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SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. MADAR (Somalia)

later: Mrs. TIRONA (Philippines)

CONTENTS

AGENDA ITEM 92: INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 93: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued)

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

AGENDA ITEM 100: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

AGENDA ITEM 95: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

AGENDA ITEM 96: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)

AGENDA ITEM 97: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)

AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued)

(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)

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CONTENTS (continued)

- (c) ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY (continued)

99: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
REPORTS OF THE SECRETARY-GENERAL

The meeting was called to order at 3.35 p.m.

AGENDA ITEM 92: INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/39/L.25)

AGENDA ITEM 93: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued) (A/C.3/39/L.19/Rev.1, L.20, L.21, L.24/Rev.1, L.27, L.28, L.29, L.44)

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued) (A/C.3/39/L.18, L.26)

Draft resolution A/C.3/39/L.25

1. Mrs. DOWNING (Secretary of the Committee) drew attention to a drafting change in paragraph 1 of the draft resolution, in which the word "Endorses" should be replaced by the words: "Reiterates its resolution [] by which it endorsed ..."
2. She said that the Central African Republic had become a sponsor of the draft resolution.
3. Draft resolution A/C.3/39/L.25, as amended, was adopted without a vote.

Draft resolution A/C.3/39/L.19/Rev.1

4. Mrs. DOWNING (Secretary of the Committee) said that Guinea-Bissau and Bangladesh had joined the sponsors of the draft resolution.
5. Draft resolution A/C.3/39/L.19/Rev.1 was adopted without a vote.

Draft resolution A/C.3/39/L.20

6. Mrs. DOWNING (Secretary of the Committee) said that Mozambique had become a sponsor of the draft resolution.
7. Draft resolution A/C.3/39/L.20 was adopted without a vote.

Draft resolution A/C.3/39/L.21

8. The CHAIRMAN, after drawing attention to document A/C.3/39/L.44, which indicated the programme-budget implications of draft resolution A/C.3/39/L.21, said that he had received a request for a postponement of discussion on the two documents. If he heard no objection, he would defer action on the draft resolution until a later meeting.
9. It was so decided.

Draft resolution A/C.3/39/L.24/Rev.1

10. Mrs. DOWNING (Secretary of the Committee) said that the following countries had become sponsors of the draft resolution: Australia, the Central African Republic, New Zealand, and Togo.

11. Draft resolution A/C.3/39/L.24/Rev.1 was adopted without a vote.

Draft resolution A/C.3/39/L.27

12. Mrs. DOWNING (Secretary of the Committee) said that the following countries had become sponsors of the draft resolution: Bangladesh, Burkina Faso, Cameroon, Guinea, the Ivory Coast, Rwanda, and Suriname.

13. Draft resolution A/C.3/39/L.27 was adopted without a vote.

Draft resolution A/C.3/39/L.28

14. Ms. JONES (United States of America) said that her Government believed in the importance of expanding the employment of women at all levels of the United Nations system; it had, for example, supported the appointment of senior women's programme officers at the regional commissions, including the funding of such posts on a temporary basis at the beginning. It had also been willing to waive its normal policy of opposing the conversion of temporary positions into permanent positions provided it was done for the purpose of redeployment. The General Assembly had indicated the importance it attached to the matter through four resolutions adopted without a vote.

15. However, as previously stated, the United States opposed the creation of new positions at the regional commissions, and it could not support a draft resolution which, instead of censuring the Secretariat for its failure to implement the General Assembly's instructions over the past few years, appeared to provide it with a blank check. That was what the phrase "to allocate sufficient budgetary resources to staff, including where possible by redeployment" in paragraph 6 appeared to imply. Her delegation would therefore have to request a vote on the draft resolution and would vote against it.

16. Mrs. WARZAZI (Morocco) said that she was unable to understand the United States representative's position. Reports appearing in The New York Times over the past two weeks showed that the proportion of women in senior posts in the Secretariat at large was far below the level specified in the relevant resolutions. There was now an opportunity to improve the position of women at the regional commissions. She regretted that the draft resolution could not be adopted without a vote, and would certainly vote in its favour.

17. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking in explanation of vote before the vote, said that his delegation favoured full equality between women and men everywhere and at all times. If the draft resolution could be implemented without additional financial implications, his delegation would have no difficulty

(Mr. Yakovlev, USSR)

in voting for it. However, the wording of paragraph 6 implied that financial implications might well arise in the next programme budget. He would therefore be unable to support the draft resolution.

18. Mr. HAWKES (Canada) said that he shared the United States and Soviet representatives' concern to avoid any additional budgetary expenditure. If better wording could be found to ensure that the posts in question would become permanent without any increase in the budget, his delegation would gladly support it. Canada, which was sponsoring the draft resolution, was convinced that better staffing arrangements at the regional commissions, including a stronger voice for women, would ultimately result in a more efficient use of the commissions' resources.

19. Mr. UY (Director, Budget Division) said that in the programme budget for the biennium 1984-1985 the activities to be undertaken by senior women's programme officers were described in the programmes for social development in four regional commissions, namely, ESCAP, ECLAC, ECA and ECWA. A P-5 post had already been redeployed in ECWA in 1984 in response to General Assembly resolution 38/106. However, as explained in document A/39/569/Add.1, that had not proved possible in the case of the other three regional commissions concerned.

20. Should draft resolution A/C.3/39/L.28 be adopted, the Secretariat, in consultation with the Executive Secretaries of ESCAP, ECLAC and ECA, would explore all avenues for redeploying senior officer posts to women's activities while still using temporary measures to continue those posts in 1985, and would present proposals for regularizing the situation in each regional commission within the context of the proposed programme budget for the biennium 1986-1987. If, however, any financial implications arose, they would be presented to the General Assembly in the programme budget for 1987-1988. As to the 1985 budget, the Secretariat would seek to redeploy existing posts.

21. Mr. HAWKES (Canada) said that he understood the statement just made by the Director of the Budget Division to mean that the draft resolution would have no budgetary implications in the immediate future and certainly not before the General Assembly had a further opportunity to review the matter.

22. Mrs. DOWNING (Secretary of the Committee) said that Australia, the Philippines, Costa Rica, and Cameroon had become sponsors of the draft resolution.

23. Ms. JONES (United States of America) said that, when her delegation had requested a vote on the draft resolution, it had been well aware of the information just provided by the Secretariat. The fact that no satisfactory agreement on an alternative text for paragraph 6 had been found in two weeks of effort suggested that her delegation's objections were well founded. She would insist on a vote being taken.

24. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/39/L.28.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Israel, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

25. Draft resolution A/C.3/39/L.28 was adopted by 124 votes to 1, with 10 abstentions.

Draft resolution A/C.3/39/L.29

26. Mr. HOPPE (Denmark) said that his delegation had become a sponsor of the draft resolution.

27. Mrs. DOWNING (Secretary of the Committee) said that the Bahamas, Bangladesh, the Central African Republic, Denmark, Ecuador, France, the Gambia, Guinea, the Ivory Coast, Portugal and Suriname had joined the sponsors of the draft resolution.

28. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation would not oppose adoption of the draft resolution without a vote, on the understanding that paragraph 4 would not entail any change in priorities in the work of the Commission on the Status of Women, which would continue to give due

(Mr. Yakovlev, USSR)

attention not only to that paragraph but also to other major aims of the United Nations Decade for Women, particularly equality and peace.

29. Draft resolution A/C.3/39/L.29 was adopted without a vote.

Draft resolution A/C.3/39/L.18

30. The CHAIRMAN said that the programme-budget implications of draft resolution A/C.3/39/L.18 could be found in document A/C.3/39/L.26.

31. Ms. JONES (United States of America), speaking in explanation of vote before the vote, said that her delegation was requesting a recorded vote on draft resolution A/C.3/39/L.18 because of the programme-budget implications of enabling the Committee on the Elimination of Discrimination against Women (CEDAW) to have summary records. It was vital to control the volume of documentation generated within the United Nations. The fact that General Assembly resolutions 36/117 C and 38/32 E had been adopted without a vote showed that her delegation's concern was shared by all Member States. Her delegation would vote against the draft resolution.

32. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation objected to the substantial financial implications of paragraph 9 of the draft resolution. The paragraph would in no way promote the efficacy of the work of CEDAW or implementation of the Convention on the Elimination of All Forms of Discrimination against Women were concerned. His delegation would vote against paragraph 9 if it were put to a vote, and intended to express similar views in the Fifth Committee. However, his delegation would not object to the adoption of the draft resolution without a vote.

33. Mrs. WARZAZI (Morocco) said that certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women conflicted with her country's legislation, and her Government had therefore voted against the Convention. If no vote were to be taken on draft resolution A/C.3/39/L.18, her delegation would join in the consensus. However, since a vote had been called for, her delegation would abstain, for reasons which had nothing to do with financial implications.

34. Mrs. MIGNOTT (Jamaica) said that her delegation had ratified the Convention in October and wished to become a sponsor of the draft resolution.

35. Ms. LUND (Norway) said that CEDAW should be accorded the same facilities as other bodies established to monitor the implementation of human-rights instruments, and urged other delegations to support that position.

36. Mrs. DOWNING (Secretary of the Committee) announced that the Central African Republic had become a sponsor of the draft resolution.

37. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/39/L.18.

In favour: Afghanistan, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Algeria, Benin, Mali, Morocco.

38. Draft resolution A/C.3/39/L.18 was adopted by 124 votes to 1, with 4 abstentions.

39. Mr. GÖKTÜRK (Turkey), speaking in explanation of vote, said that his delegation had participated in the consensus on draft resolution A/C.3/39/L.19/Rev.1 as an expression of his country's strong commitment to the equality of the sexes. Turkey had actively supported the enjoyment by women of equal social, political and economic rights since the proclamation of the Republic in 1923. His delegation therefore had reservations concerning the inclusion of the words "go beyond the problem of legal equality and that deeper structural transformations of society and changes in the present-day economic relations" in the sixth preambular paragraph.

40. Mrs. YAMAZAKI (Japan) said that her delegation had voted in favour of draft resolution A/C.3/39/L.28 in the belief that the appointment of senior women's programme officers at the regional commissions represented an important contribution to attaining the objectives of the United Nations Decade for Women.

(Mrs. Yamazaki, Japan)

However, with regard to paragraph 6, such posts should result primarily from the redeployment of posts, particularly those of low priority, and she hoped that the Secretary-General would continue efforts to that end. Her delegation had objections in principle to the transfer to the regular budget of posts from voluntary funds, as that was detrimental to the efforts of the United Nations to improve its financial health.

41. With regard to paragraph 9 of draft resolution A/C.3/39/L.18, her delegation hoped that maximum efforts would be made to reduce expenditure.

42. Mr. MASSOT (Brazil) said that his delegation had voted in favour of draft resolutions A/C.3/39/L.18 and L.28 because it supported the main thrust thereof. His delegation reserved its position regarding paragraph 9 of the former and paragraph 6 of the latter one because it considered that, pursuant to General Assembly resolution 38/227, decisions regarding programme-budget implications should be taken by the Fifth Committee.

43. Mr. FURSLAND (United Kingdom) said that draft resolution A/C.3/39/L.19/Rev.1 represented a considerable improvement over the original text. However, his delegation did not consider that the factors mentioned in the third preambular paragraph constituted the principal impediments "to the achievement of real and genuine equality and to the integration of women in society". Traditional attitudes constituted the principal impediments to the achievement of those goals. His delegation's acceptance of the formulation of the paragraph should not be viewed as a precedent, and he hoped that in the future it would be possible to agree on a formulation which more accurately reflected the real world.

44. His delegation had voted in favour of draft resolution A/C.3/39/L.18 because it was in sympathy with its objectives. He had no difficulty with paragraph 9. His delegation attached considerable importance to paragraph 10 and stressed that if the Committee was provided with summary records it should not include summaries of its debates in its report. CEDAW should take an appropriate decision to that end.

45. Mr. de la SABLIERE (France) said that his delegation had voted in favour of draft resolution A/C.3/39/L.28 in order to demonstrate support for its objectives. However, it regretted the inclusion of paragraph 6 because of the possible financial implications and reserved its right to speak on the matter in the Fifth Committee.

46. Mr. TROUVEROY (Belgium) said that his delegation had voted in favour of draft resolution A/C.3/39/L.28 because it supported the general objectives of the text. However, it could not accept paragraph 6, in view of the uncertain financial implications. His delegation therefore reserved its position on the text in the Fifth Committee and in regard to subsequent procedures relating to the establishment of the posts in question.

47. Mr. BRAUN (Federal Republic of Germany) said that his delegation had joined the consensus on draft resolution A/C.3/39/L.28, despite some reservations regarding paragraph 6. He trusted that the Secretariat would ensure that the necessary financing would be provided within the existing budget.

48. Mrs. SHERMAN PETER (Bahamas) said that, had her delegation been present during the votes on draft resolutions A/C.3/39/L.18 and L.28, it would have voted in favour of them.

49. The CHAIRMAN announced that the Committee had thus concluded consideration of items 92 and 94.

AGENDA ITEM 100: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued) (A/C.3/39/L.37, L.38)

Draft resolution A/C.3/39/L.37

50. Mr. RUSI (Finland) requested that a decision should be postponed pending further clarification of the financial implications of the last preambular paragraph.

51. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to postpone consideration of the draft resolution to a later meeting.

52. It was so decided.

Draft resolution A/C.3/39/L.38

53. Draft resolution A/C.3/39/L.38 was adopted without a vote.

54. Ms. JONES (United States of America) said that her delegation was pleased that resolution A/C.3/39/L.38 had been adopted by consensus. However, the endorsement by the resolution of the Declaration adopted at the Second International Conference on Assistance to Refugees in Africa did not imply acceptance by her delegation of every provision contained in the various documents and instruments referred to in the Declaration. In particular, the Charter on Human and Peoples' Rights of the Organization of African Unity (OAU) was gravely flawed by its call for the elimination of zionism, and her delegation took the strongest exception to that provision.

55. Mr. SUFFOT (Israel) said that, although his delegation had joined the consensus on draft resolution A/C.3/39/L.38, it did not endorse all the provisions of the documents and instruments referred to in the Declaration and Programme of Action adopted at the Second International Conference. Indeed, it strongly opposed some of them, in particular the OAU Charter on Human and Peoples' Rights, which was gravely flawed by its call for the elimination of zionism, the liberation movement of the Jewish people.

AGENDA ITEM 95: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)
(A/39/79 and Corr.1, 180 and Corr.1)

AGENDA ITEM 96: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued) (A/39/307, 422 and Add.1, 581 and Corr.1)

AGENDA ITEM 97: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
(A/39/185)

AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/39/133,
360, 581 and Corr.1)

- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE (continued) (A/39/40, 484, 644)
- (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/39/461)
- (c) ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON
CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY
(continued) (A/39/535)

AGENDA ITEM 99: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT: REPORTS OF THE SECRETARY-GENERAL (continued) (A/39/73, 360, 480 and
Add.1 and 2, 499 and Add.1 and 2, 506, 662; A/C.3/39/L.40)

56. Mr. SOERIAATMADJA (Indonesia), referring to item 95, and in particular the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, said that the Special Rapporteur designated to undertake a study of the current dimensions of the problems of intolerance and discrimination with regard to religion or belief should not confine herself merely to shortcomings in the implementation of the Declaration, but should also identify positive elements in countries' efforts to harmonize relationships among various religious denominations and between religions and the State. In the search for such positive elements, it was imperative to take into account all factors affecting religious life in a country, including the political, economic, social and cultural situation. Although his Government guaranteed freedom of religion, it still faced problems in maintaining harmonious relationships among the various religions in his country. The Government had responded to the challenge by integrating the development of religion into the country's overall development plan.

57. With regard to item 96, his delegation recognized both the benefits and the potential danger of science and technology for the enjoyment of human rights. Scientific and technological developments could accelerate social and economic progress in all countries if they were channelled for the benefit of all peoples, rather than diverted towards an intensified arms race. Scientific and technological progress should be used to create additional employment opportunities, improve health care and increase access to education. International

(Mr. Soeriaatmadja, Indonesia)

co-operation was essential, and his delegation whole-heartedly welcomed the efforts of UNIDO and UNCTAD to facilitate the transfer of technology from developed to developing countries. The establishment of a new international economic order would greatly enhance efforts to utilize science and technology for the benefit of all mankind.

58. On the question of a convention on the rights of the child (item 97), he noted that those rights were promoted through a multisectoral approach in his country's national development programme. Efforts were being made to expand primary education facilities, and facilities were provided to assist destitute children. Free health-care services had been extended to schools, and UNICEF and other agencies in the United Nations system played an important role in implementing his country's programme for maternal and child welfare. The proposed convention would be effective in conveying deep concern for children, and his delegation hoped that it would be finalized as soon as possible and submitted to the General Assembly for adoption in 1985.

59. With regard to item 99, concerning torture and cruel, inhuman or degrading treatment or punishment, he said that his delegation appreciated the dedicated efforts of the Commission on Human Rights in elaborating the draft convention on the subject. His delegation concurred with its spirit, since most of the articles were consistent with national constitutional law and criminal procedure. However, his delegation, like many others, had difficulties with article 20, which should be more carefully worded so as to avoid giving the impression that national law could not effectively curb torture. Moreover, the provision that committees could conduct confidential inquiries into torture in the territory of a State reflected distrust and prejudice. If the language of article 20 were altered to reflect his Government's concerns, his delegation would be prepared to adopt the draft convention during the current year. However, given the paucity of comments on the draft convention, it would appear that many countries were not yet in a position to take a decision on the text.

60. Mrs. Tirona (Philippines) took the Chair.

61. Mrs. COLL (Ireland) said that her delegation had been among those which had taken the initiative of requesting the Secretary-General to convene the Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief in Geneva from 3-14 December 1984, within the framework of the Advisory Services Programme. The Seminar had an important place in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Its theme reflected the reality that tolerance for one's neighbour's religion or belief was not inherent in human beings but must be inculcated. The Seminar would consider the principle of tolerance in the United Nations Charter and the significance of the various provisions relating to freedom of religion or belief found in international human rights instruments. It could also profitably examine models of national or local action to prevent or combat intolerance, particularly through educational programmes. The duty of States under the Declaration was to take all appropriate

(Mrs. Coll, Ireland)

measures to combat intolerance on grounds of religion or belief; such measures should include disseminating the Declaration widely, making the text freely available in all official United Nations languages and adopting a more systematic approach to the dissemination of the text in other languages, by including it, for example, in school textbooks. Her delegation looked forward with confidence to hearing a report on the Seminar at the forty-first session of the Commission on Human Rights.

62. Mrs. de DIOS LIMONTA (Cuba), speaking on item 96, said that one of the fundamental objectives of the work of the United Nations should be to put an end to the arms race, thus releasing substantial material resources for investment in the development and prosperity of mankind, and guaranteeing the right to life. With its extension to outer space, which was to be used for imperialist military purposes, the arms race had become more dangerous than ever before.

63. The Viet Nam war had been one of the most concrete examples of the use by the army of the United States of America of an entire country and its long-suffering people as a testing ground for sophisticated chemical and bacteriological weapons. The terrible consequences of the use of such weapons had affected not only the Vietnamese combatants but also the United States soldiers themselves. Her country had experienced at first-hand the use by persons in the service of the Central Intelligence Agency of certain toxic agents to destroy its principal crops and damage the health of its people. Consequently, her delegation urged that particular attention should continue to be given to the threat to human rights posed by the improper application of scientific and technological developments.

64. With regard to agenda item 97, her delegation hoped that priority would be given to the early completion of a convention on the rights of the child in 1985.

65. Referring to document A/C.3/39/L.40, containing the draft Convention against torture and other cruel, inhuman or degrading treatment or punishment, she said that her country firmly condemned such practices and provided severe penalties in its penal code for those responsible. In various international forums, Cuba had urged the prohibition and condemnation of the use of torture and had supported from the beginning the idea of drawing up a draft convention against torture. Her delegation shared the view that it was important for an instrument of that nature to be adopted by consensus. To that end, some of the proposed articles, such as articles 19 and 20, would require further consultation, particularly in order to take into consideration the opinions of Member States which were not members of the Commission on Human Rights.

66. Mr. Madar (Somalia) resumed the Chair.

67. Mrs. KAFAROVA (Union of Soviet Socialist Republics) stressed the importance of the International Covenants on Human Rights and deplored the continuing refusal of some States to become parties to the Covenants. The fact that many States with different social systems and levels of economic development had had no difficulty in co-operating for a number of years within the framework of the Covenants

(Mrs. Kafarova, USSR)

disproved one of the main arguments advanced by those who persisted in their obstructionist attitude. The Soviet Union urged all States which had not yet done so to become parties to the Covenants without delay.

68. Referring to the right to work set forth in article 6 of the Covenant on Economic, Social and Cultural Rights, she emphasized the fundamental importance which the Soviet Union attached to that right and contrasted her country's position in the matter with that of certain other developed countries where tens of millions of people swelled the ranks of the unemployed and were doomed to poverty, deprivation and ill-health.

69. Turning to the Covenant on Civil and Political Rights, she referred to article 25 setting forth the right of every citizen to take part in the conduct of public affairs. In contrast to countries where the overwhelming mass of the population was precluded from the enjoyment of that right through lack of financial and other means, the Soviet Union provided each of its citizens with guaranteed opportunities to exercise that right in practice. In that connection, she quoted figures from the Azerbaidzhan Soviet Socialist Republic.

70. Her delegation took, on the whole, a positive view of the activities of the Human Rights Committee and approved its general comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, noting that those comments were addressed not to individual States but to all States parties to the Covenant and reflected experience gained through consideration of the reports of States parties. The Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights had also done useful work. Both bodies, however, spent too much time on organizational matters to the detriment of their main duty, that of considering reports on implementation. By failing to abide by existing agreements, some members of the two bodies were upsetting the business-like functioning of those bodies. The Secretariat, too, failed to take sufficient notice of critical comments and proposals addressed to it by many experts.

71. The attempt during the current debate to exaggerate the role and significance of the meeting of chairmen of various human-rights bodies organized within the Secretariat (A/39/484) was to be deprecated. A meeting whose purpose was purely to exchange information could not assume the role of some sort of super-organ set above official United Nations bodies established in accordance with international instruments. Neither was it empowered to put forward initiatives of any kind whatsoever. In discussing "general problems" and volunteering views about streamlining or otherwise altering reporting procedures, the participants in that meeting had evidently forgotten that those procedures were not based on their wishes but on strict agreements among States under specific instruments. The Secretariat and the participants in that meeting would be well advised not to abuse the very limited powers vested in their office. Her delegation strongly objected to the approach adopted at the meeting which, besides being inconsistent with agreed procedures, was also likely to give rise to quite unjustified costs.

(Mrs. Kafarova, USSR)

72. In conclusion, she fully endorsed the Polish representative's statement concerning the urgency of completing work on a convention on the rights of the child, a subject to which the Commission on Human Rights should give all due attention without delay.

73. Mr. HAWKES (Canada) said that while his delegation welcomed the increase in the number of States becoming parties to the International Covenants on human rights, he noted that only half of the States Members of the United Nations were now party to the Covenants and only 34 to the Optional Protocol. His delegation urged all States to become parties to those two basic instruments in order to make them truly universal.

74. His delegation hoped that the standards of professionalism and independence displayed by the Human Rights Committee would be preserved because they were fundamental to its effective operation. As the work-load of the Committee increased, it might be necessary to re-examine the amount of monetary compensation its members received in order to ensure that highly qualified, independent individuals were prepared to be members.

75. The Human Rights Committee had experimented with a procedure to improve its consideration of second periodic reports and his delegation believed that it was important that the procedure ultimately adopted should contribute to the most effective use of the Committee's time.

76. While Canada generally welcomed the adoption of comments by the Human Rights Committee that elaborated upon its interpretation of specific articles, it wished to sound a note of caution with respect to the general comment on article 1. Interpreted broadly, it might lead the Human Rights Committee beyond its mandate and might thereby diminish its credibility. The Committee's comment (A/39/644, para. 4) on the production, testing, possession, deployment and use of nuclear weapons was inappropriate. Such matters were properly dealt with in other United Nations forums.

77. In order to define the Committee's role under the International Covenant on Civil and Political Rights, there was an urgent need for a rule that established the circumstances in which the Committee might specifically request an additional report from a State party. If the Committee felt that a State had not had an opportunity to respond adequately to questions on presenting its reports, it should be able to invoke a specific rule of procedure to request a brief supplementary report within a specific time period.

78. A number of articles of the Covenant contained restrictions or limitations on the rights and freedoms described therein. It would be useful for the Human Rights Committee to elaborate on its understanding of the content and scope of such provisions.

79. With respect to procedures under the Optional Protocol, his delegation believed that the importance of submissions on admissibility must not be

(Mr. Hawkes, Canada)

underestimated. The issues of exhaustion of domestic remedies and the establishment of a prima facie case under the Covenant were frequently complex and it took time to prepare a full and complete reply. In a federal State like Canada, several Governments were frequently involved in the preparation of responses. His delegation would recommend that once a State had responded on admissibility and the complainant had had an opportunity to respond, then the cycle of reply and rebuttal at the admissibility stage should be terminated unless the Committee itself felt that further information was required. Finally, when the Committee decided that a State was in breach of its obligations as a result of a complaint by an individual under the Optional Protocol, there should be defined procedures for the complainant to seek redress of the breach of the Covenant. It would also be preferable for the Committee to develop a rule on rehearings to provide guidelines for complainants who might be considering resubmitting a claim previously declared inadmissible or not in breach of the Covenant.

80. The report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1984/83) amounted to little more than an index of its summary records. The reason was that the Working Group had had a short two-week period to review a complicated set of States reports. His delegation wished to emphasize that the Covenant was a complex document covering a wide range of subject areas. Accordingly, a level and degree of monitoring appropriate to the nature of the rights it established and to its status as the other half of the International Bill of Human Rights must be devised.

81. His delegation believed that the Working Group should consist of independent experts elected by the Economic and Social Council from a list of names proposed by States parties to the Covenant. That Working Group of independent experts would then report to the Economic and Social Council. More time should be allocated to the Working Group to enable it adequately to consider States reports, and the Economic and Social Council should give it more specific directives with regard to its reports. Reports should contain some analytical summary of the discussion on the reports of States. The Working Group should also be invited to adopt general comments which would deal not only with procedural questions but also with substantive issues which derived from its thorough examination of States' reports.

82. His delegation was pleased with the results of the Meeting of Chairpersons of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of All Forms of Racial Discrimination. The report of the Meeting (A/39/484) indicated that it had been highly productive. His delegation supported the recommendation in paragraph 31 (g) of the report to establish a facility within the Centre for Human Rights to specialize in the provision of advice and assistance to Governments in the implementation of international covenants in the field of human rights. His delegation hoped that meetings of the Chairpersons would be held on a regular basis and believed it essential to invite the Chairperson of the Committee on the Elimination of Discrimination against Women to attend. Finally, inclusion of the

(Mr. Hawkes, Canada)

Chairpersons of the human rights supervisory bodies of both UNESCO and ILO might assure better harmony between all the human rights mechanisms of the United Nations system.

83. Commenting on the convention on the rights of the child, he pointed out that children were individuals with civil, political, economic, social and cultural rights which merited careful elaboration in the form of legal standards. While it was true that certain rights of children were inevitably dependent on the parent for their enjoyment, they were not thereby rights accruing only to the parent.

84. His delegation wished to reaffirm Canada's full support for the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. While some Member States might wish to proceed to the adoption of a convention on religious intolerance, his delegation urged that at the present stage, every effort should be made towards full implementation of the Declaration. International action however, could only point the way, and it remained the duty of Member States to take determined action to end religious discrimination and to actively promote tolerance.

85. His Excellency Archbishop CHELI (Holy See) said that during the past few decades the international community had shown interest in the safeguarding of human rights and fundamental freedoms and had concerned itself with respect for freedom of conscience and of religion in well-known declarations and covenants. The forthcoming Geneva Seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief would enable the international community to make further progress towards the safeguarding of that fundamental freedom. Unfortunately, religious liberty was not a universal reality, either in theory or in practice. There existed a great disparity between the theoretical and juridical acceptance of the right to religious liberty on the one hand, and, on the other, its practical application in the regulations issued by State authorities at various levels which were often intended to restrict severely the freedom of believers.

86. The recognition, guarantee and respect of religious freedom brought peace not only to individuals but to the social community and represented an important factor in strengthening a nation's moral cohesion, in improving the common welfare and in enriching co-operation among nations in an atmosphere of mutual trust. Although it was a source of satisfaction to note the universal acceptance of fundamental principles in universal declarations, it remained a difficult task to achieve constant and concrete application of those principles in the legislation and behaviour of nations. Therefore, an essential further step on the road toward the realization of the lofty goals for which the United Nations stood was to convert the moral force of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief into the binding force of an international convention, as had been originally intended.

(Archbishop Cheli, Holy See)

87. Throughout the world, peace was at the center of every discourse, and rightly so, since peace was one of the most fundamental aspirations of the human being. It should not be forgotten, however, that there could be no peace without justice nor justice without full respect of human rights, and that human rights were not respected whenever religious liberty was denied or restricted.

The meeting rose at 6.05 p.m.