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THIRD COMMITTEE
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New York

SUMMARY RECORD OF THE 50th MEETING

Chairman: Mr. MADAR (Somalia)

later: Mrs. TIRONA (Philippines)

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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 receiving a report on the Seminar at the forty-first session of the Commission on Human Rights.

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 extension to outer space, which was to be used for imperialist military purposes, the arms race had become more dangerous than ever before.

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.

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.

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.

Mr. Madar (Somalia) resumed the Chair.

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)

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.

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 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.

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.

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.

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

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(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 ensure better harmony between all the human rights mechanisms of the United Nations system.

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.

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.

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.

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.