

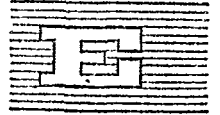
UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1984/SR.27
2 March 1984

ENGLISH
Original: FRENCH



COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 27th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 February 1984, at 10 a.m.

Chairman: Mr. DICHEV (Bulgaria)

later: Mr. BARAKAT (Jordan)

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GE.84-15457

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

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES (agenda item 21) (continued)

1. Mr. KHMEL (Ukrainian Soviet Socialist Republic), exercising his right of reply, said that in his delegation's opinion, the statements made on agenda item 21 by the Italian delegation and the delegation of the Federal Republic of Germany at a previous meeting demonstrated the desire of Italy and the Federal Republic of Germany for co-operation; they also showed that those countries were aware of the countless losses of human life which the Second World War had cost his country and that they therefore understood the sensitivity of the Ukrainian people with regard to the scourges of Nazism and Fascism.
2. In the statement which it had made at a previous meeting, his delegation had described the pernicious resurgence of Fascism and Nazism in some countries, but it had not meant that those countries, with the exception of the United States of America, were not doing anything to combat it.
3. However, the situation was still not satisfactory. As the Minister for Justice of the Federal Republic of Germany had pointed out, 6,432 Nazi criminals had been convicted since 1945. Nevertheless, they represented only 8 per cent of the 84,463 war criminals who had been brought to trial. As had been reported in an article in Stern, out of the 88,587 cases brought against German Brown Shirts, 80,355 had ended without a verdict, and, when there had been a verdict, the sentence had been a mild one. It was true that, as the Minister for Internal Affairs of the Federal Republic of Germany had indicated, reports were published every year about the anti-governmental activities of extremist political groups, including a mutual-aid union of former members of the Waffen SS; however, that group was no longer included as an extremist group in the 1983 report, although it had been intensifying its activities. In the Federal Republic of Germany, the activities of certain neo-Nazi groups were indeed prohibited. The former Government had submitted a bill aimed at giving the police forces wider powers for the confiscation of Nazi writings and the prosecution of the authors of acts of violence committed against the Jews under the Third Reich, but the opposition deputies in the Bundestag now wanted that bill to be consigned to oblivion.
4. The representatives of the Federal Republic of Germany and Italy had replied on certain measures taken in their respective countries with regard to Hitler and Mussolini. His delegation was surprised that the residences of Hitler in the Federal Republic of Germany had been transformed into museums. It was also surprised that the representative of Italy, in speaking of Mussolini, had tried to present the so-called Italian socialist movement as a respectable political party. As for the Red Brigades, they had nothing in common with communism, which they were on the contrary trying to discredit. Communism, as the representative of the interests of the workers, had never resorted, was not resorting and never would resort to force, terror or intimidation. For communism, all individuals and all peoples were brothers. That was its slogan. His delegation objected to any malicious insinuation aimed at communism in general and at individual communist parties.

5. Mr. GOLEMANOV (Bulgaria), after recalling that the United Nations had emerged as a result of the struggle against Nazism, Fascism, aggression and foreign occupation, noted with concern - as had the General Assembly at its thirty-eighth session - that nearly 40 years after the founding of the Organization, the proponents of Fascist ideologies in a certain number of countries were intensifying their activities, going so far as to co-ordinate them on an international scale. His delegation was particularly concerned because it still heard it said today, even in the Commission, that there was no need to take action against the activities of Fascist groups in the Western countries, for those activities did not constitute a problem or represent a threat.
6. Fifty years before, Georgi Dimitrov, an eminent Bulgarian member of the progressive forces opposing Fascism, had defined Fascism in power as an open terrorist dictatorship imposed by the most reactionary, most chauvinistic and most imperialist elements of capital. Fascism was still the same today. Extreme right-wing conservatism, ardent nationalism and anti-communism, racial and national hatred and aggressive striving towards the absolute dictatorship of big capital were still the typical features of Fascist-inspired ideologies and practices in all their forms and manifestations.
7. The oft-declared incompatibility of those ideologies and practices with the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of all Forms of Racial Discrimination and various other international instruments had led the United Nations to consider measures with a view to the speedy and final eradication of Nazism - including its contemporary forms - and similar ideologies. It was with that in mind that the General Assembly had adopted resolution 2839 (XXVI) in 1971. It went without saying that, in order to be effective, those measures had to be taken at the world level. His delegation therefore joined in the appeal which the General Assembly had made at its thirty-eighth session to the effect that all States which had not yet done so should, in accordance with their respective constitutional systems and their international obligations, adopt measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and war propaganda, including Nazi, Fascist and neo-Fascist ideologies. It appealed to the States which had not yet done so to ratify or to accede to the international covenants on human rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid. It would then be easier to believe those States when they talked about their commitment to the cause of human rights.
8. It was also important to do everything possible to ensure the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity. The extradition to France of the notorious Nazi war criminal Klaus Barbie was an important development - although, as the magazine Newsweek of 29 August 1983 had emphasized, it had not made up for three decades of frustration and had re-opened the unsettled issue of all the other Barbies who were still at large. However, if the latter had never been brought to justice, it was mainly because the forces in power in certain Western countries had given them comfortable asylum. For example, Walter Rauff, the inventor of the Nazi "gas wagons", was still living in a spacious house in Santiago, Chile.

9. Another extremely grave aspect of the problem was the arms race and the war psychosis fostered by the most aggressive imperialist forces, creating an atmosphere favourable to the revival, in different forms, of the Fascist and neo-Fascist movements and activities on both the national and international levels. Fascist, neo-Fascist and racist organizations and groups, like the Ku Klux Klan, the American Nazi Party, the National Socialist Party of America and their counterparts in Western Europe, had intensified their activities, which usually took the form of psychological harassment and acts of brutality against political figures who professed progressive and democratic ideas, trade-union leaders, ethnic leaders or migrant workers. In several cases, those organizations had been permitted to stand for election, in spite of their openly racist and terrorist platforms. Those phenomena had their roots in the very nature of imperialism: mass unemployment, inflation, deepening social contrasts and violent anti-communism creating the prerequisites for the existence of ultra-reactionary organizations and groups. An unprecedented wave of xenophobia and racist feelings had affected large parts of the population of some Western European countries, exacerbating tensions between various social groups and against ethnic groups which were precisely the ones hardest hit by unemployment.

10. Fascism, accompanied by reactionary and aggressive official policies, was gaining ground in various parts of the world, especially in South Africa. In Israel, official policy was based on the principle of the superiority of the Israeli people and on the need to extend their "living space". The events at Sabra and Chatila bore eloquent testimony to that. In addition, the major imperialist Powers were giving generous political, financial, economic and military support to South Africa and to Israel, and it was not surprising that former Nazi war criminals were benefiting from their protection. Obviously, so long as Fascism, neo-Fascism, Nazism and similar ideologies were tolerated and supported by the imperialist forces in various parts of the world and so long as criminals went unpunished, the Commission should spare no effort to bring about the complete and final elimination of those practices in all their forms. In that respect, the fortieth anniversary of the end of the Second World War should serve to intensify the international community's struggle against those ideologies and practices.

11. The expressions "self-determination" and "struggle against apartheid" could not lose their real meaning merely because they were intentionally used by a certain country to designate their opposite. That same country considered itself above international law because of its "vital interests" in the world, and at the same time it talked about "totalitarianism" while applying that concept to situations it did not fit. Either that country cared nothing for the opinion of 150 States or else it was totally ignorant of world realities today. His delegation would be inclined to exclude the first possibility and therefore urged the country in question at last to open its eyes.

12. Mrs. SLÁMOVÁ (Observer for Czechoslovakia), recalled that the Second World War had been caused by Nazism and Fascism. In order to spare peoples from further suffering, therefore, it was important to take action against those scourges, as well as against aggression and occupation, and to work for the establishment of peace and co-operation in the world.

13. A number of international instruments had been drawn up for the purposes of eradicating Fascism and ideologies based on hatred: the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, as well as General Assembly resolution 35/200 of 15 December 1980, in which the General Assembly had urged all States to take the necessary measures against activities of groups and organizations practising Nazism, Fascism, neo-Fascism or other ideologies based on racial intolerance, hatred and terror, in accordance with the national constitutional systems.

14. In spite of that, neo-Fascist terrorist groups still existed and were receiving assistance for example in Israel, South Africa, Chile and El Salvador. War criminals, including the notorious Klaus Barbie, had been able to find asylum in certain countries. It was important not to underestimate the activities of those groups, for they represented a threat to international peace and security, peaceful coexistence and co-operation among peoples.

15. Her country was a party to all the relevant international instruments and, under its Constitution and laws, had prohibited Nazi and Fascist activities, war propaganda, racism and racial discrimination in its territory. It called for increasing efforts to combat those highly dangerous ideologies.

16. It was the Commission's duty to condemn any ideology based on racial or ethnic exclusiveness or intolerance, hatred, terror, the systematic denial of human rights and fundamental freedoms or any ideology which had such consequences. It must take concrete measures to make it possible to do away with those ideologies and to teach future generations respect for human rights in a spirit of peace, co-operation and equality. It should invite those States which were not yet parties to the international instruments on human rights to accede to them.

17. Her delegation hoped that the celebration in 1985 of the fortieth anniversary of the victory over Fascism and Nazism would serve as an opportunity for mobilizing the international community's efforts in the struggle against Nazism, Fascism, neo-Fascism and similar ideologies.

18. Her delegation pointed out to the delegation of the United States of America that George Orwell's book, 1984, which the delegation of the United States had quoted, was a cry against despair in the face of the bourgeoisie and its utopias. For more than 30 years, anti-communist and anti-socialist forces had been trying in vain to label the socialist world as "totalitarian". However, that label belonged to another social structure: capitalism.

19. Mrs. ROMERO (International Federation of Human Rights) said that the organization which she represented was deeply concerned about the situation prevailing in Guatemala, where the ideology of "national security" had degenerated into totalitarianism. In that country, the army displayed the greatest intolerance, especially towards the indigenous population.

20. The doctrine of national security in Guatemala was closely linked to the counter-insurgency programmes directed against the civil population in violation of human rights and fundamental freedoms. The state apparatus had been completely militarized. The military had centralized power in the hands of an executive organ under the authority of a Head of State who was authorized to appoint the President of the Supreme Court and who had suppressed the autonomy of the municipalities and certain state institutions. Any electoral process which took place from then on in Guatemala would be directly controlled by the military.

21. At the present time, the Guatemalan armed forces were attempting to militarize the civilian population by claiming that the indigenous inhabitants of rural areas and the urban poor were supporting the movement of insurrection which existed in the country. The population was thus subjected to a campaign of systematic persecution, mass deportations, summary executions and torture, in violation not only of human rights and fundamental freedoms but also of the humanitarian law applicable in cases of internal armed conflict.

22. That same doctrine of national security had been invoked to justify the enforced or involuntary disappearances of persons. Those practices had been denounced by the Working Group on Enforced or Involuntary Disappearances in its report (E/CN.4/1984/21). In addition, the report of the Vice-President of her organization had confirmed the existence of numerous secret prisons in which at least 860 persons who had "disappeared" were said to be still detained. There were also "civilian patrols", paramilitary units which were controlled by the army and in which the indigenous populations were obliged to serve under penalty of summary execution.

23. Her organization considered that the time had come to denounce the neo-Fascist aspects of the ideology of "national security" applied in certain countries in Latin America, as well as the pernicious consequences of those totalitarian practices for human rights and fundamental freedoms. The representative of the present democratic Government of Argentina had denounced the effects of the application of such a doctrine in Argentina, especially the violations of human rights committed by Argentinian military personnel responsible for crimes against humanity, including the "disappearance" of thousands of persons.

24. The doctrine of "national security" constituted the basis of the totalitarian practices of certain Latin American military regimes, and those practices gave rise to terrorism and the systematic violation of human rights and fundamental freedoms. The case of Guatemala was an obvious example, and it was the duty of the international community to condemn the doctrine in question, which was contrary to the principles of democracy and the international rules relating to human rights.

25. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) observed that the international community never failed to provide relief to the victims of such disasters as earthquakes, aeroplane accidents or shipwrecks, but that it maintained a strange silence when a group of individuals murdered the inhabitants of an area in the name of a Government or carried out attacks against its own fellow citizens.

26. Totalitarian ideologies and practices should be considered as a social evil which the international community must oppose, particularly in South Africa, Namibia, El Salvador and Guatemala, countries whose peoples were continuing their struggle against Fascism and Nazism. Those ideologies were superficial and irrational and were supported by mediocrities who relied solely on the force of arms and were incapable of entering into a dialogue in the society which they claimed to govern.

27. In spite of all the efforts made by the international community, other States continued to apply totalitarian ideologies and practices, as was proved by the situation in Equatorial Guinea. In that country, a Fascist-type constitution had been imposed in August 1982, according to which the President of the Supreme Military Council was the President of the Republic.

28. Peoples' representatives who denounced the totalitarian ideologies and practices prevailing in their countries were described as terrorists by certain Governments, although it was precisely those Governments which were following terrorist and Fascist policies. His organization urged the Commission to ensure that the struggle against totalitarian ideologies was intensified without further delay, in the interest of peace in the world.

29. Mr. GENOT (Observer for Belgium), exercising his right of reply, said that the representative of the Ukrainian Soviet Socialist Republic had cast aspersions on Belgium, a country which had, however, suffered like his own and, historically speaking, before his own from the effects of Nazi totalitarianism during the last world conflict. The three organizations of marginal importance which had been cited and whose members had been prosecuted whenever they had been suspected of violating Belgian law were insignificant compared with the very large number of associations which had been set up freely and without governmental supervision and which brought together citizens from all walks of life who, in a democratic and pluralist society, contributed to the free development of the individual, promotion of and respect for human rights, international co-operation and aid to development. He welcomed the existence of so many associations, which were, moreover, free to criticize government policy, for it was they who, in the same way as the democratic Constitution and laws of the Belgian State, prevented the germs of totalitarianism from spreading.

30. Mr. BARAKAT (Jordan) took the Chair.

31. Mr. CHERNICHENKO (Union of Soviet Socialist Republics), exercising his right of reply, said that the representative of the Federal Republic of Germany had claimed that there was no revival of Nazism in the Federal Republic of Germany. Nevertheless, that country had admitted that there were approximately 200 small, scattered groups which advocated Nazi theories and had added that those groups represented "only" 10 per cent of the population of the Federal Republic of Germany. In addition, the largest of those groups was said to have carried "only" 90,000 votes in the elections. For his part, he thought that those figures spoke volumes.

32. The Federal Republic of Germany had also tried to assimilate communists with extremists and totalitarians. It was sufficient to recall that in countries which had been ruled by totalitarian regimes, like Hitler's Germany and Pinochet's Chile, the bloodiest acts of repression had always been directed primarily against communists, who were the most ardent protectors of the rights of the workers, i.e. of the majority of the population. Accordingly, it was not surprising that, during the occupation of France by the Hitlerite forces, the French Communist Party had been called "the party of those who had been shot".

33. Communists had often been accused of totalitarianism and extremism by the Western countries. Some persons considered that, since totalitarianism meant domination by a group of persons united by a common characteristic, communists, whose purpose was to give power to the workers on the basis of the concept of class, were totalitarians. However, according to such logic, subjugated nations and peoples such as the black populations of southern Africa who were struggling against the white racists or the Palestinian people which was struggling against the Israeli occupation would themselves be supporters of totalitarianism, a ridiculous conclusion which nobody could accept.

34. The representative of Italy had stated that certain extremist groups in his country supported the communist ideology. However, that could be very simply explained by the fact that extremists often made use of revolutionary ideals for demagogic purposes.

35. Lastly, he pointed out that Hitler's party, officially called the National Socialist German Workers' Party, had had nothing to do with socialism but had represented the chauvinistic and fanatical circles in German society.

36. Mr. JAEGAR (Federal Republic of Germany), replying to certain statements made by the representatives of the USSR and the Ukrainian SSR, said that first of all - the USSR representative should have noted it - he (Mr. Jaegar) had said that, according to electoral results, the proportion of neo-Nazis in his country was 0.2 per cent. It was therefore surprising that the representative of the USSR - whose country was one of the biggest military Powers - had thought of comparing those neo-Nazis with an army.

37. The representative of the Ukrainian SSR had said that only a small percentage of war criminals had been brought to justice in the Federal Republic of Germany. He himself had personally spoken in the Bundestag against a statute of limitation for war crimes, and he fully shared the opinion that persons guilty of murders committed under Hitler should be prosecuted. However, their guilt still had to be proved and, in case of doubt, they had to be acquitted. Moreover, after 40 years, many persons accused of war crimes had died. In that field as in others, not all those guilty could be brought to justice. Lastly, contrary to what the representative of the Ukrainian SSR had said, the Berchtesgaden château had not been converted into a museum; he personally could invite the representative of the Ukrainian SSR to come to Bavaria to confirm the fact.

38. The CHAIRMAN said that consideration of agenda item 21 had thus been completed.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 15)
(E/CN.4/1984/33 and Add.1 and 2, 34, 35 and 43; E/CN.4/1984/NGO/11;
E/CN.4/Sub.2/1983/17 and Add.1, 18 and 19)

39. Mr. HERNDL (Assistant Secretary-General for Human Rights), introducing agenda item 15, recalled that the International Conference on Human Rights held at Teheran in 1968 had recommended that the United Nations should study the problems for human rights arising from developments in science and technology. Since then, the question had been regularly considered by the General Assembly, the Commission and the Sub-Commission. The action taken could be summarized briefly.

40. First, on 10 November 1975, the General Assembly had adopted the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (resolution 3384 (XXX)). Various United Nations bodies, including the Commission and its Sub-Commission, had since endeavoured to promote the positive use of scientific and technological developments for the promotion of progress and the realization of human rights.

41. Secondly, in 1978, the General Assembly had adopted a Declaration on the Preparation of Societies for Life in Peace, and had stressed that care should be taken to ensure that scientific and technological developments did not threaten the right to life, peace or the environment.

42. Thirdly, a wide range of studies had been prepared on the human rights implications of scientific and technological developments: advances in biology, medicine and biochemistry, human experimentation and genetic manipulation of microbes, the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity. In those studies, the positive impact of recent scientific and technological developments on human rights had been pointed out, and suggestions had been made for preventing such developments from restricting the effective enjoyment of human rights. The various studies had been summarized in a booklet published by the Department of Public Information in 1982 under the title "Human Rights and Scientific and Technological Developments".

43. Fourthly, the Commission had requested the Sub-Commission to undertake a study on the use of the achievements of scientific and technological progress to ensure the right to work and to development, as well as a study on the negative effects of the arms race, in particular the nuclear arms race in all its forms, on the implementation of economic, social, cultural, civil and political rights, the establishment of the new international economic order and above all the right to life.

44. Fifthly, at the request of the General Assembly and the Commission, work had been undertaken on principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder. At the present session, the Commission had before it a report on that subject prepared by Mrs. Erica-Irene Daes, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1983/17 and Add.1).

45. Sixthly, at the request of the Commission, work had also been undertaken on guidelines in the field of computerized files, and at the present session the Commission had before it the final report of Mr. Joinet, Special Rapporteur of the Sub-Commission on that subject (E/CN.4/Sub.2/1983/18).

46. A new phase seemed to be emerging in the consideration of agenda item 15. In addition to the reports which had just been mentioned, the Commission had before it at the present session a report prepared by the Secretary-General on the most effective ways and means of using the results of scientific and technological developments for the promotion of human rights and fundamental freedoms, a report based on comments by States, relevant international organizations and other sources (E/CN.4/1983/33 and Add.1). That document had been requested by the Commission the previous year.

47. The report identified two categories of issues for future discussion: in the first place, the use of scientific and technological developments to improve education, particularly in rural areas, to promote the realization of the human rights of disabled persons, to promote development generally, to protect the environment, etc.; secondly, dangers for human rights posed by scientific and technological developments in respect of, among other things, the right to life, the danger of nuclear war, genetic experimentation, threats to privacy and torture. The two categories of issues reflected in the comments submitted by Governments and various interested bodies seemed to indicate two avenues for future activity by the Commission: on the one hand, the identification of human rights whose realization could be advanced by scientific and technological developments, for example the right to food, the right to health and the right to education; and, on the other hand, the identification of urgent issues where scientific and technological developments could pose dangers for human rights, for example genetic engineering and data collection. Many Governments had still not transmitted their views, and the Commission should perhaps invite further views on issues to be tackled.

48. It might also be recalled that in 1975 the Secretary-General had convened a meeting of experts to study the relations between human rights and scientific and technological developments. The findings of those experts were summarized in the DPI booklet to which he had already referred. It might be profitable, nearly 10 years after that meeting, to convene another group of experts who could reflect on future issues and whose findings could be communicated to the Commission.

49. Mr. SCHIFTER (United States of America), referring to psychiatric abuses, said that confinement for mental illness could be a pretext for cruel violations of human rights. In her report (E/CN.4/Sub.2/1983/17), Mrs. Daes defined a mentally-ill person as an individual "who owing to mental illness, requires care, treatment or control for his own protection, or the protection of others or the protection of the community and for the time being is incapable of managing himself or his affairs" (para. 167). However, in some countries, a person could be interned in a psychiatric establishment because he expressed his disagreement with the policy of his country's leaders.

50. The most obvious case was that of the Soviet Union. Nikita Khrushchev had already stated 25 years before: "To those who might start calling for opposition to communism ... clearly the mental state of such people is not normal." It was precisely in the Khrushchev era, after the abolition of the Stalinist methods of repression, that confinement in psychiatric establishments had taken on its present dimension. In Stalin's time, absolutely anyone could be condemned to long prison sentences or death after being denounced by a neighbour or a colleague or even as the result of mistaken identity. Today, it was necessary to criticize the Government

or try to exercise the right of assembly or association in order to be punished. Things were therefore the same as in the days of the tsars. Today, one could be punished for having "slandered the Soviet State and social system" or, even worse, for "anti-Soviet agitation and propaganda". It should be recognized that, contrary to what had happened in Stalin's time, punishments were decided on by the courts, even if the verdict was preordained. However, a person could be incarcerated without trial if a psychiatrist certified that he was suffering from mental illness and should be committed.

51. There were psychiatrists and other members of the medical profession throughout the Soviet Union who participated in that system. For that reason, the World Psychiatric Association would have expelled the Soviet All-Union Society of Psychiatrists and Neuro-Pathologists at its last congress if that Society had not resigned a few months earlier. However, not all Soviet psychiatrists had been willing to debase their profession. Among them, mention should be made of a man who had already sacrificed his career and his freedom and today was risking his life for the cause of scientific integrity: his name was Anatoli Koryagin.

52. Dr. Koryagin was 45 years old. In 1972, he had been appointed Deputy Medical Director of the Krasnoyarsk Regional Psychiatric Hospital, and in 1978 he had become a consultant in the Regional Psychiatric Clinic of Kharkov. In 1979, Dr. Koryagin had begun to collaborate with a group organized in Moscow after the Helsinki accords under the name of "Working Commission to Investigate the Abuse of Psychiatry For Political Purposes." After examining 16 dissidents, he had reported that they were perfectly healthy and in no need of hospitalization. Subsequently, the police had come to search his apartment and had confiscated various writings and possessions.

53. Dr. Koryagin had not allowed himself to be intimidated, and he had written an article entitled "Involuntary patients in Soviet psychiatric hospitals", in which he explained how persons were committed who were political dissidents or religious believers or who had denounced the misdeeds of public officials. After that article, which had been published by the aforementioned Working Commission and then abroad, Dr. Koryagin had been arrested on 5 February 1981 and sentenced to seven years' imprisonment and five years' exile. He had been sent to the notorious Chistopol Prison, where Stalinist police methods were still practised today.

54. The views of Dr. Koryagin were those of a man who had practised psychiatry in the Soviet Union for 18 years. He had described an entire system which made a mockery of a branch of medical science. Today, according to recent information, Dr. Koryagin was being beaten savagely and tortured to force him to retract. The Head of the Investigative Division of the KGB in Kharkov, Nikita Babosenko, had said to him: "If you refuse to co-operate, we'll do everything to make you forget that you are a doctor and a man."

55. In order to defend human rights and medical science, the Commission on Human Rights should speak out in defence of Dr. Koryagin. Dr. Koryagin had denounced practices which were common in the USSR. In that connection, the terminology used by Dr. Snezhnevsky, the Director of the Institute of Psychiatry

of the Academy of Medical Sciences of the USSR concerning "slowly developing schizophrenia" was edifying: "Subjects manifest a diminished contact with reality and a defective instinct for self-preservation as shown by their lack of insight into the precarious nature of their situation vis-à-vis authority". Commitment to a psychiatric hospital was accompanied by torture involving the injection of pain-inducing drugs. In that regard, he referred to the case of a worker whom Dr. Koryagin had examined and found sane, Vladimir Tsurikov, as described in a report by Amnesty International, to which Mrs. Daes had referred to in paragraph 122 of her study. Mr. Tsurikov had said, among other things, that triftazin had made him writhe and had prevented him from walking, and that sulfazin had caused him to have fainting fits and insomnia. Numerous similar reports could be cited concerning the treatment of persons committed to psychiatric establishments in the Soviet Union.

56. In conclusion, he quoted an appeal made by Dr. Koryagin, which had undoubtedly caused the latter's transfer to Chistopol Prison: "I appeal to you, my colleagues, not for a moment to forget those who have stood up for the rights and freedoms which people need, and now are condemned to spend years in the nightmarish (for a healthy person) world of psychiatric wards. ... We must brand with shame those who out of self-interest or anti-humanitarian motives trample on the ideals of justice and on the doctor's sacred oath." Could the Commission do anything less than not forget?

57. Mr. BEAULNE (Canada) said that, in his study on guidelines in the field of computerized personnel files (E/CN.4/Sub.2/1983/18), Mr. Joinet had proposed a number of protective rules which States could incorporate in their legislation in order to give effect to six principles, which concerned: fairness towards persons about whom information was collected, accuracy of information, the purpose of the files, openness, individual access and security. His Government was not yet in a position to make any definitive comments on Mr. Joinet's research, which raised important questions in several fields, both official and private, and which were going to be considered by the relevant authorities in all parts of the country. It would undoubtedly take some time for the replies to those questions to be compiled and co-ordinated. Meanwhile, he expressed the sincere thanks of his Government to Mr. Joinet.

58. Mrs. Daes's report on the principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1983/17 and Add.1) contained a description of situations calling for special protection and a compilation of comments from about 40 Governments, including his own, specialized agencies and intergovernmental organizations. That excellent report once again showed the urgent need to adopt measures to protect persons confined for reasons of mental illness and to prevent possible abuses. In particular, the study brought out the importance of ensuring respect for a code of medical ethics, the humanization of the care provided in psychiatric clinics and hospitals and the legal protection of patients in those establishments, as well as the need to prohibit unequivocally the use of psychological or psychiatric practices for political or non-medical reasons.

59. At its last session, after considering Mrs. Daes's report and the report of its sessional working group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1983/19), the Sub-Commission had decided to present a draft resolution to the Commission on that subject (E/CN.4/1984/3, draft resolution XVII). In that resolution, the Commission was invited to express its appreciation to Mrs. Daes, to request the Economic and Social Council to give the report the widest possible distribution and to ask the Sub-Commission to establish a sessional working group for a further examination of the draft body of principles, guidelines and guarantees annexed to that report and to submit a concrete draft to the Commission at its forty-first session. His Government supported that draft resolution XVII and hoped that it would be adopted by consensus. In its resolution 38/111, the General Assembly itself had noted with satisfaction the progress made by the Sub-Commission and had asked the Commission to submit the draft principles and guarantees to it at its fortieth session. The Commission, therefore, could no longer procrastinate and at the present session it should transmit the results of the work which had been carried out with so much care and enthusiasm.

60. In general terms, his Government considered that scientific and technological development should be matched by progress in the moral sphere. In a word, it acknowledged the primacy of ethics over technology. Pope John-Paul II had said on many occasions that science and technology should contribute to the observance and promotion of human rights and that it was necessary to try to reach the heart and spirit of man, going beyond the divisions engendered by individual interests, egoism and ideologies. In its reply to the Secretary-General (E/CN.4/1984/33), the Holy See had emphasized that the building of a new social order called not only for the basic technological expertise, but also for a high degree of inspiration, courageous motivation and the belief in the future, dignity and destiny of mankind. That was a conclusion which his Government fully shared.

61. Mr. BODDENS HOSANG (Netherlands) said that his delegation attached great importance to the item "human rights and scientific and technological developments". However, his Government regretted that there was a tendency to approach the problem from a rather one-sided point of view by introducing the concept of disarmament. No effort should be spared to curb the arms race in order to enhance international security and stability. However, since other bodies, inside and outside the United Nations were already dealing with that question, it would be better for the Commission to devote itself exclusively to fields which were more directly relevant to the item under discussion.

62. In her excellent final report on the protection of persons detained on grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1983/17 and Add.1), to which was annexed a draft body of principles, guidelines and guarantees for the protection of the mentally ill or persons suffering from mental disorder, subsequently revised by the Sub-Commission's sessional working group, Mrs. Daes showed her sincere concern for the plight of a particularly vulnerable group of human beings. With regard to existing national regulations and practices, it was stated in the report (paras. 11-14) that as of 30 June 1983 the Governments of

49 States had submitted substantive comments on the question; replies had also been received from several international and regional organizations and intergovernmental organizations, as well as from non-governmental organizations. Thanks to all those comments, the Special Rapporteur had been able to form a better picture of the present situation in the field of mental health in its relation to human rights.

63. In reading the Special Rapporteur's conclusions (paras. 224-250), one became painfully aware that there were very serious problems in that field. One of the most horrifying was the abuse of psychiatry for political purposes. It appeared from paragraph 225 of the report that in some States psychiatry was used to subvert political and legal guarantees of the freedom of the individual and to seriously violate his human and legal rights and that psychiatric hospitalization and treatment were forced on individuals who did not support the regime of the State in which they lived. In other States, persons were interned involuntarily and were used as guinea pigs for scientific experiments.

64. Mrs. Daes also pointed out in her report (para. 251) that the conclusions drawn from her study called for action, in particular by States, for the protection of the fundamental freedoms and the human and legal rights of the patient. She had therefore drafted a long list of recommendations for the Sub-Commission. With regard to the abuse of psychiatry for political purposes, for example, Governments ought to impose respect for the codes of medical ethics and expressly provide in their legislation that psychiatrists and other physicians must be guided only by medical science and ethics in determining whether a person was suffering from mental illness and should be confined to an institution. The difficulty which a person might experience in adapting to certain moral, social, political, religious or other values should not be considered grounds for determining that he was mentally ill. Consequently Governments should expressly prohibit the abuse of psychology and psychiatry for non-medical purposes. His Government considered that the abuse of hospitalization and psychiatric treatment for political reasons was an absolutely unacceptable violation of human rights.

65. In his final report on guidelines in the field of computerized personnel files (E/CN.4/Sub.2/1983/18), Mr. Joinet presented very complete information on an interesting and difficult subject. The right to privacy was an important right and every effort should be made to protect it against possible abuses connected with the use of new computerized data collection systems. It was very important to know for what purpose a personal file was established and to ensure its accuracy and its security. His delegation considered that, in principle, every citizen should have access to information concerning him which had been collected by the authorities. After trying to analyse the problem, in paragraphs 135 to 148 of his report Mr. Joinet proposed some measures which could be incorporated in internal legislation for the protection of human rights and which were worth studying. He also proposed a number of protective measures relating to the computerized personnel files of international organizations (paras. 149 to 152). His Government considered that the principles set out by Mr. Joinet in that connection, i.e. fairness, accuracy, purpose specification, openness, individual access and security were of great importance.

66. Mrs. RASI (Finland) said that the International Conference on Human Rights held in Teheran in 1968 had recommended that the United Nations should study the problems with respect to human rights arising from developments in science and technology. In conformity with that recommendation, the United Nations had gathered information and prepared reports on the issue in question, which her delegation considered very important. However, the Commission should pay more attention to the right of the individual to benefit from scientific and technological development and to be protected against the dangers which might be caused by that development, and it should let other organs in the United Nations system deal with certain topics which had been brought up in that context.

67. The Sub-Commission was in the process of preparing studies which were of particular significance for the rights of the individual. The guidelines proposed by Mrs. Daes in her final report (E/CN.4/Sub.2/1983/17 and Add.1) would certainly contribute towards the protection of the fundamental freedoms and rights of persons suffering from mental disorder and towards encouraging the adoption by countries of legislation on mental health. Those guidelines would also serve as a useful supplement to the draft code of medical ethics adopted by the General Assembly in its resolution 34/168.

68. Computerized personnel files also raised problems in respect of the protection of the rights of the individual and his privacy. In his study on that subject (E/CN.4/Sub.2/1983/18), Mr. Joinet referred to the various human rights affected by the establishment of such files, as well as the measures taken at the international, regional and national levels for the establishment of standards in that field. Countries, like her own, which wished to safeguard the freedoms and rights of the individual against such threats would certainly take account of Mr. Joinet's recommendations.

69. As scientific and technological development played an important role in development in general, her Government was endeavouring to increase its multilateral and bilateral co-operation in that field. Her country's foreign aid programmes were designed to improve the ability of developing countries to make use of scientific and technological progress for the benefit of their own peoples.

70. Mr. FRAMBACH (German Democratic Republic) said that, in its reply to the Secretary-General on the question of scientific and technological developments (E/CN.4/1984/33), his country had emphasized the priority it attached to the connection between science and technology and the enjoyment of human rights, as well as to efforts aimed at ensuring the right to life through emphasis on safeguarding peace. Without denying the importance of other aspects of the problem under consideration, his Government wished to make some more detailed comments on that twofold relation.

71. Everyone was aware that the deployment of new United States nuclear weapons in Western Europe had added immensely to the dangers to peace in Europe and the world over and that mankind found itself in one of the most difficult situations in post-war history. At the Stockholm Conference in January, his Government's Minister for Foreign Affairs had emphasized that nothing could offset the mistrust that was bound to arise in a situation where more and more new missiles were threatening the very survival of nations.

72. The policy of super-armament was creating permanent hotbeds of conflict. Since 1945, some 150 conflicts had caused the deaths of about 10 million persons. The right to life set forth in many United Nations instruments had thus been seriously violated.

73. The new stage of the arms race was at the same time an enormous social challenge. According to the United Nations study on disarmament and development (A/36/356), 20 to 25 per cent of research and development resources was being used for military purposes. In other words, mankind was being deprived of approximately one fourth of the most advanced productive forces which could best serve technical, scientific, economic and social progress.

74. It was well known, however, that arms did not improve security, but on the contrary threatened mutual co-operation. It was equally well known that the resources which could be obtained through disarmament could be more effectively employed to encourage economic development, and in particular to assist the developing countries. According to certain studies, less than 0.5 per cent of total military expenditures in 1980 would have enabled the countries suffering from a food shortage to make up the deficit between now and 1990. The importance of that statement was apparent when 1.2 billion people were suffering from hunger and malnutrition. With \$500 million, i.e. the cost of a single aircraft carrier, it would be possible for WHO to eradicate malaria, trachoma and leprosy in the developing countries (see document A/37/386).

75. It was therefore absolutely essential that, in conformity with Commission resolution 1982/7, the Sub-Commission should study the negative consequences of the arms race, particularly the nuclear arms race in all its aspects, for the implementation of economic, social, cultural as well as civil and political rights, the establishment of the new international economic order and, above all, the inherent right to life. His country did not understand why the Sub-Commission had ignored both that request and the one which had been addressed to it by the Commission in its resolution 1982/4 to undertake a study on the use of the achievements of scientific and technological progress to ensure the right to work and development. His delegation would return to that question when the Commission considered the Sub-Commission's report.

76. Scientific and technical co-operation was occupying an increasingly important place in international relations, and no economic or social development was possible unless it was based on science and technology. The elimination of the present unjust international economic order would be an essential contribution towards the economic advancement of the developing countries and for the promotion of human rights and fundamental freedoms. For that reason his Government thought that the discussion of that aspect of the question should be given due priority.

77. For its part, the German Democratic Republic was still making every effort to translate the Charter of Economic Rights and Duties of States into reality and to encourage truly democratic international economic relations. Its relations with developing countries were based on full equality, respect for sovereignty, non-discrimination and non-interference in internal affairs. In 1982, it had supplied developing countries with assistance totalling 1,587,700,000 mark, or 0.78 per cent of its national income for that year. It took the opportunity to repeat that the developing countries were quite justified in demanding financial and material compensation from those who practised colonialism and neo-colonialism.

78. The cessation of the arms race and disarmament were the most pressing tasks of the present age, if the most precious asset of mankind, the right to life, was to be protected. The States Parties to the Warsaw Treaty had submitted proposals along those lines in the Prague Political Declaration of 5 January 1983. The resources released as a result of disarmament could make a decisive contribution with regard to solving the problems of hunger, disease and unemployment throughout the world, as well as ensuring effective respect for and promotion of human rights.

79. With that in mind, his Government also supported General Assembly resolution 38/113 aimed at taking the necessary measures to ensure that the results of scientific and technological progress were used exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms. The Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384 (XXX), underscored the connection between human rights and science and technology. That Declaration should now be translated into reality.

80. Mrs. DJORDJEVIC (Yugoslavia) said that the question of the relation between science and technology and the progress of mankind was certainly one of the crucial questions of our time. During the past few decades, science and technology, as part of a new style of civilization, had reached a point where they could make it possible to humanize life, to liberate the individual and make him more creative, to free mankind from the yoke of poverty and to narrow the gap between rich and poor. However, it would be an illusion to believe that technology could automatically solve all problems. Those new sources of productivity and those enormous possibilities for the liberation of man might even, if misused, become a threat to the individual and to his freedoms, and might help to widen the gap between incomes. Science and technology did not exist in a vacuum and were not neutral. It was necessary to utilize scientific progress exclusively in the interests of mankind.

81. The whole area of human rights was closely linked to those world-wide concerns, and scientific and technological developments should be used to place material development at the service of man. As her country had emphasized in its reply to the Secretary-General on that subject (E/CN.4/1984/33), scientific and technological advances could significantly contribute to the creation of conditions for the achievement of the "ideal of free human beings enjoying freedom from fear and want". Scientific and technological progress should therefore be used to relieve man's dependency and alienation, to put an end to all forms of discrimination against him and to improve his material situation.

82. It would therefore be important to investigate all areas of technological growth which coincided with authentic human aspirations, while making a systematic and long-term study of a certain number of essential elements: the application of science and technology to ensure the realization of certain basic rights (right to food, housing, a satisfactory standard of living and employment); a policy of economic, social and technical development making it possible to reduce social differences, and technological development which would be in the interests of the workers and not of privileged groups; the relation between science and technology

and the right to education, as well as the right to participate in cultural life; types of modernization which would preserve the cultural and productive heritage; and the role of science and technology in safeguarding the material conditions for the enjoyment of a certain number of civil and political rights. While emphasizing those positive effects of science and technology from the point of view of human rights, it was also necessary to take care to distinguish between progress which served spiritual and material values and progress which was detrimental to them.

83. Although they dealt mainly with the negative effects of science and technology, the studies carried out hitherto had been very useful. The studies of Mrs. Daes and Mr. Joinet in particular represented an important contribution to the Commission's efforts to eliminate the obstacles to the emergence of a better world. Mrs. Daes and Mr. Joinet had pointed out that it was necessary to strengthen social responsibility with regard to the applications of scientific and technological progress.

84. While considering certain concrete problems, the Commission and Sub-Commission could also tackle broader issues related to science and technology and human rights. They must not end up not seeing the wood for the trees. In view of the rapid development of science and technology, with the positive and negative effects which that meant for human rights, the Commission should be constantly ready to respond to new problems without delay.

85. History had shown that science and human freedom always went together. As that reciprocal relationship was becoming even closer and more complex as the end of the twentieth century drew near, it must never be lost sight of.

The meeting rose at 1.05 p.m.