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SUMMARY RECORD OF THE 71st MEETING

Chairman: Mrs. SHAHANI (Philippines)

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The meeting was called to order at 3.50 p.m.

AGENDA ITEM 79: PRESERVATION AND FURTHER DEVELOPMENT OF CULTURAL VALUES  
(A/33/151, A/33/157; A/C.3/33/L.24, L.60/Rev.1) (continued)

1. Mr. DE PINIES (Spain) said that he wished to take advantage of the debate on item 79 to make a statement marking the thousandth anniversary of the Spanish language, the observance of which had begun in December 1977.
2. Spanish was spoken by 310 million people and had been one of the most important vehicles of cultural development and understanding among nations; it was perhaps the most significant result of Spanish colonization. The first extant document written in Spanish dated from the middle of the tenth century, although the spoken language no doubt was even older.
3. The ceremony held to mark the anniversary had been attended by His Majesty the King of Spain and some of the most prominent figures in the political, diplomatic and cultural fields. Emilio Alarcos, member of the Spanish Royal Academy, had traced the growth of the Spanish language from a relatively insignificant dialect of Latin to its present position as one of the major languages of the world, a process which could be ascribed to various social, cultural and historical circumstances. In his televised address, His Majesty the King had emphasized the wide diffusion of Spanish as the mother tongue of many Latin American nations and had noted that it was also spoken widely in the Philippines, as well as in many Sephardic communities in various parts of the world which had retained their fifteenth-century Spanish language as a sign of their identity and their loyalty to their original homeland.
4. Thus, Spanish linked some of the most diverse members of the human race. It was the heritage not of one particular nation but of all the peoples that spoke it and considered it their own. The Spanish language and literature had themselves been enriched in recent times by inestimable contributions from the Latin American world.
5. Mr. ALBORNOZ (Ecuador) welcomed UNESCO's recognition of the fact that culture was an integral part of the over-all development process and its advocacy of an exchange of ideas on current problems that would help to build a better world based on spiritual values. He was also glad to see the emphasis which UNESCO placed on socio-cultural factors, making the concept of development far more than a mere prosaic quantification of production and consumption. In fact, the integration of the culture and history of peoples was the best indicator of their development. Cultural values brought development down to the level of the individual, thereby avoiding the risks of alienation, and at the same time ensured that man's development also achieved a universal dimension.
6. Art in all its forms played a vital role in drawing the attention of individuals and nations to their particular cultural identity. Accordingly, UNESCO had stressed the need to protect cultural values and to ensure that countries whose cultural heritage had been looted were able to secure the restitution of their property. In the interdependent, intercultural world of the twentieth century, cultural values were a vital source of communication between nations.

(Mr. Albornoz, Ecuador)

7. According to the Argentine writer Jorge Luis Borges, the spoken word and language were a vital cultural asset of every nation, serving as a vehicle for understanding, co-operation and international coexistence. The greatest leaders of mankind had used the spoken rather than the written word to influence millions. Speaking on behalf of the Latin American group of countries, he observed that the Spanish language, now spoken officially in 20 countries, had celebrated its thousandth year in 1978.

8. There were two significant aspects to the evolution of the Spanish language. First of all, it had evolved from vulgar Latin and was therefore a language of the people; secondly, throughout its evolution, it had interacted closely with other languages and cultures. Thus, during the eight centuries of the Arab presence in Spain, Arabic and nascent Castilian Spanish had coexisted, and words had filtered from one to the other. At the same time, there had evolved in various regions of Spain a number of other languages which existed to the present day. And in 977 A.D., the first known document in Castilian Spanish had been written at the monastery of San Millán de la Cogolla, in the Rioja region.

9. Just as Castilian Spanish had first evolved as a result of its coexistence with Arabic, so it had continued to evolve under the influence of the vernacular languages of Latin America. Indeed, the Spanish language was still evolving at the present time. It was an official language of the United Nations and one of the main languages of the twentieth century, and hence it was appropriate, in the Third Committee's discussion of the cultural aspects of development, to take note of its millenary anniversary.

10. Art was a universal language, and his delegation endorsed UNESCO's recommendations regarding the restitution of cultural and artistic property. Believing that protection of its cultural heritage was vital, Ecuador was carrying on numerous activities to that end. Archaeology had in recent decades thrown new light on the origins of South American man and expanded the modern world's knowledge of the evolution of the entire South American continent. Archaeological remains, some of them dating back more than 5,000 years, had been found all over his country, and extensive work had been done by national and foreign researchers to classify those remains. Researchers had found traces of the "Valdivia" cultural period dating from 3500 to 1500 B.C. and of the late formative period dating from 2000 to 1000 B.C. Indigenous cultures had continued to develop up to the discovery of the Americas. Evidence of primitive wooden sculptures dating back to between 14000 and 8000 B.C. had also been found.

11. Such discoveries showed how important archaeological remains were in explaining a country's prehistory and history, and his delegation therefore condemned illegal trafficking in such remains and the activities of expeditions which, out of so-called scientific interest, had deprived his country of many archaeological items which would have been extremely valuable to its present archaeological research. Thousands of such objects had found their way into the storerooms of museums in developed countries which had neither the time nor the space to exhibit them.

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(Mr. Albornoz, Ecuador)

12. The time had come for effective international co-operation to prevent the illegal importation, exportation and sale of cultural property. The looting of countries' cultural heritage could not be permitted to continue and the rate at which some countries were returning cultural property must be increased. In that connexion, the action taken by Belgium to restore artifacts to Zaire was to be commended and imitated.

13. Works of art from Ecuador's colonial period were as important as its pre-Hispanic cultural heritage. The tremendous artistic wealth of the colonial period in his country was a fine example of the mingling of cultures and peoples throughout the course of history. The temples of Quito had been built with stones from Inca ruins, by Andean Indian workers taught by Spanish or Flemish monks, in the baroque style prevalent at that time in Spain. Spanish art and architecture had themselves borne the traces of Arabic and even Persian influences. It was also interesting to note that artisans and painters in the sixteenth and seventeenth centuries in Ecuador had formed unions and guilds, the first flowerings of a popular, democratic form of organization which was to culminate in the independence movements of the nineteenth century. At one time, examples of Spanish colonial art had been easy to find in Ecuador. In recent years, however, there had then been a wave of illegal selling and systematic ransacking of such art treasures. In view of the harmful consequences of that situation, his country urged the international community to take steps to prevent such actions in future.

14. His country was, however, glad to note certain positive aspects of international co-operation regarding the preservation and protection of cultural values. UNESCO had included the historical centre of Quito and the Galapagos Islands in the list of natural and cultural values requiring protection as elements of the world's heritage. UNESCO's action would reinforce the efforts being made by his Government to restore and protect Ecuador's cultural and natural treasures. Work was already under way on the restoration of national monuments, and his country was ready to enter into bilateral arrangements with those countries which had acquired its artistic property, with a view to having that property returned. It was also making great efforts to restore paintings and sculptures, with the assistance of UNESCO and UNDP.

15. The Galapagos Islands were one of the most interesting areas in the world for naturalists, with many unique animal and plant species. In addition, more than 2,000 pieces of pre-Hispanic pottery had been found there, proving that the islands had been inhabited by indigenous populations before the eleventh century. His Government was now benefiting from UNESCO co-operation in preserving the Galapagos Islands, and the Charles Darwin Research Station was functioning there with the support of institutions in the United States, the United Kingdom, Germany and other countries. Their efforts emphasized international co-operation to prevent destruction of the environment and the extinction of species which were vital to mankind's scientific knowledge.

16. In view of all those considerations, his delegation had become a sponsor of draft resolution A/C.3/33/L.60/Rev.1 on the protection, restitution and return of cultural and artistic property.

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17. Mr. RIOS (Panama) said that it was only by an uninterrupted cultural process that man had managed to reach his lofty position in the biological scale. Culture involved a dynamic process in which the people of each generation and era successively enriched the cultural heritage received from their predecessors, creating their own culture in response to their particular physical and spiritual needs. Colonialism, however, had, out of ignorance or avarice, destroyed the cultural heritage of many peoples in all its manifestations, breaking up communities and enslaving the conquered peoples to such a point that they had lost all cultural identity. What the ravages of "civilization" had not destroyed had been carried off to distant lands to fill museums, and private galleries collections.

18. With the advent of decolonization and the birth of a new international consciousness, each country was seeking to rediscover its roots and interpret its history. Countries which, under the influence of foreign cultural and aesthetic values, had buried their own identity were now reacknowledging their own origins and reconstructing their cultural heritage.

19. His country had made extraordinary progress in that process of rediscovering and preserving its cultural values. Museums and exhibition halls had been opened throughout the country to familiarize the people of Panama with their cultural heritage and to show how that heritage could be revitalized through international co-operation. According to the famous Panamanian anthropologist Dr. Reina Torres de Arauz, over the last 10 years Panama had launched a planned scientific programme to recover its cultural and historical heritage, by opening museums and training the necessary technical and scientific staff. In the past five years, it had also launched a programme to recover, by means of an interinstitutional process, cultural property currently held in other countries. Agreements and long-term loans had been concluded with several United States museums with a view to the return of major archaeological collections to Panama, and Panama had endorsed an appeal by the Director-General of UNESCO to the effect that all countries possessing the cultural property of other countries should return such property. That appeal also applied in cases where underdeveloped nations had allowed cultural treasures to leave their country because they had neither the human resources nor the technical facilities to look after those treasures for themselves. Once they were able to do so, their property should be returned.

20. Panama had also taken part in a recent UNESCO symposium on that subject, which had stressed the urgent need for all countries to have their precious cultural heritage returned. His country had endorsed the programme adopted at that symposium and had favoured the creation by UNESCO of an Intergovernmental Committee for Promoting the Return of Cultural Property. At the 47th meeting of the General Assembly of INTERPOL, held recently in Panama, his country had endorsed a suggestion for drawing up an international instrument which effectively implemented international restrictions on illicit trafficking in stolen objects, including cultural property.

21. His delegation believed that the various international and regional organizations which had responsibility for cultural matters should intensify their efforts and should give further assistance in training qualified staff, so that the developing countries would be able to take proper care of their own cultural heritage.

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22. Mr. MORENO-SALCEDO (Philippines) said that his country represented a happy combination of the indigenous Philippine culture with elements from the Chinese, Indian, Islamic, Spanish and United States cultures.

23. The Islamic part of its national heritage was particularly important, and hence the Government was making special efforts to protect Moslem rights and traditions, through the codification of Islamic law, the translation of the Constitution into Arabic, scholarships for Islamic studies, the construction of mosques, the appointment of Moslems to high positions and the conservation of Islamic art.

24. The Spanish language and cultural influence of over 300 years had also left indelible traces in Philippine culture. While priding themselves on their Asian identity, his people recognized that they had spiritual roots in Spain which created fraternal bonds with all Spanish-speaking countries. His country's national language, based on Tagalog, had incorporated over 10,000 Spanish words; its legal system and political organization were based on those of Spain. For that reason, his Government sought to preserve the use of Spanish, thereby preserving part of its identity as a people.

25. Mr. VOICU (Romania) said that Romania's cultural policy sought to preserve the national heritage as a historical creation of the people and an educational treasure that should be made available to the people.

26. As part of the practical measures recently taken to implement the relevant United Nations resolutions, a vast cultural programme was being set up to identify, study, preserve and enhance the national cultural heritage. Provision had been made for gathering the most precious and representative assets in specialized national museums, such as the remarkable art museum recently opened, and the museums and institutions of popular art and ethnography which illustrated the contributions and specific characteristics of the cultures of the various nationalities living side by side in his country. The historical and literary museums had the task of discovering and utilizing new manuscripts and documents. In order to stimulate the creativity of the masses and to make art not merely a profession but a modality of personal expression, the necessary conditions had been created for the development of authentic popular talent, as evidenced in the national song festival currently taking place. Romania's cultural policy was based on a genuine humanism which respected and cultivated the people's creative genius.

27. A national law adopted in 1974 had established the legal framework for preserving and developing the cultural heritage. The need for such laws had been emphasized in document A/31/111, which pointed out that only a fifth of Member States provided adequate legal protection for that heritage, and in document A/33/157.

28. UNESCO activities in the cultural field were very important as part of the establishment of a new international order based on co-operation and justice. That fact had also been emphasized in draft resolution A/C.3/33/L.24, which he hoped would be adopted by consensus.

29. Mr. SREBREV (Bulgaria) said that his country's cultural policy was aimed at creating conditions which enabled the masses of the people to have free access to the artistic and spiritual wealth of the world and to participate fully in the process of creating a new socialist culture.

(Mr. Srebrev, Bulgaria)

30. Bulgaria attached great importance to international exchange in the cultural field, since it was widely recognized that culture was one of the most sensitive barometers of changes in international affairs. Art and culture were intimately connected with the problem of peace and were responsible for the future of human civilization and for the orientation of over-all social development. The Chairman of the Bulgarian Committee for Culture had recently observed that Bulgaria had served as both a geographical and a cultural bridge between East and West.

31. His country's achievements in discovering and preserving its cultural heritage and sharing it with other countries were evidenced by its internationally circulated art exhibitions. As part of its active participation in UNESCO activities in the cultural field, Bulgaria would host a world assembly of children's art, within the context of the International Year of the Child, under joint Bulgarian-UNESCO sponsorship.

32. He announced his delegation's intention to become a sponsor of draft resolution A/C.3/33/L.24.

33. Mr. RIGIN (Indonesia) said that cultural values were an essential component of development, which had meaning only when it reflected the particular characteristics of the people concerned.

34. His country, which consisted of many ethnic groups and cultures, sought to make them flourish within a common spirit of national identity, unity and pride. The national cultural heritage and identity were fostered by formal and informal education and transmitted through the national language, which incorporated the vocabulary of regional languages.

35. The Indonesian experience confirmed the idea, discussed in document A/33/157, that imported technology and cultural values could be successfully adapted only by rooting them in a people's own cultural heritage. His country's national resilience had enabled it to neutralize the negative influences of foreign cultures while selecting and absorbing the beneficial aspects needed for development.

36. He expressed appreciation for UNESCO's great humanitarian assistance to Indonesia. In the area of cultural enhancement, UNESCO had initiated in 1977 a programme to study Asian cultural values in contemporary societies, and Indonesia supported a policy of promoting regional art within the framework of developing national art. In the area of the preservation of artistic heritage, UNESCO had helped his country to preserve its irreplaceable historic remains, which were very important to the people, as in the project for the preservation of the temple at Borobudur.

37. His delegation had supported General Assembly resolution 3148 (XXVIII), which had emphasized the importance of the exchange and voluntary return of cultural works. His Government had a bilateral agreement with the Government of the Netherlands for the voluntary return of various Indonesian cultural works.

38. He commended UNESCO for its new approach to development as a whole, which encompassed a broader realistic view, took into account national situations and was more empirically effective, since human resources could be mobilized for development only if the efforts were based on the cultural identity and values of the peoples and countries directly concerned.

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39. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that cultural heritage was essential for national identity and that therefore his Government had tried to build a society, in all fields, on the basis of cultural values, while at the same time endeavouring not to isolate itself from other cultures. Exchanges with other cultures, which did much to promote fruitful interaction and international peace and security, had thus been carried on in a manner compatible with his country's socio-economic conditions and political beliefs and on the basis of mutual recognition.

40. Special attention should be given by the international community to preserving the cultural heritage of countries dominated by colonial racist régimes which were trying to erase the people's cultural values, especially in the countries of southern Africa and in occupied Palestine.

41. The problem of the restoration of art objects was particularly acute in countries such as those of the third world, which had been plundered and stripped of their cultural wealth. The historic wrongs committed during the long period of invasion and colonization demanded correction. His country had been among those plundered and it had made an exhaustive list of the manuscripts, paintings and art objects that had been wrongfully acquired by European and other foreign museums.

42. The 1976 Conference of Foreign Ministers of Non-Aligned Countries had adopted resolution 17 calling for the restoration of works of art to their countries of origin. Similarly, the 1978 Conference of Islamic Countries had recommended the establishment of an international commission to preserve the Islamic cultural heritage, to seek restoration of well-known historical monuments, especially those in Jerusalem and other occupied Arab territories, and to study measures to end the plunder.

43. He welcomed the resolution adopted at the twentieth session of UNESCO's General Conference approving the statute of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, and he paid tribute to UNESCO's work in preserving and restoring the cultural heritage of peoples.

44. Mrs. HOUNGAVOU (Benin) said that a people's cultural values were an important historical heritage which made it possible to understand the other values of its particular civilization. Her delegation therefore welcomed the importance UNESCO attached to the restitution of works of art to peoples which, under colonialism or military occupation, had been deprived of a priceless cultural heritage. In order to make reparation for that situation, former colonial or occupying Powers must return the works of art which they had taken from those peoples and which now filled the museums of various foreign countries.

45. It was in that spirit that her delegation wished to join in sponsoring draft resolution A/C.3/33/L.60/Rev.1.

46. Mrs. RESTREPO DE REYES (Colombia) said that realistic and concerted action in the cultural field could help to promote development more in keeping with the particular values of each nation. Her delegation congratulated UNESCO on its excellent work in that field. If culture was taken as encompassing all the intellectual, artistic, spiritual, educational, social and political values which



(Mrs. Restrepo de Reyes, Colombia)

formed the way of life of a people, it was difficult to speak of a dichotomy between the developed and the developing countries. That point was clearly borne out by the report submitted by UNESCO to the General Assembly at its current session.

47. Colombia manifested a wide range of cultural diversity to which all its varied races contributed their wealth of customs and traditions. Each of them must be equally respected and preserved. Her Government was therefore concerned at the fact that the aboriginal and black cultures of Colombia were suffering from the encroachment of white and foreign cultures. It had requested greater assistance from UNESCO to remedy that situation.

48. The representatives of the indigenous sector of Colombia's population had recently emphatically rejected the activities of foreign religious sects seeking to impose their beliefs by force. The indigenous tribes had no wish to abandon their own natural gods - the rivers, the rain, the sun and the sea. They were undoubtedly justified in their desire to maintain their own beliefs and culture.

49. Economic and cultural development went hand in hand. Development should reflect the life, energy and individuality of a people. In a period of increasingly rapid scientific and technological development, there was a need to ensure that the transfer to the developing countries of the accumulated knowledge of the developed countries was not detrimental to indigenous sources of knowledge.

50. Her Government was aware of the need to introduce indigenous culture into traditional education programmes in order to ensure that youth assimilated cultural values and passed them on to future generations. Colombia was giving greater priority than ever before to the question of culture. In recent years, increasing efforts had been directed towards promoting and disseminating culture so as to make it accessible not only to the intellectual élite but also to the less favoured classes of the population.

51. Her delegation agreed with the UNESCO recommendation that cultural policy should no longer be confined to cultural dissemination but rather should seek to promote the creative participation of the people in culture. Vigorous efforts were now being made to promote the local handicrafts of Colombia, thereby providing the rural and indigenous population with the opportunity for creative work. Rural women in particular, who in the past had been largely confined to work in the fields, now constituted an effective factor for cultural and economic development.

52. The question of cultural exchange should be studied carefully. It could be a factor for enrichment if it operated in both directions. However, the cultural invasion of one country by another could jeopardize indigenous culture. It was therefore essential to adopt cultural policies based on a proper balance of cultural exchange. That raised the crucial question of the contents of the mass media.

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(Mrs. Restrepo de Reyes, Colombia)

The technological advance of the news media had outpaced the ability of Governments to adopt the appropriate policies. The invasion of the cultural environment by the mass media was a growing phenomenon. To the extent that the mass media were directed towards the preservation of culture and the harmonious exchange of alien cultures, they would contribute to a mutual enrichment; but when they were guided solely by economic motives, the result was a serious cultural loss.

53. There was an urgent need for the United Nations, through UNESCO, to become more aware of that problem, so as to be able to promote vigorously the adoption of concerted policies in the cultural and communications field for the preservation and development of cultural values.

54. Mr. MAKAGIANSAR (United Nations Educational, Scientific and Cultural Organization), conveyed the heartfelt thanks of UNESCO to the Committee for its contribution to the collective international undertaking to make culture a vital part of relations between individuals and between States.

55. All speakers had stressed the importance of the cultural identity of peoples. Yet communication between different peoples made clear a transcendent element of humanity. Despite widely differing cultures and historical experiences, the peoples of the world were linked by a thread of mutual understanding. Many speakers had also emphasized the importance of preserving cultural values. UNESCO was undertaking very important work in that field. For example, it had been instrumental in setting up 10-year plans for the performing arts in Asia and Africa. In the context of the preservation of cultural values, it was important to bring up children with a sense of belonging, which was too easily lost in the turmoil of the modern age. The Committee's deliberations were an important factor in further refining ideas about development; in the past, culture had been acknowledged to be important but had often been treated as a secondary matter in the actual planning process.

56. Access to culture could no longer be confined to the few. As the representative of Bulgaria had indicated, serious efforts were being made to provide access to culture for all peoples, regardless of their background. The political will to make culture a part of everyday life was reflected in the various intergovernmental conferences on cultural development that were now being held.

57. It was important to preserve cultural values not as a matter of esoteric curiosity but rather as an integral part of human behaviour. Against a background of rapid technological change, it was increasingly necessary to make life more meaningful through the preservation of traditional culture and accumulated wisdom, as personified by the elderly.

58. Action for the preservation of culture was a fight against time. The deeds, thinking and political will of Member States would be very important in making culture once more a part of life. Culture should be not merely an intellectual exercise but also a means of imparting humanity, meaning and purpose to life, especially that of future generations.

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59. The CHAIRMAN announced that Ethiopia and Guyana had become sponsors of draft resolution A/C.3/33/L.60/Rev.1.

AGENDA ITEM 83: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: REPORTS OF THE SECRETARY-GENERAL (continued) (A/33/196 and Add.1 and 2, A/33/197, A/33/215 and Add.1 and Corr.1, A/33/151, A/C.3/33/L.52 and L.70)

AGENDA ITEM 84: INTERNATIONAL COVENANTS ON HUMAN RIGHTS:

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued) (A/33/40)

(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 (continued) (A/33/149 and Corr.1 and Add.1; A/C.3/33/L.72)

60. Mr. ELMOFARI (Libyan Arab Jamahiriya) observed that the United Nations had made some progress in the fight against torture and other inhuman treatment. The draft code of conduct for law enforcement officials (A/33/215) represented a step in efforts to eliminate torture, and he hoped that it would soon be adopted. That aspect of the question of torture had been given special attention by the international community in recent years, following the 1973 Paris Conference held under the auspices of Amnesty International. His delegation hoped that other conferences would be held with a view to studying all aspects of the question.

61. The unprecedented scientific progress made during the twentieth century had been accompanied by the invention of previously unimaginable means of torture. His delegation had already stressed the need to condemn such practices; it was also necessary to condemn those who profited from trade in instruments of torture. The existence of training centres for torture, to which the Director of the Division of Human Rights had referred, was also a serious and complex problem which had now attained enormous proportions and must be studied with due attention and objectivity.

62. With regard to the questionnaire on the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he explained that the provisions of the Declaration were compatible with Libyan legislation and were being put into effect. Islam, which was the basis for his country's legislation, prohibited torture.

63. He hoped that the working group of the Commission on Human Rights would be able to study the question of torture at its next session. He also expressed his appreciation to Amnesty International for its efforts to put an end to torture and for its work in other humanitarian fields.

64. The CHAIRMAN announced that the United Kingdom had become a sponsor of draft resolution A/C.3/33/L.70.

The meeting was suspended at 6.05 p.m. and resumed at 6.35 p.m.

65. Mr. TIM HOK (Democratic Kampuchea), speaking in exercise of the right of reply, reply, said that, with regard to the question of the so-called "violations of human

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(Mr. Tim Hok, Democratic Kampuchea)

rights" in his country raised by the representatives of the United States and Canada, his delegation strongly condemned that slanderous campaign orchestrated by the United States imperialists and their lackeys against his country since their ignominious defeat in their war of aggression against it. The aim of that campaign was to cover up the crimes they had committed and the havoc they had wrought in his country, where 15 per cent of the population had been killed or injured and 80 per cent of the territory had been ravaged. It demonstrated the imperialists' intention to continue their policy of aggression and interference in the internal affairs of his country, which had become an independent, sovereign, neutral and non-aligned State, and it also showed their resentment and hatred towards his people and his country's system of government.

66. Such manoeuvres could not deceive the countries that valued independence, peace and justice, particularly those which had been the victims of aggression and interference on the part of the United States imperialists and their lackeys, since such countries knew that his people's victory had been largely due to the fact that it had been united in support of his party. That unity was responsible for his people's success in national defence and reconstruction. The United States imperialists and their lackeys were aware of that situation, a fact which made their hatred and resentment for his country even greater.

67. Everyone knew that the United States imperialists and their supporters, including Canada, were guilty of the worst crimes against the peoples of the world, particularly the third world. Millions in Asia, Africa and Latin America had sacrificed their lives in order to defend their right to independence and freedom. The peoples of Africa, Zimbabwe, Namibia and Azania and the peoples of the Middle East, including the Palestinian people, were still enduring a war of aggression waged against them by the United States imperialists and their supporters, who had set themselves up as "international policemen" and "defenders of human rights", whereas they were really the murderers of peoples and the protectors of racist and expansionist régimes.

68. The Governments of the United States and Canada savagely oppressed and exploited their own populations. For example, the United States imperialists had shown their Fascist, savage nature in 1970 by massacring students who had been demonstrating peacefully against their war of aggression in Kampuchea. Moreover, if the Canadian Government cared so much about human rights, it should accede to the just demands of the people of Quebec.

69. Out of respect for the principles of non-interference in the internal affairs of other countries, his delegation had thus far refrained from bringing up those matters. However, it was unfortunately clear that the United States imperialists and their supporters understood only the law of the jungle.

70. Mr. NGUYEN NGOC HOAN (Viet Nam), speaking in exercise of the right of reply, said that in his statement at the preceding meeting the representative of the United States had made tendentious remarks regarding the question of human rights in Viet Nam. He wondered how the United States of America dared discuss human rights in his country in a moralizing tone, in view of the fact that it had waged an abominable war of aggression against his country, the aftermath of which was still inflicting suffering on the population; the United States had tried to bomb the northern region of the country into the stone age and had committed innumerable acts of genocide against his people.

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(Mr. Nguyen Ngoc Hoan, Viet Nam)

71. The representative of the United States had mentioned what he termed "harsh measures taken by the Vietnamese Government against whole categories of its citizenry". His delegation wondered on what authority that representative claimed the right to interfere in the internal affairs of Viet Nam, in violation of one of the fundamental principles of the Charter. It was true that there had recently been disturbances, but as the Prime Minister of Viet Nam had said, they had been of the kind that no State could tolerate, and the Western press reports of arrests and massive acts of repression were gratuitous lies spread by persons who had been unable to accept his country's victory, reunification and progress towards socialism. Most of the criminals in question were persons left behind by the United States for the purpose of engaging in sabotage.

72. His Government's policy of reintegrating over a million former civil servants and soldiers into society at the end of the war was without precedent. There was no evidence of the "blood-bath" that had been a favourite propaganda theme of the Government of the United States. A small number of persons who had committed monstrous crimes were still in detention undergoing re-education. However, it was the United States that had transformed them into murderers and traitors.

73. With regard to the new economic zones, which the representative of the United States considered a principal cause of what he termed "the expanding exodus", the establishment of such zones was one of the important steps taken by his Government to solve the problems left in the wake of the war. Those problems were a result of United States bombing and the policy of the United States and the Saigon régime of isolating the rural inhabitants of South Viet Nam in concentration camps or forcing them into cities. In order to solve the economic, demographic and social problems arising from the consequent congestion in the cities, his Government had implemented a policy of redistribution of the population. The establishment of new economic zones constituted one of the principal components of that policy and consisted in providing persons who wished to participate in agricultural production in the new economic zones with the means to do so. The results of the implementation of that policy over a period of three years had confirmed its wisdom. It seemed to him that population redistribution was not merely a short-term or medium-term policy but an approach that could solve development problems in many developing countries. That was a conclusion that eminent economists, including experts from United Nations agencies and bodies, had also reached. The report prepared by the United Nations mission following its visit to his country, published in March 1976, concluded that his Government's policy of establishing new economic zones supplied an appropriate solution to a problem for which there was virtually no other answer.

74. In conclusion, he pointed out that in a letter to The New York Times printed in the issue of 17 November 1978, an American reader had suggested that, before lecturing other countries on human rights, it would be a good idea for the United States to try to eliminate the worst atrocities committed in its own back-yard.

75. Mrs. HUANG (China), speaking in exercise of the right of reply, said that such attacks against China as that made by the representative of the United States in his statement at the preceding meeting could not be tolerated.

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(Mrs. Huang, China)

76. After more than a century of struggle, the Chinese people had finally triumphed over imperialism, feudalism and the comprador class and founded the new socialist People's Republic of China. The very extensive democratic rights that the masses enjoyed in the new China were without precedent in her country and constituted a record that imperialist countries were unable to equal. At home, the ruling classes of those countries exploited and oppressed their working class and the coloured population, and abroad they invaded colonial and semi-colonial territories and oppressed and exploited the populations of those territories by political, economic, military, cultural and other means. They were therefore not qualified to discuss the question of "human rights". Yet they even had the arrogance to point fingers at the Chinese people and the peoples of the third world, which were devoting their energies to building their countries. Such attempts to use the so-called human-rights question to slander the Chinese people and interfere in her country's internal affairs were doomed to failure.

77. Mr. OSHAN (Uganda), speaking in exercise of the right of reply, said that in their statements on item 12 at the preceding meeting the representatives of the United States and Canada had made references to his country in connexion with human-rights violations. His delegation would not tolerate such malicious accusations. He emphasized that the purpose of the co-operation between his country and the United Nations concerning the question of human rights was to establish the truth with regard to allegations of human-rights violations. The human-rights situation in his country was not in need of improvement and was not as the representative of the United States would have the international community believe.

78. Furthermore, it had never been alleged or admitted that any third Powers were or had been involved in conflicts to which his country had been a party. In any case, as a sovereign State and a non-manufacturer of arms, his country had the legitimate right to buy arms from any country of its choice. The United States had been known not only to sell arms worth millions of dollars but also to use deadly weapons in explosive situations and in areas giving rise to far graver international concern. The United States had never been so concerned about the question of human rights as to condemn or even question its own supply or use of arms in those areas. Any genuine humanitarian concern would have prompted the United States to employ self-restraint and, at the very least, not to be negatively selective.

79. The comments made by the representative of Canada regarding the conflict between Uganda and the United Republic of Tanzania were unwarranted and, moreover, irrelevant, since that question was under consideration in a different forum.

80. The continued references to his country made by the United States, Canada and others meant that those countries were pursuing a policy of discrimination against revolutionary countries which would not bow to imperialism, colonialism, neo-colonialism and exploitation. Such remarks would in no way serve the cause of human rights.

81. Mr. SAIGJAVONGS (Lao People's Democratic Republic), speaking in exercise of the right of reply, said that at the preceding meeting the representative of the United States had made reference to human-rights violations in certain parts of the world, and in his country in particular.

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(Mr. Saignavongs, Lao People's  
Democratic Republic)

82. With regard to groups of ethnic minorities that had left his country under what the representative of the United States termed "military pressures", he said that those groups were composed of persons who had belonged to the so-called "special forces" paid and maintained by the United States Central Intelligence Agency at a time when the United States had been using the countries of **Indo-China** as a testing ground for its weapons of destruction. After the founding of the Lao People's Democratic Republic, those persons had continued their armed resistance against the Government, which had both the duty and the right to restore law and order within its territory when necessary.

83. His Government's decision to permit the persons it had defeated to leave with their families, instead of punishing them as they deserved, constituted a humane and magnanimous act that was without precedent.

84. With regard to other Lao groups that had left his country for reasons which even the representative of the United States had recognized as the economic consequences of natural disasters that had struck his country during the past two years, his delegation had already mentioned in its statement (A/C.3/33/SR.44) on agenda item 85 concerning the report of the High Commissioner for Refugees (A/33/12) that food shortages had prompted those groups to leave of their own free will, in the hope of finding a better life elsewhere.

85. His country was in no way to blame for that state of affairs. He wondered whether the representative of the United States had already forgotten that the United States Air Force had dropped 3 million tons of bombs on his country, devastating four fifths of its territory and destroying the whole foundation of its economy. Six years after the bombing had ceased, dozens of peasants were still killed each month by unexploded bombs. The cultivable area of his country having thus been considerably reduced, his Government had been unable to cope with the serious consequences of the natural disasters.

86. With regard to what the representative of the United States called "poor agricultural planning", his delegation was outraged that that representative had seen fit to pass judgement publicly on the exclusively internal policy of a sovereign State. For its part, his Government had done everything it could in the agricultural domain with the means at its disposal. Instead of shedding crocodile tears, the representative of the United States would do better to persuade his Government to contribute towards the reconstruction of the Lao People's Democratic Republic, which the United States had itself laid waste.

87. Mr. VOICU (Romania), speaking in exercise of the right of reply, said that the allegations made at the preceding meeting by a Member State with regard to trade-union rights in his country were totally unfounded. He merely wished to recall briefly that in Romania the right of association was a fundamental right, long recognized and sanctioned by the Constitution and legislation of his country and implemented in all sectors of economic and social activity.

88. Mr. CANTILLO (Argentina), speaking in exercise of the right of reply, said that, in his statement at the preceding meeting, the representative of the United States had made a reference to Argentina which had been reproduced in the text circulated by that representative. In that reference, which concerned the question

(Mr. Cantilo, Argentina)

of trade-union rights, mention was made of an appeal made in 1977 by the International Labour Organisation to a number of Governments, including his own, with regard to the detention of trade-union leaders.

89. His delegation wished to point out that his Government had supplied relevant data in response to the request of the ILO Committee on Freedom of Association for information on cases of detention and measures undertaken to restore full trade-union rights. All the persons in question had been detained for offences under the penal law and not for reasons connected with trade-union activities.

90. His country was fully prepared to comply with its obligations under the legal instruments on freedom of association and its obligations as a member of the International Labour Organisation. It was therefore unfortunate that charges against it should be made arbitrarily by the representative of a Government that had voluntarily withdrawn from ILO.

91. Mrs. HUDA (Bangladesh), speaking in exercise of the right of reply, expressed surprise that the representative of the United States had seen fit to state that her country should heed General Assembly resolution 32/121 on protection of the human rights of certain categories of prisoners. That remark and the reference to double standards were absolutely unwarranted. Her country did not detain trade-unionists without trial for exercising trade-union activities. Its current labour legislation was liberal, just and equitable from the point of view of both employers and employees, and its trade unions were free to engage in collective bargaining and other legitimate trade-union activities, within the limits prescribed by law from time to time.

92. Her country was pledged to achieve a just society and was proud that, even though its emergence as a new State had been accompanied by turmoil, it had placed human values above other considerations.

93. Mr. NENEJIAN (Poland), speaking in exercise of the right of reply, recalled that at the preceding meeting the representative of the United States had made reference to Poland in connexion with General Assembly resolution 32/121. The United States statement was devoid of the humility which that representative had mentioned as being necessary in dealing with the question of human rights, and his delegation rejected the allegations it contained as totally unfounded and altogether inappropriate.

94. Mr. LAMB (Australia), speaking as Chairman of the open-ended informal working group on the draft code of conduct for law enforcement officials, said that the drafting of the code of conduct had been in the minds of the international community for many years. General Assembly resolution 3218 (XXIX) had requested the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give urgent attention to the question of the development of an international code of ethics for police and related law enforcement agencies. In response to that request, a working group of police experts had met in January 1975 to prepare a draft code for submission to the Congress. It had studied the code then recognized by the International Association of Chiefs of Police, the regulations governing police conduct in several countries, and submissions by the representatives of various countries and by the Professional Standards Law Enforcement Association. At the Congress itself, a majority had favoured the adoption of an international code, but



(Mr. Lamb, Australia)

the Congress had concluded that consensus could be attained only after further expert consideration. It had therefore decided to request the General Assembly to establish a committee of experts to consider the matter further. The Congress had also stated that it considered the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (which had been drafted at the Congress) to be an integral part of the future code of conduct for law enforcement officials.

95. In considering that recommendation, the General Assembly had decided to request the Committee on Crime Prevention and Control to elaborate a draft code of conduct for law enforcement officials and submit it to the General Assembly at its thirty-second session through the Commission for Social Development and the Economic and Social Council. The Committee on Crime Prevention and Control had completed the drafting process at its fourth session in 1976, and the draft code had been submitted to the General Assembly in 1977. A number of delegations had felt that suggestions from Governments might benefit the drafting process; accordingly, by resolution 32/419, the Assembly had decided to take up the question again in 1978 in the light of comments and suggestions which Governments had been invited to make.

96. Those comments and suggestions, as well as the draft code itself, were contained in the report of the Secretary-General (A/33/215 and Add.1), which had formed the basis of the work of the informal working group. The group had been able to hold only seven meetings during the session. Competition for secretariat services and conference rooms had made it very difficult to service all the meetings which delegations desired to convene, and it had not been possible to have interpretation at more than about half of the group's meetings. Nevertheless, delegations had worked in a harmonious and productive atmosphere, and it was to the credit of all that such a large measure of agreement had been obtained on so many issues.

97. The draft code of conduct, as prepared by the Committee on Crime Prevention and Control, consisted of a preamble and 10 articles. Most of the articles were followed by commentaries designed to assist Governments and law enforcement officials themselves in interpreting the provisions. The working group had decided to start with the preamble and move through the text article by article, dealing with the commentaries at the same time as the articles. It had completed work on the preamble and the first five articles but had been unable to reach agreement on a provision in the commentary to article 3 concerning the circumstances in which law enforcement officials might use firearms.

98. In referring delegations to changes which had been made, he would compare the text annexed to draft resolution A/C.3/33/L.70 with the text submitted by the Committee on Crime Prevention and Control, shown in annex I of the report of the Secretary-General (A/33/215 and Add.1).

99. In approaching the preamble of the draft code, the working group had decided to make several changes for the sake of greater consistency of language, or to overcome what had been seen as drafting errors or omissions. For example, in the first preambular paragraph the word "purposes" had supplanted the word "principles" because the paragraph concerned matters described in the Charter as purposes rather

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than principles. The working group had also deleted the fourth preambular paragraph of the draft and had dealt with the history of the drafting process separately. One or two small textual changes had been made in the other preambular paragraphs. The fifth preambular paragraph differed slightly from its equivalent in the original code, largely because the working group had decided that it would be more correct for the General Assembly to speak of the "important" task which law enforcement officials were performing "diligently" rather than speak of those tasks as being "difficult" and performed "conscientiously".

100. The working group had decided that the last preambular paragraph, referring to the adoption of the code, should be rephrased, largely along the lines of an amendment submitted, whose intention had been to include in the adopting paragraph a recommendation to Governments that favourable consideration should be given to its use within the framework of national legislation or as a body of principles for observance by law enforcement officials.

101. The working group had decided to leave article 1 and its commentary unchanged, although, for the sake of consistency of meaning, the group had agreed that the Russian text of paragraph (a) of the commentary should conclude with a passage capturing the spirit of the English words "especially the powers of arrest or detention" while preserving, in Russian, the idea that that paragraph covered the act of apprehending or detaining an offender rather than the legal act of issuing an arrest warrant.

102. The working group had decided to add a foot-note to the commentaries to article 1, explaining that they provided information to facilitate the use of the code within the framework of national legislation or practice and to show that national or regional commentaries could identify specific features of the legal systems and practices of different States or regional intergovernmental organizations which would promote the application of the code.

103. The working group had decided, after considering several suggestions for amendment, that the text of article 2 should be maintained as drafted by the Committee on Crime Prevention and Control. The amendments suggested had not, ultimately, been pressed upon the working group because most members had seemed satisfied to retain the original wording, believing that the commentary allowed the article to be understood along the general lines of the suggestions received. The commentary to article 2 itself had been amended by the working group in order to show the actual nature of the human rights of persons which law enforcement officials were required by article 2 to maintain and uphold. The commentary now commenced with the sentence: "The human rights in question are identified and protected by national and international law". It then gave a list, which the group had not intended to be exhaustive, of relevant international instruments. The list was almost the same as that supplied by the Committee on Crime Prevention and Control, with the exception that it referred to the International Convention on the Elimination of All Forms of Racial Discrimination (instead of referring only to the Declaration as in the original draft) and to the Convention on the Prevention and Punishment of the Crime of Genocide. Paragraph (b) of the commentary to article 2 had then been changed slightly in order to take account of the amendment

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to paragraph (a). It therefore suggested that national commentaries to article 2 should indicate the provisions relating to the rights in question. In approaching article 3 of the draft code, the working group had felt that it would be more effectively phrased in positive terms, rather than in the negative terms used in the draft. The group had felt that the original phrasing suggested that there were occasions on which law enforcement officials ought to use force. To counter that impression, the group had agreed that the article should be amended to read: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." The group had then decided that paragraphs (a) and (b) of the commentary to article 3 should be amalgamated and that amendments to eliminate ambiguity from the original text of paragraph (b) should be incorporated. Accordingly, the new paragraph (a) placed some emphasis on the need for principles of proportionality in the authorization of the use of force. It indicated that the use of force by law enforcement officials should be exceptional and that the use of force should be authorized only to the extent reasonably necessary under the circumstances for the prevention of crime or in effecting, or assisting in, the lawful arrest of offenders or suspected offenders, while no force going beyond that might be used.

104. The working group had been unable to agree on the provisions it should adopt concerning the use of firearms. There was no provision covering that point in the draft code of the Committee on Crime Prevention and Control. The group, in considering amendments suggested by some delegations, had agreed to include two alternative forms among the results of its work. The group had hoped that, before proceeding with that matter in 1979, all Governments and delegations would give thought to that problem, so that it might readily be solved at the outset of that year's work.

105. In discussing article 4, a number of delegations had felt that the valuable nature of the article might be enhanced if it were made even clearer that matters of a confidential nature in the possession of law enforcement officials should be kept confidential. Accordingly, the proviso in the article now read "unless the performance of duty, or the needs of justice, strictly require otherwise". The commentary to the article had presented more difficulty. At the suggestion of several delegations, it now explained that law enforcement officials in the course of their duties might obtain information relating to the private lives of persons in addition to other information potentially harmful to the interests and reputation of others. The group had gone on to reformulate the latter part of the paragraph so as to say that great care should be exercised in safeguarding and using such information. It had been felt that the new formulation overcame some ambiguity in the original text and would be more suitable for use in a code intended for wide distribution to police officers. The group had decided that article 5, based on the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was an acceptable basis for discussion. It did, however, agree to proposals by a number of delegations from different regional groups that the circumstances which might not be invoked by law enforcement officials to justify torture should be expanded to include superior orders or threats to national

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security. Article 5 thus prohibited law enforcement officials from inflicting, instigating or tolerating any act of torture or other cruel, inhuman or degrading treatment or punishment and from invoking superior orders or exceptional circumstances such as a state of war, a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

106. Lastly, the working group had dealt with the commentary to article 5. Largely because the commentary was based on the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the group had decided not to embark upon an exhaustive discussion of it, in the hope that the process of drafting a convention against torture might be concluded by 1979, when the matter would return to the General Assembly for discussion. The group had, however, agreed to delete paragraph (d) from the commentary provided by the Committee on Crime Prevention and Control.

107. The working group had been unable to complete discussion of the draft code and had left for 1979 the examination of articles 6 to 10 and of other matters which might be taken up. In that context, he noted that a delegation had suggested, and the working group had agreed, that at the end of its work on the code as a whole, it should examine its use of language throughout the text. For example, some articles used obligatory verbs such as "must", whereas in other places verbs such as "should" or "may" were used. The working group might wish to try to standardize some of that language in 1979.

108. He drew the Committee's attention to draft resolution A/C.3/33/L.70, which he wished to introduce on behalf of his own delegation and those of Argentina, the German Democratic Republic, Guyana, Japan, the Philippines, Spain, Sweden, the United Kingdom and the United Republic of Tanzania. The draft resolution had the basic aim of seeking the establishment of a working group at the beginning of the thirty-fourth session of the General Assembly to resume elaboration of the draft code. It also requested the Secretary-General to allocate sufficient staff and resources to enable that working group to complete its task. Committee members were well aware of the difficulties which had confronted the Secretariat in providing resources to the two working groups of the Third Committee during the thirty-third session, and he was sure all members would agree that, within the limited resources available, very much had been done. He hoped, therefore, that it might be possible to complete the work in 1979. The draft resolution expressed the hope that the draft code would be adopted during the thirty-fourth session of the General Assembly. Paragraph 2 of the draft resolution noted with appreciation the results of the open-ended informal working group. There had also been an oral amendment to the paragraph requesting the Secretary-General to transmit the results to Member States for their consideration, and it had been proposed that paragraphs 1 and 2 should be transposed. He hoped that the draft resolution, which was generally procedural in content, could be adopted by consensus by the Committee and by the General Assembly.

109. Mr. EDIS (United Kingdom) said that, for reasons explained by the representative of Australia, it had not been possible to produce a report of the

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(Mr. Edis, United Kingdom)

open-ended informal working group. Therefore, in order to provide a basis on which the working group might resume its work, and to aid the Rapporteur in reporting to the plenary Assembly on the item, he proposed that the statement of the representative of Australia should be given in-extenso treatment in the summary record.

110. The CHAIRMAN said that the request of the representative of the United Kingdom had been duly noted.

111. Mr. PAPASTEFANOU (Greece) said that his country had endured a painful experience of torture during the period of military dictatorship. After democratic legality had been restored, criminal proceedings had been brought against those responsible. The Greek Government had thus been the first to react vigorously against those who violated fundamental human rights by practising torture. The Constitution adopted in 1975 contained effective rules concerning human rights and protection against torture. They made respect for the worth of the human person the paramount obligation of the State and prescribed punishment for all torture, physical abuse, impairment of health, psychological pressure or any other violation of human dignity. Persons unjustly or illegally sentenced, detained or otherwise deprived of their personal freedom were entitled by law to compensation. All State organs were instructed to guarantee the human rights of the individual. Those rules had taken effect before the Declaration against torture and other ill-treatment (General Assembly resolution 3452 (XXX)). The Constitution protected not only the individual's bodily integrity but also a right much broader in scope, that of human dignity, which was profoundly violated by the use of torture. Naturally, the Greek Penal Code also contained provisions prescribing punishment for acts of torture.

112. The thirtieth anniversary of the Universal Declaration of Human Rights should be marked by intensified efforts to find ways of protecting the human person. In his delegation's view, the most appropriate method was close international co-operation aimed at finding practical means to halt torture. His delegation had first expressed that view at the thirtieth session of the General Assembly, where he had personally had the honour of presenting to the Third Committee the draft resolution which had led to General Assembly resolution 3452 (XXX) on torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment. Since then, his country had been constantly involved in efforts to find practical measures against torture.

113. His delegation had proposed to the Social Committee of the Economic and Social Council that an international convention against torture should be prepared and had been a sponsor of draft resolution A/C.3/32/L.13 concerning the draft convention on torture and other cruel, inhuman or degrading treatment or punishment. At the current session his delegation had joined in sponsoring draft resolution A/C.3/33/L.52.

114. His Government had already approved the draft code of conduct for law enforcement officials.

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(Mr. Papastefanou, Greece)

115. Torture continued to be practised despite the clear prohibitions contained in article 5 of the Universal Declaration of Human Rights, article 4 of the Covenant on Civil and Political Rights and article 3 of the 1949 Geneva Convention. The Director of the Division of Human Rights had told the Committee in 1977 that torture was widespread and had become a global problem which apparently afflicted every continent. Accordingly, his delegation would continue to lend its resolute support to all efforts of the Third Committee, the principal forum for the protection of human rights, that might lead to practical and effective measures to eliminate the hateful scourge of torture, an evil unacceptable to human civilization.

116. Mr. DE PINIES (Spain) said the fact that an item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" was still on the agenda of the United Nations was disturbing proof of the persistence of practices unworthy of man. As his delegation had stated at the thirty-second session, the repugnance which all human beings felt for those practices was even greater when one thought of their origin: the cold, bureaucratic machinery of the public authorities. A State or governmental apparatus anywhere which practised or tolerated torture could be said to have forfeited, in some measure, its own legal existence.

117. The Constitution Spain had just adopted, using the very language of the United Nations, stated that all persons had the right to life and physical and moral integrity; it banned torture and inhuman or degrading treatment under any circumstances and abolished the death penalty except under military penal law in time of war.

118. The new parliament had added to the Penal Code an article imposing severe penalties on any public official who, in order to obtain a confession or testimony in the course of an investigation, committed specific acts of torture or ill-treatment. Provision was also made for the punishment of officials of penitentiary institutions who committed such acts against detainees or prisoners, of public officials who in the course of judicial proceedings or investigation resorted to intimidation or duress in conducting an interrogation, and of officials who, in neglect of their duties, allowed other persons to perform such acts. Furthermore, on 24 November 1978, the Council of Ministers had approved the unilateral declaration against torture provided for by General Assembly resolution 32/64.

119. His delegation had been a sponsor of resolution 32/62, which had requested the Commission on Human Rights to prepare a draft convention on torture. That draft convention was essential, and the Swedish delegation was to be congratulated on the work it had done in that respect. In its comments transmitted to the Secretary-General, his Government had made some purely technical suggestions for improving the text but had fully supported the idea of the convention.

120. His Government had also transmitted its comments on the draft code of conduct for law enforcement officials, to which it attached great importance, although it had made suggestions designed to produce a text couched in less categorical terms. In a spirit of co-operation, his delegation had taken part in the open-ended working group, which had completed a substantial part of its work, as reflected in draft resolution A/C.3/33/L.70, of which Spain was a sponsor. He hoped the working group would complete its work in 1979.

(Mr. De Pinies, Spain)

121. Spain had ratified the International Covenants on Human Rights and had submitted its initial report in compliance with article 40 of the Covenant on Civil and Political Rights.

122. The Minister for Foreign Affairs of Spain had also announced in a plenary meeting of the General Assembly that his Government, proceeding along the path opened by the Covenants on Human Rights, intended to recognize the competence of the Human Rights Committee under article 41 of the Covenant on Civil and Political Rights and to ratify its Optional Protocol. Spain was thus helping to ensure that United Nations machinery in the field of human rights would achieve the objectives for which it had been created.

123. Mr. TARASYUK (Ukrainian Soviet Socialist Republic) said that over the years various United Nations bodies had devoted and were continuing to devote particular attention to the question of torture and other cruel, inhuman or degrading treatment or punishment in connexion with detention or imprisonment. Those discussions had resulted in the adoption of instruments reflecting the hope of the world's peoples that every possible encouragement would be given to the cause of protecting human rights and freedoms and eradicating the continuing use of torture in various parts of the world. That noble aspiration was embodied in the Universal Declaration of Human Rights, one of whose articles stated that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and it was expressed in legal terms in the International Covenant on Civil and Political Rights.

124. Information from various parts of the world, however, repeatedly confirmed the fact that in a number of countries such practices were still being perpetrated against imprisoned patriots and fighters for democracy and freedom.

125. At the World Conference of Solidarity with the Chilean People, held at Madrid in November 1978, and in the Third Committee's discussions at the current session of the General Assembly, it had been convincingly shown that the Pinochet military junta, which had plunged the people of Chile into an abyss of bloody repression and savage terror, was continuing to detain many political prisoners and freedom fighters in its Fascist gaols. Persons objectionable to the dictatorship were "disappearing" without a trace, and use of torture and other violent and inhuman acts against the patriots of Chile remained a constant feature of the régime, as had been revealed in the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile (A/33/331).

126. There was also cause for serious concern in South Africa, Southern Rhodesia and Namibia, where racist régimes were still resorting to terror in the hope of intimidating the African peoples and isolating the fighters for freedom and democracy. It was clear from the report of the Ad Hoc Working Group of Experts (E/CN.4/1270) and from the documents of the Commission on Human Rights that political prisoners in southern Africa continued to be subjected to torture and inhuman treatment. The racist régimes in southern Africa were constantly violating

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(Mr. Tarasyuk, Ukrainian SSR)

human rights, disregarding the world community's demand that they should cease their use of torture and inhuman treatment against African patriots.

127. Similarly, torture was an integral part of the terror policy pursued by the dictatorship in South Korea, which had created an atmosphere of universal fear and lawlessness, violating the elementary rights and freedoms of its citizens and cruelly persecuting South Korean patriots, members of democratic organizations and opposition activists.

128. His delegation believed that the continuing use of torture, terror and massive repression and the practice of violating basic human rights and freedoms were incompatible with the spirit and letter of the United Nations Charter, and in particular with Article 1, paragraph 3. The United Nations should take vigorous action to bring about the immediate elimination of massive and flagrant violations of human rights, the cessation of the inhuman practice of using torture, and the release of all political prisoners in Chile, South Africa, Southern Rhodesia, South Korea and a number of other countries.

129. Ms. SHALHOUB (Jordan) said she hoped that the lack of Arabic interpretation at the present meeting would not be taken as a precedent.

129a. Her delegation was pleased that the United Nations and the specialized agencies, together with other intergovernmental, regional and national organizations, had been active in promoting conventions on the use of torture and other cruel, inhuman or degrading treatment or punishment and other human-rights questions. The moral or legal force of such international instruments did much to promote respect for human rights.

130. However, there was still a gap between the theory and practice of States with regard to the human rights of their own citizens or of citizens of other countries suffering under occupation and foreign domination. Jordan's answers (A/33/196) to the questionnaire on the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment reflected its awareness of such discrepancies. Jordan was in the process of improving its legislation in order to meet in full the international standards laid down in the Declaration and in the two International Covenants on Human Rights. Her delegation consequently supported more international supplementary legislation in the field, such as the provisions contained in the three annexes to the Secretary-General's report on a draft code of conduct for law enforcement officials (A/33/215).

131. Torture and similar practices were abominable, damaging the essence of civilization and posing a threat to world peace and security. That was made clear by what was happening in the occupied territories of Palestine, in South Africa and in other parts of the world. Accordingly, it was a primary duty of States, first, to build up world-wide pressure for the ratification and application of the international obligations set forth in the various international instruments



(Ms. Shalhoub, Jordan)

on the subject. Secondly, States must accept in good faith the competence of the various international bodies responsible for the protection of human rights. Thirdly, States must give effective support to special United Nations committees on certain human-rights questions, such as those on Israeli practices and on apartheid. Fourthly, the Division of Human Rights of the United Nations Secretariat must be strengthened. Her delegation sympathized with the Division's inability to cope with its ever-increasing burden of work and called for steps to increase its capacity to carry out its duties.

132. Mr. CANTILLO (Argentina) said that the working group on the preparation of a draft code of conduct for law enforcement officials had achieved some useful results and opened the way to a successful conclusion of its work at the next session. The body of principles contained in the annex to draft resolution A/C.3/33/L.70 was part of the legal system in force in Argentina, and his delegation fully supported the codification of such provisions at the international level. He paid tribute to the representative of Australia, who had so skilfully guided the work of the working group.

133. Mr. VAN DONGEN (Netherlands) recalled, in connexion with draft resolution A/C.3/33/L.52, that at the thirty-second session of the General Assembly his delegation had taken the initiative in proposing the adoption of the draft resolution that had eventually become resolution 32/63. In pursuance of that resolution the Secretary-General had circulated a questionnaire on the application of the Declaration on protection against torture. He commended the Division of Human Rights for the admirable manner in which that list of questions had been drawn up. The purpose of resolution 32/63 was to collect information on how the Declaration was applied in practice by individual Member States; furthermore, it had been felt that Governments might as a consequence be inspired to take a critical look at the real situation in their own countries, with regard both to the existing laws and regulations and to their observance and application. His delegation was, on the whole, pleased with the usefulness of the answers given by the 25 countries that had thus far replied. For obvious reasons, several countries had tended to confine themselves to a purely legalistic approach. Of course, the evil of torture should be fought in the first instance by national legislative and administrative measures, but it would be wrong to suppose that torture could be stamped out merely by enacting laws; both the letter and the spirit of the law must be observed. To that end, Governments and the prosecuting authorities under their control must be able and willing to ensure that all public officials, particularly those at the lower levels, were aware of and observed the rules against torture.

134. Experience showed that torture could occur even in countries which had a refined system of statutory safeguards to prevent it. In some cases the judicial authorities lacked the necessary firmness or opportunity to use their powers to the full. Another important factor was the existence of secret police forces, which were often responsible for committing acts of torture. Sometimes their actions

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(Mr. Van Dongen, Netherlands)

had no real legal basis, and often their conduct escaped judicial scrutiny. There was also the factor of abuse of authority, one example of which was the practice of unwarranted institutionalization on grounds of mental ill-health; people whose views disagreed with officially held doctrines were sometimes declared insane, placed in mental institutions and subjected to treatment which was often devastating. There were other determining factors of a more general character, such as the relationship between the Government and its citizens, the political climate of a country and the prevailing moral values.

135. It was difficult to assess all those factors and evaluate how they were interrelated, or to draw a clear picture of the general situation. It was therefore tempting, when answering the questionnaire, to emphasize the legal safeguards because they lent themselves to clear and factual description.

136. Despite those intrinsic shortcomings, his delegation was still convinced of the usefulness of the questionnaire and hoped that many more Governments would answer it before the next session. Perhaps the Committee would then be in a better position to estimate the general effect the Declaration had had since its adoption.

137. Draft resolution A/C.3/33/L.52 also related to the drafting of a convention on torture. His delegation feared that owing to the very heavy workload of the Commission on Human Rights, there would be too little time for substantial progress in the matter. Nevertheless, his Government was looking forward to an interesting and fruitful discussion.

138. Another question dealt with in draft resolution A/C.3/33/L.52 was that of the unilateral declarations called for under resolution 32/64. The Netherlands was pleased to note that its neighbour Belgium had headed the list of countries that had already submitted such a declaration. His Government had recently submitted a unilateral declaration stating its intention to comply with the Declaration adopted by the General Assembly in resolution 3452 (XXX) and to continue to implement through legislation or other measures the provisions of that Declaration and confirming that Netherlands legislation was in conformity with those provisions.

139. Mr. BYKOV (Union of Soviet Socialist Republics) expressed satisfaction at the continuing increase in the number of countries assuming the obligations of the International Covenant on Civil and Political Rights. The introduction to the report of the Human Rights Committee (A/33/40) indicated that by 3 November 1978 more than 50 States had adopted that important international document, and a similar number of countries were parties to the Covenant on Economic, Social and Cultural Rights. Those comprehensive international agreements, affirming as an

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(Mr. Bykov, USSR)

international legal norm the right of peoples to self-determination and to dispose freely of their own natural wealth and resources, made it obligatory for States Parties to ensure the implementation of economic, social, cultural, political and civil rights, which were of great importance to international co-operation within the framework of the United Nations.

140. The Covenants constituted a comprehensive basis for international co-operation between States in the field of human rights. General Assembly resolution 32/66 had rightly affirmed the importance of the implementation of the Covenants for encouraging respect for human rights and contributing to the co-operation of States in the attainment of the purposes and principles of the Charter of the United Nations.

141. His delegation had carefully considered the report of the Human Rights Committee and approved the conclusions which had emerged from that Committee's meetings. One of the Human Rights Committee's principal duties was to review the reports of States Parties to the Covenant on Civil and Political Rights which contained information on the implementation of the obligations arising from the Covenant. Commenting on the Soviet Union's report, members of the Human Rights Committee had noted (A/33/40, para. 412) that it was comprehensive and contained detailed information on the legislation aimed at securing civil and political rights provided for in the Covenant. The ratification of the Covenant and its entry into force on 3 January 1976 had required no changes in or additions to Soviet legislation. The Covenant's provisions on human rights had long been a feature of daily life in the Soviet Union. The new Constitution of the USSR, which was the Constitution of an advanced socialist society, illustrated the continuing progress of socialist democracy in general and guaranteed the implementation in the Soviet Union of all provisions enshrined in the International Covenants and other United Nations documents concerning human rights.

142. When the General Assembly had adopted the Covenants in 1966, it had appealed to the Member States which had not yet signed the Covenants to become parties to those important international agreements and to demonstrate by action their readiness to implement the basic human rights confirmed in them. Nevertheless, a number of countries whose representatives spoke so frequently on the subject of human rights, such as the United States and Israel, still had not become parties to the Covenants. Likewise, Australia had not ratified the Covenant on Civil and Political Rights; and yet its representative, speaking on human rights the preceding day, had made slanderous allegations concerning the Soviet Union. He categorically repudiated those absurd slanders. The representative of Australia should concern himself with the real infringements of human rights which were taking place in his own country, where the indigenous population was the victim of a policy which verged upon genocide. He might also concern himself

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(Mr. Bykov, USSR)

with the fate of hundreds of citizens of neighbouring countries who were deceitfully recruited for work in the Australian mines and who received for their back-breaking labour wages so meagre that they could not even be compared to Australian unemployment benefits. Were Australia to acknowledge the international obligations of the Covenant on Civil and Political Rights and to implement its provisions, its representatives might be in a better position to speak of the protection of human rights.

143. His delegation also totally repudiated the fabrications uttered earlier that day by the representative of the United States with regard to the USSR. The right of citizens freely to combine in trade unions and many other rights and freedoms enshrined in the Covenants on Human Rights were reliably guaranteed in the Soviet Union; that could not be said of the United States. He would not go into detail but expressed the hope that the interval between the signing by the United States of the International Covenants on Human Rights and the time when that country would prove capable of assuming the international obligations of the Covenants would be briefer than the period which had elapsed since the United States had signed, in 1947, the Convention on the Prevention and Punishment of the Crime of Genocide, which it had not yet ratified.

144. Soviet citizens enjoyed real civil and political rights which no society based on exploitation could ensure. Only a socialist society could overcome the distorted, formalistic and limited character of the bourgeois concept of rights and freedoms, and only socialism could create the socio-economic conditions to ensure that the equality unattainable in capitalist societies based on exploitation would become a reality for the masses of the people.

145. Mrs. NAUCHA (Mongolia) welcomed the fact that the number of States which had ratified or acceded to the International Covenants on Human Rights had risen to 50; however, it was regrettable that almost two thirds of the States Members of the United Nations still were not Parties to the Covenants. Further efforts must be made to ensure their universality and thereby promote the observance of their provisions everywhere.

146. Her delegation attached great significance to the International Covenants, which were an important landmark in the activities of the Organization and were intended to implement the Charter objectives of promoting and encouraging respect for human rights and fundamental freedoms for all. Her country had therefore been one of the first to sign and ratify both Covenants, and their provisions were reflected in its Constitution and other legislation and were scrupulously implemented.

147. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Mongolia had submitted its report to the Secretary-General on 19 October 1977 and hoped that it would be discussed during the first regular session of the Economic and Social Council in 1979.

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148. Mr. GUSEV (Byelorussian Soviet Socialist Republic) said that his country attached great importance to the International Covenants on Human Rights; it had been among the first to sign and ratify those important international legal instruments and was consistently and steadfastly implementing their provisions. Their basic principles concerning civil, political, social, economic and cultural rights had long been legal norms in his country, and the ratification of the Covenants had not necessitated any legislative changes. His country's present Constitution guaranteed workers all political, social and economic rights and freedoms.

149. His Government's report on the implementation of the provisions of the International Covenant on Civil and Political Rights had been presented to the Human Rights Committee. Members of that Committee had commended the report's comprehensiveness and the relevance of the supplementary information given in the introductory statement (A/33/40, para. 524).

150. Concerning the provisions of the International Covenant on Economic, Social and Cultural Rights, he pointed out that his country's legislation and practice was fully consistent with, and in many cases went beyond, the Covenant norms. That had been made very clear in his delegation's statement on items 78 and 80 at the current session. In addition, his Government, in accordance with resolution 1988 (LX) of the Economic and Social Council, had submitted a report, recently issued in document E/1978/8/Add.19, on the implementation of the Covenant.

151. In his delegation's view, the General Assembly should call upon those countries which had not yet ratified the Covenants to do so without delay. The continuing failure of some Western Powers, in particular the United States, Australia and Israel, to ratify the International Covenant on Civil and Political Rights indicated that they did not wish to accept international commitments by ensuring the implementation of human rights in their respective countries, and thus that they were reluctant to participate in constructive international co-operation in that field. The Covenant concerned precisely those rights on which the representatives of the Western Powers had spoken most vociferously in the Third Committee.

152. With respect to the United States representative's slanderous assertion that trade-union rights and freedoms were being violated in the Soviet Union, he wished to draw attention to the fact that in the United States, according to official figures, a mere 20 per cent of the working population belonged to trade unions, so that 80 per cent of the labour force was without organization and therefore liable to cruel exploitation.

153. A number of Western countries had also failed to ratify the Covenant on Economic, Social and Cultural Rights.

154. His delegation supported draft resolution A/C.3/33/L.24, agreeing with its sponsors that cultural development, along with economic and social progress, should contribute to the improvement of living conditions and the well-being of nations in the process of establishing a new international economic order.

155. The United Nations and its competent specialized agencies, especially UNESCO,

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(Mr. Gusev, Byelorussian SSR)

must promote the strengthening of international co-operation in preserving and developing the cultural values created by the peoples of the world. As the Secretary-General's note on item 79 (A/33/157) stated, it was essential to regard culture not as the privilege of a few but as the heritage of all. All Member States should endeavour to accelerate the social and economic progress of societies by raising the cultural standards of their peoples.

156. Article 44 of the Constitution of the Byelorussian SSR guaranteed to all citizens the right of access to cultural achievements. The implementation of that right depended largely on the improvement of the population's general level of education and the development of its cultural interests. In his country the transition to universal secondary education had been fully completed, and 3.5 million people, or one out of every three inhabitants, were receiving some form of instruction.

157. His delegation also wished to emphasize the importance of action by Member States to preserve historical and cultural monuments. Legislation which had entered into force on 1 November 1978 in the Byelorussian SSR specified that the preservation of monuments was an important task of State and social organization and the patriotic duty of all citizens. The law was consistent with international legal documents in that field and would promote their complete implementation.

158. His delegation believed that adoption of draft resolution A/C.3/33/L.24 and its consistent implementation would contribute to international co-operation within the framework of the United Nations in the field of the protection and development of cultural values. It was also convinced that only the strengthening of peace and détente, the elimination of war and aggression, the liquidation of apartheid and racist régimes and the liberation of colonial and dependent countries and peoples from enslavement and foreign occupation could reserve for future generations the cultural heritage and values created by all the peoples of the world.

159. Mr. LAMB (Australia), speaking in exercise of the right of reply, said that the Committee had heard from the representative of the Soviet Union a vitriolic fantasy which had been wholly false in both tone and content. The aim had been to impugn Australia in order to avoid discussing the situation in the Soviet Union. Everyone, including the TASS correspondents in Australia, knew that the allegations made by the Soviet representative were nonsense.

160. The CHAIRMAN said that the Committee had now concluded its general debate on items 12, 79, 83 and 84.

161. Mr. SOBHY (Egypt) said that he wished first of all, to express his delegation's dissatisfaction at the fact that there was no Arabic interpretation at the present meeting. He wished that dissatisfaction to be reflected in the summary record and to be conveyed to the Secretariat services. That was his delegation's position, even though it had not objected to continuing the Committee's work without Arabic interpretation in order to allow the Committee to finish its work as planned.

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(Mr. Sobhy, Egypt)

162. On behalf of the delegations of Colombia, Ecuador, Greece, Guatemala, India, Iraq, the Libyan Arab Jamahiriya, Peru, Rwanda, the Syrian Arab Republic, Yugoslavia and Zaire, as well as his own, he introduced the revised draft resolution in document A/C.3/33/L.60/Rev.1 on the protection, restitution and return of cultural and artistic property as part of the preservation and future development of cultural values. The idea had first been introduced several years earlier by the delegation of Zaire, which deserved gratitude for raising that important question. The draft resolution took note of the important activities of UNESCO in that field, specifically of the recent resolution adopted by the General Conference at its twentieth session approving the statute of the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation. The revised text of the draft resolution included a reference to that action by the General Conference, in the third preambular paragraph and also in paragraph 1.

163. Paragraph 1 commended the work done by UNESCO; paragraph 2 welcomed the establishment of the new Intergovernmental Committee; paragraph 3 requested UNESCO to continue its efforts; paragraph 4 invited the co-operation of Member States in the return of cultural and artistic property; paragraph 5 invited all Governments to accede to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, adopted by the General Conference of UNESCO on 14 November 1970; and paragraph 6 stated that the General Assembly decided to include in the provisional agenda of its thirty-fifth session an item entitled "Preservation and further development of cultural values, including the protection, restitution and return of cultural and artistic property", since the sponsors regarded the protection, restitution and return of cultural and artistic property as an integral part of the preservation and development of cultural values.

164. He informed the Committee that the countries elected the preceding week at the UNESCO General Conference to be members of the Intergovernmental Committee referred to were Belgium, Bolivia, the Congo, Cuba, Denmark, Egypt, Ethiopia, France, Lebanon, Malaysia, Mauritius, Mexico, the Niger, Pakistan, Peru, Senegal, Spain, Thailand, the USSR and Yugoslavia.

165. He also informed the Committee that Benin and Ethiopia had joined the sponsors of the draft resolution now under consideration.

166. Mr. PAPADEMAS (Secretary of the Committee), replying to the comments made by the representatives of Jordan and Egypt, explained that the Third Committee had originally had no meetings scheduled beyond 6 o'clock on that day. He had been in contact with the Department of Conference Services throughout the day to make arrangements for an extended meeting in order to expedite the Committee's work. Unfortunately, because of other additional meetings, the Department had informed him late in the day that it would be possible for the Committee to hold an extended meeting up to 9 p.m. only if it would agree to dispense with Arabic interpretation, which would not be available. The Chairman had been informed accordingly and had conveyed the facts to the Committee, which had agreed to hold the meeting without Arabic interpretation.

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167. Mr. LOTHIGIUS (Sweden) recalled that the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment had been adopted by the General Assembly in 1975 and had marked an important advance in the fight against torture. But it had not been enough to put an end to torture and similar practices, reports of which continued to be received from various parts of the world. Accordingly, the General Assembly at its thirty-second session had adopted three resolutions designed to counteract violations of the rights of individuals to enjoy protection of their human dignity and bodily integrity. Those three resolutions had been 32/64, proposed by India, 32/63, proposed by the Netherlands, and 32/62, proposed by Sweden. The delegations of those three countries were now sponsoring draft resolution A/C.3/33/L.52, designed to ensure that the three resolutions adopted at the thirty-second session would be followed up. He was pleased to announce that the delegations of Belgium, Greece and Portugal had also become sponsors of the draft resolution.

168. He also informed the Committee that there was an amendment to the draft resolution in the form of a new first preambular paragraph reading:

"Bearing in mind that 1978 marks the thirtieth anniversary of the Universal Declaration of Human Rights,".

There was also an amendment to paragraph 8, in which the words "Further calls on" were replaced by "Invites". The draft resolution asked the Commission on Human Rights to give high priority to the question of drafting a convention on torture, as called for in General Assembly resolution 32/62. The working group concerned would be meeting one week before the next session of the Commission. The draft resolution also called on Member States which had not yet done so to reply to the questionnaire called for under resolution 32/63 and invited Member States which had not done so to deposit with the Secretary-General the unilateral declaration called for under resolution 32/64. The Secretary-General was asked to keep the Assembly informed about further unilateral declarations.

169. There were two corrections to be made in the draft resolution. Firstly, in paragraph 2, the reference to Economic and Social Council decision No. 5 was incorrect and should be replaced by a reference to decision 1978/24. Secondly, in paragraph 10 the words "or Punishment" should be added after the words "Degrading Treatment". He hoped that the draft resolution could be adopted by consensus.

170. Mr. HOYT (United States of America) said that his delegation wished to be added to the list of sponsors of draft resolution A/C.3/33/L.52.

#### OTHER MATTERS

171. The CHAIRMAN announced that Lesotho had become a sponsor of draft resolution A/C.3/33/L.75.

The meeting rose at 9.25 p.m.