations possess, have a common foundation - the right to life and to a secure future in peace and freedom,

"Conscious that the widening availability of technology and the achievement of scientific and technical advances bring new possibilities for peaceful and productive enterprise, open new perspectives for the progress of civilization and provide increasing opportunities to better the conditions of life of peoples and nations, but, at the same time, present new dangers if used for the creation of new types of weapons deadlier than those which already are capable of transforming an armed conflict from human tragedy to human annihilation,

"Conscious that it is only the creative genius of man that makes progress and the development of civilization possible in a peaceful environment, and that human life must be recognized as supreme,

"Recalling its resolution 42/99 of 7 December 1987,

"Taking note with appreciation of Commission on Human Rights resolution 1988/60 of 9 March 1988, 5/

"1. Reaffirms that all peoples and all individuals have an inherent right to life;

"2. Recalls the historic responsibility of the Governments of all countries of the world to preserve civilization and to ensure that everyone enjoys his inherent right to life;

"3. Calls upon all States to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international level;

"4. Calls upon all States, appropriate United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of

scientific and technological progress, the material and intellectual potential of mankind, are used to solve global problems exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;

"5. Stresses that a world without nuclear weapons and violence would open vast opportunities for the joint efforts of all nations aimed at solving urgent humanitarian problems and at co-operating in the areas of science, education, medicine, arts and others, thus guaranteeing the necessary conditions for the harmonious development of the individual;

"6. Emphasizes the importance of overcoming prejudices based on intolerance, hatred and "enemy image" stereotypes;

"7. Calls upon Governments, intergovernmental and non-governmental organisations and the public in all countries to intensify their efforts with a view to strengthening mutual understanding and trust in relations among peoples and States and educating people in the spirit of peace, humanism and respect for the values common to all mankind;

"8. Requests the Secretary-General, in the light of the comments and views of Member States, to submit a report on the implementation of the present resolution to the General Assembly at its forty-fifth session;

"9. Decides to consider this question at its forty-fifth session under the agenda item 'Human rights and scientific and technological developments'."

11. At the 51st meeting, on 23 November, statements were made by the representatives of India and the Union of Soviet Socialist Republics.

12. At the 55th meeting, on 28 November, the representative of the Union of Soviet Socialist Republics made a statement.

13. At the 56th meeting, on 29 November, the representative of the Union of Soviet Socialist Republics, on behalf of the sponsors, now joined by Cuba, introduced a revised draft resolution (A/C.3/43/L.48/Rev.1). Subsequently, Zimbabwe joined in sponsoring the revised draft resolution.

14. At the same meeting, the representative of Sweden orally proposed an amendment to operative paragraph 1 of the draft resolution by which the words "all people have an inherent right" would be replaced by the words "every human being has the inherent right".

15. Statements were made by the representatives of the Union of Soviet Socialist Republics, Morocco, Sweden, India, Algeria and Egypt.

16. At the same meeting, following a statement by the representative of Sweden in which he agreed not to insist on his proposed amendment, the Committee adopted draft resolution A/C.3/43/L.48/Rev.1 without a vote (see para. 17, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Implications of scientific and technological developments for human rights

The General Assembly,

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines,

Mindful of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 6/

Recalling also its resolution 42/98 of 7 December 1986, in which it again urged the Commission on Human Rights and the Sub-Commission to expedite their consideration of this question, so that the Commission could submit its views and recommendations, including a draft body of guidelines, principles and guarantees, to the General Assembly at its forty-fourth session, through the Economic and Social Council,

Reaffirming Commission on Human Rights resolution 1988/62 of 9 March 1988, 7/

Taking note of Sub-Commission resolution 1988/28 of 1 September 1988,

Expressing deep concern at the repeated evidence of the misuse of psychiatry to detain persons on non-medical grounds, as reflected in the report of the Special Rapporteur of the Sub-Commission,

Reaffirming its conviction that detention of persons in mental institutions on account of their political views or on other non-medical grounds is a violation of their human rights,

6/ Resolution 37/194, annex.

7/ See Official Records of the Economic and Social Council, Supplement No. 2 (E/1988/12), chap. II, sect. A.

1. Welcomes the progress made by the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which enabled the Sub-Commission, at its fortieth session, to adopt the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care;

2. Invites the Commission on Human Rights to consider the subject at its forty-fifth session in the light of the Sub-Commission's recommendations.

DRAFT RESOLUTION II

Human rights and scientific and technological developments

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Noting once again the great importance of 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 in its resolution 3334 (XXX) of 10 November 1975,

Considering that the implementation of the Declaration will contribute to the strengthening of international peace and the security of peoples and to their economic and social development, as well as to international co-operation in the field of human rights,

Bearing in mind the relevant provisions of the Declaration on Social Progress and Development, §/

Realizing that the science and technology of our times create possibilities for providing an abundance of material wealth on Earth and establishing conditions for the prosperity of society as well as the all-round development of every person,

Seriously concerned that the results of scientific and technological progress could be used for the arms race and the development of new types of weapons to the detriment of international peace and security and social progress, human rights and fundamental freedoms and the dignity of the human person,

Emphasizing the growing importance of intellectual work, of interaction between science, technology and society, and of the humanistic, moral and ethical orientation of science and of scientific and technological progress,

§/ Resolution 2542 (XXIV).

Convinced that in the era of modern scientific and technological progress the resources of mankind and the activities of scientists should be used for peaceful economic, social and cultural development of countries and for the improvement of the living standards of all people,

Recognising that the establishment of the new international economic order calls in particular for an important contribution to be made by science and technology to economic and social progress,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of the developing countries,

1. Stresses the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind in order to promote human rights and fundamental freedoms;

2. Calls upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress and to put an end to the use of these achievements for military purposes;

3. Also calls upon States to take all necessary measures to place all the achievements of science and technology at the service of mankind and to ensure that they do not lead to the degradation of the natural environment;

4. Requests the specialized agencies and other organizations of the United Nations system to take into account in their programmes and activities the provisions of the Declaration;

5. Requests the Commission on Human Rights to continue to give special attention, in its consideration of the item entitled "Human rights and scientific and technological developments", to the question of the implementation of the provisions of the Declaration;

6. Invites the Commission on Human Rights to take appropriate measures and to assist the Sub-Commission on Prevention of Discrimination and Protection of Minorities in preparing the study requested by the Commission in its resolutions 1982/4 of 19 February 1982, 9/ 1984/29 of 12 March 1984, 10/ 1986/11 of 10 March 1986 11/ and 1988/61 of 9 March 1988; 12/

9/ See Official Records of the Economic and Social Council, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

10/ Ibid., 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. II, sect. A.

11/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

12/ Ibid., 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

7. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Human rights and scientific and technological developments".

DRAFT RESOLUTION III

Human rights and scientific and technological developments:
the right to life

The General Assembly,

Reaffirming the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person, to maintain international peace and security and to develop friendly relations among peoples and international co-operation in promoting and encouraging universal respect for human rights and fundamental freedoms,

Recalling the relevant provisions of the Universal Declaration of Human Rights, 13/ the International Covenant on Economic, Social and Cultural Rights 14/ and the International Covenant on Civil and Political Rights, 14/

Reaffirming that the inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world,

Recalling the fundamental importance of the right to life,

Conscious that it is only the creative genius of man that makes progress and the development of civilization possible in a peaceful environment, and that human life must be recognized as supreme,

Recalling its resolution 42/99 of 7 December 1987,

Recalling Commission on Human Rights resolution 1988/60 of 9 March 1988, 15/

1. Reaffirms that all people have an inherent right to life;

13/ Resolution 217 A (III).

14/ Resolution 2200 A (XXI), annex.

15/ See Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

2. Recalls the historic responsibility of the Governments of all countries of the world to preserve civilization and to ensure that everyone enjoys his inherent right to life;

3. Calls upon all States to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international level;

4. Calls upon all States, appropriate United Nations bodies, the specialised agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress, the material and intellectual potential of mankind, are used for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;

5. Emphasises the importance of promoting international understanding based on tolerance, friendship and peaceful co-operation;

6. Calls upon Governments, intergovernmental and non-governmental organisations to intensify their efforts with a view to strengthening mutual understanding and trust in the spirit of peace and respect for human rights;

7. Decides to consider this question at its forty-fifth session under the item entitled "Human rights and scientific and technological developments".
