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SUMMARY RECORD OF THE 51st MEETING

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later: Mrs. FLOREZ (Cuba)

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The meeting was called to order at 10.30 a.m.

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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

AGENDA ITEM 97: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/38/3 (Part I); A/C.3/38/L.31, L.32)

1. Mr. KAMPER (Netherlands), speaking on agenda items 93, 94 and 97, said that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had made substantial progress, even though it had failed to take a final decision on the draft guidelines, principles and guarantees for the protection of those detained on the grounds of mental ill-health. His delegation would support the draft resolution on that subject, since there was no question that people suffering from mental disorders or mental illness were among the most vulnerable members of society and thus required special protection. Furthermore, the abuse of psychiatry to detain and mistreat mentally sound people in psychiatric institutions because of their political or religious opinions or on any other non-medical grounds constituted a flagrant violation of human rights. Unfortunately, such abuses of psychiatry continued to be reported. Such practices were repugnant and should be stopped immediately.

2. The growing awareness that torture was systematically practised in many countries had led to numerous reports on that sinister phenomenon. However, it could not be said that that awareness had led to a significant decrease in the number of States which used that tool of repression. In a report prepared for the Swiss Committee against Torture, it had been estimated that torture was still practised in no less than one third of the States Members of the United Nations. If one considered the fact that approximately half of the Member States had ratified or acceded to the International Covenant on Civil and Political Rights, in which torture was explicitly prohibited, it was obvious that some States parties to the Covenant continued to practise torture. Experience showed that Governments

(Mr. Kamper, Netherlands)

which had set out to eliminate the practice of torture had been successful, but that the political will to do so was crucial. Governments should be encouraged in that direction and provided with the assistance they required, such as in the training of lawyers and law-enforcement officials and in the development of codes of conduct. In the mean time, the Commission on Human Rights and its working group should continue work on the draft convention on torture so that the Commission could approve the draft at its next session.

3. It had taken 20 years for the States Members of the United Nations to resolve all the problems so that the General Assembly could proclaim, on 25 November 1981, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Its adoption by consensus had added an important set of norms to the already impressive body of United Nations legal instruments. The Declaration reaffirmed the rights recognized in earlier human rights instruments. Under General Assembly resolution 37/187, which had also been adopted by consensus, various steps were to be taken to facilitate the proper implementation of the Declaration, including the issuing of a pamphlet containing the text of the Declaration in the six official languages of the United Nations.

4. The Sub-Commission on Prevention of Discrimination and Protection of Minorities would be undertaking a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief. Part of the Sub-Commission's study would appear in a report on the various manifestations of intolerance and discrimination on grounds of religion or belief in the contemporary world and on the specific rights violated.

5. During the past year, his Government had received information from various sources about several States' non-compliance with the provisions of the Declaration on the Elimination of All Forms of Intolerance. The reported violations were not limited to one or two countries or to a specific region, or even to a specific political and ideological system. Practices of discrimination and intolerance that were officially dictated, or at least encouraged by the State or its organs, existed in several countries. In that context, mention had been made of the Democratic People's Republic of Korea, where Buddhism, Protestantism, Catholicism and all other religions and beliefs based on free choice had not survived government policies.

6. The people of the Netherlands were concerned about violations of freedom of religion in Eastern Europe. Unfortunately, there was little reason to believe that progress had been made with regard to religious freedom in that region. In the Soviet Union, the teaching of religion had been prohibited and church activities were subject to severe restrictions. Many believers had been detained or systematically harassed. Persons taking part in religious activities, such as the dissemination of religious literature, the performance of religious ceremonies and the teaching of religion, had occasionally been given long prison sentences. His Government called upon the Government of the Soviet Union to start implementing the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

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(Mr. Kamper, Netherlands)

7. During the past year, his Government had received reports on instances of religious intolerance in the Islamic Republic of Iran. Although intolerance had affected other religious minorities in that country as well, the worst forms of religious persecution, such as imprisonment, torture and execution, were those directed at the numerous followers of the Baha'i faith. There had been no positive response to his delegation's urgent appeal, during the most recent session of the Commission on Human Rights, for a reprieve for a group of more than 20 Baha'is in the city of Shiraz. According to reliable information, at least 150 Baha'is had been executed since 1979 because of their beliefs and their consequent refusal to recant their faith. The most recent step taken by the Iranian Government had been the announcement, on 29 August 1983, of a ban on all Baha'i administrative and community activities. While the Iranian authorities had repeatedly declared that there were no impediments to or restrictions on the individual practice of the Baha'i faith, it was clear that the Baha'is were being persecuted precisely because of their faith.

8. The absence of due process of law in Viet Nam had affected the enjoyment of freedom of religion in that country. It was sad to see that, in June 1983, the Vietnamese authorities had imposed severe sentences on seven Roman Catholics, including four priests, who had been detained since late 1980. Restrictions on freedom of religion were few, but it was known that civil servants and their families were forbidden to practise any religion. Seminaries and churches had been closed, and Roman Catholic priests were obliged to submit their sermons to the authorities for censorship. The Buddhist community in Viet Nam was in a similar situation. Buddhists had in fact been active defenders of human rights during the Viet Nam war and had maintained that attitude after the war; that had led to their arrest.

9. Those cases illustrated a widespread phenomenon involving various forms of intolerance and discrimination. Whereas the extreme forms of the phenomenon were, fortunately, restricted to some countries, intolerance brought on by internal factors unfortunately occurred in various regions of the world, including the western hemisphere. In that respect, his delegation was concerned about the attacks on synagogues and other Jewish property. The Declaration on the Elimination of All Forms of Intolerance would have to be strictly implemented if there was to be an end to the suffering of so many people.

10. Ms. KUROKOCHI (Japan), speaking on agenda item 96, noted that 1983 marked the thirty-fifth anniversary of the Universal Declaration of Human Rights, a historic document which had laid the foundation for the international community's efforts in that field. Her delegation was gratified that more Member States had acceded to the International Covenants on Human Rights in recent years and welcomed the recent ratification by one State of both Covenants. However, it was unfortunate that almost half the States Members of the United Nations still were not parties to those instruments. Her delegation noted with satisfaction the report of the Human Rights Committee and appreciated the constructive manner in which it continued to discharge its responsibilities.

(Ms. Kurokochi, Japan)

11. With regard to the implementation of the International Covenant on Economic, Social and Cultural Rights, although the working methods of the Sessional Working Group of Governmental Experts left much to be desired, gradual improvements had been made so that the reports of States parties were currently considered more thoroughly. In conformity with Economic and Social Council resolution 1982/33, positive steps had been taken to improve the working methods; those steps included the decision to extend the terms of membership of the Working Group in the interest of promoting continuity in its work and the decision to elect members from among States parties to the Covenant, irrespective of membership in the Economic and Social Council.

12. The current report of the Economic and Social Council (A/38/3) and the report of the Secretary-General on the status of the Covenants (A/38/392) referred only briefly to the work of the Working Group. It might be advisable for the Council to consider how best to keep Member States informed of the Working Group's activities. Her delegation shared the concern of many delegations, expressed during consideration of the International Convention on the Elimination of All Forms of Racial Discrimination, at the delay in the submission of reports. The Covenants would not be effectively implemented if States parties failed to fulfil their obligation to submit reports on the measures they had adopted. At the same time, however the fact that that obligation imposed a heavy burden on many States parties should be recognized. In that context, her delegation noted with great interest the Secretary-General's suggestion, contained in the report on implementation of the Covenants, that the intervals in the submission of reports might be prolonged by one year.

13. With regard to the adoption of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Japan shared the concern of many countries at abuses of capital punishment; it also shared the hope that the discussion of the possibility of abolishing the death penalty would have a salutary effect on the attitudes of certain sectors of the international community and would help to curtail the excessive application of that punishment, particularly in the form of mass executions. Her delegation shared the concern of other delegations that the existence of the death penalty might provide a spurious pretext for arbitrary executions in certain countries. She hoped that such violations of human rights would soon cease, but felt that they should be prevented primarily through the strengthening and observance of due process of law. Decisions on how best to achieve that goal should be made at the national level, taking into consideration public opinion and the customs and legal systems of each country.

14. Mrs. SAELZLER (German Democratic Republic), speaking on agenda item 93, said that one of the factors which determined the relationship between State and Church was the freedom of religion guaranteed to the citizens of a country. In the German Democratic Republic, where State and Church were separate, the Constitution guaranteed all citizens who professed a religion the right to practise it freely, participate in church activities, hold church offices, be married in a religious ceremony and have their children baptized. That was fully consistent with the

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(Mrs. Saelzler, German Democratic Republic)

humanist tradition underlying the Constitution of the German Democratic Republic, which embodied the lofty principles of humanity and social justice for which progressive forces had struggled and suffered for centuries. On the occasion of the observance in 1983 of the birthday of Martin Luther and during preparations for the observance, the co-operation existing between State and Church, which was based on mutual respect and understanding and necessary tolerance, had become particularly evident. The fact that the Luther Committee of the Protestant Churches of the German Democratic Republic and the Luther Committee of the German Democratic Republic - presided over by the Chairman of the national Council of State - had jointly paid tribute to Martin Luther, the man, and to his work clearly demonstrated that the citizens of the country were working together, irrespective of ideology or religious persuasion.

15. The representative of the Netherlands had once again invented so-called violations of freedom of religion in Eastern Europe, thereby discrediting the relationship which existed between the State and the Church in the German Democratic Republic; he should have been present during the observance of the 500th anniversary of the birth of Martin Luther. In that connection, she wished to provide him with additional information so that he could evaluate the real situation more objectively.

16. The representatives of some 100 churches in 44 countries and the many tourists who had visited the German Democratic Republic for the observance of the anniversary of Luther's birth had seen for themselves the many opportunities which the people had to participate in church activities. They had also been able to see that the Christians among the population supported the new social order in the German Democratic Republic and had joined the great peace movement in the country because they understood that peace and socialism, which were inseparably linked, and religious commitment to peace had the same goal: the well-being and happiness of mankind.

17. As an illustration of the Church's confidence in the State, she read out a passage from a letter from the Protestant Lutheran parish of Dresden-Loschwitz, addressed to the Chairman of the Council of State of the German Democratic Republic, in which the writers had expressed their concern for peace and declared themselves filled with terror by the deployment of nuclear missiles in Western Europe, which might lead to the imponderable risk of a nuclear war. The members of that community had also expressed their firm confidence in the Chairman of the Council of State and in his responsible attitude in the search for ways of ensuring peace; they had requested him to do everything within his power to put the existing proposals for détente into effect.

18. In evaluating the Luther commemoration, he noted that the Christian citizens of his country had declared themselves in favour of contributing further to the building of an advanced socialist society and, as stated by the Chairman of the Churches' Lutheran Committee, that first of all imposed on them the duty to take care that a war would never again start from German soil. The co-operation of innumerable citizens in honouring Martin Luther had shown all Christian citizens

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how current and future actions could be determined on the basis of past experience and through joint efforts. In their letter, the members of the church community of Dresden-Loschwitz, many of whom remembered the horrible inferno of Dresden, stated that while all previous wars had been an outrage against mankind, nuclear war might extinguish it altogether, and that life was a sacred gift for which all had to assume responsibility. The citizens of the German Democratic Republic had therefore united to ensure peace, even though their activities were determined by different basic ideas on political, ideological and religious questions.

19. Mr. BOUONY (Tunisia) said with reference to agenda item 93 (b) that his country had always supported the United Nations instruments to promote and develop respect for economic, social and cultural rights and for civil and political rights. Defence of the rights of peoples subjected to colonialism, domination and racial discrimination also constituted a constant element of his country's foreign policy.

20. It was encouraging for international co-operation that an increasing number of States were becoming parties to the International Covenants on Human Rights, since those Covenants constituted a unique instrument of universal scope, which had given practical meaning to the noble ideals of the Universal Declaration of Human Rights. The Covenants contained provisions which were legally binding, and constituted a decisive stage in the codification and progressive development of international law in that area. Compared with other international instruments on human rights, the 1966 Covenants were characterized by the inclusion of a collective guarantee of the States parties and by very specific measures concerning the verification and implementation of the rights recognized and proclaimed in those Conventions and in other instruments. They had the highest legal value, that of mandatory rules. His country, which was a member of the Human Rights Committee, welcomed the promising co-operation which had been established over the years between the States parties to the Covenants and the Committee, which had so far received 64 of the 72 initial reports and had examined practically all of them. The high quality of the Committee's work would help the States in duly implementing the provisions of the Covenants.

21. Tunisia had submitted its second report on the human rights situation in the country and, since his delegation had on other occasions given detailed information about the various steps taken to enhance human rights, he would confine his remarks in the Committee to the most recent measures adopted in that area. A historic decision had been taken to give legal status to political opposition movements, which previously had only been tolerated, and the Head of State had given instructions to organize the country's political and trade-union activities on the basis of appropriate legislation. However, much remained to be done in all areas.

22. With regard to the deadlines set for the submission of reports, his country had some difficulty because of the many different methods provided for in various instruments. It therefore looked forward with interest to the results of the efforts being made to develop co-ordination among the various United Nations bodies concerned.

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(Mr. Bouony, Tunisia)

23. His country had followed the efforts of all States parties to the Covenants, through their periodic reports to the Human Rights Committee, and it was obvious that there were still many obstacles to the effective implementation of human rights in the world. It was not always easy to cope with the existing economic, social and political situation and what was really required for achieving the rights provided for in the 1966 Covenants was gradual overall progress. The States parties must respond by their efforts and vigilance, to the endeavours and observations of the Human Rights Committee and take those observations into account by submitting, in due time, to the General Assembly and to that Committee, full information on the measures they had taken. Since the Committee was discharging its functions in a serious and constructive way, it must receive all possible assistance from the States. For its part, the Human Rights Committee must constantly try not to lose sight of the limitations of its terms of reference and to consider only situations covered by the provisions of the Covenants. His delegation followed with interest the proposals to broaden the competence of the Human Rights Committee but, in view of the innovative nature of those proposals and the sensitiveness of the human rights question in general, it did not consider those proposals a matter of priority at the present time. The immediate task of the Committee was to heighten the awareness of the many Member States which had not yet acceded to the Covenants. It must first urge the 80 Member States which had so far not acceded to do so. Thereafter, the possibility could be considered of improving the mechanisms for verification and implementation.

24. The United Nations, which had so greatly expanded as a result of the independence of many new countries, had developed in the direction of true universalism. A basic objective was constant respect for the equitable geographical representation of different regions and different forms of civilization in the composition of the various bodies and the sharing out of responsibilities in the United Nations system. In the specific case of the Human Rights Committee, that important rule seemed to have been disregarded for some time. His delegation wished to draw attention to the provisions of article 31 of the International Covenant on Civil and Political Rights and point out that while 20 African States were parties to the Covenant, only two of them were represented in that Committee, which consisted of 18 members. The high moral quality and the recognized competence of all the members of the Human Rights Committee provided real guarantees for the functioning of that body, but it could better serve human rights, especially in Africa, if it was made up of more representatives from African countries, who were more familiar with the realities and sensitivities of their continent. It was to be hoped that those considerations would be taken into account when the membership of the Committee was partly renewed in late 1984.

25. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that the General Assembly and other bodies of the United Nations system had long been concerned with human rights and scientific and technological development. Many studies had been made and many documents adopted, among them the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, contained in General Assembly resolution 3384 (XXX). That Declaration formulated for the first time basic principles on the utilization of the results of

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scientific and technological progress, which opened up very broad prospects for economic, social and cultural development but which, in given circumstances, could jeopardize the rights of individuals and peoples. That occurred when imperialist and reactionary forces attempted to utilize that progress in carrying out acts of aggression or repressing national liberation movements, and when - to mention one of its most dangerous manifestations - the achievements of science and technology were utilized against humanity in the arms race, on which billions of dollars were being wasted. The runaway arms race heightened the possibility of a nuclear catastrophe and thus threatened the right of every human being to a peaceful existence. Over its long history, mankind had paid too high a price to have to conclude that it had to defend its very life on earth, which was what was happening at that moment when the use of scientific and technological achievements for unprecedented destruction was being threatened. The nuclear clouds were gathering as a result of the political and practical measures taken by the United States of America with its decision to deploy new missile systems in Western Europe. The issue was to turn aside the nuclear threat, which was called forth for the first time at Hiroshima, in order to preserve the great achievements of the human mind and of civilization on earth, in other words, life itself, for the present and succeeding generations.

26. The adoption by the United States of a military doctrine permitting the use of nuclear weapons for its political objectives had made the threat of nuclear catastrophe much more immediate. That was in total conflict with the needs of the human community, and in that connection it should be remembered that the Supreme Soviet of the Union of Soviet Socialist Republics had stated that the highest aim of the Soviet State's foreign policy had been, was and continued to be, to safeguard peace. In the Second World War the Byelorussian Soviet Socialist Republic had lost one in four of its inhabitants and it therefore supported any measure aimed at respect for the right of all to live in peace.

27. Because of the relations governing socialist society, scientific and technological progress was used in the interests of the human being and of society as a whole, the objective being fully to safeguard their rights. Man had created scientific and technological progress and should utilize its fruits to the full. Article 15 of his country's Constitution stated that the highest objective of social production under socialism was the complete satisfaction of the growing material and spiritual needs of people. The full implementation 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, was ensured as was the use of scientific and technological progress to promote peace and the well-being of mankind. Social ills such as unemployment had been non-existent in the Byelorussian Soviet Socialist Republic for more than 50 years. All inhabitants had the right to employment, to choose an occupation and to work in accordance with their vocation, their aptitudes and their training. Over 176,000 people, including 36,000 scientific workers and teachers, were at present employed in science and technology. Large sectors of the population took an active part in scientific and technological progress. Some 400,000 persons belonged to voluntary scientific and technical associations and 350,000 to inventors' associations, including more than

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170,000 workers. The right to education was enshrined in the Byelorussian Constitution since it was needed to enable all sectors of the population to have access to the benefits of scientific and technological progress.

28. Citizens of Byelorussia were also protected from the negative effects of such progress, for example the clear violation of human rights occurred in certain advanced capitalist countries by interference in the private life of persons precisely through instruments resulting from scientific and technological progress. Article 54 of the Byelorussian Constitution protected citizens from that kind of human rights violation.

29. Byelorussia had played an active part in the adoption of the Declaration because its main beneficiaries were to be the developing countries, with which Byelorussia had scientific and technological links, through the provision of assistance and training, both of which were essential for the economic and social development of the developing countries. For those reasons, his delegation was in favour of giving greater priority to the adoption of decisions designed to implement the Declaration, with a view to making scientific and technological progress one of the principal factors of development.

30. On Byelorussia's initiative, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been requested to undertake a study on the use of scientific and technological progress to ensure the right to work and development.

31. In conclusion, he said that the delegation of the Byelorussian Soviet Socialist Republic expressed its firm conviction that the indispensable prerequisites for the application of science and technology were the strengthening of international peace and security, peaceful co-existence, reduction of the arms race, abolition of war, improvement of the international climate and support for the just struggle of oppressed peoples for national liberation and social progress. That would bring mankind closer to attainment of the objective set at the first session of the General Assembly, namely, to make every possible effort to use scientific and technological progress for peaceful purposes.

32. Ms. BØSTERUD (Norway), referring to agenda item 96, welcomed the information that there had been an increase in the number of States parties to the two Covenants and to the Optional Protocol to the International Covenant on Civil and Political Rights, but regretted that only about half the States Members of the United Nations had so far ratified the two Covenants and that there were only 30 States parties to the Optional Protocol. She urged Member States which had not yet acceded to the Protocol to consider doing so. Implementation of the two Covenants and the Optional Protocol was of fundamental importance for the strengthening of human rights and States parties should make every effort to fulfil their obligations under them. To that end, the reporting procedures were of special significance, and her delegation regretted that some of the States parties had not fulfilled their reporting obligations; it hoped that the States in question would take steps to submit their reports which were long overdue. In that

(Ms. Bøsterud, Norway)

connection her delegation considered that measures could be taken to improve the reporting situation and thus facilitate the procedures for implementing Members' obligations in that respect.

33. The Secretary-General had made some suggestions to that effect in document A/38/393 on reporting obligations of States parties under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments. The suggestions dealt with three main issues, the first of which was periodicity. It seemed that reporting periods of at least five years was emerging as a general pattern. In her delegation's opinion intervals of five to seven years between two reports under the same instrument must be considered reasonable. The second suggestion dealt with the need for a greater degree of co-ordination in the activities of the committees and groups entrusted with the international monitoring of implementation of human rights instruments. Her delegation saw merit in the suggestion for an overall analysis with a view to further consideration of the possibilities of standardizing the guidelines for reporting, provided that the provisions of each convention and the competence of each supervising organ must be respected. The third suggestion concerned the possibility of technical assistance to, and co-operation with, States parties that formally requested it in order to comply fully with their reporting as well as their substantive obligations. Those suggestions of the Secretary-General could contribute to an improvement in the implementation of those instruments.

34. It appeared from the annual report of the Human Rights Committee that during the current year the Committee had considered reports from 13 States parties. Her delegation felt that it had done so in a very commendable way and that it was particularly significant that the Committee had successfully managed to deal with reports covering politically sensitive situations. Her delegation had noted with interest that the Committee had decided at its nineteenth session to give priority to consideration of reports of States parties where a state of emergency had been declared. The International Commission of Jurists had shown that that problem was universal in character, which was certainly a cause for concern, and her Government was especially concerned since experience had proved that in many cases the introduction of a state of emergency seriously affected and suspended human rights and fundamental freedoms at the individual and the collective level. She referred particularly to the significant character of article 4, paragraphs 1 and 2 of the International Covenant on Civil and Political Rights concerning public emergency. Her delegation wished to emphasize the importance of general comment 5/13 on that topic adopted by the Human Rights Committee. In the view of her delegation, there was a clear need to establish a special procedure for immediate reporting to the Committee by a State party declaring a state of emergency and she emphasized the importance of the Committee's view that it was empowered to consider and challenge the prolonged legitimacy of a state of emergency.

35. His delegation had noted that, during the current year, the Committee, in continuing its work on general comments, had agreed upon such comments in respect of articles 19 and 20 of the Covenant. The comments were not as comprehensive as those previously agreed upon in respect of other articles but, in view of the difficult nature of the subjects dealt with in articles 19 and 20, his delegation would like to express its satisfaction that an agreement had been reached by the Committee.

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(Ms. Bøsterud, Norway)

36. It was clear from the report that the preparation of views under article 5 of the Optional Protocol had become an important part of the Committee's work. There had been a substantial increase in the number of communications from individuals, although the total number must still be described as modest. Experience thus far seemed to indicate that it took an average of about two years from the time a communication was received by the Committee until the Committee had presented its views. That might seem to be a long time but it was important to bear in mind that the procedures to be followed in each case of a communication received under the Protocol imposed requirements of such a nature that, even if the Committee met more often, that would not lead to any reduction of the time span between the reception of the communication by the Committee and the adoption of its views. His delegation would like to express its satisfaction with the work of the Committee in dealing with the communications received under the Protocol but felt that further thought should be given to how the effectiveness of the Protocol could be secured in the absence of means of enforcement. His delegation considered that, as a follow up to the work of the Committee, States parties should be reminded to send in their replies to the views adopted by the Committee. Only three such replies had been published in the current report. That was a low figure compared to the number of views expressed during 1981 and 1982, and a request for better co-operation would seem to be in order. His delegation would also like the question of granting oral hearings at least to consenting parties to be pursued.

37. His delegation hoped that the Secretariat would be able to provide the necessary services to the Committee to strengthen its functioning and facilitate its work. It was a regrettable fact that the work of the Human Rights Committee to date had not received proper publicity and his delegation therefore welcomed the information that the Secretary-General had made arrangements, in the context of the proposed programme budget for the biennium 1984-1985, to have the annual reports of the Human Rights Committee published in bound volumes, in English and French, beginning in 1984; that was an important step that could open up the possibility of widening publicity for the Committee's work throughout the world; he hoped that that step could be followed by further initiatives by Member States.

38. On the question of the future meetings of the Human Rights Committee, it appeared that the Committee itself favoured continuing the current practice and thus differed from the Economic and Social Council, which had suggested that the Committee's meetings should be rescheduled. The reason given for maintaining the current practice was that it would make it possible for the General Assembly to consider as complete and up-to-date a report as possible on the work of the Committee. His delegation regarded that as a valid point to be kept in mind when the matter was given further consideration by the Economic and Social Council. In that connection it would like to express its appreciation to the Committee for the practice which it had started the previous year of including in its agenda the comments on its annual report made in the Third Committee. That practice might contribute to a useful dialogue between the Human Rights Committee and the Third Committee.

(Ms. Bøsterud, Norway)

39. In regard to the International Covenant on Economic, Social and Cultural Rights, his delegation wished to emphasize the requests which had been addressed to the Sessional Working Group asking that it should consider including in its report to the Economic and Social Council brief summaries of the consideration of each country report. In order to increase publicity for and recognition of the Committee's work, the United Nations Press Section should issue press releases on the proceedings of the Sessional Working Group. In that regard, his delegation considered that it was particularly important that the members of the Sessional Working Group should be experts with broad experience in the field of human rights so that the Sessional Working Group itself should attain the expertise it was intended to have. His delegation would be in favour of adopting a procedure whereby the Economic and Social Council would be required to approve the candidates designated by those States which had been elected to the Sessional Working Group; in other words, the arrangement which applied in the appointment of members to the functional commissions of the Economic and Social Council should also be applied to the Sessional Working Group. At a later stage, the Economic and Social Council could reach an agreement whereby the members of the Sessional Working Group would be appointed as independent experts of a standing similar to that of those elected to the Human Rights Committee.

40. Mr. BORCHARD (Federal Republic of Germany), speaking on item 96, noted with satisfaction that the number of States parties to the Covenants had increased again during the year; regrettably, however, the ultimate aim of universal accession had not yet been reached. It was his Government's sincere hope that more States Members would accede to the Covenants in the near future and that, in order to encourage further accessions to the Covenants, more publicity would be given to the activities of the United Nations in the field of human rights. Furthermore, it was imperative that all States parties should implement effectively the human rights and fundamental freedoms laid down in the Covenants. The principles of the Covenants would be fully realized only if their implementation was duly monitored. His Government therefore attached the greatest importance to the work of 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. His delegation also felt that the elaboration of new human rights instruments should be based on the well established principles of the Covenants.

41. The Human Rights Committee, established under the Covenant on Civil and Political Rights, had become a strong advocate of the international protection of human rights. His Government regretted that the Secretary-General had not yet been able to increase publicity for that important work to the extent that the Committee itself had requested and as provided for in General Assembly resolution 37/191. He considered that publication of the Committee's documents in particular would further the objectives of the International Covenant on Civil and Political Rights.

42. The Committee still had to solve a number of procedural problems. The examination of the report submitted by States had so far led only to general comments that did not draw concrete conclusions but simply gave interpretations of specific articles of the Covenant. The great value of those commentaries on the

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(Mr. Borchard, Federal Republic of Germany)

Covenant certainly should not be underestimated but his Government would encourage the Committee to go one step further and make separate evaluations for each report submitted to it.

43. His delegation had noted with great interest the first consideration of a second periodic country report during the recent session of the Human Rights Committee. In accordance with its statement on the duties of the Human Rights Committee under article 40 of the Covenant, adopted during its eleventh session, the Committee had decided to establish a working group to prepare a report for the consideration of the Committee as a whole. That new procedure showed a very positive development of the Committee from a group of individual experts to a more coherent institution.

44. In order to render the work of the Committee even more effective, additional support through the Centre for Human Rights, in accordance with General Assembly resolution 37/191, would be necessary. The Committee would be able to deal effectively with the reports submitted to it only if the Centre assumed a larger share of the preparatory work of the report review.

45. As far as the International Covenant on Economic, Social and Cultural Rights was concerned, the implementation of the reporting system provided for in the Covenant had not been very satisfactory. His Government noted with regret the tardiness of the submission of some of the reports requested under article 16 of the Covenant. On the other hand, the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights had not been able to provide the necessary basis for appropriate decisions of the Economic and Social Council pursuant to articles 19, 21 and 22 of the Covenant. In the opinion of his delegation, it was essential that the Economic and Social Council should receive a report from the Sessional Working Group which reflected the differing quality of States' reports as well as the differing degrees to which State representatives co-operated with the Group.

46. He reminded the Committee that the previous year his delegation had been a sponsor of the Council's resolution 1982/33 of 6 May 1982, which had resulted in a number of changes in the Sessional Working Group's composition, organization and administrative arrangements, a significant step forward which nourished the hope that in the not too distant future the Group would attain a level comparable to that of the Human Rights Committee. In 1983 the Group had met for the first time under the new arrangements, and he was happy to note that the results had improved. In future the Group should also reach conclusions on the situation of individual countries or of a more general nature regarding the observance of the Covenant by individual States parties.

47. His Government sincerely hoped that the Sessional Working Group would receive the full support of all States parties to the Covenant, including those delegations which constantly underscored the special importance of economic, social and cultural rights but which for some reason preferred inadequate and superficial monitoring procedures as far as the implementation of the Covenant was concerned.

(Mr. Borchard, Federal Republic of Germany)

48. In conclusion, he reiterated his Government's hope that more countries would accede to the two Covenants and thus further the common cause of their universal application. The following year the Committee would resume its discussion of his delegation's proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights. At its forthcoming fortieth session the Commission on Human Rights would express its views on the idea of drafting such a protocol, thereby assisting the General Assembly in its further deliberations. His delegation hoped that the Third Committee, after a phase of further substantive discussion, would adopt a resolution for the elaboration of a second optional protocol aiming at the abolition of the death penalty.

49. Mr. ZADOR (Hungary), speaking on items 93, 95, 96 and 97, said that his country attached particular importance to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, since they codified rights of primary importance. Accordingly, Hungary had submitted periodic reports as required to the bodies empowered by the Covenants to receive and examine them and was now preparing its second periodic report on articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights. All those reports showed that his Government's policies were in conformity with the principles enshrined in the Covenants.

50. His delegation was concerned at the slow progress of new accessions to the Covenants. The rate at which States were acceding to it was declining. He appealed to the countries which for various reasons had not yet ratified the Covenants to do so. That would make the interest shown by some countries in the human rights situation of other countries look more sincere.

51. With regard to the working methods of the two bodies that received and examined the reports of the States parties, Hungary had no objection to the proposal made by some speakers that the meetings of those bodies should be more accessible and that the widest possible publicity should be given to the examination of the reports, as long as that publicity did not degenerate into propaganda for purposes alien to human rights.

52. The policy of his Government was in full conformity with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981. The Hungarian Constitution provided for full religious freedom. The separation between Church and State, in accordance with the view that religious beliefs of individual citizens or the lack of such beliefs were of no concern to the State, meant that the socialist homeland was the homeland of all Hungarians, believers and non-believers alike. Therefore, the relationship between the State and the different denominations, whether Catholic, Protestant, Jewish or others, was one of mutual comprehension and respect. The State did not hinder the activities of religious establishments and expected no more than loyalty from them in exchange. During the past decades, fruitful co-operation had been established between the State and the churches in raising the moral and material level of the

(Mr. Zador, Hungary)

lives of the people and in efforts to create a more peaceful international climate. That was a considerable achievement in a country whose government policies only 40 years previously had been characterized by the existence of one official State religion and the classification of the others as registered or tolerated denominations, while religious hatred was being stirred up, anti-Semitic campaigns were being organized, and so forth. Lastly, justice and equity demanded that the elimination of intolerance should apply to both believers and non-believers. Freedom of conscience was indivisible and should not be interpreted in a narrow sense.

53. On the subject of torture and other cruel, inhuman or degrading treatment, his Government and Hungarian public opinion expressed their deep concern and revulsion at reports of widespread use of such medieval practices in various countries, whether their victim was a Steve Biko or any other person engaged in a legitimate struggle against oppression and injustice. His delegation commended the activities of the Commission on Human Rights designed to put an end to those abominable practices.

54. In conclusion he said that his delegation was pleased at the progress made in the drafting of a comprehensive international convention on the rights of the child and welcomed the decision of the Commission on Human Rights to accord highest priority to that issue. He congratulated his colleagues of the delegation of Poland on the draft resolution in document A/C.3/38/L.23 and assured them of the wholehearted co-operation of his delegation, which it had already manifested by becoming a sponsor of the draft.

55. Mrs. Florez (Cuba) took the Chair.

56. Miss BROSNKOVA (Czechoslovakia), referring to items 94 and 96, noted that man had long been using science and technology as a means of bringing about the highest possible material and spiritual development of society. It was an undeniable fact that the results of science and technology had made immense contributions to the strengthening of international co-operation and international peace and security. The achievements of science and technology were spreading without regard for borders and in a relatively short time were becoming the property of all mankind, creating conditions for the implementation of economic, social and cultural rights and the safeguarding of civil and political rights.

57. Science and technology could also, however, serve the opposite purpose. Some States did not hesitate to invest billions in research on and the development and manufacture of destructive weapons with the sole aim of intimidating and threatening other nations and preparing for war. Thus, the greatest achievements of science and technology created by the human brain might destroy life on earth. Without human life, any consideration of human rights would be futile. It was therefore essential that in their efforts to achieve scientific and technological progress States should bear in mind the lofty principles of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, as they were called upon to do by the General Assembly in its resolution 37/189. On that would depend respect for and the implementation of the most fundamental human right, the right to life.

(Miss Brosnakova, Czechoslovakia)

58. It was generally recognized that the results of scientific and technological progress did not in themselves endanger human life. They became dangerous only when they were deliberately and purposefully designed for the destruction of human life on Earth. In her delegation's view it was a matter of absolute priority for the Committee - the Social, Humanitarian and Cultural Committee - to defend and promote the right of peoples and individuals to life. It felt that the Soviet Union's proposal on the right to life was a concentrated reflection of the natural aspiration of millions of people throughout the world who were struggling actively and untiringly to prevent a nuclear catastrophe, halt the arms race and maintain lasting peace. On the other hand, it deemed inappropriate, although well meant, the attempts by some countries to discuss problems which were contrived or remote from the substance of the debate. There was no denying that, apart from military purposes, the results of scientific and technological progress could also be used to violate a person's integrity and individual rights - as was graphically, if not comprehensively, depicted in the brochure prepared by the Centre for Human Rights at the General Assembly's request. But in the context of scientific and technological development, human rights must be viewed as a whole, taking into account their conditional nature and priorities.

59. The two International Covenants on Human Rights formed a unique international instrument of wide scope, as well as a means of mobilizing international efforts aimed at strengthening respect for human rights and fundamental freedoms. The Czechoslovak Socialist Republic, which had played a significant part in preparing both Covenants and had been one of the first countries to ratify them, complied with the obligations stemming from them. In certain cases, however, the protection it provided for those rights went beyond the framework of the Covenants, notably in the economic, social and cultural fields. The reports submitted by Czechoslovakia had been evaluated positively both with regard to their form and their content. But submission of a report, however good it might be, was not in itself a conclusive criterion in evaluating the actual degree of protection given to human rights in a particular country. In Czechoslovakia, civil rights and freedoms were not only embodied in law but were guaranteed by the entire socialist system. The two Covenants provided wide opportunities for safeguarding and improving the international protection of human rights; it was therefore necessary for all States which had not yet signed or ratified them, particularly the States that were politically and economically the most important, to do so as soon as possible for the sake of the true universality of both instruments.

60. Lastly, it should be remembered that it was the political will of States which had led, after many years of searching and striving, to the creation of those instruments. And it was the Governments of States which gave effect to the Covenants through legislative measures incorporating them in the life of their societies. It was thus incumbent on States, and States alone, to perfect the mechanism for monitoring and evaluating the reports submitted, in order to continue strengthening the international protection of human rights.

61. Mr. BELL (Canada), speaking on items 93, 95, 96 and 97, said his delegation was pleased to note that since the General Assembly's thirty-seventh session a number of States had heeded the call to accede to the International Covenants and the Optional Protocol; it was still concerned, however, by the fact that only half the Organization's Member States had ratified or acceded to the Covenants and that only a few Member States had ratified the Optional Protocol and accepted the inter-State complaint mechanism provided for in articles 41 and 42 of the International Covenant on Civil and Political Rights.

62. In his view, the Human Rights Committee had established a commendable record. Through its interpretation of the Covenant, that Committee was developing an important body of law which should be preserved. His delegation therefore endorsed the view of the Human Rights Committee that its work should be published in bound volumes, as an important means of promoting the understanding of human rights. He regretted that no funds could be made available during the current biennium for such publication and urged the Secretary-General to do everything possible to allocate resources for that purpose as soon as possible.

63. Human rights were a dead letter unless they were well known. Apart from publication of the Human Rights Committee's work, another means of promoting awareness of them was the acceptance by Member States of their obligation, implicit in ratification of the Covenants, to disseminate information on the existence and implications of those instruments.

64. The independence of the members of the Human Rights Committee was fundamental to its work. Its work-load grew as the number of ratifications increased, but the relatively small compensation given to its members had not been adjusted in due proportion. It was highly important to ensure that the two circumstances combined did not jeopardize the independent nature of the experts by encouraging States parties to nominate salaried government officials.

65. Canada had always expressed great interest in assisting the Human Rights Committee in its work, in particular through a more precise formulation of its rules and procedures. His delegation therefore wished to reiterate some of the relevant points. With regard to article 4 of the International Covenant on Civil and Political Rights, Canada still felt that the submission of reports in times of public emergency, referred to in article 4 of the Covenant, should be subject to more precise rules. In a proposal considered at the nineteenth session of the Human Rights Committee, it had been suggested that, when the Committee was apprised of a significant new development in regard to the rights referred to in the Covenant in a State whose periodic report was not due for two years or more, the Committee should request a report from the State party within one year. His delegation regretted that no decision had been taken on that reasonable proposal, although the matter had been before the Human Rights Committee since March 1982; and it urged that Committee to reach a decision on the question at its next session.

66. With regard to the replies of States parties to questions raised by the Human Rights Committee, his delegation remained concerned about the fact that no rules had been established to govern the procedure. What was required, in its view, was

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a supplementary report within two years of the periodic report in order to answer such questions; otherwise, they would remain unanswered until the subsequent periodic report some five years later.

67. With regard to the process of rebuttal and reply in determining the admissibility of a complaint, his delegation thought that, after the Committee had allowed a State party to comment on a complaint, the complainant should be given one opportunity to rebut the State party's reply. That should normally terminate the cycle, unless the Committee itself decided that there were further elements which required verification. Such a procedure would avoid an endless cycle of rebuttal and comment when determining the admissibility of a complaint.

68. With regard to the manner and timing of the submission of replies by States parties, his delegation thought that the current two-month period for submission of comments on the admissibility of a complaint was inadequate. For example, Canada's federal structure obliged the Government to consult with the provinces before commenting on some cases, thus preventing a reply from being made within such a period. His delegation urged the Human Rights Committee to revise its rules so as to allow the State at least four months to submit its reply on the admissibility of a communication.

69. With regard to action subsequent to a decision taken by the Human Rights Committee, he was pleased to note that that Committee had discussed the question. His delegation encouraged it to adopt a broad interpretation of the Covenant and Optional Protocol in that respect, and to take any action not expressly prohibited to it; otherwise, the Committee's work would be futile. The Human Rights Committee should also draw up a non-exclusive list of possible follow-up measures in order to encourage States to redress deeds in breach of the Covenant; it should also elaborate a rule on the rehearing of complaints already reviewed.

70. His delegation was pleased to observe the Human Rights Committee's growing reputation as a quasi-judicial international body for reviewing the implementation of the International Covenant on Civil and Political Rights and its Optional Protocol. The adoption of clearly defined guidelines, such as those he had mentioned, would only enhance its prestige.

71. With regard to freedom of religion, inscribed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the General Assembly at its thirty-sixth session had felt obliged to adopt a further declaration on that subject, because of the continuous examples of the excesses to which intolerance of the religious practices of others could lead. Such excesses were repugnant at the individual level but far more repugnant when adopted as State policy. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, adopted by the General Assembly in 1981, aimed directly at the problem of institutionalized intolerance by proposing rules of conduct for States, as, for example, in article 2 of the Declaration.

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72. There was no need to look far for examples of religious intolerance: on 29 August 1983 the Iranian Government had forbidden all administrative and organizational activity by the Baha'is, thus making the practice of their religion impossible. That was only the latest in a series of measures taken during the past few years against the Iranian Baha'is. All those acts of religious persecution were incompatible with the fundamental principles of all the United Nations human rights instruments and they should be pointed out publicly wherever they occurred.

73. Those same principles had been reaffirmed in the Declaration of Madrid adopted recently by the Conference on Security and Co-operation in Europe. Freedom of religion was included in Principle VII of the Helsinki Final Act. His delegation firmly believed that it was the duty of all Governments that had signed the Final Act to ensure the necessary conditions for the free practice of religion. Regrettably, that was not the case: for example, many Canadians were deeply concerned about the constant difficulties faced by certain religious minorities in the Soviet Union.

74. The measures taken by the General Assembly to combat torture and other cruel, inhuman or degrading treatment or punishment were being followed with interest in Canada. Non-governmental organizations in particular were active and vocal in that respect. The practice of torture remained widespread. It was therefore essential to conclude as quickly as possible the draft convention against torture currently before the Commission on Human Rights. Canada hoped, in connection with the Convention, that agreement would be reached on efficient implementation measures and on the need for universality of jurisdiction in the prosecution and punishment of torturers. The United Nations Voluntary Fund for Victims of Torture played a key role in supporting those who had suffered as a result of that cruel practice, and their families, but it had received meagre financial support. Canada had recently joined those States which had already contributed to the Fund and urged other States to do likewise.

75. If human rights instruments and standards were to be effective, they must be well known and widely disseminated. In Canada measures had been taken to distribute the Principles of Medical Ethics as extensively as possible, as requested in resolution 37/194. In addition, the Code of Conduct for Law Enforcement Officials had been distributed among responsible personnel in prison institutions.

76. Lastly, he drew attention to Canada's interest in the draft convention on the rights of the child, a valuable proposal initiated by Poland. Canada had participated actively in the working group of the Commission on Human Rights set up to draft the convention. He expressed the hope that the spirit of co-operation which had prevailed in the working group would result in a clearly worded convention which could be applied universally to protect the interests of children everywhere.

77. Mrs. KOLAROVA (Bulgaria) said that 20 days earlier a group of 600 biologists and physicists had met in Washington to consider the effects of nuclear war. Two Soviet scientists had joined in the discussion by satellite. The summary of the findings sounded like an apocalyptic science fiction novel. The climatic and optical after-effects of a nuclear exchange would produce a cold, dark world with surface water supplies frozen to a depth of several feet, a world in which food production might be impossible. Radiation would be widespread and people who survived heat, blast, radiation and fall-out might freeze or starve to death. Those long-term effects, combined with the direct casualties from the blast, suggested that ultimately there might be no human survivors in the northern hemisphere. Human beings, animals and plants in the southern hemisphere would also suffer profound consequences.

78. The study had selected as the most likely scenario an exchange involving 5,000 megatons, about one third of existing nuclear weapons. Current estimates, according to Dr. Carl Sagan, indicated that in a nuclear exchange of that magnitude 1.1 billion people would die immediately and another 1.1 billion would be severely injured. Within weeks of such an exchange, smoke and dust from nuclear fires and ground bursts could reduce sunlight at ground level to a very small percentage of normal amount. Contrary to the conclusions reached in earlier studies, nuclear war would probably have a major impact on climate lasting several years. Tropical forests and other tropical life systems unable to cope with suddenly lowered temperatures might be severely damaged or destroyed. It was clear that the ecosystem effects alone would be enough to destroy civilization as it was currently known, at least in the northern hemisphere. The researchers had said that there might be no human survivors in the northern hemisphere, while in the southern hemisphere all that remained might be small bands of hunters and gatherers.

79. If she was dwelling at some length on the most probable effects of a nuclear war, it was because unfortunately the weapon-producing monopolies and their sponsors in the respective Governments were interested in using the advancement of science and technology for purposes that had nothing to do with the well-being of mankind. They even attempted to hide from their peoples the most probable results of such developments so that the military-industrial complex could continue its programmes unimpeded. That was what was happening in the United States where, as stated in the The New York Times of 21 September 1983, the political right in the United States wanted an inert public, a public that forgot or denied the danger of a nuclear war and left the problem to the politicians.

80. Knowledge of the after-effects of nuclear war as well as of the use of other weapons of mass destruction should be the fundamental criterion of the Secretariat's approach in preparing documents and publications relating to human rights and scientific and technological progress. Hence it was more than strange to perceive in the publication of the Department of Public Information entitled Human Rights and Scientific and Technological Developments an approach which did not square with the need for those problems to be adequately formulated. The two pages devoted to the destructive power of modern weapons were far from sufficient in view of the enormous importance of the question for human rights and fundamental freedoms. The question of terminating the use of science and technology in the service of the policy of rearmament and preparation for war should be the focus of attention in preparing similar studies in the future.

(Mrs. Kolarova, Bulgaria)

81. Mankind should be made aware of the constant threat of nuclear annihilation and the ever present danger to the basic right of every human being - the right to life. Now more than ever the safeguarding of that right was the essential prerequisite for effective enjoyment of the whole complex of human rights and fundamental freedoms. With that in mind her delegation had joined the sponsors of resolution 1983/43 of the Commission on Human Rights, which stressed that for people in the world today there was no more important question than that of preserving peace and ensuring the right to life of every human being.

82. Various doctrines were being elaborated about limited nuclear wars and absurd assurances were being given that such wars could be won. It should be clear to everyone, however, that given the current level of development of science and technology, nuclear war would destroy not only the opponents but also the proponents of such a policy. Nuclear war endangered all human beings, the current and future generations, and life itself on the planet. For that reason it was of paramount importance that all efforts be made for the observation of the obligation set out in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

83. His delegation was firmly convinced that science and technology must be used for promoting and stimulating the economic and social development of the peoples. Science and technology must not be used for war and destruction, but for the all round development of the individual, for unleashing the creative potential of individuals and for meeting the growing material and spiritual needs of all members of society. Experience demonstrated that scientific and technological progress could be used for the benefit of all society only if it was accompanied by profound socio-economic changes. Greater attention must be devoted to the positive aspects of utilizing the achievements of scientific and technological progress. Greater access must be secured for the less-developed countries to the use of the latest accomplishments of science and technology in overcoming the obstacles in their development. That would also contribute to the restructuring of international economic relations on an equitable and democratic basis and to alleviating the deepening socio-economic contrasts in the current world.

84. Mankind had come to a crossroad; it would either destroy itself or would continue to create and to develop further. As Dr. Carl Sagan had said: "We are the local embodiment of a cosmos grown to self-awareness. Our loyalties are to the species and to the planet. We speak for Earth. Our obligation to survive is owed not just to ourselves but also to that cosmos, ancient and vast from which we spring". Destruction must not befall the fruit of man's millennial creative work. The achievements of modern science and technology should be put solely in the service of peace, creativity, co-operation and social progress.

85. Mr. POCAR (Italy), referring to agenda item 96, said that international measures to monitor the implementation of the Covenants, which should have the function of encouraging States to fulfil their obligations, were of particular importance since the International Covenants on Human Rights included many fundamental rights and freedoms and were applied in many countries which were characterized by different social, economic and political conditions, with specific historical and cultural origins. Thus the bodies responsible for international

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monitoring measures were carrying out very sensitive work in the search for a common standard for States in applying the provisions of the Covenants.

86. The report of the Human Rights Committee (A/38/40) demonstrated the development of the real protection of the fundamental rights guaranteed in the International Covenant on Civil and Political Rights in the Contracting States and the effects of the international monitoring measures. His delegation attached great importance to the Committee's work. From a general point of view, the importance of the work carried out by the Human Rights Committee in preparing general comments in accordance with article 40, paragraph 4 of the Covenant, should be stressed. Those comments were an indispensable point of reference for States which enabled them to understand the importance of their international obligations and the approach that the Committee adopted in considering their reports. It was also satisfactory that the Human Rights Committee was paying attention to the results of the consideration of its previous report by the General Assembly and the suggestions made to it on that occasion; that showed that it was aware of the need to maintain a closer dialogue with the General Assembly, which would be of great mutual value in determining more precisely what questions had to be resolved in order to improve the implementation of the Covenant.

87. Among the replies submitted by the Human Rights Committee to the observations of the Third Committee, the question of the advisability of establishing co-ordination between United Nations bodies to overcome certain difficulties arising from the variety of reports which States had to prepare in relation to different human rights instruments should be stressed. His delegation had placed particular emphasis on that question on previous occasions. That co-ordination not only related to agreements drawn up within the framework of the United Nations and the submission of national reports, but also had a broader scope. It reflected certain aspects of the more general problem of the relationship between the international conventions in view of the increasingly close legal co-operation among States. In the case of human rights, however, the problem consisted above all in protecting fundamental rights in the most adequate manner taking into account, on the one hand, the universal system of the Covenant, and on the other, the existence of major regional systems covering some or all of those same fundamental rights. In that context, his delegation appreciated the restrictive attitude taken by the Human Rights Committee in relation to the interpretation of article 5, paragraph 2 (a) of the Optional Protocol, and stressed the role of regional systems in providing specific protection.

88. The international monitoring of the implementation of the Covenant also depended upon the competence of the Human Rights Committee to receive and consider individual communications under the Optional Protocol. His delegation was convinced that that was a crucial means of ensuring the protection of fundamental rights and hoped that the same method could be used in relation to all the human rights conventions. Although the implementation of the Covenants depended on the activities carried out by States, there was no doubt that an individual communication contributed more to eliminating the consequences of a violation. The role played in such cases by the urgency of the specific case and the public opinion aroused should not be underestimated. If that means of monitoring the implementation of the Covenant was to fulfil its purpose, there must also be a

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follow-up by the Human Rights Committee after it had adopted its decisions and transmitted them to the State concerned and to the individual. Thus his delegation shared the view of the majority of members of the Human Rights Committee that a broad interpretation could be made of the Optional Protocol so that the Committee could take action, to the extent that the Protocol itself did not expressly prohibit it, to try to ensure that violations of the Covenant established by the Committee through close collaboration with States Parties to the Covenant could be eliminated.

89. The efficiency of the means of monitoring the implementation of the Covenant represented by the competence of the Human Rights Committee to consider communications of individuals also depended on publicity. That was a problem which did not relate only to that means of monitoring, but was also closely linked with the much broader problem of publicity of the Committee's work. With an almost judicial procedure like that initiated in individual communications, it was not only a question of making a greater number of people aware of the observations made regarding the protection of human rights in a country in order to influence international public opinion by the Committee's moral authority, but also of enabling the alleged victims of a violation of the Covenant to learn of the protection which the Human Rights Committee could give them through that possibility of recourse. Knowledge of the International Covenants, and of the system of monitoring, was essential to their implementation both at the international level and at the domestic level of Member States. Practice demonstrated that there was a greater dissemination of knowledge about the Covenants, revealed either in individual communications sent to the Human Rights Committee or in the existence of national legal decisions concerning its implementation, as in the case of some recent decisions in Italy. However, the impression remained that the Covenants were not yet sufficiently familiar to those who worked in the legal field (lawyers, judges, civil servants). Measures to promote the dissemination of the Covenants and of the Committee's activities, together with the direct publication of documents, which could be effected through the press and national legal journals with wider circulation, could, in his delegation's view, be appropriate from that point of view.

90. The International Covenant on Economic, Social and Cultural Rights gave rise to different problems. His delegation was seriously concerned about the difficulties in drawing up reports under that Covenant which were referred to in the report of the Secretary-General (A/38/393). Those difficulties were liable to seriously obstruct the operation of the reporting system, which was the basic means of monitoring the implementation of the Covenant, and required measures of the General Assembly to eliminate them, bearing in mind that the Covenants were a single body of norms which had been adopted jointly and unanimously by the Assembly. In that context, and as a result of the concern he had just stressed, his delegation would take the initiative of submitting a draft resolution of a procedural nature, the approval of which, without changing the substance of the obligations of States, could lead to a simplification and rationalization of the drafting and submission of reports in order to allow the operation of the system of monitoring in the form envisaged under the Covenant.