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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

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I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of the thirty-ninth session the item entitled "Report of the Economic and Social Council" and to allocate to the Third Committee chapters I, II, III (part I, sects. A to C and F and part II, sect. D), IV (sect. A), V (sects. A to D), VII, VIII and IX (part I, sect. H) of the Council's report. 1/
2. The Third Committee decided to consider under agenda item 100 (Office of the United Nations High Commissioner for Refugees) the chapters of the report of the Economic and Social Council pertaining to specific cases of provision of assistance to refugees. 2/
3. The Third Committee also decided to consider under agenda item 101 (International campaign against traffic in drugs) the relevant part of the report of the Economic and Social Council pertaining to the question of narcotic drugs. 3/

1/ A/39/3 (parts I and II). To be issued as Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 3 (A/39/3).

2/ For the report of the Third Committee on item 100, see A/39/709.

3/ For the report of the Third Committee on item 101, see A/39/710.

4. The chapters of the report of the Economic and Social Council pertaining to agenda items 86, 92, 93, 94 and 98 were considered separately under those items. ^{4/}
5. The Third Committee considered the remaining chapters of the report of the Economic and Social Council at its 54th to 56th and 58th to 66th meetings, on 29 and 30 November and 4 to 7 December 1984. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/39/SR.54-56 and 58-66).
6. At its 2nd meeting, on 24 September, the Committee decided that, pursuant to General Assembly resolution 37/170 of 17 December 1982, the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families would meet during the thirty-ninth session.
7. At the same meeting, the Third Committee also decided that, pursuant to General Assembly resolution 37/169 of 17 December 1982, the Working Group on the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live would meet during the thirty-ninth session.
8. The Committee had before it the following documentation:
 - (a) Report of the Economic and Social Council; ^{1/}
 - (b) World population situation in 1984: report of the Secretary-General (A/39/128-E/1984/35);
 - (c) Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror: report of the Secretary-General (A/39/168-E/1984/39 and Add.1 and 2);
 - (d) Regional arrangements for the promotion and protection of human rights: report of the Secretary-General (A/39/174-E/1984/38 and Add.1);
 - (e) Violations of human rights in southern Africa: note by the Secretary-General (A/39/496);
 - (f) Note by the Secretary-General transmitting the statute of the International Research and Training Institute for the Advancement of Women (A/39/511);
 - (g) Statute of the International Research and Training Institute for the Advancement of Women: report of the Advisory Committee on Administrative and Budgetary Questions (A/39/568);

^{4/} For the reports of the Third Committee on items 86, 92, 93, 94 and 98, see A/39/656, A/39/701, A/39/702, A/39/703 and A/39/707.

- (h) Regional arrangements for the promotion and protection of human rights: report of the Secretary-General (A/39/570);
- (i) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Chile (A/39/631);
- (j) Note by the Secretary-General transmitting the interim report on the situation of human rights in Guatemala prepared by the Special Rapporteur of the Commission on Human Rights (A/39/635);
- (k) Note by the Secretary-General transmitting the report on the situation of human rights in El Salvador prepared by the Special Representative of the Commission on Human Rights (A/39/636);
- (l) Report of the open-ended Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/39/1 and A/C.3/39/4 and Corr.1);
- (m) Note by the Secretary-General on the International Research and Training Institute for the Advancement of Women (A/C.3/39/6);
- (n) Note by the Secretary-General transmitting the report of the Commission on the Status of Women Acting as the Preparatory Body for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women on its second session (A/C.3/39/7);
- (o) Report of the Working Group on the draft declaration on the human rights of individuals who are not citizens of the country in which they live (A/C.3/39/9 and Corr.1);
- (p) Text of the preamble and articles of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families agreed upon by the open-ended Working Group during the first reading (A/C.3/39/WG.1/WP.1);
- (q) Letter dated 16 January 1984 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/39/79 and Corr.1);
- (r) Letter dated 17 January 1984 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/39/81);
- (s) Letter dated 15 March 1984 from the Chargé d'Affaires a.i. of the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General, transmitting the final declaration and resolutions adopted at the Fourteenth Islamic Conference of Foreign Ministers, held at Dhaka from 6 to 10 December 1983 (A/39/133-S/16417);
- (t) Letter dated 13 April 1984 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/39/160 and Corr.1);

(u) Letter dated 17 April 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/39/185-S/16486);

(v) Letter dated 14 August 1984 from the representatives of Bolivia, Colombia, Ecuador, Nicaragua, Panama, Peru and Venezuela to the United Nations addressed to the Secretary-General, transmitting the text of the Quito Declaration against Traffic in Narcotic Drugs (A/39/407);

(w) Letter dated 16 August 1984 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General (A/39/414);

(x) Letter dated 5 September 1984 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General (A/39/477);

(y) Letter dated 15 October 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General, transmitting the resolutions and other documents of the Third Conference of Ministers of Labour of Non-Aligned Countries and Other Developing Countries, held at Managua from 10 to 12 May 1984 (A/39/581-S/16782 and Corr.1);

(z) Letter dated 16 October 1984 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted at the 72nd Inter-Parliamentary Conference, held at Geneva on 29 September 1984 (A/39/590 and Corr.1);

(aa) Letter dated 26 November 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/39/694-S/16843);

(bb) Note verbale dated 4 December 1984 from the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/C.3/39/11).

9. In connection with its consideration of the chapters of the report of the Economic and Social Council pertaining to specific cases of provision of assistance to refugees, the Third Committee had before it the following documentation:

(a) Report of the United Nations High Commissioner for Refugees on assistance to refugees in Somalia (A/39/443);

(b) Report of the United Nations High Commissioner for Refugees on humanitarian assistance to refugees in Djibouti (A/39/444);

(c) Report of the United Nations High Commissioner for Refugees on the situation of refugees in the Sudan (A/39/445);

(d) Report of the Secretary-General on assistance to displaced persons in Ethiopia (A/39/446);

(e) Report of the United Nations High Commissioner for Refugees on assistance to student refugees in southern Africa (A/39/447).

10. For its consideration of that part of the report of the Economic and Social Council pertaining to the question of narcotic drugs, the Third Committee had before it the following documentation:

(a) International co-operation in drug abuse controls: report of the Secretary-General for 1984 (A/39/193);

(b) Strategy and policies for drug control: note by the Secretary-General (A/39/577).

11. At the 16th meeting on 19 October, the Assistant Secretary-General for Social Development and Humanitarian Affairs made an introductory statement. At the 54th meeting, on 20 November, the Assistant Secretary-General for Human Rights made an introductory statement.

12. At the 55th meeting, on 30 November, the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador made a statement.

13. At the same meeting, the Chairman of the open-ended Working Group on the draft declaration on the human rights of individuals who are not citizens of the country in which they live introduced the report of the Working Group (A/C.3/39/9 and Corr.1).

14. At the 56th meeting, on 3 December, the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in Guatemala and in Chile made statements.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/39/L.56

15. At the 55th meeting, on 30 November, the representative of Mexico introduced a draft resolution (A/C.3/39/L.56) entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", sponsored by Algeria, Argentina, Colombia, India, Italy, Jordan, Mexico, Morocco, Nicaragua, the Philippines, Portugal, Spain, Sweden, Turkey and Yugoslavia, as well as Ecuador, Egypt, Finland, France, Greece, Pakistan and Rwanda, subsequently joined by Cameroon, Norway and Tunisia.

16. A statement by the Secretary-General on the programme budget implications of the draft resolution was circulated in document A/C.3/39/L.60.

17. At the 55th meeting, the Director of the Budget Division and the Assistant Secretary-General for Human Rights replied to questions raised by delegations.

18. At the same meeting, the Committee adopted draft resolution A/C.3/39/L.56 without a vote (see para. 69, draft resolution I).

B. Draft resolution A/C.3/39/L.58

19. At the 55th meeting, on 30 November, the representative of Morocco introduced a draft resolution (A/C.3/39/L.58) entitled "Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live", sponsored by Costa Rica, the Dominican Republic, Greece, Italy, Mexico and Morocco.

20. A statement by the Secretary-General on the programme budget implications of the draft resolution was circulated in document A/C.3/39/L.61.

21. At the 55th meeting, the Committee adopted draft resolution A/C.3/39/L.58 without a vote (see para. 69, draft resolution II).

C. Draft resolution A/C.3/39/L.32

22. At the 63rd meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/39/L.32) entitled "Assistance to refugees in Somalia", sponsored by Bahrain, Bangladesh, Botswana, the Central African Republic, Chad, China, the Comoros, Democratic Kampuchea, Djibouti, the Gambia, Indonesia, Italy, the Ivory Coast, Jordan, Kenya, Kuwait, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, Oman, Pakistan, the Philippines, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Somalia, the Sudan, Swaziland, Thailand, Togo, the United Arab Emirates, the United States of America, Zaire and Zambia, as well as Guatemala, Guinea, Guyana, Japan, Lebanon, Nigeria, Samoa, Suriname, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey and Yemen, subsequently joined by Colombia, Egypt, the Niger and Senegal.

23. At the same meeting, as decided by the Committee, draft resolutions A/C.3/39/L.32 (Assistance to refugees in Somalia), A/C.3/39/L.34 (Assistance to displaced persons in Ethiopia), A/C.3/39/L.41/Rev.1 (Emergency assistance to returnees and displaced persons in Chad), A/C.3/39/L.42/Rev.1 (Humanitarian assistance to refugees in Djibouti) and A/C.3/39/L.45 (Situation of refugees in the Sudan) were adopted together without a vote (for the text of draft resolution A/C.3/39/L.32, see para. 69, draft resolution III).

D. Draft resolution A/C.3/39/L.34

24. At the 63rd meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/39/L.34) entitled "Assistance to displaced persons in Ethiopia", sponsored by Afghanistan, Algeria, Angola, Argentina, Bangladesh, Botswana, Bulgaria, Burkina Faso, the Central African Republic, the Comoros, the Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Equatorial Guinea, Ethiopia, the Gambia, the German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, India, Italy, the Ivory Coast, Kenya, the Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mongolia, Morocco, Mozambique, Nicaragua, the Niger, Nigeria, Pakistan, the Philippines, Rwanda, Sao Tome and Principe, Sierra Leone, Swaziland, Togo, Trinidad

and Tobago, the Ukrainian Soviet Socialist Republics, the Union of Soviet Socialist Republics, Viet Nam, Yugoslavia, Zaire and Zambia, as well as Benin, China, Iran (Islamic Republic of), Japan and Suriname, subsequently joined by Austria, Egypt, Hungary, Senegal, Sri Lanka and Yemen.

25. At the same meeting, the Committee had before it amendments to the draft resolution (A/C.3/39/L.47) sponsored by Somalia, which read as follows:

"Fifth preambular paragraph

After the word 'recognizing' delete 'the increasing number of'. In the same line delete the words 'and refugees'.

"Seventh preambular paragraph

"In the second line insert 'voluntary and genuine' before 'returnees' and delete 'and refugees' at the end of the paragraph.

"Operative paragraph 2 in the fourth line

Add 'genuine and voluntary' before 'returnees' and delete the words 'and refugees'.

"Operative paragraph 3, last line

Insert 'and genuine' before 'voluntary returnees' and delete the word 'refugees'."

26. At the same meeting, the representative of Somalia withdrew the amendments submitted by his delegation (see para. 25 above).

27. At the same meeting, as decided by the Committee, draft resolutions A/C.3/39/L.32 (Assistance to refugees in Somalia), A/C.3/39/L.34 (Assistance to displaced persons in Ethiopia), A/C.3/39/L.41/Rev.1 (Emergency assistance to returnees and displaced persons in Chad), A/C.3/39/L.42/Rev.1 (Humanitarian assistance to refugees in Djibouti) and A/C.3/39/L.45 (Situation of refugees in the Sudan) were adopted together without a vote (for the text of draft resolution A/C.3/39/L.34, see para. 69, draft resolution IV).

F. Draft resolution A/C.3/39/L.41/Rev.1

28. At the 63rd meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/39/L.41/Rev.1) entitled "Emergency assistance to returnees and displaced persons in Chad", sponsored by Burkina Faso, Cameroon, Cape Verde, the Central African Republic, Chad, Chile, China, Colombia, the Comoros, Democratic Kampuchea, Djibouti, Egypt, France, Gabon, Germany, Federal Republic of, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Indonesia, Italy, the Ivory Coast, Japan, Mali, the Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, the Sudan, Thailand, Togo, the United States of America, Vanuatu and Zaire.

29. At the same meeting, as decided by the Committee, draft resolutions A/C.3/39/L.32 (Assistance to refugees in Somalia), A/C.3/39/L.34 (Assistance to displaced persons in Ethiopia), A/C.3/39/L.41/Rev.1 (Emergency assistance to returnees and displaced persons in Chad), A/C.3/39/L.42/Rev.1 (Humanitarian assistance to refugees in Djibouti) and A/C.3/39/L.45 (Situation of refugees in the Sudan) were adopted together without a vote (for the text of draft resolution A/C.3/39/L.41/Rev.1, see para. 69, draft resolution V).

F. Draft resolution A/C.3/39/L.42/Rev.1

30. At the 63rd meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/39/L.42/Rev.1) entitled "Humanitarian assistance to refugees in Djibouti", sponsored by Algeria, Argentina, Austria, Bahrain, Bangladesh, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, China, the Comoros, the Congo, Democratic Yemen, Djibouti, Egypt, Equatorial Guinea, Ethiopia, France, the Gambia, Ghana, Guinea, Guinea-Bissau, Honduras, India, Indonesia, Italy, the Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Morocco, the Niger, Nigeria, Oman, Pakistan, Panama, the Philippines, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, the United States of America, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

31. At the same meeting, as decided by the Committee, draft resolutions A/C.3/39/L.32 (Assistance to refugees in Somalia), A/C.3/39/L.34 (Assistance to displaced persons in Ethiopia), A/C.3/39/L.41/Rev.1 (Emergency assistance to returnees and displaced persons in Chad), A/C.3/39/L.42/Rev.1 (Humanitarian assistance to refugees in Djibouti) and A/C.3/39/L.45 (Situation of refugees in the Sudan) were adopted together without a vote (for the text of draft resolution A/C.3/39/L.41/Rev.1, see para. 69, draft resolution VI).

G. Draft resolution A/C.3/39/L.45

32. At the 63rd meeting, on 6 December, the representative of Zaire introduced a draft resolution (A/C.3/39/L.45) entitled "Situation of refugees in the Sudan", sponsored by Algeria, Argentina, Bahrain, Bangladesh, Botswana, Burkina Faso, Cameroon, Canada, Cape Verde, the Central African Republic, Chad, Chile, China, the Comoros, Cyprus, Djibouti, Egypt, Equatorial Guinea, France, the Gambia, Germany, Federal Republic of, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iraq, Italy, the Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Nepal, the Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen, Zaire, Zambia and Zimbabwe, as well as Mauritius.

33. At the same meeting, as decided by the Committee, draft resolutions A/C.3/39/L.32 (Assistance to refugees in Somalia), A/C.3/39/L.34 (Assistance to displaced persons in Ethiopia), A/C.3/39/L.41/Rev.1 (Emergency assistance to returnees and displaced persons in Chad), A/C.3/39/L.42/Rev.1 (Humanitarian assistance to refugees in Djibouti) and A/C.3/39/L.45 (Situation of refugees in the Sudan) were adopted together without a vote (for the text of draft resolution A/C.3/39/L.45, see para. 69, draft resolution VII).

H. Draft resolution A/C.3/39/L.54

34. At the 61st meeting, on 5 December, the representative of Swaziland introduced a draft resolution (A/C.3/39/L.54) entitled "Assistance to student refugees in southern Africa", sponsored by Algeria, Angola, Bahamas, Botswana, Burkina Faso, Burundi, Cameroon, China, Djibouti, Egypt, Ethiopia, Ghana, the Gambia, Guinea-Bissau, Indonesia, the Ivory Coast, Kenya, Liberia, Lesotho, Madagascar, Malawi, Mali, Morocco, Mozambique, Nigeria, the Philippines, Senegal, Sierra Leone, Singapore, Somalia, the Sudan, Suriname, Swaziland, Togo, Trinidad and Tobago, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire and Zambia, as well as Zimbabwe, subsequently joined by the Congo.

35. At its 64th meeting on 6 December, the Committee adopted draft resolution A/C.3/39/L.54 without a vote (see para. 69, draft resolution VIII).

I. Draft resolution A/C.3/39/L.72

36. At its 61st meeting, on 5 December, the representative of Denmark introduced a draft resolution (A/C.3/39/L.72) entitled "Summary or arbitrary executions", sponsored by Argentina, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, the Dominican Republic, Ecuador, Finland, France, the Gambia, Greece, Iceland, the Ivory Coast, Japan, Kenya, Morocco, the Netherlands, Norway, Portugal, Sweden and Zambia, as well as Nicaragua.

37. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.72 without a vote (see para. 69, draft resolution IX).

J. Draft resolution A/C.3/39/L.73

38. At the 61st meeting, on 5 December, the representative of France introduced a draft resolution (A/C.3/39/L.73) entitled "Question of enforced or involuntary disappearances", sponsored by Argentina, Canada, Colombia, Costa Rica, France, the Gambia, Germany, Federal Republic of, Greece, Italy, the Netherlands, Senegal, Spain and Sweden, as well as the United Kingdom of Great Britain and Northern Ireland, subsequently joined by Nicaragua.

39. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.73 without a vote (see para. 69, draft resolution X).

K. Draft resolution A/C.3/39/L.74

40. At the 61st meeting, on 5 December, the representative of Italy introduced a draft resolution (A/C.3/39/L.74) entitled "Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders", sponsored by Bangladesh, Belgium, Bolivia, Canada, China, Colombia, Costa Rica, Denmark, Finland, France, Greece, Hungary, Indonesia, Italy, the Ivory Coast, Japan, Morocco, Norway, Portugal, Spain, Sweden, Thailand, the United States of America, Uruguay and Venezuela, as well as Samoa and Sierra Leone, subsequently joined by the Sudan, Togo, Zaïre and Zambia.

41. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.74 without a vote (see para. 69, draft resolution XI).

L. Draft resolution A/C.3/39/L.75

42. At the 61st meeting, on 5 December, the representative of Sweden introduced a draft resolution (A/C.3/39/L.75) entitled "United Nations Voluntary Fund for Victims of Torture", sponsored by Australia, Bolivia, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Mexico, the Netherlands, Norway, Sweden and the United States of America, subsequently joined by Kenya.

43. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.75 without a vote (see para. 69, draft resolution XII).

M. Draft resolution A/C.3/39/L.76

44. At the 61st meeting, on 5 December, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/39/L.76) entitled "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror", sponsored by Afghanistan, Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Nicaragua, Poland, the Ukrainian Soviet Socialist Republic and Viet Nam as well as Angola and Mongolia.

45. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.76 without a vote (see para. 69, draft resolution XIII).

N. Draft resolution A/C.3/39/L.78

46. At the 61st meeting, on 5 December, the representative of Belgium introduced a draft resolution (A/C.3/39/L.78) entitled "Regional arrangements for the protection of human rights", sponsored by Australia, Austria, Belgium, Colombia, Costa Rica, Cyprus, Italy, the Netherlands, Senegal, Togo and Uruguay.

47. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.78 without a vote (see para. 69, draft resolution XIV).

O. Draft resolution A/C.3/39/L.81

48. At the 61st meeting, on 5 December, the representative of Sri Lanka introduced a draft resolution (A/C.3/39/L.81) entitled "Regional arrangements for the promotion and protection of human rights in the Asian region", sponsored by Australia, Bangladesh, Bhutan, Cyprus, Fiji, India, Nepal, Pakistan, Papua New Guinea, Samoa and Sri Lanka, subsequently joined by New Zealand.

49. At the 64th meeting, on 6 December, the Committee adopted draft resolution A/C.3/39/L.81 without a vote (see para. 69, draft resolution XV).

P. Draft resolution A/C.3/39/L.80

50. At the 61st meeting, on 5 December, the representative of Canada introduced a draft resolution (A/C.3/39/L.80) entitled "Human rights and mass exoduses", sponsored by Australia, Bangladesh, Canada, Colombia, Costa Rica, Germany, Federal Republic of and Japan, subsequently joined by Pakistan and the Sudan.

51. At the 66th meeting, on 7 December, the representative of Canada, on behalf of the sponsors, orally revised the draft resolution, as follows:

(a) In the third preambular paragraph, the word "population" was replaced by the word "refugees" after the words "mass exoduses of"; and the word "demonstrated" was replaced by the word "indicated" before the words "in the Special Rapporteur's study".

(b) Operative paragraph 4, which read:

"Encourages the efforts being undertaken by the Secretary-General to establish an early warning system with the aim of enabling the United Nations to prevent and react more adequately and speedily to cases of humanitarian emergency, as indicated in the Secretary-General's report on the activities of the Organization"

was reworded to read:

"Encourages the efforts being undertaken by the Secretary-General to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance, as mentioned in the Secretary-General's report on the work of the Organization;"

52. At the same meeting, the Committee adopted draft resolution A/C.3/39/L.80, as orally revised, without a vote (see para. 69, draft resolution XVI).

C. Draft resolution A/C.3/39/L.82

53. At the 61st meeting, on 5 December, the representative of Austria introduced a draft resolution (A/C.3/39/L.82) entitled "Human rights in the administration of justice", sponsored by Austria, Belgium, Bolivia, Colombia, Costa Rica, Germany, Federal Republic of, Japan, the Netherlands, New Zealand, Norway, Samoa, Sweden and Uruguay, subsequently joined by Zambia.

54. At the 66th meeting, on 7 December, the representative of Austria, on behalf of the sponsors, orally revised the draft resolution, as follows:

(a) At the end of the first preambular paragraph, taking into account a proposal by Morocco, the following words were added: "as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 6 which explicitly states that no one should be arbitrarily deprived of his life";

(b) In operative paragraph 1, after the word "Reaffirms", the words "its strong rejection" were replaced by the words "the existing prohibition under international law";

(c) In operative paragraph 5, the words "his task of monitoring" were replaced by the words "his tasks in connection with" before the words "the implementation of the Standard Minimum Rules"; the words "good offices" were replaced by the words "best endeavours" after the words "and to employ his"; and the words "are violated" were substituted for the words "appear not to be respected" after the words "the rights of those facing the death penalty";

(d) The first part of operative paragraph 7, which read "Invites the specialized agencies and other competent United Nations bodies, including the United Nations Development Programme, as well as all concerned intergovernmental and non-governmental organizations" was reworded to read "Invites the specialized agencies and other relevant United Nations bodies, as well as concerned intergovernmental and non-governmental organizations".

55. At the same meeting, the Committee adopted draft resolution A/C.3/39/L.82, as orally revised, without a vote (see para. 69, draft resolution XVII).

F. Draft resolution A/C.3/39/L.43/Rev.2

56. At the 63rd meeting, on 6 December, the representative of Mexico introduced a draft resolution (A/C.3/39/L.43/Rev.2) entitled "Situation of human rights in El Salvador", sponsored by Algeria, France, Greece, Mexico, Spain and Sweden, subsequently joined by Denmark, the Netherlands and Norway.

57. At the 64th meeting, on 6 December, the representative of Venezuela introduced amendments to the draft resolution (A/C.3/39/L.83), sponsored by Costa Rica and Venezuela, which read:

"Preambular part

In the seventh preambular paragraph, replace the first line by the following words: 'Aware that any foreign military intrusion will only ...'

"Operative part

(a) Reword the first part of paragraph 6 to read: 'Requests all States to refrain from any military intrusion in El Salvador so as to allow ...'

(b) In paragraph 7 change the last phrase in the following manner: 'which expressed their willingness in that respect'."

58. At the 66th meeting, on 7 December, the representative of Mexico, on behalf of the sponsors, following consultations, orally revised draft resolution A/C.3/39/L.43/Rev.2 as follows:

(a) The seventh preambular paragraph which read:

"Aware that any provision of weapons and military assistance will only aggravate and prolong the conflict in El Salvador and make it difficult to achieve peace, which is an indispensable prerequisite for ensuring respect for civil and political rights and for gradually improving the situation of economic, social and cultural rights"

was replaced by the following text:

"Aware that a delicate process aiming at a political settlement has been initiated in El Salvador, which could be hindered if arms or military contributions of any other kind, making it possible to prolong or intensify the war are provided from outside";

(b) Operative paragraph 6, which read:

"Urges all States to refrain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance and support, so as to allow the restoration of peace and security and to encourage new measures designed to bring about full respect for human rights and fundamental freedoms"

was replaced by the following text:

"Requests all States to refrain from intervening in the internal situation in El Salvador and, instead of supplying arms or helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved";

(c) In operative paragraph 7, the words "had expressed" were replaced by the word "confirmed" before the words "its willingness".

59. At the same meeting, the representative of Venezuela consequently withdrew the amendments submitted by her delegation (see para. 57 above).

60. At the same meeting, the Committee adopted draft resolution A/C.3/39/L.43/Rev.2, as orally revised, by a recorded vote of 83 to 13, with 35 abstentions (see para. 69, draft resolution XVIII). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Bangladesh, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Paraguay, Philippines, United States of America, Uruguay.

Abstaining: Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Ecuador, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Maldives, Niger, Oman, Pakistan, Papua New Guinea, Peru, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Zaire.

S. Draft resolution A/C.3/39/L.7

61. At the 64th meeting, on 6 December, the representative of Venezuela introduced a draft resolution (A/C.3/39/L.71) entitled "Situation of human rights and fundamental freedoms in El Salvador", sponsored by Costa Rica and Venezuela, as well as Singapore, which read as follows:

"The General Assembly,

"Reaffirming that it is the duty of all Member States to promote and protect human rights and fundamental freedoms and to comply with the obligations which they have assumed under international instruments,

"Reaffirming further that it is an essential task of the United Nations to ensure respect, promotion and strengthening of human rights among Member States,

"Taking into account the resolutions adopted by the General Assembly, which considered the question of human rights in the Republic of El Salvador,

"Taking note of the interim report prepared by the Special Representative of the Commission on Human Rights in pursuance of General Assembly resolution 38/101,

"Aware that the climate of social confrontation prevailing in El Salvador encroaches on the rights of the Salvadorian people,

"Aware also of the laudable humanitarian work carried out in El Salvador by the International Committee of the Red Cross,

"Recognizing that the new legitimacy of the Salvadorian Government stemming from the elections in May 1984 and the obvious desire of that Government to establish a democracy governed by the rule of law and respect for human rights, help to create a climate more conducive to national reconciliation,

"Having heard the appeal for dialogue made before the General Assembly by the President of El Salvador and the favourable response given by the forces opposed to the Government,

"1. Commends the Special Representative for his report on the situation of human rights in El Salvador;

"2. Expresses its concern at the fact that, despite a marked decrease in political murders, detentions and disappearances of individuals, which is no doubt attributable to the adoption of a new government policy, as the Special Representative indicates in his report (A/39/636), a critical situation still exists which impedes the enjoyment on the part of the Salvadorian people of important human rights, including economic, social and cultural rights;

"3. Expresses its profound concern at the effect which the hostilities on the part of the Salvadorian armed forces, and the damage done to the economy of the country that may be attributed to the systematic attacks on the economic infrastructure by the guerrilla forces, have on the present and future enjoyment by the Salvadorian people of important economic, social and cultural rights;

"4. Deplores the fact that the capacity of the judicial system in El Salvador to investigate violations of human rights committed in the country shows no perceptible improvement and again urges the competent authorities to speed up the process of reforming the Salvadorian penal system in order to bring to justice and punish speedily and effectively those responsible for the serious human-rights violations that have been and continue to be committed in the country;

*5. Calls upon the armed forces of El Salvador and the guerrilla forces to protect the health personnel, medical units and hospitals as required by the Geneva Conventions;

*6. Expresses deep satisfaction at the successes achieved by the International Committee of the Red Cross, which are vital for humanizing the war;

*7. Calls upon the Government of El Salvador to continue its support for the activities of the Committee of the Red Cross and other organizations devoted to humanitarian activities, which reflects its concern for respect for human rights in El Salvador;

*8. Reiterates its appeal to all Salvadorian parties to the conflict to co-operate fully with the humanitarian organizations devoted to alleviating the suffering of the civilian population, wherever these organizations may be operating;

*9. Welcomes with satisfaction the appeal for dialogue made before the General Assembly at its thirty-ninth session by the President of El Salvador on behalf of his Government and the favourable response given to that appeal by the opposition forces;

*10. Recognizes that this appeal represents another stage in the pacification process aimed at guaranteeing better conditions for strengthening the democratic system in the country;

*11. Calls upon the Government of El Salvador and the opposition forces to make no effort to ensure that this process of national reconciliation advances with a view to establishing conditions for a lasting peace in the country characterized by respect for the economic, social and cultural and the civil and political rights of the Salvadorian people;

*12. Renews its request to the Government of El Salvador and to the parties concerned to continue to extend their co-operation to the Special Representative of the Commission on Human Rights;

*13. Decides to consider the question of human rights in El Salvador at its fortieth session."

62. At the same meeting, the Committee had before it amendments to the draft resolution (A/C.3/39/L.84) sponsored by Nicaragua, which read:

*1. Amend the fourth preambular paragraph to read as follows:

'Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982, 1983/29 of 8 March 1983 and 1984/52 of 14 March 1984, whereby the Commission extended the mandate of the Special Representative for another year and request him to report, inter alia, to the General Assembly,'.

- "2. Replace the seventh preambular paragraph by the following:

'Noting that, following the elections held this year in El Salvador, the armed conflict has continued to worsen and that there is therefore a need for dialogue between the Government of that country and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario until a negotiated comprehensive political settlement is reached establishing a democratic system governed by the rule of law and respect for human rights'.

- "3. Add a new preambular paragraph to read as follows:

'Considering that the marked increase in military aid to the Salvadorian Government has helped to aggravate the armed conflict and increase the suffering of the Salvadorian people and is contrary to this Assembly's repeated appeals to all States to suspend supplies of arms and any type of military assistance and to refrain from intervening in El Salvador,'.

- "4. In paragraph 2, delete the words beginning with 'which is no doubt attributable ...' and replace them with the following:

'the Salvadorian Government continues to commit serious and massive violations of human rights, including economic, social and cultural rights;'

- "5. Replace paragraph 9 by the following:

'Welcomes with satisfaction the resumption of talks between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario in response to the repeated appeals of the Assembly;'

6. Replace paragraph 10 by the following:

'Recognizes that this dialogue is the first stage in a process of pacifying and democratizing the country and should be continued until a negotiated comprehensive political settlement is reached ending the armed conflict and establishing conditions in which the Salvadorian people can freely exercise its right to self-determination;''.

63. At the same meeting, the Committee also had before it amendments to the draft resolution (A/C.3/39/L.85) sponsored by Cuba, which read:

- "1. Replace the fifth preambular paragraph by the following:

'Bearing in mind that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1984/26 of 30 August 1984, recognized that there is an armed conflict not of an international character in El Salvador in which the government forces are violating the Geneva Conventions by their systematic attacks on rural populations which are not military objectives,'

- "2. Replace the eighth preambular paragraph by the following:

'Bearing in mind the appeal for dialogue made before the General Assembly by the President of El Salvador and the various peace proposals made by the opposition forces, as recognized in resolution 1984/52 of the Commission on Human Rights, which were transmitted to this Assembly and to the Government of El Salvador by the Presidents of Nicaragua and Costa Rica, respectively,'

- "3. Add another preambular paragraph reading as follows:

'Noting that the Special Representative points out in his interim report that, despite the decrease in the number of human rights violations, the Salvadorian Government is continuing to commit serious and massive violations resulting in countless civilian casualties among the population living in combat or rebel-controlled zones and is still holding a large number of political prisoners because the capacity of the legal system to investigate and punish all those violations continues to be patently inadequate'

- "4. Replace paragraph 3 by the following:

'Deeply regrets the persistence of bombings and other attacks by the armed forces of the Government, which have caused material damage and casualties among the civilian population living in combat or rebel-controlled zones, and therefore once again appeals to the Government of El Salvador to stop those attacks since they are not aimed at military objectives,'

- "5. Replace paragraph 4 by the following:

'Deeply regrets that the capacity of the judicial system in El Salvador to investigate and punish those responsible for violations of human rights continues to be patently inadequate and therefore urges the Salvadorian Government to adopt the necessary measures to enable the judiciary to punish all those responsible for human rights violations,'

- "6. Replace paragraph 11 by the following:

'Calls upon the Government of El Salvador and the Frente Farabundo Martí de Liberación Nacional-Frente Democrático Revolucionario to spare no effort to ensure that the process of national reconciliation goes forward until it achieves these goals which guarantee full respect for human rights,'

- "7. Add the following paragraphs after paragraph 11 and renumber the remaining paragraphs accordingly:

'Reaffirms once again the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror;'

'Urges all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance and support so as to promote the restoration of peace and security and to encourage new measures designed to bring about full respect for human rights and fundamental freedoms.'

64. At the 66th meeting, on 7 December, in light of the adoption of draft resolution A/C.3/39/L.43/Rev.2, the representative of Venezuela withdrew draft resolution A/C.3/39/L.71.

T. Draft resolution A/C.3/39/L.77

65. At the 61st meeting, on 5 December, the representative of Sweden introduced a draft resolution (A/C.3/39/L.77) entitled "Situation of human rights and fundamental freedoms in Guatemala", sponsored by Austria, Canada, Denmark, France, Greece, Ireland, the Netherlands, Norway, Spain and Sweden.

66. At its 66th meeting, on 7 December, the Committee adopted draft resolution A/C.3/39/L.77 by a recorded vote of 79 to 13, with 39 abstentions (see para. 69, draft resolution XIX). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Bangladesh, Chile, El Salvador, Guatemala, Haiti, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, United States of America, Uruguay.

Abstaining: Brazil, Brunei Darussalam, Burma, Cameroon, Chad, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Honduras, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Maldives, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Romania, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Uganda, Venezuela, Yemen, Zaire.

U. Draft resolution A/C.3/39/L.79

67. At the 63rd meeting, on 6 December, the representative of Mexico introduced a draft resolution (A/C.3/39/L.79) entitled "Situation of human rights and fundamental freedoms in Chile", sponsored by Algeria, Cuba, Denmark, France, Greece, Italy, Luxembourg, Mexico, the Netherlands, Norway, Spain, Sweden and Yugoslavia, subsequently joined by Australia and Portugal.

68. At its 66th meeting, on 7 December, the Committee adopted draft resolution A/C.3/39/L.79 by a recorded vote of 83 to 15, with 32 abstentions (see para. 69, draft resolution XX). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Spain, Sri Lanka, Swaziland, Sweden, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Bangladesh, Brazil, Chile, El Salvador, Guatemala, Haiti, Indonesia, Israel, Lebanon, Morocco, Pakistan, Paraguay, Philippines, United States of America, Uruguay.

Abstaining: Brunei Darussalam, Burma, Cameroon, Chad, China, Ecuador, Egypt, Fiji, Gabon, Honduras, Ivory Coast, Japan, Jordan, Malawi, Malaysia, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Uganda, Yemen, Zaire.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

DRAFT RESOLUTION I

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

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 5/ the International Covenants on Human Rights, 6/ the International Convention on the Elimination of All Forms of Racial Discrimination 7/ and the Convention on the Elimination of All Forms of Discrimination against Women, 8/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, by which it decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982 and 38/86 of 16 December 1983, by which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and requested it to continue its work,

5/ Resolution 217 A (III).

6/ Resolution 2200 A (XXI), annex.

7/ Resolution 2106 A (XX), annex.

8/ Resolution 34/180, annex.

Having examined the progress made by the Working Group during its fourth inter-sessional meetings, 9/ held from 29 May to 8 June 1984, as well as the report of the Working Group during the current session of the General Assembly, 10/ during which the Working Group concluded the first reading of the draft of the Convention,

1. Takes note with satisfaction of the reports of the Working Group and commends it for concluding, in its first reading, the drafting of the preamble and articles, which will serve as the basis for the second reading of the international convention on the protection of the rights of all migrant workers and their families;

2. Decides that, in order to enable it to complete its task as soon as possible, the Working Group shall again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1985 of the Economic and Social Council;

3. Invites the Secretary-General to transmit to Governments the report of the Working Group so as to enable the members of the Group to undertake the second reading of the preamble and the articles during the inter-sessional meeting to be held in the spring of 1985, as well as to transmit the results obtained at that meeting to the General Assembly for its consideration during its fortieth session;

4. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;

5. Decides that the Working Group shall meet during the fortieth session of the General Assembly, preferably at the beginning of the session, to continue with the second reading of an International Convention on the protection of the rights of all migrant workers and their families.

DRAFT RESOLUTION II

Question of the international legal protection of the human
rights of individuals who are not citizens of the country
in which they live

The General Assembly,

Bearing in mind Economic and Social Council resolutions 1790 (LIV) of 18 May 1973 and 1871 (LVI) of 17 May 1974 concerning the question of the

9/ A/C.3/39/1.

10/ A/C.3/39/4 and Corr.1.

international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Recalling Commission on Human Rights resolutions 8 (XXIX) of 21 March 1973, 11/ 11 (XXX) of 6 March 1974, 12/ 16 (XXXV) of 14 March 1979 13/ and 19 (XXXVI) of 29 February 1980 14/ on the same subject,

Recalling also resolution 9 (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 15/

Recalling that the Economic and Social Council, by its resolution 1980/29 of 2 May 1980, decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and amended by the Sub-Commission, 16/ together with the comments on the text received from member States 17/ in response to Council decision 1979/36 of 10 May 1979, and recommended that the Assembly should consider the adoption of a declaration on the subject,

Recalling also its resolutions 35/199 of 15 December 1980, 36/165 of 16 December 1981, 37/169 of 17 December 1982 and 38/87 of 16 December 1983, by which it decided to establish an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live,

Having considered the comments submitted by Governments, specialized agencies, regional and intergovernmental organizations and the competent organs of the United Nations system pursuant to General Assembly resolution 37/169 on the reports of the open-ended working groups established at the

11/ See Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6 (E/5265), chap. XX, sect. A.

12/ Ibid., Fifty-sixth Session, Supplement No. 5 (E/5464), chap. XIX, sect. A.

13/ See Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36), chap. XXIV, sect. A.

14/ Ibid., 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXVI, sect. A.

15/ See E/CN.4/1296, chap. XVII, sect. A.

16/ E/CN.4/1336.

17/ E/CN.4/1354 and Add.1-6.

thirty-fifth, thirty-sixth, thirty-seventh and thirty-eighth sessions of the Assembly, 18/

Having considered the report of the Working Group, established for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, 19/

1. Takes note of the report of the Working Group and of the fact that, although the Working Group has done useful work, it has not had sufficient time to conclude its task;

2. Decides to establish, at its fortieth session, an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live;

3. Requests the Secretary-General to invite Governments to submit further comments and views on the draft declaration as a whole, taking into consideration the progress made by the Working Group and the present state of the draft, in time for their inclusion in a report of the Secretary-General to be submitted to the General Assembly at its fortieth session;

4. Expresses the hope that a draft declaration on the human rights of individuals who are not citizens of the country in which they live will be adopted by the General Assembly at its fortieth session.

DRAFT RESOLUTION III

Assistance to refugees in Somalia

The General Assembly,

Recalling its resolutions 35/180 of 15 December 1980, 36/153 of 16 December 1981, 37/174 of 17 December 1982 and 38/88 of 16 December 1983 on the question of assistance to refugees in Somalia,

Taking note of the report of the United Nations High Commissioner for Refugees 20/ on assistance to refugees in Somalia, in particular section IV of that report,

18/ See A/38/147 and Add.1.

19/ A/C.3/39/9 and Corr.1.

20/ A/39/433.

Taking note also of the report of the Secretary-General on the Second International Conference on Assistance to Refugees in Africa, held at Geneva from 9 to 11 July 1984, 21/

Deeply concerned that the refugee problem in Somalia has not yet been resolved,

Aware of the additional burden imposed by the new influx of refugees and the consequent urgent need for further international assistance,

Aware of serious shortfalls in the provision of food assistance which have resulted in critical ration restrictions and extreme hardship in refugee camps in Somalia,

Recognizing from the recommendations contained in the report of the High Commissioner that there remains an urgent need for increased assistance in the provision of food, water and medicine, the strengthening of health and educational facilities in the refugee camps and the expansion of the number of self-help schemes and small-scale farming and settlement projects necessary for the promotion of self-reliance among the refugees,

Aware of the continued consequences of the social and economic burden placed on the Government and people of Somalia as a result of the continued presence of refugees and the consequent impact on the national development and the infrastructure of the country,

1. Takes note of the report of the United Nations High Commissioner for Refugees;
2. Expresses its appreciation to the Secretary-General and the High Commissioner for their continued efforts to mobilize international assistance on behalf of the refugees in Somalia;
3. Takes note with satisfaction of the assistance rendered to refugees in Somalia by various Member States, the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund and other concerned intergovernmental and non-governmental organizations;
4. Appeals to Member States, international organizations and voluntary agencies to render maximum material, financial and technical assistance to the Government of Somalia in its efforts to provide all necessary assistance to the refugees and to fulfil the pledges undertaken at or after the Second International Conference on Assistance to Refugees in Africa to support the developmental and other essential projects which were presented by the Government of Somalia, as a matter of urgency;

5. Requests the High Commissioner, in consultation with the Secretary-General, to apprise the Economic and Social Council, at its second regular session of 1985, of the refugee situation in Somalia;

6. Also requests the High Commissioner, in consultation with the Secretary-General, to submit a report to the General Assembly at its fortieth session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION IV

Assistance to displaced persons in Ethiopia

The General Assembly,

Recalling its resolutions 35/91 of 5 December 1980, 36/161 of 16 December 1981, 37/175 of 17 December 1982 and 38/91 of 16 December 1983, and Economic and Social Council resolutions 1980/54 of 24 July 1980 and 1982/2 of 27 April 1982,

Recalling also the report of the Secretary-General on assistance to displaced persons in Ethiopia, 22/ prepared pursuant to Economic and Social Council resolution 1980/8 of 28 April 1980,

Taking note of the report of the Secretary-General on assistance to displaced persons in Ethiopia, 23/

Having heard the statement made on 12 November 1984 by the United Nations High Commissioner for Refugees, 24/

Recognizing the increasing number of voluntary returnees and refugees in Ethiopia,

Deeply concerned at the plight of displaced persons and voluntary returnees in the country, which has been aggravated by the devastating effect of the prolonged drought,

Aware of the heavy burden placed on the Government of Ethiopia in caring for displaced persons and victims of natural disasters, as well as for returnees and refugees,

22/ A/35/360 and Corr.1-3.

23/ A/39/446.

24/ See Official Records of the General Assembly, Thirty-ninth Session, Third Committee, 36th meeting, paras. 1-12.

1. Commends the efforts made so far by various organs of the United Nations and the specialized agencies in mobilizing humanitarian assistance to assist the efforts of the Government of Ethiopia;
2. Appeals to Member States and to international organizations and voluntary agencies to render maximum material, financial and technical assistance to the Government of Ethiopia in its efforts to provide relief and rehabilitation to the displaced persons, voluntary returnees and refugees in Ethiopia;
3. Requests the United Nations High Commissioner for Refugees to intensify his efforts in mobilizing humanitarian assistance for the relief, rehabilitation and resettlement of voluntary returnees, refugees and displaced persons in Ethiopia;
4. Requests the Secretary-General, in co-operation with the High Commissioner, to apprise the Economic and Social Council, at its second regular session of 1985, of the implementation of the present resolution and to report thereon to the General Assembly at its fortieth session.

DRAFT RESOLUTION V

Emergency assistance to returnees and displaced persons in Chad

The General Assembly,

Gravely concerned by the unprecedented drought which is wreaking havoc in Chad at the present time, compounding the already precarious food and health situation in that country,

Conscious that the large number of voluntary returnees and displaced persons because of the war and the drought in Chad poses a serious problem of integrating them into society,

Considering that, in addition to being a land-locked country and one of the least developed countries, Chad is placed in a particularly difficult situation by reason of the war and the drought,

Bearing in mind the many appeals made by the Government of Chad, in particular that made on 9 October 1984 to the General Assembly at its current session, 25/ and by humanitarian organizations regarding the gravity of the food and health situation in Chad,

Recalling the urgent appeal made by the Secretary-General on 2 November 1984 for international emergency assistance to the voluntary returnees and displaced persons in Chad afflicted by natural disasters,

25/ See A/39/PV.27, pp. 72-88.

1. Endorses the appeals made by the Government of Chad and the Secretary-General concerning emergency assistance to the voluntary returnees and displaced persons in Chad;
2. Invites all States and intergovernmental and non-governmental organizations to support by generous contributions the efforts being made by the Government of Chad to assist and resettle the voluntary returnees and displaced persons;
3. Takes note with approval of the action undertaken by the various bodies of the United Nations system and the specialized agencies with a view to mobilizing emergency humanitarian assistance to the voluntary returnees and displaced persons in Chad;
4. Requests the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Co-ordinator to mobilize, in accordance with their respective mandates, emergency humanitarian assistance to the voluntary returnees and displaced persons in Chad;
5. Requests the Secretary-General, in co-operation with the United Nations Disaster Relief Co-ordinator and the United Nations High Commissioner for Refugees, to report to the General Assembly at its fortieth session on the implementation of the present resolution.

DRAFT RESOLUTION VI

Humanitarian assistance to refugees in Djibouti

The General Assembly,

Recalling its resolutions 35/182 of 15 December 1980, 36/156 of 16 December 1981, 37/176 of 17 December 1982 and 38/89 of 16 December 1983, on humanitarian assistance to refugees in Djibouti,

Having heard the statement made on 12 November 1984 by the United Nations High Commissioner for Refugees, 26/

Having considered with satisfaction the reports of the United Nations High Commissioner for Refugees on humanitarian assistance to refugees in Djibouti, 27/

Appreciating the determined and sustained efforts made by the Government of Djibouti, despite its modest economic resources and limited means, to cope with the pressing needs of the refugees,

26/ See Official Records of the General Assembly, Thirty-ninth Session, Third Committee, 36th meeting, paras. 1-12.

27/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 12 (A/39/12) and A/39/444.

Aware of the social and economic burden placed on the Government and people of Djibouti as a result of the presence of refugees and the impact on the development and infrastructure of the country,

Deeply concerned about the continuing distressing plight of the refugees and displaced persons in the country which has been aggravated by the devastating effects of the prolonged drought,

Noting with appreciation the steps taken by the Government of Djibouti, in close co-operation with the High Commissioner for the application of adequate, appropriate and lasting solutions in respect of the refugees in Djibouti,

Also noting with appreciation the concern and unremitting efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization, the World Food Programme, the Food and Agriculture Organization of the United Nations, the intergovernmental and non-governmental organizations and the benevolent organizations which have worked closely with the Government of Djibouti in the relief and rehabilitation programme for the refugees in that country,

1. Takes note with appreciation of the reports of the United Nations High Commissioner for Refugees on humanitarian assistance to refugees in Djibouti and appreciates his efforts to keep their situation under constant review;

2. Welcomes the steps taken by the Government of Djibouti, in close co-operation with the High Commissioner, for the application of adequate, appropriate and lasting solutions in respect of the refugees in Djibouti;

3. Requests the High Commissioner to mobilize the necessary resources to implement lasting solutions in respect of the refugees in Djibouti;

4. Requests in particular the High Commissioner to continue to take the necessary measures to ensure that adequate, appropriate and lasting solutions are applied to assist the refugees in Djibouti in co-operation with Member States, intergovernmental and non-governmental organizations and benevolent organizations concerned with a view to mobilizing the necessary assistance to enable the Government of Djibouti to cope effectively with the refugee problem, which has been particularly aggravated by the debilitating effects of the prolonged drought;

5. Appreciates the assistance provided thus far by Member States, the specialized agencies, intergovernmental and non-governmental organizations and benevolent organizations to the relief and rehabilitation programmes for the refugees and displaced persons in Djibouti;

6. Calls upon all Member States, the organizations of the United Nations system, the specialized agencies, intergovernmental and non-governmental organizations and benevolent organizations to continue to

support the efforts constantly being made by the Government of Djibouti to cope with the current needs of the refugee population and the other victims of drought in that country;

7. Requests the High Commissioner, in close co-operation with the Secretary-General, to report to the General Assembly at its fortieth session on the implementation of the present resolution.

DRAFT RESOLUTION VII

Situation of refugees in the Sudan

The General Assembly,

Recalling its resolution 35/181 of 15 December 1980, 36/158 of 16 December 1981, 37/173 of 17 December 1982 and 38/90 of 16 December 1983 on the situation of refugees in the Sudan,

Having considered the reports of the United Nations High Commissioner for Refugees on the situation of refugees in the Sudan, 28/

Taking note of the ever-increasing number of refugees arriving in the Sudan,

Appreciating the measures which the Government of the Sudan is taking in order to provide shelter, food, education, health and other humanitarian services to the growing number of refugees in the Sudan,

Recognizing the heavy burden placed on the Government of the Sudan and the sacrifices it is making in caring for the refugees and the need for more international assistance to enable it to continue its efforts to provide assistance to the refugees,

Expressing its appreciation for the assistance rendered to the Sudan by Member States and intergovernmental and non-governmental organizations in support of the refugee programme,

1. Takes note of the report of the United Nations High Commissioner for Refugees on the progress made in the implementation of the recommendations of the inter-agency technical follow-up missions as well as the implementation of resolution 38/90;

2. Commends the measures that the Government of the Sudan is taking to provide shelter, food, education, health and other humanitarian services to the refugees, in spite of the drought and the serious economic situation it faces;

28/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 12 (A/39/12) and A/39/445.

3. Expresses its appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and voluntary agencies for their efforts to assist the refugees in the Sudan;

4. Recognizes the need for development-oriented projects that would generate work opportunities and long-term livelihood for refugees and local people in affected areas, and, in this context, commends the efforts of the High Commissioner and the International Labour Office to establish income-generating activities for refugees in the Sudan;

5. Requests the Secretary-General to mobilize the necessary financial and material assistance for the full implementation of the recommendations of the various inter-agency missions and the projects submitted by the Government of the Sudan to the Second International Conference on Assistance to Refugees in Africa;

6. Appeals to Member States, the appropriate organs, organizations and programmes of the United Nations and other intergovernmental and non-governmental organizations and the international financial institutions to provide the Government of the Sudan with the necessary resources for the implementation of development assistance projects in regions affected by the presence of refugees, as envisaged in the reports of the various inter-agency missions, and to strengthen its social and economic infrastructure so that essential services and facilities for refugees can be strengthened and expanded;

7. Requests the High Commissioner to continue co-ordination with the appropriate specialized agencies in order to consolidate and ensure the continuation of essential services to the refugees in their settlements;

8. Requests the Secretary-General, in consultation and co-ordination with the High Commissioner and the United Nations Development Programme, to submit, through the Economic and Social Council, a comprehensive report to the General Assembly at its fortieth session on the progress made in the implementation of the recommendations of the inter-agency technical follow-up missions, the projects submitted by the Government of the Sudan to the Second International Conference on Assistance to Refugees in Africa, as well as on the implementation of the present resolution.

DRAFT RESOLUTION VIII

Assistance to student refugees in southern Africa

The General Assembly,

Recalling its resolution 38/95 of 16 December 1983, in which it, inter alia, requested the United Nations High Commissioner for Refugees, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the United Nations High Commissioner for Refugees on the assistance programme to student refugees from South Africa and Namibia, 29/

Noting with appreciation that some of the projects recommended in the report on assistance to student refugees in southern Africa have been successfully completed,

Noting with concern the continued influx into Botswana, Lesotho, Swaziland and Zambia of student refugees from South Africa, as well as from Namibia,

Convinced that the discriminatory policies and repressive measures being applied in South Africa and Namibia have led and continue to lead to a further exodus of student refugees from those countries,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the increasing number of student refugees,

Appreciating the efforts of the host countries to deal with their student refugees populations, with the assistance of the international community,

1. Endorses the assessments and recommendations contained in the report of the United Nations High Commissioner for Refugees and commends him for his efforts to mobilize resources and organize the programme of assistance for student refugees in the host countries of southern Africa;

2. Expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for granting asylum and making educational and other facilities available to the student refugees, in spite of the pressure which the continuing influx of those refugees exerts on facilities in their countries;

3. Also expresses its appreciation to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the United Nations High Commissioner for Refugees on matters concerning the welfare of these refugees;

4. Notes with appreciation the financial and material support provided for the student refugees by Member States, the Office of the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;

5. Requests the United Nations High Commissioner for Refugees, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for

student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

6. Urges all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of the High Commissioner and of the projects and programmes, including unfunded projects, which were submitted to the Second International Conference on Assistance to Refugees in Africa, held at Geneva in July 1984;

7. Also urges all Member States and all intergovernmental and non-governmental organizations to assist the countries of asylum materially and otherwise to enable them to continue to discharge their humanitarian obligations towards refugees;

8. Appeals to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and the United Nations Educational, Scientific and Cultural Organization, as well as other international and non-governmental organizations, to continue providing humanitarian and development assistance to expedite the settlement of student refugees from South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

9. Calls upon agencies and programmes of the United Nations system to continue co-operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;

10. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1985, of the current status of the programmes and to report to the General Assembly at its fortieth session on the implementation of the present resolution.

DRAFT RESOLUTION IX

Summary of arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, 30/ which states that every human being has the right to life, liberty and security of person and that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal,

30/ Resolution 217 A (III).

Having regard to the provisions of the International Covenant on Civil and Political Rights, 31/ which states that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling also its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982 and 38/96 of 16 December 1983,

Deeply alarmed at the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 32/ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Taking note of the work done by the Committee on Crime Prevention and Control in the area of summary or arbitrary executions, including the elaboration of minimum legal guarantees and safeguards to prevent recourse to such extra-legal executions, to be considered by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held in 1985,

Convinced of the need for appropriate action to combat and eventually eliminate this practice, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Strongly deplores the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;

2. Welcomes Economic and Social Council resolutions E/1982/35 of 7 May 1982, in which the Council decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions and 1983/36 of 26 May 1983, in which the Council decided to continue for another year the mandate of the Special Rapporteur;

31/ Resolution 2200 A (XXI), annex.

32/ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1, chap. XXI, sect. A.

3. Also welcomes Economic and Social Council resolution 1984/35 of 24 May 1984, in which the Council again decided to continue the mandate of the Special Rapporteur, Mr. S. A. Wako, for another year and decided that the Commission on Human Rights should consider the question of summary or arbitrary executions as a matter of high priority at its forty-first session;

4. Appeals to all Governments to co-operate with and assist the Special Rapporteur of the Commission on Human Rights in the preparation of his report;

5. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened;

6. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

7. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

8. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appear not to be respected;

9. Requests the Commission on Human Rights at its forty-first session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36 and 1984/35, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions.

DRAFT RESOLUTION X

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978, entitled "Disappeared persons", and its resolution 38/94 of 16 December 1983 on the question of enforced or involuntary disappearances,

Deeply concerned by the persistence, in certain cases, of the practice of enforced or involuntary disappearances,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives,

Convinced of the importance of implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced and involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1984/23 of 6 March 1984, 33/ in which the Commission decided to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, and Economic and Social Council decision 1984/135 of 24 May 1984, in which the Council endorsed the Commission's decision,

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the humanitarian work it has done and to those Governments that have co-operated with it;

2. Welcomes the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group, as laid down in Commission resolution 1984/23;

3. Also welcomes the arrangements adopted by the Commission on Human Rights in its resolution 1984/23 to enable the Working Group to fulfil its mandate with even greater efficiency;

4. Appeals to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;

5. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Group at its forty-first session;

6. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

DRAFT RESOLUTION XI

Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Bearing in mind the responsibility assumed by the United Nations in the field of the prevention of crime and criminal justice under General Assembly resolution 415 (V) of 1 December 1950, in particular by convening the quinquennial congresses on the prevention of crime and the treatment of offenders,

33/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), chap. II, sect. A.

Recalling its resolution 36/21 of 9 November 1981, in which it requested the Secretary-General to take the necessary measures for the fullest implementation of the Caracas Declaration 34/ and for the appropriate preparation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also Economic and Social Council resolutions 1982/29 of 4 May 1982, in which the Council approved the provisional agenda for the Seventh Congress, and 1984/45 of 25 May 1984 on the continuation of preparations for the Congress, as well as Council resolution 1984/51 of 25 May 1984 on technical co-operation in crime prevention and criminal justice,

Taking note of Economic and Social Council decision 1984/154 of 25 May 1984, in which it accepted the invitation of the Government of Italy to act as host of the Seventh Congress, to be held at Milan from 26 August to 6 September 1985,

Acknowledging that criminality, particularly violent and organized crime, constitutes a serious threat to the development and security of nations,

Recognizing that constraints of an economic and technical nature impede many countries in their fight against crime,

Reiterating the necessity for the international community to make concerted and systematic efforts to strengthen technical and scientific co-operation in crime prevention and criminal justice and to formulate fair, humane and effective policies directed towards crime control in the context of different political and cultural systems, economic and social development and social values and changes,

Convinced of the important role played by the previous Congresses in promoting understanding, awareness and co-operation and in achieving further progress in this field,

Stressing the need to improve further regional, interregional and international co-operation and co-ordination in order to intensify the struggle against crime,

1. Expresses its appreciation to the Government of Italy for its offer to host the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders;
2. Reaffirms its hope that the Seventh Congress will make an important and useful contribution to the solution of problems related to crime prevention and criminal justice;

34/ Resolution 35/171, annex.

3. Welcomes Economic and Social Council resolutions 1982/29 and 1984/45 and, in particular, the recommendation that the Congress formulate new guiding principles on crime prevention and criminal justice in the context of development;
4. Welcomes also the recommendations made by the Economic and Social Council in its resolution 1984/51 on improved modalities of technical co-operation in crime prevention and criminal justice;
5. Takes note of the preparatory work so far carried out by the Committee on Crime Prevention and Control at its eighth session, as the preparatory body of the Congress, and by the regional and interregional preparatory meetings, convened in co-operation with the regional commissions, the interregional and regional crime prevention institutes and interested Governments;
6. Calls upon Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate in the Congress and to intensify and expand their technical and scientific preparations for it;
7. Invites the Economic and Social Council at its first regular session of 1985 to approve the provisional rules of procedures of the Congress;
8. Requests the Seventh Congress, under item 3 of its provisional agenda, to give urgent attention to the strengthening of technical co-operation in crime prevention and criminal justice, in pursuance of the recommendations of the regional preparatory meetings and the Committee on Crime Prevention and Control;
9. Invites the Seventh Congress to pay particular attention to the question of illicit drug trafficking;
10. Appeals to Member States to consider contributing to the United Nations Social Defence Trust Fund, to enable the Fund to undertake activities for assistance to countries requesting it, and to allocate an appropriate portion of their resources to programmes for the reduction of crime and the improvement of criminal justice;
11. Requests the Secretary-General to ensure that the substantive and organizational work of the Congress is fully adequate for its successful outcome;
12. Also requests the Secretary-General to submit to the General Assembly, at its fortieth session and in accordance with past practice, a report on the implementation of the recommendations of the Sixth Congress, to be prepared for the Seventh Congress in pursuance of paragraph 4 of Economic and Social Council resolution 1982/29;

13. Further requests the Secretary-General to submit to the General Assembly at its fortieth session his views and recommendations on the implementation of the conclusions of the Seventh Congress;

14. Decides to include in the provisional agenda of its fortieth session an item entitled: "Crime prevention and criminal justice: report of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

DRAFT RESOLUTION XII

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 35/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 36/

Recalling further its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and their family members,

Taking note of the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture, 37/

1. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

35/ Resolution 217 A (III).

36/ Resolution 3452 (XXX), annex.

37/ N/39/662.

3. Expresses its appreciation to the Board of Trustees of the Fund for the work carried out;

4. Expresses its appreciation to the Secretary-General for the support given to the Board of Trustees;

5. Requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information materials, in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

DRAFT RESOLUTION XIII

Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror

The General Assembly,

Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

Bearing in mind the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms,

Considering that the fortieth anniversary of the victory over nazism and fascism in the Second World War will occur in 1985 and should serve to mobilize efforts of the world community in its struggle against Nazi, Fascist and neo-Fascist and all other totalitarian ideologies and practices based on racial intolerance, hatred and terror,

Reaffirming the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system which is based on freedom and effective participation by the people in the

conduct of public affairs, and under which economic and social conditions are such as to ensure a decent standard of living for the population, makes it impossible for fascism, nazism or other ideologies based on terror to succeed,

Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of democratic society and the best bulwark against totalitarian ideologies and practices,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings, of equality of opportunity in civil, political, economic, social and cultural spheres, and of social justice,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Recalling also its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982 and 38/99 of 16 December 1983,

Recalling further the Declaration on Social Progress and Development, 38/ the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, 39/ the Declaration on the Granting of Independence to Colonial Countries and Peoples 40/ and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 41/

38/ Resolution 2542 (XXIV).

39/ Resolution 1904 (XVIII).

40/ Resolution 1514 (XV).

41/ Resolution 36/55.

Underlining the importance of the Universal Declaration of Human Rights, 42/ the International Covenants on Human Rights, 43/ the International Convention on the Elimination of All Forms of Racial Discrimination, 44/ the Convention on the Prevention and Punishment of the Crime of Genocide, 45/ the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 46/ the International Convention on the Suppression and Punishment of the Crime of Apartheid 47/ and other relevant international instruments,

Reaffirming that totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic or other exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations and the above-mentioned international instruments,

Conscious of the need to counter the spread of totalitarian ideologies and practices, based on the systematic denial of human rights and fundamental freedoms, racial intolerance, hatred and terror,

Acknowledging the fact that a number of States have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

Noting again with deep concern that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

Expressing its concern that Fascist and Nazi and other totalitarian ideologies and practices are inherited, inter alia, by repressive racist régimes practising gross and flagrant violations of human rights and systematic denial of human rights and fundamental freedoms,

42/ Resolution 217 A (III).

43/ Resolution 2200 A (XXI), annex.

44/ Resolution 2106 A (XX), annex.

45/ Resolution 260 A (III), annex.

46/ Resolution 2391 (XXIII), annex.

47/ Resolution 3068 (XXVIII), annex.

1. Again condemns and expresses its determination to resist all totalitarian or other ideologies and practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred and terror;
2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;
3. Invites Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;
4. Calls upon States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they are found guilty, in punishing them;
5. Appeals to all States that have not yet done so to ratify or to accede or to give serious consideration of acceding to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Suppression and Punishment of the Crime of Apartheid;
6. Calls upon the appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations, to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;
7. Invites all States, on the occasion of the fortieth anniversary of the conclusion of the Second World War, to renew their efforts to counter the spread of ideologies and practices described in paragraph 1 above and to initiate measures in accordance with the Charter of the United Nations to maintain international peace and security;
8. Gives expression to the respect felt by today's generations for the victims of and the struggle of peoples against nazism and fascism in the Second World War and for establishing the Organization of the United Nations in order to save mankind from the scourge of war and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person;

9. Declares that 8 and 9 May 1985 will be the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of the struggle against them;

10. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays due attention to the dissemination of information on this anniversary and the founding of the United Nations, exposing the ideologies and practices described in paragraph 1 above;

11. Reiterates its request to the Commission on Human Rights to consider this subject at its forty-first session;

12. Calls once again upon all States to provide the Secretary-General with their comments on this question;

13. Requests the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its fortieth session in the light of the discussion that will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

DRAFT RESOLUTION XIV

Regional arrangements for the protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 17 December 1977, 33/167 of 20 December 1978, 34/171 of 17 December 1979, 35/197 of 15 December 1980, 36/154 of 16 December 1981, 37/171 and 37/172 of 17 December 1982 and 38/97 of 16 December 1983 concerning regional arrangements for the promotion and protection of human rights,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights, 48/

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions and within the United Nations may be improved,

1. Takes note of the report of the Secretary-General;

2. Expresses its thanks to the specialized agencies, the regional commissions and the intergovernmental regional organizations which contributed to the preparation of the report;

3. Requests the Secretary-General to consider the possibility of encouraging contacts between representatives of the regional organs and the United Nations bodies entrusted with the promotion of human rights with a view to exchanging information and experience in this field;

4. Requests the Commission on Human Rights, when considering the item on its agenda entitled "Advisory services in the field of human rights", to pay special attention to the most appropriate ways of assisting, at their request, the countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

5. Invites the Secretary-General to submit to the General Assembly at its forty-first session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

6. Decides to consider this question further at its forty-first session.

DRAFT RESOLUTION XV

Regional arrangements for the promotion and protection of human rights in the Asian region

The General Assembly,

Recalling its resolutions 34/171 of 17 December 1979, 35/197 of 15 December 1980, 36/154 of 16 December 1981 and 37/171 of 17 December 1982,

Having considered the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held at Colombo from 21 June to 2 July 1982, 49/

1. Takes note of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights; 50/

2. Takes note with appreciation of comments received on the report of the Seminar from Member States of the Asian and Pacific region;

3. Invites States members of the Economic and Social Commission for Asia and the Pacific that have not yet done so to communicate their comments on the report of the Seminar to the Secretary-General as early as possible to enable further consultations;

49/ A/37/422, annex.

50/ A/39/174-E/1984/38 and Add.1.

4. Requests the Secretary-General to report through the Economic and Social Council to the General Assembly at its forty-first session on the responses received;
5. Decides to consider this question further at its forty-first session.

DRAFT RESOLUTION XVI

Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and at the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees, as indicated in the study of the Special Rapporteur on this subject, 51/

Considering efforts which have been made to address this subject within the United Nations, in particular by the Commission on Human Rights,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at the prevention of new massive flows of refugees parallel with the provision of adequate solutions to actual refugee situations,

Noting again the report of the Secretary-General on human rights and mass exoduses, 52/

Recalling its resolutions 35/196 of 15 December 1980, 37/186 of 17 December 1982 and 38/103 of 16 December 1983 and Commission on Human Rights

51/ E/CN.4/1503.

52/ A/38/538.

resolutions 30 (XXXVI) of 11 March 1980, 53/ 29 (XXXVII) of 11 March 1981, 54/ 1982/32 of 11 March 1982 55/ and 1983/35 of 8 March 1983, 56/

1. Welcomes the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes;
2. Invites Governments to intensify their co-operation and assistance in world-wide efforts to address the serious problem of mass exoduses of refugees and displaced persons;
3. Welcomes the special interest which the Secretary-General has taken in this question and reiterates its request to the Secretary-General to follow closely developments in the area of human rights and mass exoduses;
4. Encourages the efforts being undertaken by the Secretary-General to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance, as mentioned in the Secretary-General's report on the work of the Organization; 57/
5. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with the objective of making appropriate recommendations concerning the further measures to be taken on this subject;
6. Decides to review the question of human rights and mass exoduses at its fortieth session.

DRAFT RESOLUTION XVII

Human rights in the administration of justice

The General Assembly,

Mindful of articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, 58/ as well as the relevant provisions of the International

53/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXVI, sect. A.

54/ Ibid., 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

55/ Ibid., 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

56/ Ibid., 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

57/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 1 (A/39/1).

58/ Resolution 217 A (III).

Covenant on Civil and Political Rights, 59/ in particular article 6 which explicitly states that no one shall be arbitrarily deprived of his life,

Recalling its resolutions 2858 (XXVI) of 20 December 1971 and 3144 (XXVIII) of 14 December 1973 on human rights in the administration of justice,

Recalling also Economic and Social Council resolutions 1984/47 and 1984/50 of 25 May 1984, in which, inter alia, the Council approved the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners 60/ and the safeguards guaranteeing the protection of the rights of those facing the death penalty,

Acknowledging the important work accomplished by the Committee on Crime Prevention and Control at its eighth session,

Aware that the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Milan, Italy, from 26 August to 6 September 1985, will consider the issues related to the formulation and application of United Nations standards and norms in the administration of justice under topic 5 of its provisional agenda, in accordance with Economic and Social Council resolution 1982/29 of 4 May 1982,

Convinced of the need for further co-ordinated and concerted action in promoting respect for the principles embodied in the aforementioned articles of the Universal Declaration of Human Rights,

1. Reaffirms the existing prohibition under international law of every form of cruel, inhuman or degrading treatment or punishment, and strongly condemns the practice of arbitrary and summary executions;

2. Endorses the recommendations contained in Economic and Social Council resolutions 1984/47, on procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, and 1984/50, on safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the provisions of their respective annexes;

3. Calls upon Member States to spare no effort in providing for adequate mechanisms, procedures and resources so as to ensure the implementation of these recommendations both in law and practice;

59/ Resolution 2200 A (XXI), annex.

60/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders; report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

4. Requests the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under item 7 of its provisional agenda, to give urgent attention to the matter of devising ways and means for ensuring more effective application of the existing standards and to report thereon to the General Assembly at its fortieth session;

5. Requests the Secretary-General to discharge fully his tasks in connection with the implementation of the Standard Minimum Rules for the Treatment of Prisoners, particularly in connection with procedures 7, 8, 9 and 10, and to employ his best endeavours in cases where the safeguards guaranteeing the protection of the rights of those facing the death penalty are violated;

6. Requests the Economic and Social Council, through the Committee on Crime Prevention and Control, to keep these matters under constant review;

7. Invites the specialized agencies and other relevant United Nations bodies, as well as concerned intergovernmental and non-governmental organizations, to continue to co-operate with the Secretary-General in these endeavours by providing assistance, as may be appropriate, and by submitting relevant action proposals to the Seventh Congress;

8. Decides to consider at its fortieth session the question of human rights in the administration of justice.

DRAFT RESOLUTION XVIII

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 61/ the International Covenant on Civil and Political Rights 62/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949 63/ and Additional Protocols I and II thereto, 64/

Aware that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments,

61/ Resolution 217 A (III).

62/ Resolution 2200 A (XXI), annex.

63/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

64/ A/32/144, annexes I and II.

Recalling that, in its resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/135 of 17 December 1982 and 38/101 of 16 December 1983, it expressed deep concern at the situation of human rights in El Salvador,

Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981, 65/ in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982, 66/ 1983/29 of 8 March 1983 67/ and 1984/52 of 14 March 1984, 68/ whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, inter alia, to the General Assembly,

Noting that the Special Representative of the Commission on Human Rights points out in his interim report 69/ that, owing to the adoption of a new government policy, the number of human rights violations has markedly decreased, which is a welcome development, but that nevertheless a situation of war and generalized violence continues to exist in El Salvador, that there are still serious violations of human rights, that the number of attacks on life and the economic structure remains a cause for concern and that the capacity of the legal system to investigate and punish human rights violations committed in the country continues to be patently inadequate,

Considering that there is an armed conflict not of an international character in El Salvador in which the Government of that country and the opposition forces are obligated to apply the minimum standard of protection of human rights and of humane treatment set out in article 3 common to the 1949 Geneva Conventions as well as the Additional Protocol II of 1977,

Aware that a delicate process aiming at a political settlement has been initiated in El Salvador, which could be hindered if arms or military contributions of any other kind, making it possible to prolong or intensify the war, are provided from outside,

Taking into account that the President of El Salvador stated before the General Assembly that the main task of the mandate he was given by the elections of 6 May 1984 is to achieve social harmony and internal peace in El Salvador, and that the Special Representative notes with satisfaction the obvious desire of the new Government to establish a democracy governed by the rule of law and guaranteeing full respect for human rights,

65/ See Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

66/ Ibid., 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

67/ Ibid., 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

68/ Ibid., 1984, Supplement No. 4 (E/1984/14), chap. II, sect. A.

69/ A/39/636.

Recognizing that dialogue is the only way, in a spirit of generosity and openness, to achieve a negotiated comprehensive political settlement that will promote genuine national reconciliation, put an end to the suffering of the Salvadorian people and stem the growing tide of internal refugees and displaced persons,

1. Commends the Special Representative for his interim report on the situation of human rights in El Salvador;
2. Expresses its deep concern at the fact that, as indicated in the report of the Special Representative, although the number of human rights violations has decreased, they are still serious and numerous, resulting in suffering for the Salvadorian people;
3. Recalls that the right to life and liberty is paramount and therefore notes with satisfaction the measures which, according to the report of the Special Representative, the Government of El Salvador has adopted to put an end to these serious violations of human rights;
4. Deeply regrets that the persistence of hostilities by the armed forces of the Government has resulted in many civilian victims and material damage, and also regrets that the hostilities of the guerrilla forces have on occasion caused civilian victims and material damage to the economic infrastructure of El Salvador;
5. Reaffirms once again the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside, through a genuine democratic process, in an atmosphere free from intimidation and terror;
6. Requests all States to refrain from intervening in the internal situation in El Salvador and, instead of supplying arms or helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved;
7. Expresses satisfaction at the fact that, in accordance with the appeal made by the President of El Salvador before the General Assembly and the Assembly's own repeated appeals, talks were resumed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario, which confirmed its willingness in that respect;
8. Recognizes that this dialogue is an important step in the process of pacification and democratization of the country and therefore calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario to intensify their talks until they achieve a negotiated comprehensive political solution which will put an end to the armed conflict and establish a lasting peace, which will allow the full exercise both of civil and political rights and of economic, social and cultural rights by all Salvadorians;

9. Welcomes the fact that the Government of El Salvador and the insurgent forces have agreed through indirect talks to exchange prisoners of war and allow the International Committee of the Red Cross to evacuate wounded combatants of the opposition in exchange for the release of government officials captured in combat, appeals to all States to do what they can to support operations of that kind, and urges the Government of El Salvador and the insurgent forces to continue those practices, which humanize the conflict, and to agree as early as possible to respect the medical personnel and all military hospitals, as required by the Geneva Conventions;

10. Again reiterates its appeal to the Government of El Salvador and to the opposition forces to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country;

11. Recommends the continuation and deepening of the reforms necessary in El Salvador, including effective application of agrarian reform, for the solution of the economic and social problems which are the basic cause of the internal conflict in that country;

12. Deeply deplores the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continues to be patently inadequate and therefore urges the competent authorities to continue and strengthen the process of reform of the Salvadorian penal judicial system, in order to punish speedily and effectively those responsible for the serious human rights violations which have been committed and are still being committed in that country;

13. Calls upon the competent authorities in El Salvador to introduce changes in the laws and other measures that are incompatible with the provisions contained in the international instruments binding on the Government of El Salvador in respect of human rights;

14. Renews its appeal to the Government of El Salvador, as well as to other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights;

15. Decides to keep under consideration, during its fortieth session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XIX

Situation of human rights and fundamental freedoms in Guatemala

The General Assembly,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolutions 37/184 of 17 December 1982 and 38/100 of 16 December 1983,

Noting Commission on Human Rights resolution 1984/53 of 14 March 1984 70/ in which the Commission expressed its profound concern at the continued massive violations of human rights in Guatemala,

Mindful of resolution 1984/23 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission recognized, inter alia, that in Guatemala there existed an armed conflict of a non-international character, which stemmed from economic, social and political factors of a structural nature,

Noting the elections to the Constituent Assembly held in July 1984, thus fulfilling the first stage of the electoral process for the institution of a new constitutional Government according to the timetable proposed by the Government of Guatemala, and affirming the importance of creating conditions in which the electoral process can be pursued in a climate free from intimidation and terror,

Alarmed at the continuation of politically motivated violence in the form of killings and kidnappings,

Alarmed also at the large number of persons who have continued to disappear and the unclear fate of those reported to have been tried by the special tribunals now abolished,

Welcoming the co-operation of the Government of Guatemala with the Special Rapporteur in the fulfilment of his mandate and noting with satisfaction that a list of cases having been dealt with by the special tribunals has now been handed over to the Special Rapporteur,

1. Takes note of the interim report by the Special Rapporteur on the situation of human rights in Guatemala submitted in accordance with Commission on Human Rights resolution 1984/53 of 14 March 1984; 71/

2. Reiterates its deep concern at the continuing grave and widespread violations of human rights in Guatemala, particularly the violence against non-combatants, the disappearances and killings and the widespread repression, including the practice of torture, the displacement of rural and indigenous people, their confinement in development centres and forced participation in civilian patrols, organized and controlled by the armed forces;

70/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), chap. II, sect. A.

71/ A/39/635.

3. Urges once again the Government of Guatemala to take effective measures to ensure that all its authorities and agencies, including its security forces, fully respect human rights and fundamental freedoms;

4. Renews its call upon the Government of Guatemala to refrain from the forceful displacement of people belonging to rural and indigenous populations and from the practice of coercive participation in civilian patrols, leading to human rights violations;

5. Welcomes the fact that many of the persons who were tried by the special tribunals have now been released and invites the Government of Guatemala to publish the list of cases having been dealt with by the special tribunals;

6. Requests the Government of Guatemala to investigate and clarify the fate of all persons who have been subjected to involuntary or forced disappearances and are still unaccounted for and to put an end to arbitrary detention and imprisonment in secret places;

7. Urges the Government of Guatemala to establish the necessary conditions to ensure the independence of the judicial system and to enable the judiciary to uphold the rule of law, including the right of habeas corpus, and to prosecute and punish speedily and effectively those, including members of the military and security forces, found responsible for violations of human rights;

8. Calls upon the Government of Guatemala to allow an independent and impartial body to function in the country to monitor and investigate alleged human rights violations;

9. Reiterates its appeal to all parties concerned in Guatemala to ensure the application of the relevant norms of international humanitarian law applicable in armed conflicts of a non-international character, to protect the civilian population and to seek an end to all acts of violence;

10. Appeals to the Government of Guatemala to allow international humanitarian organizations to render their assistance in investigating the fate of persons who have disappeared with a view to informing their relatives of their whereabouts, to visit detainees or prisoners and to bring assistance to the civilian population in areas of conflict;

11. Calls upon Governments to refrain from supplying arms and other military assistance to Guatemala as long as serious human rights violations in that country continue;

12. Urges the Government of Guatemala to ensure a climate free from intimidation and terror which would allow the free participation of all in the political process;

13. Invites the Government of Guatemala and other parties concerned to continue co-operating with the Special Rapporteur of the Commission on Human Rights;

14. Requests the Commission on Human Rights to study carefully the report of the Special Rapporteur, as well as other information pertaining to the human rights situation in Guatemala, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

15. Decides to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its fortieth session.

DRAFT RESOLUTION XX

Situation of human rights and fundamental freedoms in Chile

The General Assembly,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and determined to remain vigilant with regard to violations of human rights wherever they occur,

Stressing the obligation of Governments to promote and protect human rights and to carry out the responsibilities they have undertaken by virtue of various international instruments,

Recalling its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982, and 38/102 of 16 December 1983 all related to the situation of human rights in Chile, as well as its resolution 33/173 of 20 December 1978 on disappeared persons,

Recalling also the resolutions of the Commission on Human Rights relating to the human rights situation in Chile, especially resolution 1984/63 of 15 March 1984, 72/ in which the Commission decided, inter alia, to extend for a year the mandate of the Special Rapporteur on the situation of human rights in Chile,

Deploring once again the fact that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs to re-establish human rights and fundamental freedoms have been ignored by the Chilean authorities, which continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur,

72/ See Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), chap. II, sect. A.

Once again expressing its grave concern at the general persistence of the serious situation of human rights in Chile, which, as established by the Special Rapporteur, has continued to deteriorate, and that the Chilean authorities have not been responsive to the concerns of the international community, as expressed in resolutions of the General Assembly and the Commission on Human Rights,

Observing that, according to the Special Rapporteur, the right to enter and leave one's country freely is seriously restricted for Chilean citizens and that this situation has been aggravated by the issuance of a list containing the names of thousands of Chilean nationals who are not allowed to enter their country without conditions,

Taking note with utmost concern of the re-establishment of the state of siege on 6 November 1984, which has aggravated the situation of human rights and fundamental freedoms in Chile, particularly by the increase in the number of arbitrary mass arrests, of persons sent to internal exile and the practice of torture and other forms of inhuman and degrading treatment as well as the additional restrictions on the freedom of expression and information, assembly and association,

1. Commends the Special Rapporteur for his report on the situation of human rights in Chile 73/ prepared in accordance with resolution 1984/63 of 15 March 1984 of the Commission on Human Rights;
2. Expresses its profound distress at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur, and, in particular at the violent suppression of popular protest in the face of the refusal to restore the democratic order and human rights and fundamental freedoms on the part of the authorities, which have in fact committed further serious and flagrant violations of human rights, with mass arrests and numerous deaths;
3. Reiterates once again its dismay at the disruption in Chile of the traditional democratic legal order and its institutions, particularly through the maintenance of emergency legislation, the institutionalization of states of emergency, the extension of military jurisdiction and the existence of a Constitution which does not reflect the will of the people freely expressed and whose provisions not only fail to guarantee human rights and fundamental freedoms, but suppress, suspend or limit their enjoyment and exercise;
4. Alarmed by the fact that the repressive activities of the police and security agencies and, in particular, the National Information Agency continue to go unpunished, as pointed out in the report of the Special Rapporteur;

5. Once again views with concern the ineffectiveness of the remedies of habeas corpus or amparo and of protection, owing to the fact that the judiciary does not exercise its power of investigation, monitoring and supervision in this respect and performs its functions under severe restrictions;

6. Urges once more the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various international instruments and, in particular, to put an end to the régime of exception and the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed, with the view to the re-establishment of the principle of legality, the democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms;

7. Urges the Chilean authorities to terminate the state of siege decreed on 6 November 1984 and the consequences of that state of siege;

8. Once more urges the Chilean authorities to investigate and clarify the fate of persons who have been arrested for political reasons and who later disappeared and to inform their families of the results of such investigation and to bring to trial and punish those responsible for their disappearance;

9. Once again draws the attention of the Chilean authorities to the need to put an end to intimidation and persecution, as well as arbitrary or illegal arrests and imprisonment in secret places, and to respect the right of persons to life and physical integrity by halting the practice of torture and other forms of cruel, inhuman or degrading treatment which, in some cases, have resulted in unexplained deaths;

10. Once again urges the Chilean authorities in accordance with article 12 of the International Covenant on Civil and Political Rights, 74/ to respect the right of Chilean nationals to live in and freely enter and leave their country, without restrictions or conditions of any kind, in particular, to annul the "list" limiting the right of Chilean nationals to enter the country and other recent measures affecting other individuals, and to cease the practice of "relegation" (assignment of forced residence) and forced exile;

11. Renews its appeal to the Chilean authorities to restore the full enjoyment and exercise of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike, and to put an end to the system of repressing the activities of trade-union leaders and their organizations;

74/ Resolution 2200 (XXI), annex.

12. Once more urges the Chilean authorities to respect and, where necessary, restore economic, social and cultural rights and, in particular, the rights intended to preserve the cultural identity and improve the social status of indigenous populations, including the legitimate enjoyment of their land;

13. Concludes, on the basis of the report of the Special Rapporteur, that it is necessary to keep under consideration the situation of human rights in Chile;

14. Calls again upon the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-first session;

15. Invites the Commission on Human Rights to study in depth the report of the Special Rapporteur at its forty-first session and to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including the extension of the mandate of the Special Rapporteur for one more year, and requests the Commission to report, through the Economic and Social Council, to the General Assembly at its fortieth session.
