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held on

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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 63rd MEETING

Chairman: Mr. von KYAW (Federal Republic of Germany)

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3 December 1976

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The meeting was called to order at 11.05 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/31/3 [chaps. II, III (sects. F, G and L), IV (sect. A), V, VI (sects. B to D) and VII (sect. D)]], A/31/64, A/31/74, A/31/99, A/31/253, A/C.3/31/1, A/C.3/31/4, A/C.3/31/5, A/C.3/31/6 and Add.1, A/C.3/31/10, A/C.3/31/11, A/C.3/31/12; A/C.3/31/L.34, L.36, L.37, L.39) (continued)

Draft resolution A/C.3/31/L.34 (continued)

1. Mrs. CASTRO de BARISH (Costa Rica) said that the preamble to the draft resolution on the protection of persons detained on account of their political opinions or convictions rightly recalled that the right to freedom of opinion and expression was guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. That was a universally recognized principle, and as was recalled also in the preamble, appeal procedures had been laid down to guarantee its application, respectively, in article 10 of the Universal Declaration of Human Rights and in article 14 of the International Covenant on Civil and Political Rights, which provided that in the determination of any criminal charge against him, everyone should be entitled to a fair and public hearing by a competent, independent and impartial tribunal.
2. Nevertheless, that did not prevent arbitrary detention from still being a problem throughout the world. The delegation of Costa Rica therefore shared the concern which had led Sweden to submit the draft resolution under discussion. That draft, which breathed an essentially humanitarian spirit, had the full and unreserved support of the delegation of Costa Rica. The situation regarding the protection of persons detained on account of their political opinions or convictions called for serious and calm consideration. Costa Rica had always been concerned about the fate of political prisoners whose only offence was to have expressed an opinion contrary to the doctrine professed by their Government, and it had made several appeals for clemency to those Governments.
3. The draft resolution submitted by Sweden asked Member States to do the least that could be expected of them, bearing in mind the obligations placed upon them by the Charter of the United Nations and the Covenants on Human Rights. She emphasized the importance of the fourth paragraph of the preamble, which recognized the necessity of full respect for the basic human rights of all persons detained or imprisoned as a result of their struggle for self-determination, independence, the elimination of apartheid and all forms of racial discrimination, and of operative paragraph 2, which called upon Member States to exercise clemency towards such persons. The draft resolution approached in a serious and objective manner a situation which was not new and which, for that very reason, required thought to be given to the remedies for it so that universally recognized principles could be effectively applied.

Draft resolution A/C.3/31/L.36

4. Mr. RAMPHUL (Mauritius) introduced draft resolution A/C.3/31/L.36, on

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(Mr. Ramphul, Mauritius)

emergency assistance for South African refugee students, on behalf of the sponsors, Botswana, Lesotho and Swaziland, which had been joined by Algeria, Bangladesh, Congo, Cuba, Ghana, Grenada, Guinea-Bissau, Equatorial Guinea, India, Ivory Coast, Mauritius, Mozambique, Nepal, Nigeria, Norway, Sri Lanka, United Republic of Tanzania, Yugoslavia and Zambia. The sponsors wished to insert between paragraphs 3 and 4 of the text before the Committee a new paragraph reading as follows: "Urges all States to respond generously to any appeals which the Secretary-General might make for assistance for those refugees;". The following paragraphs would be renumbered in consequence. He added that the sponsors of the draft resolution wished to make some changes in it and, inter alia, to reword the new paragraph 3.

5. During the discussion of the policy of apartheid the problem of South African refugee students seeking asylum in the countries bordering South Africa had been mentioned. Unfortunately, the real extent of the problem had not been fully known at the time and, except for paragraph 12 of section I of resolution A/RES/31/6, which he read out, the resolutions adopted had not spelled out sufficiently how assistance for that humanitarian cause should be mobilized or organized. Since then, Lesotho, Botswana and Swaziland had reported that the situation had assumed serious proportions and required immediate assistance. At the present time, those three Governments were carrying the burden alone, a burden which was a particularly heavy charge on their limited resources. The situation could only get worse, since, as there would be more social unrest in South Africa, the authorities would intensify their repressive measures, thus forcing a greater number of people to flee and seek refuge in those three neighbouring States. The students who had spear-headed the recent demonstration against apartheid might be expected to constitute a large segment of those refugees.

6. That was why the General Assembly had declared in the clearest possible terms and without a dissenting voice that humanitarian assistance by the international community must be provided to all those who were persecuted under a repressive and discriminatory legislation in South Africa. The General Assembly had also expressed its grave concern about the brutal massacres at Soweto and in other areas of South Africa and the incarceration of schoolchildren demonstrating against apartheid. The purpose of the draft resolution under consideration was to establish the framework required for providing such assistance and an organization to ensure that effective and appropriate measures were taken to deal with the needs of that special situation. Under the terms of that draft resolution, the Secretary-General would be entrusted with organizing a programme of assistance in co-operation with the three States concerned. He would evaluate the situation and inform the international community of the kind of assistance required to meet the needs of the refugees. In that connexion, he said that it was the hope of the delegation of Mauritius that all Member States would respond generously to the Secretary-General's appeals. The High Commissioner for Refugees, UNESCO and UNDP also had responsibilities in connexion with that task, which was why the resolution called upon them to co-operate fully with the Secretary-General in the implementation of the programme of assistance. Since the objectives of the draft resolution were essentially humanitarian, it was his hope that the Committee would adopt it unanimously.

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Draft resolution A/C.3/31/L.37

7. Mr. MAXIMOV (Byelorussian Soviet Socialist Republic) introduced draft resolution A/C.3/31/L.37 on the protection of persons detained or imprisoned as a result of their struggle for self-determination, independence and social progress against colonialism, aggression and foreign occupation, racism, apartheid and racial discrimination. He said that the international community had been concerned for many years to guarantee respect for human rights and fundamental freedoms without any form of discrimination. To that end, the United Nations had drawn up about 40 instruments and resolutions, one of the last being General Assembly resolution 3382 (XXX), in which it reaffirmed the legitimacy of the people's struggle for independence, territorial integrity and liberation from colonial and foreign domination by all available means, including armed struggle. More recently, at the present session, the General Assembly had adopted, on 9 November 1976, a resolution (A/RES/31/6/Rev.1) on the policies of apartheid of the Government of South Africa, thus signalling a new phase in its activities for the promotion of human rights and fundamental freedoms. In that resolution it had demanded the immediate and unconditional release of political prisoners. It had also repeatedly condemned the violations perpetrated by the Israeli militarist clique in the occupied Arab territories, while in its resolution 2 (XXXII), the Commission on Human Rights had called upon Israel to desist from arbitrary arrests in its territory. It had also condemned the activities of the Chilean Military Junta in similar terms.

8. It therefore seemed to be time for the General Assembly to adopt a resolution that would cover all aspects of the problem while sanctioning the legitimacy of the struggle and recognizing the rights of nations subjected to foreign domination. That was the object of resolution A/C.3/31/L.37. Its provisions were quite clear: it simply recalled in the preamble the various resolutions adopted by the General Assembly on that question and expressed the Assembly's concern regarding the continuing denial of the right to self-determination of certain peoples, particularly the peoples of Namibia, Zimbabwe and Palestine, who were fighting to liberate themselves from colonialism and racism. In the operative part, the international community expressed its solidarity with the fighters for national independence and social progress of peoples, and indicated its concern at the fate of individuals detained because of their association with the struggle by demanding their release. It called upon Member States to provide support in all fields to the peoples fighting for their liberation from colonialism, foreign occupation, racism and racial discrimination; and it requested the Commission on Human Rights to give particular attention to the release of individuals detained as a result of their participation in that struggle and to submit, through the Economic and Social Council, a report on the implementation of the resolution to the General Assembly at its thirty-second session.

9. The United Nations had the duty to ensure protection of the rights of peoples struggling against all forms of domination and racism in order to achieve their national independence and social progress. He hoped that the draft resolution would receive broad support.

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Draft resolution A/C.3/31/L.39

10. Mr. KHAMIS (Algeria) introduced draft resolution A/C.3/31/L.39, relating to the protection of the rights of migrant workers. The United Nations had dealt with the problem for the first time in 1972. Since then, the General Assembly had adopted resolutions 3224 (XXIX) and 3449 (XXX) on that question, and the Economic and Social Council had adopted resolution 1749 (LIV) in 1973. The problem of migrant workers fell clearly within the competence of the Third Committee under item 12 of its agenda, since it was necessary above all to ensure by guaranteeing respect for their rights, the dignity of the human being. It was necessary to provide for their protection, because social and economic conditions obliged an ever-increasing number of persons to leave their homeland for foreign countries in which they were less able to ensure recognition and respect for their rights.

11. That was why, in draft resolution A/C.3/31/L.39 which it was submitting to the Committee, his delegation had felt it useful to recall the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the 1975 Migration for Employment Convention and the corresponding Recommendation, adopted by the International Labour Conference, which instruments covered all aspects of the question and particularly those relating to human rights. The draft resolution also noted the work done by certain organizations, particularly such specialized agencies as the International Labour Organisation. Yet despite such international action, and despite the efforts made in the legislative field by the countries concerned and the guarantees embodied in bilateral agreements, the problem persisted and even tended to become worse through the combined effect of political and economic factors which were causing a constant increase in the number of migrant workers.

12. Paragraph 1 of the draft resolution took account of the basic condition for improving the situation of migrant workers by calling upon all States to take measures to prevent and put an end to all discrimination against them. In paragraph 2, States were more specifically invited, firstly, to extend to migrant workers treatment equal to that enjoyed by their own nationals; and secondly, to promote the implementation of the relevant international instruments, especially the 1975 Convention adopted by the International Labour Conference, and to eliminate the illicit traffic in alien workers; in that connexion, it was well known that there existed a network of unscrupulous dealers to whom the concept of human dignity was totally alien.

13. He also emphasized the importance of paragraph 3, which related to information and reception facilities which Governments should establish in order to promote the integration of migrant workers and to enable them to assimilate the culture of the host countries, which were the subject of paragraph 4. Finally, in paragraphs 5 and 6, United Nations organs and specialized agencies were called upon to continue devoting their attention to the question of migrant workers and to report, in the case of the Commission on Human Rights and the Economic and Social Council, to the General Assembly at its following session.

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(Mr. Khamis, Algeria)

14. He announced that Mexico had become a co-sponsor of the draft resolution.

15. He also pointed out that certain errors had crept into the original French text, and should be corrected. In the fourth preambular paragraph, in the third line, the word "affirment" should be changed to "affirme" in the singular; and in the fifth line, the words "qu'affectent" should be corrected to read "qui affectent". In the sixth preambular paragraph, the last line should read, "politiques, économiques, sociales et culturelles". In paragraph 2 (a), the fourth line should read "leur législation du travail et sociale". He also expressed the hope that the English and Spanish versions, which were not entirely satisfactory, would be revised to reflect more faithfully the original text.

16. Following the statement by Mr. Khamis, Mr. KEROUAZ (Algeria) said that emigration was unquestionably one of the most inhuman consequences of colonization, and was the result of under-development in particular. It was therefore deplorable that those who were obliged to emigrate through being unable to find work in their own country should be subjected in the host country to xenophobia, racial contempt and police brutality. They were also the subject of discriminatory measures in respect of recruitment, working conditions, remuneration and training. Their economic and social rights were trampled underfoot and the negation of their cultural identity was raised to the level of a principle, in contempt of international instruments and covenants relating to human rights and migrant workers. They were constantly exposed to job insecurity and were the first victims of economic recession and social tensions in the countries receiving them. Even their essential needs were not met and it was heartbreaking to see them crowded into vast shanty towns that surrounded the large industrial centres of western Europe.

17. His delegation was convinced that the abject poverty to which migrant workers and their families were reduced could be ascribed only to indifference on the part of the governmental authorities of the industrialized host countries. Yet the immigrants, who were mostly young and active, constituted an invaluable source of wealth for the developed countries that employed them. Their contribution to economic and social progress in the developed countries was also recognized by those countries themselves. It was therefore natural to expect that the accession of those countries to the relevant international instruments, particularly the Migrant Workers' Charter adopted at the International Labour Conference in June 1975 would mark a decisive step towards recognition of their rights and towards freeing them from all forms of exploitation.

18. In Algeria, where emigration had had an unfavourable influence on economic development, the Government had taken steps in 1973 to restrict the departure of migrant workers for Western countries, principally France, where they lived in a state of permanent insecurity. Their return and progressive reintegration was one of the primary goals of development strategy and Algeria's labour policy. Nevertheless, a lasting solution to that problem could not generally be

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(Mr. Kerouaz, Algeria)

found without a structural reform of current international economic and financial relations, which perpetuated the disparities among nations.

19. Mr. SÖYLEMEZ (Turkey) said that the problem of migrant workers was of concern not only in Europe but also in Africa and Latin America. The discrimination against the migrant worker had to be eliminated, as it was contrary to the provisions of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination. The problem of migrant workers was due to economic, social and cultural factors. In 1972, there had been 2 million migrant workers in irregular status in Europe. In Latin America the number of clandestine workers was even greater. In 1973, in the Federal Republic of Germany alone, there had been nearly 2.5 million migrant workers who together with their families constituted a total of 4 million persons, nearly 1 million of whom were Turkish. Nearly 7 million migrant workers, many of them unskilled, were currently concentrated in seven European countries.

20. Much had already been done, especially at the legislative level, to prevent the de facto discrimination against such workers so that they could enjoy equal treatment with the citizens of the recipient countries. Yet the actual achievement of equal rights for migrant workers required that public opinion had to be informed and the societies of the recipient countries had to be prepared for that purpose; such integration was all the more difficult since migrant workers were in a new and sometimes hostile environment. They must be provided with the same vocational training as was enjoyed by the nationals of the host country, a situation which prevailed in the Federal Republic of Germany; unfortunately, the same possibility did not exist in other European countries, which continued to give priority in that field to their own citizens.

21. People had emigrated since ancient times, and their children had suffered most from the upheavals caused by migration. In a strange environment to which they found it hard to adapt, such children also lost contact with their native culture, sometimes having difficulty in speaking their own mother tongue, and thus found themselves doubly isolated. As indicated by the Special Rapporteur in her report on the question (E/CN.4/Sub.2/L.640), only 0.5 per cent of migrant workers' children continued their studies beyond the primary level. Of those who continued beyond that level, 75 per cent did not take final examinations; and only 10 per cent of those who took vocational training courses obtained a diploma, even when schooling was free, as in the Federal Republic of Germany.

22. His delegation considered that the United Nations was duty-bound to study the various aspects of the problem, through its relevant organs, such as the Commission on Human Rights and the Economic and Social Council. Draft resolution A/C.3/31/L.39 appeared to be quite appropriate at the current stage of consideration of the question, and his delegation would therefore support it in the hope that it would be adopted by the Committee.

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AGENDA ITEM 74: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/31/234; A/C.3/31/L.38) (continued)

23. Mr. COSTA LOBO (Portugal) said that the Portuguese people attached the utmost importance to the international instruments related to human rights which the United Nations had prepared over the last 30 years. As the Portuguese Foreign Minister had recently recalled in his statement during the general debate, Portugal was determined not only to accede to many of the instruments to which it was not yet a party but also to co-operate in the final approval and implementation of those measures which were still being examined by the competent United Nations bodies, in particular those relating to the protection of persons imprisoned or detained against every form of torture or other cruel, inhuman or degrading treatment or punishment. The Portuguese Constitution, which entered into force in April 1976 reproduced, sometimes in the very same words, some of the principles set forth in the Declaration adopted by the General Assembly in resolution 3452 (XXX) and, in particular, the provisions of article 12 which stated that any evidence obtained through torture was null and void.

24. The Portuguese people also had a total abhorrence of the most inhuman of all treatment, namely, capital punishment, which had been applied for the last time in Portugal in 1846 and had been prohibited by law in 1852 and 1867. Since then no Portuguese Government had dared in any circumstances to reintroduce the death penalty. The present Constitution even went a step further and denied extradition for crimes punishable by death in countries where the death penalty was still in force. His delegation hoped that more and more States would abolish that practice, which was incompatible, as the Swedish representative had stated, with respect for human life. Therefore, his delegation heartily welcomed the suggestion that the item of capital punishment should be included in the Committee's agenda at an early stage.

25. The principles set forth in the Declaration on the protection of all persons against torture must be carefully studied by the competent international bodies and concrete measures must be taken for their application, as was stated in General Assembly resolution 3453 (XXX) and Economic and Social Council resolution 1993 (LXI), both of which had been co-sponsored by Portugal. In those resolutions, the competent organs of the United Nations and in particular the Committee on Crime Prevention and Control had been requested to prepare a body of principles for the protection of all persons under detention, a draft code of conduct for law enforcement officials, a study of the range of application of the Standard Minimum Rules for the Treatment of Prisoners, and the principles of medical ethics designed to protect detained persons against torture. His delegation had noted with satisfaction, on reading the Secretary-General's note (A/31/234) that those studies were well under way and it hoped that the Commission for Social Development and the Commission on Human Rights would be able to report substantial progress at the sixty-second session of the Economic and Social Council. The approval by the international community of those principles and instruments would be a highly positive step towards the implementation of the Declaration and would pave the way for preparing what might be termed an international charter for the protection of all persons against torture.

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(Mr. Costa Lobo, Portugal)

26. He introduced on behalf of the sponsors draft resolution A/C.3/31/L.38 concerning torture and other cruel, inhuman or degrading treatment or punishment; because of the work already undertaken in that field by the competent organs of the United Nations, the draft was essentially procedural. Nevertheless, the sponsors expressed their conviction that Governments and United Nations bodies should give the widest possible publicity to the Declaration, a task in which it was hoped the United Nations Office of Public Information would play an important role. He hoped that the draft resolution would be adopted by consensus.

27. The CHAIRMAN announced that Fiji had become a co-sponsor of the draft resolution.

28. Miss DIEGUEZ (Mexico) welcomed the progress achieved in the elaboration of a set of principles for the protection of all detained or imprisoned persons against torture and other inhuman or degrading treatment or punishment; that progress was recorded in the Secretary-General's note (A/31/234). She hoped that at its next session the General Assembly could consider a draft code of conduct for law enforcement officials and the recommendations put forward by the Committee on Crime Prevention and Control with a view to enlarging the range of application of the Standard Minimum Rules for the Treatment of Prisoners. Her delegation had also taken note of the fact that the Sub-Commission on Prevention of Discrimination and Protection of Minorities was continuing to study the measures to be taken to ensure the effective application of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the Mexican delegation had helped to prepare. She was glad to learn that the World Health Organization had also undertaken to codify the principles of medical ethics relating to the protection of prisoners.

29. Those activities contributed effectively to the establishment of rules of international penal law for the protection of the rights of detained persons, the problem being to reconcile penal law with human rights. While, on the one hand, penal law provided the means of suppressing violations of human rights, care should be taken, on the other hand, to ensure that the penalties laid down for that purpose were not so harsh as to constitute themselves a negation of those very rights. It was precisely because penal law was concerned with the most serious violations and that it was applied to physical persons, that moderation should be shown in that respect. All progress achieved in the knowledge, strengthening and protection of human rights was inevitably linked to penal law, a field in which there was a serious danger of excesses in one direction or another.

30. The repressive legislation of a people accurately reflected the level of culture, democracy and freedom which it had reached. Similarly, its degree of development was commensurate with the value it attached to human life and freedom, whether the person concerned was guilty or not of a crime. In the modern world, penal law was dominated by the principle "nullum crimen, nulla poena sine lege", by virtue of which there was no crime and hence no penalty, without a law. For that reason, it was urgent that the Organization should approve a code of conduct

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(Miss Dieguez, Mexico)

for law enforcement officials. For its part, Mexico had a law on the responsibility of public officials which laid down penalties for those who, by distorting imprisonment and correctional penalties from their original ends, made them an excuse for engaging in practices that might go as far as torture. Similarly, in a desire to facilitate the social rehabilitation of convicted persons, the Mexican Government had made various amendments to its penal legislation and had drawn up a programme for the reform of penal establishments so as to make them essentially centres for the re-education of prisoners. It should be remembered that persons convicted of a sentence of imprisonment were deprived of their freedom but maintained their full dignity as human beings.

31. The social rehabilitation of offenders was therefore the ultimate aim of the punitive measures taken against them. It must be admitted, however, that it was difficult to inculcate in an individual social values which were not his in order to reintegrate him in a society whose customs and institutions differed considerably from those which he had originally known. That was the case with persons who committed a crime abroad and who, by virtue of the principle of territoriality which was supreme in penal law, were prosecuted and sentenced in countries which were not their own. For that reason, Mexico had taken the initiative at the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of proposing the conclusion of international agreements for the exchange of prisoners so that they could serve their sentences in an environment which was familiar to them. For example, Mexico and the United States had signed such an agreement the preceding week and Mexico had begun negotiations with other countries for the same purpose.

32. It was therefore important that the efforts made by the United Nations to work out norms guaranteeing the rights of detained persons should not remain a dead letter and therefore States should be really determined to ensure that law enforcement officials should be the first to respect and defend those principles. It was in that spirit that the Mexican delegation had become a co-sponsor of draft resolution A/C.3/31/L.38.

33. Mrs. BIRIUKOVA (Union of Soviet Socialist Republics) said that the question under study was of primary importance because torture was incompatible with the very principle of fundamental human rights. For that reason, the General Assembly had adopted the Declaration on the Protection of all Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, recommended by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. That Declaration had received the support of the Soviet delegation both at the Congress and at the thirtieth session of the General Assembly.

34. It was notorious that, in violation of the International Covenant on Civil and Political Rights, certain countries, and more especially the racist régimes of southern Africa, were continuing to practise a colonialist and racist policy which

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(Mrs. Biriukova, USSR)

was merely another form of generalized moral torture. Thus, the racist régime of South Africa had transformed the country into an immense prison in which a whole people fighting for their independence were subject to cruel persecution and savage repression. Those were also current practices in Southern Rhodesia where the press had reported several examples of detained persons who had died under torture. Moreover, it was stated in paragraph 351 of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories that there were strong indications that torture had been practised and continued to be practised in that area. And in Korea, President Park continued to impose a climate of terror and violence.

35. The General Assembly and other United Nations bodies had been able to confirm that persistent and large-scale violations of human rights had been perpetrated in Chile, where political prisoners were subjected to torture and cruel, inhuman and degrading treatment. On the basis of the extensive testimony carefully and impartially gathered by the Ad Hoc Working Group on the Situation of Human Rights in Chile, the members of the Committee had, by an overwhelming majority, adopted a resolution marking their profound indignation at the flagrant violations of human rights and the institutionalization of torture in that country. The representatives of the Junta had frequently tried to justify their policy in any way they could and to exonerate the Junta from the hideous crimes it had committed. The Soviet delegation noted that the Chilean Government had launched an extensive propaganda campaign by taking advantage of the declaration which it issued on 16 November 1976, announcing its decision to release all but 18 persons imprisoned under the state of siege, subject, however, to a number of conditions, as in the case of the Secretary-General of the Chilean Communist Party, Senator Luis Corvalan, who had spent more than three years in Chilean prisons. That decision, however, had been taken when the attention of the General Assembly and United Nations agencies was focused on the policy of terror practised by the Chilean authorities, and it applied only to 300 persons, while the world press estimated the number of detainees in Chilean concentration camps at more than 6,000. Even the censored Chilean press put the number of Chilean political detainees in February 1976 at 3,869, and there was no reason to believe that they had been released since then.

36. Furthermore, the declaration made by the Chilean Government ignored the case of persons who had disappeared after being arrested by DINA, the Chilean secret police, arrests which the Chilean authorities simply denied. Their number, estimated at approximately 2,000, included such persons as Messrs. Diaz, Zamorano, Ponce and Muñoz, to mention only a few, whose arrest had been confirmed by a number of witnesses. Also, the claims by the Chilean authorities that the situation was returning to normal was without any foundation. There was ample evidence that repression, sentencing without prosecution or trial, assassination and torture of political prisoners had not stopped in Chile. The whole world was up in arms at the recent assassination of two members of the Chilean Communist Party, as well as the assassination on foreign soil of a former member of the Allende government, Mr. Letelier.

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37. Mr. WINTER (Chile), speaking on a point of order, said that the question of human rights in Chile had already been discussed at length in the Committee; his delegation reserved its right to reply to the repeatedly rehashed observations of the representative of the USSR.

38. The CHAIRMAN took note of the reservation made by the representative of Chile and appealed to all delegations to confine themselves to the questions under consideration.

39. Mrs. BIRIUKOVA (Union of Soviet Socialist Republics) pointed out that her statement related exclusively to agenda item 74, that is, torture and other cruel and inhuman or degrading treatment or punishment, and that the report of the Ad Hoc Working Group of the Commission on Human Rights clearly described how those punishments were administered in Chilean prisons.

40. The Chilean Government's statement was nothing but propaganda aimed at undermining international solidarity with Chilean communists and democrats and at deceiving world public opinion regarding actual conditions in Chile. What the international community expected of the Chilean authorities, however, was not words but actual measures to put an end to terror and repression against Chilean democrats, i.e. the release of political detainees, the re-establishment of a democratic order and the severe punishment of those responsible for torture.

41. The resolutions of the twenty-ninth and thirtieth sessions of the General Assembly reflected those demands and condemned the policy of terror and repression and the violations of human rights in which the Chilean Junta had engaged. For example, in resolution 3448 (XXX) on the protection of human rights in Chile, the General Assembly had called upon the Chilean authorities to take, without delay, all necessary measures to restore and safeguard basic human rights and fundamental freedoms. The Soviet delegation wholly endorsed the wishes expressed by the international community and would do its utmost to ensure the adoption at the current session of the General Assembly of measures aimed at obtaining the release of political prisoners and at ending the violations of human rights in Chile.

42. Mr. PETROPOULOS (Greece) said that the introduction made by the Director of the Division of Human Rights and document A/31/234, prepared by the Secretariat, indicated that progress had been made since the adoption of General Assembly resolution 3453 (XXX). However, a system of specific rules still had to be established and means had to be found to prevent all recourse to torture. The experience of certain countries in that area could facilitate the task. In that connexion, he said that those who had practised torture during the dictatorship in Greece had been brought to justice and severely punished. Furthermore, article 7 of the new Greek Constitution contained a provision forbidding torture not only when it affected the physical integrity of the person but also human dignity. A bill was currently under study to protect the integrity of the person and human dignity by making torture a special crime, since experience had shown that the provisions on abuse of authority and assault and battery did not sufficiently protect detainees.

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(Mr. Petropoulos, Greece)

43. In its wish to contribute to the struggle against torture, his delegation would participate actively in the implementation of General Assembly resolution 3453 (XXX) and welcomed the action taken by the World Health Organization to implement that resolution. It wished, however, to clarify points which had been raised at the previous meeting by the representative of WHO in order to enable that organization to continue to make a contribution in that field.

44. Draft resolution A/C.3/31/L.38, of which his country was a sponsor, was a logical consequence of General Assembly resolution 3453 (XXX) and reflected the constant efforts which were being made in order to establish an effective system for combating the practice of torture.

45. Mr. HALL (Australia) said that his country had taken an active part in the Fifth United Nations Congress on Crime held in Geneva in 1975 and that it would host the sixth one in 1980. His country had also assisted in the organization of a special United Nations training course on human rights in the administration of justice which was about to take place in Australia and which would be attended by distinguished jurists from Asia and the Pacific.

46. It was regrettable to note that in the past year, 27 years after the adoption of the Universal Declaration of Human Rights, which explicitly stated no one could be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that question had to be included in the agenda of the General Assembly. The discussions which had taken place had led to the adoption of the Declaration contained in General Assembly resolution 3452 (XXX), which should be a first step towards the preparation of a convention or treaty officially embodying the principles set forth in it.

47. Australia had often stated its views on human rights, views which applied equally to the vile practice of torture, because although the Declaration on torture had been adopted unanimously by the General Assembly in 1975, the unhappy fact was that torture still continued to be practised. Torture had been institutionalized in some countries and was practised with impunity and with the obvious knowledge of Governments in others. It was inexcusable because it not only violated fundamental human rights but also degraded the Governments which authorized it, and the United Nations must spare no effort to eliminate it. It could not succeed, however, unless measures were taken by the authorities in the countries where torture was still practised. That was an indispensable pre-condition for the establishment of an international climate of trust, which was the only basis for harmonious and sincere relations among States. His delegation joined the sponsors of draft resolution A/C.3/31/L.38 and hoped that it would receive wide support in the Committee.

48. Mr. NOTHOMB (Belgium) said that the Belgian delegation could not help but note the gap which existed with respect to torture between words and deeds. At the thirty-first session the General Assembly had adopted a Declaration against torture, but the most sophisticated forms of physical and moral torture continued to spread to many areas of the world. That was why that Declaration must be

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(Mr. Nothomb, Belgium)

regarded not as the end but as the beginning of a long process. In that connexion, his delegation welcomed the work and accomplishments of the Committee on Crime Prevention and Control, especially at its last session. It also wished to thank Portugal and the countries which had submitted draft resolution A/C.3/31/L.38 and joined in sponsoring that draft.

The meeting rose at 1 p.m.