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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

Rapporteur: Miss Ana RICHTER (Argentina)

I. INTRODUCTION

1. The item entitled "Report of the Economic and Social Council" was included in the provisional agenda of the thirty-third session of the General Assembly in accordance with Article 15, paragraph 2, of the Charter of the United Nations.
2. At its 4th and 5th plenary meetings, on 22 September 1978, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate to the Third Committee chapters II, III (sects. B and C, E to H and J), V and VII (sect. E) of the report of the Economic and Social Council.
3. The Committee considered this item at its 42nd, 55th, 60th to 64th, 69th to 71st, 73rd and 74th meeting, held on 10 and 24 November, between 28 November and 1 December, between 6 and 8 December and on 12 December. The views expressed by the representatives of Member States on this item are contained in the summary records of those meetings (A/C.3/33/SR.42, 55, 60-64, 69-71, 73 and 74).
4. In connexion with agenda item 12, the Committee had before it the following documents:
 - (a) Report of the Economic and Social Council (A/33/3 and Add.1 (Parts I and II));
 - (b) Assistance to South African student refugees: report of the Secretary-General (A/33/163 and Corr.1 (English only));
 - (c) Regional arrangements for the promotion and protection of human rights: report of the Secretary-General (A/33/219);

(d) Protection of human rights in Chile: note by the Secretary-General (A/33/281);

(e) Protection of human rights in Chile: report of the Secretary-General (A/33/293);

(f) Protection of human rights in Chile: note by the Secretary-General transmitting the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile, submitted in accordance with General Assembly resolution 32/118 (A/33/331);

(g) Study of the impact of foreign economic aid and assistance on respect for human rights in Chile: report prepared by Mr. Antonio Cassese, Rapporteur (E/CN.4/Sub.2/412 (vols. I-IV.));

(h) Summary records of the 816th to 818th meetings of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session, held in Geneva on 7 and 8 September 1978 (E/CN.4/Sub.2/SR.816-818);

(i) Letter dated 17 November 1978 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/33/7).

5. At the 42nd meeting, on 10 November, the Chairman of the Committee drew the attention of delegations to her note with observations on the item (A/C.3/33/L.1/Add.1) (see A/C.3/33/SR.42, paras. 1-10).

6. At the 60th meeting, on 28 November, the Assistant Secretary-General for Special Political Questions introduced the question of emergency assistance to South African student refugees (see A/C.3/33/SR.60, paras. 1-6).

7. At the 42nd meeting, on 10 November, the Director of the Division of Human Rights introduced chapter V, section B, of the report of the Economic and Social Council, entitled "Human rights questions" (see A/C.3/33/SR.42, paras. 50-67).

8. At the same meeting, the Assistant Secretary-General for Social Development and Humanitarian Affairs introduced chapter V, section C, of the report (Activities for the advancement of women) (see A/C.3/33/SR.42, paras. 11-13).

9. At that meeting, the Executive Director of the United Nations Fund for Drug Abuse Control introduced chapter V, section D, of the report (A/C.3/33/SR.42, paras. 14-49). The Deputy Director of the Division of Narcotic Drugs referred to the question at the 55th meeting, on 24 November (A/C.3/33/SR.55, paras. 59-65).

10. At the 60th meeting, on 28 November, the Director of the Division of Human Rights and the Chairman-Rapporteur of the Ad Hoc Working Group on the Situation of Human Rights in Chile introduced that question (see A/C.3/33/SR.60, paras. 24-26 and 28-52 respectively).

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/33/L.4

11. The Committee had before it a draft resolution (A/C.3/33/L.4) entitled "Migratory labour in southern Africa", transmitted by Economic and Social Council resolution 1978/59.

12. At the 7th meeting, on 12 December, the representative of Ghana proposed that the third preambular paragraph should be amended to read as follows:

"Noting with satisfaction the proclamation of the year beginning on 21 March 1978 as International Anti-Apartheid Year".

The representative of the Philippines proposed a subamendment whereby the words "and ending on 20 March 1979" would be inserted after the word "1978"; that proposal was accepted.

13. At the same meeting, the representative of Ghana also suggested that the word "proposed" in the fourth preambular paragraph should be deleted.

14. The Committee adopted without a vote the draft resolution as amended by the representatives of Ghana and the Philippines (see para. 65 below, draft resolution I).

B. Draft resolution A/C.3/33/L.75

15. At the 7th meeting, on 8 December, the representative of Algeria introduced a draft resolution (A/C.3/33/L.75) entitled "Measures to improve the situation and ensure the human rights and dignity of migrant workers", sponsored by Afghanistan, Algeria, Barbados, Burundi, Colombia, Jamaica, Mexico, Romania, Rwanda, Senegal, Spain, Tunisia, Turkey and Yugoslavia, subsequently joined by Jordan, Lesotho, Pakistan, Trinidad and Tobago and Zambia.

16. At the 7th meeting, on 12 December, the representative of Algeria proposed a revision to operative paragraph 7, whereby the words "and in co-operation with the United Nations agencies, and in particular the International Labour Organisation" would be added after the words "Member States".

17. At the same meeting the draft resolution was adopted by a recorded vote of 111 to none, with 14 abstentions (see para. 65 below, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Empire, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus,

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Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Burma, France, Germany, Federal Republic of, Gabon, Israel, Italy, Ivory Coast, Luxembourg, Netherlands, Saudi Arabia, Singapore, United Kingdom of Great Britain and Northern Ireland, United States of America.

C. Draft resolution A/C.3/33/L.59

18. At the 73rd meeting, on 8 December, the representative of Zambia introduced a draft resolution (A/C.3/33/L.59) entitled "Assistance to South African student refugees", sponsored by Algeria, Bangladesh, Barbados, Benin, Botswana, Burundi, Denmark, Egypt, Ethiopia, the Gambia, Ghana, Germany, Federal Republic of, Guatemala, the Ivory Coast, Jamaica, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Mauritania, Morocco, the Netherlands, Nigeria, Senegal, the Sudan, Swaziland, Sweden, Turkey, the United Republic of Cameroon, the United Republic of Tanzania, Yugoslavia and Zambia, subsequently joined by Angola, Guinea-Bissau, Ireland, Mozambique, the Niger, Norway, Suriname and the Upper Volta.

19. At the same meeting, the representative of Zambia revised the text, inserting the words "through the Economic and Social Council at its second regular session in 1979" after the word "session" in operative paragraph 8.

20. At the 74th meeting, on 12 December, the Committee adopted the revised draft resolution without a vote (see para. 65 below, draft resolution III).

D. Draft resolution A/C.3/33/L.57/Rev.1

21. At the 73rd meeting, on 8 December, the representative of Ghana introduced a draft resolution (A/C.3/33/L.57/Rev.1) entitled "Status of persons refusing service in military or police forces used to enforce apartheid", sponsored

by Bangladesh, Barbados, Costa Rica, Cyprus, Ghana, Jamaica, Lesotho, the Netherlands, Nigeria and Norway.

22. At the same meeting, the representative of Ghana revised the text of operative paragraph 3 by adding after the word "granting" the words "to such persons of all the rights and benefits accorded refugees under existing legal instruments".

23. The Committee adopted the revised draft resolution without a vote at its 74th meeting, on 12 December (see para. 65 below, draft resolution IV).

E. Draft resolution A/C.3/33/L.20

24. At the 42nd meeting, on 10 November, the representative of Poland introduced a draft resolution (A/C.3/33/L.20) entitled "Question of the Convention on the Rights of the Child", sponsored by Austria, Bulgaria, Cyprus, Jordan, Peru, Poland and the Syrian Arab Republic, subsequently joined by Cuba, the German Democratic Republic, Guatemala, Mongolia, the Philippines and Suriname.

25. At the 73rd meeting, on 8 December, the representative of the United States introduced a draft amendment (A/C.3/33/L.77), reading as follows:

"1. Operative paragraph 1. Change to read:

'Takes note with satisfaction of the initiative undertaken by the Commission on Human Rights at its thirty-fourth session in its resolution 20 (XXXIV), to continue considering the question of the preparation of a draft convention on the rights of the child:'

"2. Delete operative paragraphs 2 and 3. Add:

'2. Requests the Commission on Human Rights to report to the thirty-fourth General Assembly through the Economic and Social Council, on the progress made in consideration of a draft convention.'

26. At the same meeting, the representative of Poland revised the draft resolution as follows:

(a) Title: before the word "Convention", replace "the" by "a";

(b) Third preambular paragraph: replace "Noting" by "Taking note of";

(c) Fifth preambular paragraph: replace "Fully convinced" by "Considering" and "the Convention" by "a Convention";

(d) Operative paragraph 1: replace "initiative undertaken by" by "decision of", and delete the entire phrase after "resolution 20 (XXXIV)" and replace by: "to continue at its thirty-fifth session, as one of its priorities, its consideration of a draft Convention on the Rights of the Child".

(e) Operative paragraph 2: delete the concluding phrase after the word "adoption", and replace by "if possible during the International Year of the Child";

(f) Operative paragraph 3: delete the words "of the adoption".

27. The representative of the United States withdrew the amendments in A/C.3/33/L.77 and, at the same meeting, the Committee adopted the draft resolution, as revised by the representative of Poland, without a vote (see para. 65 below, draft resolution V).

F. Draft resolution A/C.3/33/L.40

28. At the 62nd meeting, on 30 November, the representative of Nigeria introduced a draft resolution (A/C.3/33/L.40) entitled "Regional arrangements for the promotion and protection of human rights", sponsored by Costa Rica, Germany, Federal Republic of, Ghana, Italy, the Ivory Coast, Jamaica, Kenya, Lesotho, Liberia, the Netherlands, New Zealand, Nigeria, Norway, Spain, Swaziland, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia, subsequently joined by Canada, Ireland, Senegal, Sierra Leone and Suriname; the financial implications of the draft resolution appeared in A/C.3/33/L.69.

29. At the same meeting, the representative of Nigeria revised the text of operative paragraph 2, adding the following words at the end of the paragraph: "and that at least one such seminar should be organized during 1979".

30. The Committee adopted the revised text, without a vote, at the 74th meeting, on 12 December (see para. 65, below, draft resolution VI).

G. Draft resolution A/C.3/33/L.42 and A/C.3/33/L.42/Rev.1

31. At the 55th meeting, on 24 November, the representative of the Federal Republic of Germany introduced a draft resolution (A/C.3/33/L.42) entitled "Narcotic drugs", and at the same time announced the publication of a revised text (A/C.3/33/L.42/Rev.1) sponsored by Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Guatemala, Nicaragua, Nigeria, Philippines, Sweden, Thailand and the United States of America, subsequently joined by Colombia and Norway.

32. At the 74th meeting, on 12 December, the Committee adopted the revised draft resolution without a vote (see para. 65 below, draft resolution VII).

H. Draft resolution A/C.3/33/L.44

33. At the 63rd meeting, on 30 November, the representative of Sweden introduced a draft resolution (A/C.3/33/L.44) entitled "Protection of human rights of arrested or detained trade union activists", sponsored by Barbados, Cuba, Cyprus, Denmark, Ecuador, Finland, Ghana, Iceland, Jamaica, the Netherlands, Nigeria, Norway, Portugal and Sweden, subsequently joined by Spain.

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34. At the 74th meeting, on 12 December, the Committee adopted the draft resolution without a vote (see para. 65 below, draft resolution VIII).

I. Draft resolution A/C.3/33/L.51

35. At the 63rd meeting, on 30 November, the representative of Belgium introduced a draft resolution (A/C.3/33/L.51) entitled "International Year for Disabled Persons", sponsored by Bangladesh, Belgium, India, Italy, Jamaica, the Libyan Arab Jamahiriya and Sweden, subsequently joined by Barbados, Canada, the Niger and the United Kingdom of Great Britain and Northern Ireland.

36. The sponsors introduced a revised text (A/C.3/33/L.51/Rev.1) containing a new paragraph: operative paragraph 2.

37. At the 74th meeting, on 12 December, the Secretary of the Committee read out the financial implications of the draft resolution (A/C.3/33/SR.74).

38. At the same meeting, the Committee adopted the revised draft resolution without a vote (see para. 65 below, draft resolution IX).

J. Draft resolution A/C.3/33/L.71

39. At the 73rd meeting, on 8 December, the representative of Canada introduced a draft resolution (A/C.3/33/L.71) entitled "United Nations Yearbook on Human Rights" sponsored by Australia, Austria, Canada, Colombia, the Netherlands and Suriname.

40. At the 74th meeting, on 12 December, the Committee adopted the draft resolution without a vote (see para. 65 below, draft resolution X).

K. Draft resolutions A/C.3/33/L.30 and A/C.3/33/L.49

41. At the 74th meeting, on 12 December, the representative of Turkey introduced a draft resolution (A/C.3/33/L.30) entitled "Missing persons in Cyprus", the text of which was as follows:

"The General Assembly,

"Reaffirming its resolution 32/128 on the missing persons in Cyprus,

"Regretting the delay in the implementation of this resolution,

"1. Urges the establishment of the investigatory body with the participation of the International Committee of the Red Cross, which would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay;

"2. Calls upon the parties to finalize the modalities of the investigatory body, with a view to activating it expeditiously;

"3. Requests the Secretary-General to continue to provide his good offices, through his Special Representative in Cyprus, to support the establishment of the investigatory body."

42. At the same meeting, the representative of Cyprus introduced amendments (A/C.3/33/L.74) sponsored by Afghanistan, Algeria, Barbados, Benin, Botswana, Cape Verde, Cyprus, the Dominican Republic, Guinea, Guinea-Bissau, Honduras, Kenya, Liberia, Malta, Mexico and Panama, subsequently joined by Sao Tome and Principe and Sierra Leone, the text of which was as follows:

"1. First preambular paragraph

The paragraph should read as follows:

Recalling its resolutions 3450 (XXX) and 32/128 on the ...

"2. Operative paragraph 1

After the word 'body' insert the words 'under the chairmanship of a representative of the Secretary-General' and substitute the word 'co-operation' for the word 'participation'.

At the end of the paragraph after the semicolon, add the following: "the representative of the Secretary-General shall be empowered, in case of disagreement, to reach a binding independent opinion which shall be implemented:"

"3. Operative paragraph 2

The paragraph should read as follows:

Calls upon the parties to co-operate fully with the investigatory body and, to this effect, to appoint their representatives thereto forthwith."

43. The first amendment was adopted by a recorded vote of 65 to 5, with 45 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Barbados, Benin, Bhutan, Bolivia, Botswana, Cape Verde, Central African Empire, Chad, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Ivory Coast, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mali, Malta, Mexico, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Sao Tome and Principe, Sierra Leone, Swaziland, Syrian Arab Republic, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

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Against: Bangladesh, Morocco, Pakistan, Saudi Arabia, Turkey.

Abstaining: Australia, Austria, Belgium, Brazil, Burma, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Ghana, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Japan, Luxembourg, Malaysia, Maldives, Mauritania, Netherlands, New Zealand, Norway, Oman, Philippines, Portugal, Romania, Singapore, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

44. The second amendment was adopted by a recorded vote of 57 votes to 7, with 59 abstentions. The voting was as follows: 1/

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Barbados, Benin, Bhutan, Bolivia, Botswana, Cape Verde, Central African Empire, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Fiji, Gabon, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Malta, Mexico, Mozambique, Nepal, Nicaragua, Niger, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Sao Tome and Principe, Sierra Leone, Swaziland, Syrian Arab Republic, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yugoslavia.

Against: Bangladesh, Madagascar, Mauritania, Morocco, Pakistan, Saudi Arabia, Turkey.

Abstaining: Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Chad, Chile, Czechoslovakia, Denmark, Egypt, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Malaysia, Maldives, Netherlands, New Zealand, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Romania, Singapore, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen, Zaire, Zambia.

45. The third amendment was adopted by a recorded vote of 60 votes to 5, with 57 abstentions. The voting was as follows:

1/ The delegation of Madagascar announced later that it had intended to abstain.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Barbados, Benin, Bhutan, Bolivia, Botswana, Cape Verde, Central African Empire, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Fiji, Gabon, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Ivory Coast, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mali, Malta, Mexico, Mozambique, Nepal, Nicaragua, Niger, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Sao Tome and Principe, Sierra Leone, Swaziland, Syrian Arab Republic, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yugoslavia, Zambia.

Against: Bangladesh, Morocco, Pakistan, Saudi Arabia, Turkey.

Abstaining: Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, Egypt, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Japan, Luxembourg, Malaysia, Maldives, Mauritania, Netherlands, New Zealand, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Romania, Singapore, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen, Zaire.

46. The Secretary of the Committee referred to the financial implications of the amended draft resolution, indicating that they were in general the same as those set forth in document A/C.3/33/L.62, which had been prepared originally in relation to draft resolution A/C.3/33/L.49 (see sect. L below).

47. At the same meeting, the Committee adopted the amended draft resolution by a recorded vote of 67 votes to 5, with 50 abstentions (see para. 62 below, draft resolution XI). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Cape Verde, Central African Empire, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Ivory Coast, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mali, Malta, Mexico, Mozambique, Nepal, Nicaragua, Niger, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Bangladesh, Morocco, Pakistan, Saudi Arabia, Turkey.

Abstaining: Austria, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Chad, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Japan, Luxembourg, Malaysia, Mauritania, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Romania, Singapore, Somalia, Spain, Suriname, Sweden, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

L. Draft resolution A/C.3/33/L.49

48. At the 74th meeting, on 12 December, the representative of Cyprus introduced a draft resolution (A/C.3/33/L.49) entitled "Missing persons in Cyprus", sponsored by Afghanistan, Algeria, Barbados, Benin, Cape Verde, Cuba, Cyprus, Guinea, Guinea-Bissau, Honduras, Kenya, Liberia, Malta, Mexico and Panama, subsequently joined by Botswana, the Dominican Republic, Sao Tome and Principe, Sierra Leone and Viet Nam. The representative of Cyprus subsequently withdrew this draft resolution, because its contents had already been incorporated in draft resolution A/C.3/33/L.30, as amended in accordance with the proposals contained in document A/C.3/33/L.74, on which action was taken as stated in paragraph 47 above.

II. Draft resolution A/C.3/33/L.76/Rev.1

49. At the 73rd meeting, on 8 December, the representative of Colombia introduced a draft resolution (A/C.3/33/L.76/Rev.1) entitled "Disappeared Persons", sponsored by Australia, Austria, the Bahamas, Barbados, Bolivia, Canada, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Finland, the Gambia, Jamaica, Lesotho, Liberia, the Netherlands, Spain, Suriname, Sweden and the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Iceland, Norway, Portugal and Sierra Leone.

50. At the 74th meeting, on 12 December, the Committee adopted the draft resolution without a vote (see para. 65 below, draft resolution XII).

N. Draft resolution A/C.3/33/L.26

51. The Committee had before it a draft resolution on the establishment of a trust fund for Chile, which had been recommended for adoption by the Economic and Social Council in resolution 1978/15 of 5 May 1978. The text was reproduced in document A/C.3/33/L.26.

52. The Committee adopted the draft resolution by a recorded vote of 88 votes to 6, with 32 abstentions (see para. 65 below, draft resolution XIII). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Hungary, India, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Luxembourg, Madagascar, Mali, Mexico, Mongolia, Mozambique, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Argentina, Brazil, Chile, Guatemala, Paraguay, Uruguay.

Abstaining: Australia, Bahamas, Barbados, Bolivia, Burma, Central African Empire, Chad, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Gabon, Guinea, Honduras, Indonesia, Israel, Japan, Jordan, Malaysia, Mauritania, Morocco, Nepal, New Zealand, Peru, Philippines, Singapore, Somalia, Suriname, Thailand, Uganda, United States of America.

O. Draft resolution A/C.3/33/L.73

53. At the 73rd meeting, on 8 December, the representative of Sweden introduced a draft resolution (A/C.3/33/L.73) entitled "Protection of human rights in Chile".

54. At the 74th meeting, on 12 December, the Committee adopted the draft resolution by a recorded vote of 88 votes to 7, with 34 abstentions (see para. 65 below, draft resolution XIV). The voting was as follows: 2/

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Hungary,

2/ The delegation of Guatemala announced later that it had intended to vote against.

Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Kuwait, Lao People's Democratic Republic, Lesotho, Luxembourg, Madagascar, Mali, Malta, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Niger, Norway, Pakistan, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, 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 Cameroon, United Republic of Tanzania, United States of America, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Argentina, Brazil, Chile, Lebanon, Nicaragua, Paraguay, Uruguay.

Abstaining: Bahamas, Bolivia, Burma, Central African Empire, Chad, Costa Rica, Ecuador, Egypt, El Salvador, Fiji, Gabon, Grenada, Guinea, Honduras, Indonesia, Israel, Ivory Coast, Jordan, Kenya, Malaysia, Mauritania, Morocco, Nepal, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Saudi Arabia, Singapore, Suriname, Thailand, Upper Volta.

P. Draft resolution A/C.3/33/L.78

55. At the 73rd meeting, on 8 December, the representative of Italy introduced a draft resolution (A/C.3/33/L.78) entitled "Importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile", which read as follows:

"The General Assembly,

"Bearing in mind Commission on Human Rights resolutions 8 (XXXI) of 27 February 1975, 3 (XXXII) of 19 February 1976 and 9 (XXXIII) of 9 March 1977, in which the Commission established the Ad Hoc Working Group on the Situation of Human Rights in Chile and extended its mandate,

"Welcoming the fact that the Ad Hoc Working Group was finally able to travel to Chile and carry out on the spot an investigation of the human rights situation in that country in accordance with its mandate,

"Aware of the importance of this experience in the framework of United Nations activities in the field of the protection of human rights,

"1. Expresses its great appreciation to the Ad Hoc Working Group for the careful and objective manner in which it carried out its mandate;

"2. Draws the attention of the Commission on Human Rights to the importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile in view of its future action in the field of the protection of human rights;

"3. Invites the Commission on Human Rights to consider the possibility of resorting more often to the creation of ad hoc working groups or other similar investigative bodies in those cases in which it has recognized the existence of serious human rights violations."

56. At the same meeting, the representative of Italy revised the text of operative paragraph 3 to read:

"3. Invites the Commission on Human Rights to consider, within the framework of the over-all analysis requested of it under resolution 32/130, the possibility of resorting to the creation of ad hoc working groups or other similar investigative bodies in those cases in which it has recognized consistent patterns of gross violations of human rights, and to report on the subject at the thirty-fourth session of the General Assembly."

57. At the 74th meeting, on 12 December, the representative of the German Democratic Republic proposed the following amendments to the draft resolution:

(a) Third preambular paragraph: delete the words "in the field of the protection" and replace them with "when dealing with constant and flagrant violations";

(b) Operative paragraph 2: delete the words "in the field of the protection" and replace them with "when dealing with constant and flagrant violations";

(c) Operative paragraph 3: delete the end of the paragraph as revised by the representative of Italy beginning with the words "consistent patterns of gross violations of human rights" and replace by the following text: "constant and flagrant violations of human rights as provided for by paragraph 1 (e) of General Assembly resolution 32/130";

(d) Operative paragraph 3: delete the word "investigative".

58. The representative of Italy accepted the deletion of the word "investigative" in operative paragraph 3 and proposed the following subamendments to the amendments of the German Democratic Republic:

(a) Third preambular paragraph: replace the words "constant and flagrant violations" by "consistent patterns of gross violations";

(b) Operative paragraph 2: replace the words "constant and flagrant violations" by "consistent patterns of gross violations";

(c) Operative paragraph 3: replace the words "constant and flagrant violations" by "consistent patterns of gross violations";

(d) Operative paragraph 3: replace the word "as" by "including those".

The representative of Italy announced that he would accept the amendments proposed by the German Democratic Republic if these subamendments were accepted.

59. The representative of Yugoslavia proposed the deletion of operative paragraph 3.

60. The representative of Senegal moved the closure of the debate, under rule 117 of the rules of procedure of the General Assembly. This motion was adopted by a recorded vote of 65 votes to 20, with 26 abstentions. The voting was as follows:

In favour: Bahrain, Bangladesh, Barbados, Belgium, Botswana, Canada, Central African Empire, Chad, Colombia, Democratic Yemen, Denmark, Egypt, France, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Honduras, India, Iran, Ireland, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Luxembourg, Malaysia, Maldives, Mauritania, Morocco, Netherlands, Niger, Nigeria, Oman, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Australia, Austria, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, Finland, German Democratic Republic, Hungary, Iceland, Mongolia, Norway, Poland, Romania, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Viet Nam.

Abstaining: Angola, Bahamas, Bhutan, Bolivia, Cape Verde, Congo, Dominican Republic, Ethiopia, Fiji, Guinea-Bissau, Guyana, Indonesia, Iraq, Israel, Japan, Mexico, Nepal, New Zealand, Pakistan, Panama, Sao Tome and Principe, Singapore, Swaziland, Thailand, Uganda, United Republic of Cameroon.

61. The subamendment proposed by Italy to the amendment of the German Democratic Republic to the third preambular paragraph (see para. 58 (a)) was adopted by the Committee by 45 votes to 26, with 44 abstentions. The result of the recorded vote was as follows:

In favour: Australia, Austria, Bangladesh, Belgium, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Ethiopia, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Iceland, India, Iran, Ireland,

Italy, Ivory Coast, Jamaica, Japan, Lesotho, Luxembourg, Mali, Morocco, Netherlands, New Zealand, Norway, Portugal, Senegal, Sierra Leone, Somalia, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen.

Against: Afghanistan, Algeria, Angola, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Guinea-Bissau, Hungary, Iraq, Madagascar, Mongolia, Mozambique, Niger, Poland, Sao Tome and Principe, Saudi Arabia, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Argentina, Bahamas, Barbados, Bhutan, Bolivia, Botswana, Brazil, Central African Empire, Chad, Egypt, Gabon, Guinea, Guyana, Indonesia, Israel, Jordan, Kenya, Malaysia, Maldives, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Romania, Rwanda, Singapore, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Republic of Cameroon, United Republic of Tanzania, Yugoslavia, Zaire, Zambia.

62. The subamendment proposed by Italy to the amendment of the German Democratic Republic to operative paragraph 2 (see para. 58 (b)) was adopted by the Committee by 47 votes to 28, with 41 abstentions. The result of the recorded vote was as follows:

In favour: Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Egypt, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Honduras, Iceland, India, Iran, Ireland, Italy, Ivory Coast, Jamaica, Japan, Lesotho, Luxembourg, Mali, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Portugal, Senegal, Sierra Leone, Somalia, Spain, Swaziland, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Algeria, Angola, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guinea-Bissau, Hungary, Iraq, Madagascar, Mongolia, Mozambique, Poland, Romania, Sao Tome and Principe, Saudi Arabia, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Abstaining: Argentina, Bahamas, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Burma, Central African Empire, Chad, Guinea, Indonesia, Israel, Jordan, Kenya, Malaysia, Maldives,

Mauritania, Mexico, Nepal, Niger, Nigeria, Oman, Papua New Guinea, Peru, Philippines, Rwanda, Singapore, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, United Republic of Cameroon, United Republic of Tanzania, Yugoslavia, Zaire, Zambia.

63. The proposal of Yugoslavia to delete operative paragraph 3 was put to the vote in accordance with rule 130 of the rules of procedure of the General Assembly and was adopted by 47 votes to 45, with 29 abstentions. The result of the recorded vote was as follows: 3/

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Chad, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, German Democratic Republic, Guinea-Bissau, Hungary, Iran, Iraq, Jamaica, Lao People's Democratic Republic, Madagascar, Malta, Mongolia, Mozambique, Niger, Oman, Pakistan, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yemen, Yugoslavia.

Against: Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Iceland, India, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lesotho, Luxembourg, Mexico, Morocco, New Zealand, Norway, Panama, Paraguay, Portugal, Rwanda, Senegal, Sierra Leone, Somalia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela.

Abstaining: Bahamas, Barbados, Bhutan, Bolivia, Botswana, Brazil, Guyana, Indonesia, Jordan, Malaysia, Mauritania, Nepal, Netherlands, Nigeria, Papua New Guinea, Peru, Philippines, Singapore, Sudan, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Turkey, United Republic of Cameroon, United Republic of Tanzania, Zaire, Zambia.

3/ The delegations of Iran and Jamaica announced later that they had intended to vote against. The delegation of Kenya announced later that it had intended to vote in favour.

64. Draft resolution A/C.3/33/L.78 as revised and amended was adopted by a recorded vote of 47 to 22, with 53 abstentions (see para. 65 below, draft resolution XV). The voting was as follows: 4/

In favour: Australia, Austria, Bangladesh, Belgium, Bhutan, Botswana, Burundi, Canada, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guyana, Iceland, India, Iran, Ireland, Italy, Jamaica, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mexico, Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, Portugal, Senegal, Sierra Leone, Spain, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guatemala, Hungary, Iraq, Lao People's Democratic Republic, Mongolia, Paraguay, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Viet Nam.

Abstaining: Algeria, Angola, Bahamas, Barbados, Benin, Bolivia, Burma, Cape Verde, Central African Empire, Chad, Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Honduras, Indonesia, Israel, Ivory Coast, Japan, Jordan, Kenya, Malaysia, Mauritania, Morocco, Nepal, Niger, Nigeria, Oman, Panama, Peru, Philippines, Rwanda, Sao Tome and Principe, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

4/ The delegations of Guatemala and the Lao People's Democratic Republic announced later that they had intended to abstain. The delegation of the Ivory Coast announced later that it had intended to vote in favour.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

65. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Migratory labour in southern Africa

The General Assembly,

Recalling its resolution 32/105 of 14 December 1977, entitled 'Policies of apartheid of the Government of South Africa',

Recalling further Economic and Social Council resolution 2082 B (LXII) of 13 May 1977 in which the Council recommended that the General Assembly should declare 1978 as the International Anti-Apartheid Year,

Noting with satisfaction the proclamation of the year beginning on 21 March 1978 and ending on 20 March 1979 as International Anti-Apartheid Year,

Bearing in mind the programme for the International Anti-Apartheid Year,

Recalling also the resolutions on accelerated economic development and international action on the promotion of development strategies with a view to reducing economic dependence on South Africa and the Charter of Rights for Migrant Workers in Southern Africa which were adopted by the Conference on Migratory Labour in Southern Africa which was held at Lusaka, Zambia, from 1 to 8 April 1977 and organized by the Economic Commission for Africa and the International Labour Organisation, in co-operation with the Government of Zambia and the liberation movements of southern Africa that are recognized by the Organization of African Unity,

Aware of the heavy dependence of Botswana, Lesotho, Malawi, Mozambique, Namibia and Swaziland on their supply of migrant labour to South Africa and of the need to eliminate such undesirable dependence,

Convinced that the continuance of the system of migrant labour to South Africa both perpetuates the evils of apartheid and retards the social and economic advancement of the States supplying migrant labour,

Convinced also that the removal of this evil system of migrant labour would facilitate the elimination of apartheid and accelerate the socio-economic development and transformation of the supplier States,

Realizing that the weak position of the supplier States to take action individually with a view to extricating their dependent economies and their migrant nationals from the stranglehold of apartheid and the economy of South Africa calls for urgent concerted action and co-operation among the affected Member States as well as assistance from other African States, international organizations, non-African Governments and other organizations,

1. Endorses the Charter of Rights for Migrant Workers in Southern Africa as adopted by the Lusaka Conference on Migratory Labour in Southern Africa on 7 April 1978 and annexed to this resolution:

2. Urges all Member States and all organizations of the United Nations system and other international organizations, pursuant to the Declaration for Action against Apartheid adopted by the World Conference for Action Against Apartheid, held at Lagos from 22 to 26 August 1977, 5/ to extend to the African States affected by the migration of labour to South Africa all material, financial, technical and political support for the initiation and implementation of specific development programmes and projects aimed at enabling those States to utilize fully their available labour force for the development of their own economies and thereby eliminate the necessity to export such labour to the apartheid economy of South Africa.

ANNEX

Charter of Rights for Migrant Workers in Southern Africa

We the representatives of the States and peoples of southern Africa,

Noting that apartheid has been declared a crime against humanity by the United Nations General Assembly,

Noting the work done by the International Labour Organisation on the problems of migratory labour in southern Africa and recalling International Labour Organisation Conventions No. 87 of 9 July 1948 and Nos. 97 and 98 of 1 July 1949 concerning, respectively, the freedom of association and protection of the right to organize, migration for employment and the application of the principles of the right to organize and to bargain collectively,

Recognizing that the migratory labour system is one of the major instruments of apartheid,

Mindful of the gross indignities it inflicts on workers, who are denied many of their basic human rights,

Noting that it undermines family life and disrupts agrarian economies,

Hereby pledge ourselves to strive for the abolition of the migratory labour system practised in South Africa and, pending its elimination, agree to the present Charter of Rights for Migrant Workers in Southern Africa.

Chapter I

RIGHTS OF ASSOCIATION, MOVEMENT AND RESIDENCE

Article 1

All workers shall have the right to:

- (a) Form and join trade unions of their own choice;
- (b) Participate in collective bargaining on equal terms with all other workers regardless of race, sex, political affiliation or religion;
- (c) Withhold their labour by strike action in support of their demands.

Article 2

All workers shall have the right to freedom of movement and shall not be required to carry a pass or similar document.

Article 3

All workers shall have the right to be accommodated near their place of work with their families in suitable houses under home ownership schemes or to reside elsewhere if they choose so to do.

Article 4

All workers shall have the right of occupation free from colour bar, job reservation and all other forms of discrimination.

Article 5

Every worker regardless of race or sex, shall have the right to work, choose his occupation, and change from one employer to another without loss of accrued benefits and claims to promotion.

Article 6

All workers, without exception, shall have the right to equal pay for equal work.

Article 7

All workers shall have equal rights to vocational training and adult education for the purpose of acquiring skills and increasing their awareness.

Chapter II

RIGHT TO A DECENT STANDARD OF LIVING

Article 8

Every worker is entitled to a minimum basic wage sufficient for the maintenance of the health and well being of his family.

Article 9

All workers shall have the right to adequate protection against occupational accidents and diseases by means of approved safeguards and close supervision by an independent industrial and farming inspectorate operating in conjunction with workers' representatives.

Article 10

All workers and their families shall have an equal and absolute right to adequate, immediate and effective compensation for death or disability arising out of occupational diseases and accidents.

Article 11

All workers shall have a right to:

- (a) Free medical services for themselves and their families;
- (b) Sick leave and, where applicable, maternity leave with full pay;
- (c) Annual paid holidays.

Article 12

All workers shall be entitled to retire on full pension or with a gratuity proportionate to their period of service.

Article 13

All workers shall have a right to determine their terms and conditions of employment through collective bargaining.

Article 14

All workers shall have a right to unemployment benefits.

Article 15

All women workers shall have the right to participate in all sectors of the economy without discrimination in respect of wages, training, job allocation or pension benefits.

DRAFT RESOLUTION II

Measures to improve the situation and ensure the human rights
and dignity of migrant workers

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights 6/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 7/

Considering the Migrant Workers (Supplementary Provisions) Convention, 1975, 8/ and the Recommendation concerning Migrant Workers, 1975, 9/ adopted by the General Conference of the International Labour Organisation,

Aware of the fact that the problem of migrant workers is becoming more serious in certain regions for transient political and economic reasons and for social and cultural reasons,

Recalling that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State and that, in that context, the families of migrant workers are entitled to the same protection as the migrant workers themselves,

6/ Resolution 217 A (III).

7/ Resolution 2106 A (XX), annex.

8/ International Labour Organisation, Official Bulletin, No. LVIII, 1975, series A, No. 1, Convention No. 143.

9/ Ibid., Recommendation No. 151.

Bearing in mind the need for the Governments of host countries and of countries of origin to co-operate with a view to finding satisfactory solutions to the situation of migrant workers,

Considering the provisions relating to the question of migrant workers contained in the Declaration and Programme of Action 10/ adopted by the World Conference to Combat Racism and Racial Discrimination held at Geneva from 14 to 25 August 1978,

Recalling its resolution 32/120 of 15 December 1977,

Bearing in mind Economic and Social Council resolution 1978/22 of 5 May 1978,

Noting with appreciation the efforts of the United Nations Educational, Scientific and Cultural Organization in the field of the education of migrant workers and their families,

Having taken note of the report of the Economic and Social Council, 11/

1. Calls upon all States, taking into account the provisions of the relevant instruments adopted by the International Labour Organisation and of the International Convention on the Elimination of All Forms of Racial Discrimination, to take measures to prevent and put an end to all discrimination against migrant workers and to ensure the implementation of such measures:

2. Invites all States, particularly host countries, to give the widest possible dissemination, inter alia, through the mass media, to information aimed at promoting better public understanding of the contribution of migrant workers to the economic growth and social and cultural development of those countries and at fostering a climate of mutual understanding:

3. Also invites the Governments of host countries to adopt the necessary measures to prevent any activity that might be prejudicial to the interests of migrant workers:

4. Again invites the Governments of host countries to give consideration to adopting definitive measures to promote in their territories a normal family life for migrant workers by reuniting families:

5. Expresses the hope that the Commission on Human Rights will submit to the first regular session of the Economic and Social Council in 1979 the study recommended in General Assembly resolution 32/120, on the basis of the concrete proposals formulated by the working group established pursuant to Council resolution 1978/22;

10/ A/33/262, sect. III.

11/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 3 (A/33/3).

6. Calls upon all States to give consideration to ratifying the Migrant Workers (Supplementary Provisions) Convention, 1975, adopted by the General Conference of the International Labour Organisation:

7. Requests the Secretary-General to explore with Member States, and in co-operation with the United Nations agencies, and in particular the International Labour Organisation, the possibility of drawing up an international convention on the rights of migrant workers:

8. Invites the Governments of host countries to adopt measures to ensure that the children of migrant workers receive genuinely equal treatment in the field of education and training:

9. Also invites those Governments to co-operate with the United Nations Educational, Scientific and Cultural Organization with a view to enabling migrant workers and their families to benefit from all necessary opportunities in the field of education in order to enable them to participate fully in the life of the society of the host country while preserving their national and cultural identity.

DRAFT RESOLUTION III

Assistance to South African student refugees

The General Assembly,

Recalling its resolution 31/126 of 16 December 1976 and 32/119 of 16 December 1977 concerning assistance to South African student refugees,

Recalling also Security Council resolution 417 (1977) of 31 October 1977 and Economic and Social Council resolution 1978/55 of 2 August 1978, in which the Councils, inter alia, appealed to all Governments, organizations and United Nations agencies to make generous contributions to the United Nations emergency programme of assistance to South African student refugees,

Deeply concerned by the discriminatory education policies and repressive measures being applied by the South African Government against black students in that country,

Noting that the Governments concerned expect the flow of student refugees from South Africa into their countries to continue while these discriminatory policies and repressive measures are maintained,

Aware that the continued influx of South African student refugees fleeing from these repressive policies continue to cause pressure on the available educational and other facilities in neighbouring countries offering asylum to those students,

Recognizing the need to provide assistance to those countries to help them to provide adequate facilities to the student refugees,

/...

Having considered the report of the Secretary-General 12/ containing the findings of the review missions sent by him to Botswana, Lesotho, Swaziland and Zambia in May and June 1978 to examine the status of the programmes of assistance to South African student refugees,

Recognizing that the international assistance provided so far has made possible the implementation of major components of the emergency assistance programmes for South African student refugees in the region, but that further international assistance is still required for their care, subsistence and education,

1. Endorses the assessment and recommendations contained in the report of the Secretary-General and commends him and the United Nations High Commissioner for Refugees on their efforts to mobilize resources and organize the programme of assistance to South African student refugees in the host countries:
2. Notes with appreciation that the Governments of Botswana, Lesotho, Swaziland and Zambia continue to grant asylum and make educational and other facilities available to the student refugees in spite of the pressure which the continuing influx of these refugees exerts on facilities in their countries.
3. Notes with satisfaction the contributions made by various States, United Nations agencies, intergovernmental and non-governmental organizations towards meeting the needs of South African student refugees.
4. Expresses concern that, in spite of the contributions made so far, the needs of South African student refugees continue to increase.
5. Requests all agencies and programmes of the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organisation, the United Nations Trust Fund for South Africa and the World Food Programme, to continue assisting the United Nations High Commissioner for Refugees in carrying out the humanitarian function entrusted to him:
6. Urges all States, United Nations agencies, intergovernmental and non-governmental organizations to contribute generously to the assistance programmes for these students both through financial support and by offering further opportunities for their educational and vocational training, as well as by financial and material contributions for their care and maintenance.
7. Requests the Secretary-General and the United Nations High Commissioner for Refugees to continue all efforts necessary for an effective programme of educational and other appropriate assistance for the South African student refugees in Botswana, Lesotho, Swaziland and Zambia:

C. Further requests the Secretary-General to continue to keep the matter under review and to report to the General Assembly at its thirty-fourth session, through the Economic and Social Council at its second regular session in 1979, on the progress made in these programmes.

DRAFT RESOLUTION IV

Status of persons refusing service in military
or police forces used to enforce apartheid

The General Assembly,

Mindful that the Charter of the United Nations sets forth, as one of the purposes of the Organization, the achievement of international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Recalling article 18 of the Universal Declaration of Human Rights 13/ which states that everyone has the right to freedom of thought, conscience, and religion,

Conscious that the Proclamation of Teheran, 14/ the Lagos Declaration for Action against Apartheid 15/ and other United Nations declarations, conventions, and resolutions have condemned apartheid as a crime against the conscience and dignity of mankind,

Having regard to section II, paragraph 11, of the Lagos Declaration, which proclaims that the United Nations and the international community have a special responsibility towards those imprisoned, restricted or exiled for their struggle against apartheid,

Taking note of the report of the Special Committee against Apartheid, 16/

1. Recognizes the right of all persons to refuse service in military or police forces which are used to enforce apartheid:

2. Calls upon Member States to grant asylum or safe transit to another State in the spirit of the Declaration on Territorial Asylum 17/ to persons compelled to

13/ Resolution 217 A (III).

14/ See Final Act of the International Conference on Human Rights (United Nations publication, Sales No. E.68.XIV.2).

15/ A/CONF/91/9 (United Nations publication, Sales No. E.77.XIV.2), sect. X.

16/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 22 (A/33/22).

17/ Resolution 2312 (XXII), annex.

leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces:

3. Urges Member States to consider favourably the granting to such persons of all the rights and benefits accorded to refugees under existing legal instruments:

4. Calls upon appropriate United Nations bodies, including the United Nations High Commissioner for Refugees, the specialized agencies and non-governmental organizations to provide all necessary assistance to such persons.

DRAFT RESOLUTION V

Question of a convention on the rights of the child

The General Assembly,

Having in mind its resolution 31/169 of 21 December 1976, by which the year 1979 was proclaimed as the International Year of the Child,

Recalling its resolution 32/109 of 15 December 1977 in which it, inter alia, reaffirmed that the major focus of the International Year of the Child should be at the national level, but that this should be supported by regional and international co-operation,

Taking note of resolution 20 (XXXIV) of 8 March 1978 of the Commission on Human Rights and Economic and Social Council resolutions 1978/18 of 5 May 1978 and 1978/40 of 1 August 1978,

Bearing in mind that, since the adoption of the Declaration on the Rights of the Child 18/ 19 years have already elapsed, and that during this time the principles of the said Declaration have played a significant part in promotion of the rights of children in the entire world as well as in shaping various forms of the international co-operation in this sphere,

Considering that during these 19 years the conditions to take further steps by adopting a convention on the rights of the child have been created,

Conscious of the need to strengthen further the comprehensive care and the well-being of children all over the world,

1. Takes note with satisfaction of the decision of the Commission on Human Rights at its thirty-fourth session in its resolution 20 (XXXIV) to continue at its thirty-fifth session, as one of its priorities, its consideration of a draft Convention on the Rights of the Child:

2. Requests the Commission on Human Rights to organize its work on the Draft Convention on the Rights of the Child at its thirty-fifth session with a view that the draft of the said Convention be ready for adoption if possible during the International Year of the Child:

3. Decides to include in the provisional agenda of its thirty-fourth session the question of a convention on the rights of the child.

DRAFT RESOLUTION VI

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977,

Taking note of resolution 24 (XXXIV) of 8 March 1978 of the Commission on Human Rights on regional arrangements for the promotion and protection of human rights,

Noting with serious concern the report of the Secretary-General 19/ on the implementation of the above-mentioned resolutions, in which he reported that owing to financial difficulties he was unable to organize any seminar for the purpose of discussing the usefulness and advisability of the establishment of regional commissions for the promotion and protection of human rights in regions where no regional commission on human rights exists,

Stressing the importance of the speedy and effective implementation of the resolutions of the General Assembly on this question,

1. Reiterates its appeal to States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights:

2. Requests once again that the Secretary-General, under the programme of advisory services in the field of human rights, give priority to the consideration, in regions where no regional commission on human rights exists, of seminars for the purpose of discussing the usefulness and advisability of the establishment of regional commissions for the promotion and protection of human rights and that at least one such seminar should be organized during 1979:

3. Further requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its thirty-fourth session and also to include in his report to the Commission on Human Rights, in accordance with paragraph 4 of its resolution 24 (XXXIV), such information as he may already possess on the implementation of this resolution.

DRAFT RESOLUTION VII

Narcotic drugs

The General Assembly,

Recalling the relevant provisions of the Single Convention on Narcotic Drugs, 1961, 20/ of that Convention as amended by the 1972 Protocol 21/ and of the 1971 Convention on Psychotropic Substances 22/ which form the main basis of all efforts in international drug control,

Bearing in mind the numerous resolutions adopted by the General Assembly, the Economic and Social Council and the World Health Organization on the subject in recent years as well as the relevant recommendations of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 23/

Aware of the comprehensive and valuable work of the Commission on Narcotic Drugs and the International Narcotics Control Board as the main technical and treaty organs entrusted with specific functions in order to ensure and supervise the proper implementation of the Conventions and Protocol and to foster the most efficient international drug control,

Preoccupied by the persistence of serious health, social and economic problems of drug abuse for individuals, young persons and elder ones, and for societies as a whole,

Noting with great concern the detrimental effects of the continued international drug traffic,

Reaffirming the responsibility of Governments as well as the collective responsibility of the international community to regulate and limit the cultivation, production, manufacture and use of drugs to quantities required for medical and scientific purposes, in accordance with the above-mentioned treaties,

Convinced that measures to reduce illicit demand for narcotic drugs and psychotropic substances, including prevention through proper information and education, treatment and rehabilitation, must be taken concurrently with measures of adequate control to reduce illicit drug supply and traffic,

20/ United Nations, Treaty Series, vol. 520, No. 7515, p. 151.

21/ See Official Records of the United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961, vol. I (United Nations publication, Sales No. E.73.XI.7), part three.

22/ See Official Records of the United Nations Conference for the adoption of a Protocol on Psychotropic Substances, vol. I (United Nations publication, Sales No. E.73.XI.3), part four.

23/ A/CONF.56/10 (United Nations publication, Sales No. E.76.IV.2), para. 26.

Also convinced that co-ordinated efforts by all competent agencies and organizations concerned with the fight against illicit drug traffic should be intensified to bring about even better results in the interception of illicit drug traffic,

Considering the response to paragraph 5 of General Assembly resolution 32/124 of 16 December 1977 given by the Commission on Narcotic Drugs concerning the launching of a meaningful programme of international drug abuse control strategy and policies to be considered by the Commission at its twenty-eighth session in February 1979,

1. Reiterates its appeal to all States not yet parties to the Single Convention on Narcotic Drugs, 1961, the 1972 Protocol amending that Convention and the 1971 Convention on Psychotropic Substances to take steps to accede to these instruments in order to achieve their universal application and requests the Secretary-General to transmit this appeal to all Governments concerned.
2. Invites Governments to co-operate fully with the International Narcotics Control Board and to supply such information as may be necessary to enable it to make meaningful long-range studies and projections designed to promote the maintenance of a world-wide balance between the supply of narcotic raw materials and the legitimate demand for medical and scientific purposes:
3. Supports the Board's appeal to States to improve their reporting machinery, with the assistance of the Board, so that they may provide full and prompt information to the Board, thereby enabling it to perform effectively its functions under the relevant treaties;
4. Urges Governments to support the work of the Commission on Narcotic Drugs, to provide complete data and information to the Secretary-General in their annual reports and individual seizure reports as required under the relevant treaties and in response to the Secretary-General's request, to inform him also without specific requests of any new developments, trends and measures discernible in the drug field which could be of importance or relevance to improved international drug control:
5. Invites Governments in co-operation with competent bodies of the United Nations and specialized agencies to increase their joint efforts to eradicate illicit or uncontrolled cultivation of narcotic plants and illicit or uncontrolled manufacture of psychotropic substances in order to ensure a continuing equilibrium between licit supply and licit demand, and to avoid unforeseen imbalances caused by sales of seized and confiscated drugs;
6. Calls for more extensive and effective efforts of Governments in co-operation with competent bodies of the United Nations and specialized agencies in order to facilitate appropriate designing and implementation of programmes aimed at eradicating illicit demand for and illicit market of drugs and at furthering exchange of experience and information among scientists and experts from various nations who are actively engaged in this field;

7. Reiterates its appeal to Governments for increased and sustained contributions to the United Nations Fund for Drug Abuse Control and to all international and multilateral organizations and institutions to co-operate with and to support financially the United Nations efforts undertaken through drug control programmes;

8. Requests the Commission on Narcotic Drugs to undertake at its twenty-eighth session the finalization and implementation of the comprehensive programmes of international drug control strategy and policies, also requests the Secretary-General to assist the Commission in the implementation of this programme, the progress of which should be monitored by the Commission to ensure that, if necessary, appropriate adjustments in the programme can be made to enable it to meet new requirements of international drug control which might arise out of new developments concerning the various aspects of the drug problem;

9. Requests the Economic and Social Council to give at its first regular session of 1979 due consideration to these questions.

DRAFT RESOLUTION VIII

Protection of human rights of arrested or detained trade union activists

The General Assembly,

Recalling its resolution 32/121 of 16 December 1977 regarding the protection of the human rights of persons who are detained in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions,

Noting that one important category of prisoners falling within the ambit of resolution 32/121 are those who have been arrested or detained in connexion with their trade union activities,

Also recalling Economic and Social Council resolution 1978/21 of 5 May 1978 regarding infringements of trade union rights in South Africa,

Having regard, in this context, not only to articles 5, 10 and 19 of the Universal Declaration of Human Rights, 24/ but also to article 20 of the Declaration, which provides that everyone has the right to freedom of peaceful assembly and association,

Having regard also to article 8 of the International Covenant on Economic, Social and Cultural Rights 25/ and to article 22 of the International Covenant on

24/ Resolution 217 A (III).

25/ Resolution 2200 A (XXII), annex.

Civil and Political Rights 26/ which provide that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests,

Further having regard to the International Labour Organisation convention of 1948 on Freedom of Association and Protection of the Right to Organize,

Recognizing the important work done by the International Labour Organisation in order to promote trade union rights and to take appropriate action in concrete cases of persons arrested, detained or exiled by reason of their trade union activities,

Lending its support to the efforts of the International Labour Organisation in this regard,

1. Reaffirms the importance of protecting the right to freedom of association as an essential prerequisite for the conduct of any trade union activities;
2. Recommends that special attention should be paid to such violations of the right to freedom of association as consist in the arrest, detention or exile of persons who have engaged in trade union activities consistent with the principles of freedom of association;
3. Requests Member States:
 - (a) To release any persons who, within their jurisdiction and contrary to the provisions of the above-mentioned international instruments, may be under arrest or detention on account of trade union activities;
 - (b) To ensure that, pending the release of such persons, their fundamental rights are fully protected, including the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right to receive a fair hearing; by a competent, independent and impartial tribunal in the determination of any criminal charge against them;
 - (c) To take effective measures to safeguard and protect the human rights and fundamental freedoms of trade union leaders who are detained or imprisoned as a result of their struggle against colonialism, aggression and foreign occupation and for self-determination, independence, the elimination of apartheid and all forms of racial discrimination and racism, and for the termination of all these violations of human rights.

DRAFT RESOLUTION IX

International Year for Disabled Persons

The General Assembly,

Recalling its resolution 31/123 of 16 December 1976, in which it proclaimed the year 1981 International Year for Disabled Persons,

Recalling also its resolution 32/133 of 15 December 1977, in which, inter alia, it:

(a) Decided to establish an Advisory Committee for the International Year for Disabled Persons, composed of the representatives of 15 Member States to be appointed, on the basis of equitable geographical distribution by the Chairman of the Third Committee, in concurrence with the regional groups,

(b) Requested the Secretary-General to convene the Advisory Committee no later than March 1979 at the Headquarters of the United Nations,

Taking into consideration the fact that it has not yet been possible to proceed to the appointment of the members of the Advisory Committee on the basis of the formula laid down in its resolution 32/133,

Convinced of the necessity of ensuring that the Advisory Committee can be convened by the date specified in its resolution 32/133,

1. Decides that the Advisory Committee for the International Year for Disabled Persons shall be composed of the representatives of 23 Member States to be appointed, on the basis of equitable geographical distribution, by the Chairman of the Third Committee, in concurrence with the regional groups;

2. Requests the Secretary-General to ensure that the necessary information activities for the International Year of the Disabled are initiated, starting from 1 January 1979, and to make the requisite financial provisions.

DRAFT RESOLUTION X

United Nations Yearbook on Human Rights

The General Assembly,

Recalling Economic and Social Council resolution 9 (II) of 21 June 1946, in accordance with which the United Nations Yearbook on Human Rights was established,

Conscious that many developments have taken place since the Yearbook was initially established, as a result of which the objectives, format and contents of the Yearbook may now be in need of modification,

mindful that the Human Rights Committee had expressed the wish to have some of its documents recorded in a yearbook,

1. Requests the Commission on Human Rights at its thirty-fifth session to review the objectives, contents and format of the United Nations Yearbook on Human Rights with a view to framing appropriate recommendations as to the need for modifications, such as the inclusion therein of appropriate documents of the Human Rights Committee and of the Committee on the Elimination of Racial Discrimination and of other important documents on human rights in order to enhance its wider dissemination of information relating to human rights:

2. Requests the Secretary-General to submit to the Commission on Human Rights at its thirty-fifth session suggestions for new contents and format for the Yearbook.

DRAFT RESOLUTION XI

Missing persons in Cyprus

The General Assembly,

Recalling its resolutions 3450 (XXX) of 9 December 1975 and 32/128 of 16 December 1977 on the missing persons in Cyprus,

Regretting the delay in the implementation of these resolutions,

1. Urges the establishment of an investigatory body under the chairmanship of a representative of the Secretary-General with the co-operation of the International Committee of the Red Cross, which would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay: the representative of the Secretary-General shall be empowered, in case of disagreement, to reach a binding independent opinion which shall be implemented;

2. Calls upon the parties to co-operate fully with the investigatory body and, to this effect, to appoint their representatives thereto forthwith:

3. Requests the Secretary-General to continue to provide his good offices, through his Special Representative in Cyprus, to support the establishment of the investigatory body.

DRAFT RESOLUTION XII

Disappeared persons

The General Assembly.

Recalling the provisions of the Universal Declaration of Human Rights, 27/ and in particular articles 3, 5, 9, 10 and 11, concerning, inter alia, the right to life, liberty and security of person, freedom from torture, freedom from arbitrary arrest and detention, and the right to a fair and public trial; and the provisions of articles 6, 7, 9 and 10 of the International Covenant on Civil and Political Rights, 28/ which define and establish safeguards for certain of these rights,

Deeply concerned by reports from various parts of the world relating to enforced or involuntary disappearances of persons as a result of excesses on the part of law enforcement or security authorities or similar organizations, often while such persons are subject to detention or imprisonment, as well as of unlawful actions or widespread violence,

Concerned also at reports of difficulties in obtaining reliable information from competent authorities as to the circumstances of such persons, including reports of the persistent refusal of such authorities or organizations to acknowledge that they hold such persons in their custody or otherwise to account for them,

Mindful of the danger to the life, liberty and physical security of such persons arising from the persistent failure of these authorities or organizations to acknowledge that such persons are held in custody or otherwise to account for them,

Deeply moved by the anguish and sorrow which such circumstances cause to the relatives of disappeared persons, especially to spouses, children and parents,

1. Calls upon Governments:

(a) In the event of reports of enforced or involuntary disappearances, to devote appropriate resources to searching for such persons and to undertake speedy and impartial investigations,

(b) To ensure that law enforcement and security authorities or organizations are fully accountable, especially in law, in the discharge of their duties, such accountability to include legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights,

(c) To ensure that the human rights of all persons, including those subjected to any form of detention and imprisonment, are fully respected,

27/ Resolution 217 A (III).

28/ Resolution 2200 A (XXII), annex.

(d) To co-operate with other Governments, relevant United Nations organs, specialized agencies, intergovernmental organizations and humanitarian bodies in a common effort to search for, locate or account for such persons in the event of reports of enforced or involuntary disappearances;

2. Requests the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations;

3. Urges the Secretary-General to continue to use his good offices in cases of enforced or involuntary disappearances of persons, drawing, as appropriate, upon the relevant experience of the International Committee of the Red Cross and of other humanitarian organizations;

4. Requests the Secretary-General to draw the concerns expressed in this resolution to the attention of all Governments, regional and interregional organizations and specialized agencies for the purpose of conveying on an urgent basis the need for disinterested humanitarian action to respond to the situation of persons who have disappeared.

DRAFT RESOLUTION XIII

Establishment of the United Nations Trust Fund for Chile

The General Assembly,

Recalling its resolutions 31/124 of 16 December 1976 and 32/118 of 16 December 1977 and taking note of Economic and Social Council resolution 1978/15 of 5 May 1978 and Commission on Human Rights resolution 13 (XXXIV) of 6 March 1978,

1. Decides to establish a voluntary fund, called the United Nations Trust Fund for Chile, administered in accordance with the Financial Regulations of the United Nations by the Secretary-General with the advice of a Board of Trustees, composed of a chairman and four members with wide experience of the situation in Chile, to be appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments, to serve for a three-year term, to receive contributions and distribute, through established channels of assistance, humanitarian, legal and financial aid to persons whose human rights have been violated by detention or imprisonment in Chile, to those forced to leave the country and to relatives of persons in the above-mentioned categories;

2. Adopts the arrangements for the management of the Fund set forth in the annex to the present resolution;

3. Authorizes the Board of Trustees to promote and solicit contributions and pledges;

4. Requests the Secretary-General to put into immediate effect the provisions of the present resolution and to give the Board of Trustees all the assistance it may require;

/...

5. Appeals to Member States to respond favourably to requests for contributions to the Fund.

ANNEX

Arrangements for the management of the
United Nations Trust Fund for Chile

1. The Secretary-General shall apply the following arrangements for the management of the United Nations Trust Fund for Chile:

(a) Solicitations and acknowledgement of pledges and the collection of contributions:

- (i) The Controller, in consultation with the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights and with the advice of the Board of Trustees, shall determine the procedures for soliciting voluntary contributions to the Fund;
- (ii) Any prospective donor desiring to make a voluntary contribution to the Fund shall submit a written proposal to the Secretary-General; the request for acceptance should contain all relevant information including the amount of the proposed contribution, the currency and the timing of payments;
- (iii) The proposal, with the comments, inter alia, of the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights, shall be forwarded to the Controller, for determination that the proposal is acceptable under the Financial Regulations and Rules of the United Nations, including the determination of whether or not any proposed gift or donation might directly or indirectly involve additional financial liability for the Organization. Before acceptance of any gift or donation involving such liability, the Controller shall request and obtain the approval of the General Assembly;
- (iv) The Controller shall acknowledge all pledges and shall determine the bank account or accounts in which contributions to the Fund should be deposited; he shall be responsible for collecting contributions and following up on payments of contributions pledged;
- (v) The Controller may accept contributions in such currencies as he deems usable by the Fund or readily convertible into usable currencies.

(b) Operation and control:

- (i) The Controller shall ensure that the operation and control of the Fund shall be in accordance with the Financial Regulations and Rules of the United Nations; he may delegate responsibility for the operation and

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administration of the Fund to the heads of departments or offices designated by the Secretary-General to execute activities financed by the Fund; only officials so designated may authorize the execution of specific activities to be financed by the Fund;

- (ii) In respect of activities conducted by the United Nations, requests for allotments of funds shall be submitted to the Controller by the Director of the Division of Human Rights accompanied by such supporting information as the Controller may require. After review, allotments to provide for expenditures of the funds received shall be issued by the Director of the Budget Division, and certifying officers for the Fund shall be designated by the Controller in accordance with established procedures;
- (iii) The Controller shall be responsible for the reporting of the financial transactions of the Fund and shall issue quarterly statements of assets, liabilities and unencumbered Fund balance, income and expenditure;
- (iv) The Fund shall be audited by both the Internal Audit Service and the Board of Auditors, in accordance with the Financial Regulations and Rules of the United Nations.

(c) Reporting:

An annual report showing funds available, pledges and payments received and the expenditures made from the Fund shall be prepared by the Controller and submitted to the General Assembly and, as appropriate, to the Commission on Human Rights.

DRAFT RESOLUTION XIV

Protection of human rights in Chile

The General Assembly,

Emphasizing its commitment to foster universal respect for, and observance of, human rights and fundamental freedoms for all, in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights, 29/

Recalling that in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights 30/ everyone has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or to cruel, inhuman or degrading treatment or punishment,

29/ Resolution 217 A (III).

30/ Resolution 2200 A (XXII), annex.

Recalling the Declaration on the Protection of all Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted in its resolution 3452 (XXV) of 9 December 1975,

Reaffirming once more its condemnation of all forms of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its resolution 32/118 of 16 December 1977, by which the General Assembly reiterated its profound indignation, as well as its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975 and 31/124 of 16 December 1976 concerning the human rights situation in Chile,

Bearing in mind Commission on Human Rights resolutions 8 (XXXI) of 27 February 1975, 3 (XXXIII) of 19 February 1976, 9 (XXXIII) of 9 March 1977 and 12 (XXXIV) of 6 March 1978 by which, inter alia, it established and extended the mandate of the Ad Hoc Working Group on the Situation on Human Rights in Chile,

Noting with appreciation the steps taken by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to implement General Assembly resolutions 31/124 and 32/118,

Having considered the study prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the consequences for human rights in Chile of the various forms of aid extended to the Chilean authorities, 31/

Taking note of the important role that regional human rights organizations can play in situations of violations of human rights,

Taking note with appreciation of the fact that in July of this year, for the first time, members of the Ad Hoc Working Group were enabled to visit Chile in pursuance of their mandate, which represents a valuable experience for the United Nations when dealing with constant and flagrant violations of human rights,

Having considered the reports of the Ad Hoc Working Group 32/ and of the Secretary-General 33/ under this item as well as the observations and documents submitted by the Chilean authorities, 34/

Noting that the Ad Hoc Working Group records its appreciation for the co-operation extended to it by the Chilean authorities,

Noting also that the report of the Ad Hoc Working Group confirms the substance of its previous reports,

31/ E/CN.4/Sub.2/412, vols. I-IV.

32/ A/33/331.

33/ A/33/293.

34/ A/C.3/33/7.

Acknowledging the conclusions of the Working Group that the present situation of human rights in Chile has improved, as compared to previous years, in that cases of torture and ill-treatment as well as the number of arrests for political reasons have decreased, large numbers of political prisoners are no longer held, no cases of persons disappearing in 1978 have been confirmed and the expression in the press of a wider range of opinion appears to be permitted, which developments are mainly attributable to the efforts of the Chilean people and of the international community,

Gravely concerned by the conclusions of the Working Group that violations nevertheless continue to take place, often of a grave nature, of human rights provided for in:

(a) The International Covenant on Civil and Political Rights, and manifested inter alia by ill-treatment and torture, arrest and detention for political reasons, denial to Chileans of the right to return and live in their country, prohibition of political parties by infringement of freedom of expression and the lack of effective legal remedies,

(b) The International Covenant on Economic, Social and Cultural Rights, 35/ and manifested, inter alia, by denial of the right to collective bargaining and the right to strike,

Concerned furthermore by the recent dissolution of labour organizations, arrest and persecution of labour leaders and trade union members and infringements of acquired labour rights,

Particularly concerned also by the lack of progress in clarifying the fate of missing and disappeared persons in spite of appeals by the General Assembly, the Commission on Human Rights, the Secretary-General, private institutions and citizens of Chile,

Concluding therefore that the human rights situation in Chile justifies the continued concern and involvement of the international community and the special attention of the Commission on Human Rights,

1. Expresses its continued indignation that violations of human rights, often of a grave nature, continue to take place in Chile, as has been convincingly established by the report of the Ad Hoc Working Group;

2. Expresses also its particular concern and dismay at the refusal of the Chilean authorities to accept responsibility or account for the large number of persons reported to have disappeared for political reasons, or to undertake an adequate investigation of cases drawn to their attention;

3. Calls once more upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the

provisions of the relevant international instruments to which Chile is a party, including the International Covenants on Economic, Social and Cultural and Political and Civil Rights, as well as to heed the concerns expressed by the international community;

4. Urges the Chilean authorities, in particular:

(a) To cease the state of emergency, under which continued violations of human rights and fundamental freedoms are permitted;

(b) To restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people;

(c) To ensure an immediate end to torture and other forms of inhuman or degrading treatment and to prosecute and punish those responsible for such practices;

(d) To take urgent and effective measures in response to the profound international concern at the fate of persons reported to have disappeared for political reasons, and in particular to investigate and clarify the fate of these persons;

(e) To cease arbitrary arrest and detention and to release immediately those who are imprisoned for political reasons;

(f) To restore fully the right of habeas corpus;

(g) To restore Chilean nationality to those who have been deprived of it for political reasons;

(h) To allow those who have been forced to leave the country for political reasons to return home and take appropriate measures to assist their resettlement;

(i) To remove restrictions on political activities and re-establish the full enjoyment of the freedom of association;

(j) To guarantee the standards of labour protection called for by international instruments and fully restore previously established trade union rights;

(k) To fully guarantee freedom of expression;

(l) To safeguard the human rights of the Mapucho Indians and other indigenous minorities, taking into account their particular cultural characteristics;

5. Expresses its appreciation to the Special Rapporteur for his report on the consequences for human rights of various forms of aid extended to the Chilean authorities;

6. Commends the Chairman and other members of the Ad Hoc Working Group for their thorough and objective report;

7. Invites the Commission on Human Rights to continue to give close attention to the situation in Chile and to this end;

(a) To appoint, in consultation with the chairman of Ad Hoc Working Group from among members of the Group as presently constituted, a Special Rapporteur on the situation of human rights in Chile who should report to the Commission on Human Rights and to the General Assembly, and to formulate his mandate on the basis of its resolution 8 (XXXI) of 27 February 1975 which established the mandate of the Ad Hoc Working Group;

(b) To consider at its thirty-fifth session the most effective ways of clarifying the whereabouts and fate of missing and disappeared persons in Chile, taking into account the views on this subject expressed by the Ad Hoc Working Group in their report;

8. Urges the Chilean authorities to co-operate with the Special Rapporteur;

9. Requests the Commission on Human Rights to submit to the General Assembly at its thirty-fourth session, through the Economic and Social Council, a progress report of action taken in compliance with this resolution.

DRAFT RESOLUTION XV

Importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile

The General Assembly,

Bearing in mind Commission on Human Rights resolutions 8 (XXXI) of 27 February 1975, 3 (XXXII) of 19 February 1976 and 9 (XXXIII) of 9 March 1977, in which the Commission established the Ad Hoc Working Group on the Situation of Human Rights in Chile and extended its mandate,

Welcoming the fact that the Ad Hoc Working Group was finally able to travel to Chile and carry out on the spot an investigation of the human rights situation in that country in accordance with its mandate,

Aware of the importance of this experience in the framework of United Nations activities, when dealing with consistent patterns of gross violations of human rights,

1. Expresses its great appreciation to the Ad Hoc Working Group on the Situation of Human Rights in Chile for the careful and objective manner in which it carried out its mandate,

2. Draws the attention of the Commission on Human Rights to the importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile in view of its future action, when dealing with consistent patterns of gross violations of human rights.