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I. ISSUES THAT REQUIRE ACTION BY OR ARE BROUGHT
TO THE ATTENTION OF THE ECONOMIC AND SOCIAL
COUNCIL

A. Draft resolutions

I. Advisory services in the field of human rights^{1/}

The Economic and Social Council,

Recalling General Assembly resolutions 926 (X) and 32/123,

Further recalling its decision 146 (LX) in which it requested the General Assembly to continue to organize world-wide and regional seminars on human rights,

1. Requests that, commencing with the 1980-1981 programme budget, the financing of the advisory services programme in the field of human rights be arranged as a part of the budget of the human rights programme of the United Nations;

2. Reiterates its request to the Secretary-General to organize at least two seminars and one training course annually and also to grant at least 25 fellowships each year, giving special attention to the needs of the developing countries;

3. Authorizes the Secretary-General to supplement the number of seminars, fellowships and training courses possible under the advisory services programme in the regular budget of the United Nations by arranging for additional seminars, fellowships and training courses which would be financed by governments willing to do so;

4. Invites the Secretary-General to include in his next annual report to the Commission on Human Rights information on the implementation of the present resolution.

II. Establishment of a trust fund for Chile^{2/}

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 13 (XXXIV),

Recommends that the General Assembly should adopt the following draft resolution:

"The General Assembly,

"Recalling its resolutions 31/124 and 32/118 and taking note of Economic and Social Council resolution ... and Commission on Human Rights resolution 13 (XXXIV),

^{1/} See chap. XXVI, sect. A, resolution 11 (XXXIV), and chap. XXI.

^{2/} See chap. XXVI, sect. A, resolution 13 (XXXIV), and chap. III.

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

"2. Adopts the annexed management rules for the fund;

"3. Authorizes the board of trustees to promote and solicit contributions and pledges;

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

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

III. Rights of persons belonging to national, ethnic, religious and linguistic minorities 3/

The Economic and Social Council,

Recalling its resolution 1418 (XLVI) of 6 June 1969 on the study of the rights of persons belonging to ethnic, religious and linguistic minorities,

Noting Commission on Human Rights resolution 14 (XXXIV) of 6 March 1978,

1. Expresses its appreciation to Mr. Francesco Capotorti, Special Rapporteur, for his valuable study (E/CN.4/Sub.2/384 and Add.1-7);

2. Requests the Secretary-General to print the Special Rapporteur's study and to disseminate it as widely as possible.

3/ See chap. XXVI, sect. A, resolution 14 (XXXIV), and chap. XVIII.

IV. Body of principles for the protection of all persons under any form of detention or imprisonment 4/

The Economic and Social Council,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975 and Economic and Social Council resolution 1993 (LX) of 12 May 1976, calling upon all Governments fully to observe and implement the Declaration,

Recalling also General Assembly resolutions 3453 (XXX) of 9 December 1975, in which the Assembly requested the Commission to study inter alia the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment, and 31/85 of 13 December 1976, in which it requested the Commission to submit a comprehensive report on the elaboration of the said body of principles to the General Assembly at its thirty-third session,

Bearing in mind Commission on Human Rights resolution 10 (XXXII) of 5 March 1976, in which the Commission invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to draw up a draft body of principles,

Mindful of Commission on Human Rights resolution 8 (XXXIII) of 4 March 1977, in which the Commission requested the Sub-Commission to present to it at its thirty-fourth session a comprehensive report on the elaboration of the said body of principles,

Noting that the Sub-Commission at its thirtieth session discussed a draft body of principles prepared by Mr. Eric Nettel (E/CN.4/Sub.2/395) and by its resolution 8 (XXX) of 31 August 1977 recommended that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission to prepare a revised draft body of principles for consideration at its thirty-first session,

1. Authorizes the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group of five members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission for the said purpose;

2. Requests the Sub-Commission to submit to the Commission on Human Rights at its thirty-fifth session a comprehensive report with a draft body of principles for the protection of all persons under any form of detention or imprisonment.

4/ See chap. XXVI, sect. A, resolution 19 (XXXIV), and chap. VIII.

V. Question of a convention on the rights of the child 5/

The Economic and Social Council,

Having in mind the fact that General Assembly resolution 31/169 of 21 December 1976 proclaimed 1979 as the International Year of the Child,

Bearing in mind that since the adoption by the General Assembly of the Declaration of the Rights of the Child nineteen years have elapsed, during which period States Members of the United Nations have taken into account in the formulation of their socio-economic policies the principles of that Declaration,

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

Being aware of the special need to assist children in the developing countries in a manner consistent with the goals of the new international economic order,

Having in mind the International Covenant on Civil and Political Rights, in particular its articles 23 and 24, as well as the International Covenant on Economic, Social and Cultural Rights, in particular its article 10,

Noting Commission on Human Rights resolution 20 (XXXIV),

1. Takes note with satisfaction of the initiative taken by the Commission at its thirty-fourth session with a view to the conclusion of a convention on the rights of the child and to the adoption of this Convention by the General Assembly, if possible during the International Year of the Child;

2. Recommends to the General Assembly that it consider including in the agenda for its thirty-fourth session, as a priority matter, the question of the adoption of a convention on the rights of the child.

VI. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission 6/

The Economic and Social Council,

Recalling Articles 1 and 2 of the Charter of the United Nations enumerating the purposes and principles of the United Nations,

Concerned at the lack of adequate resources currently allocated from the regular budget for the implementation of the human rights programmes,

Invites the General Assembly at its thirty-third session to consider taking appropriate action to increase, within the limits of available resources, the allocations to the budget of the human rights programme of the United Nations.

5/ See chap. XXVI, sect. A, resolution 20 (XXXIV), and chap. XIX.

6/ See chap. XXVI, sect. A, resolution 25 (XXXIV), and chap. IX.

B. Draft decisions

1. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 7/

The Economic and Social Council, noting Commission on Human Rights resolution 26 (XXXIV), authorizes the convening of an open-ended working group of the Commission on Human Rights to meet for one week immediately before the Commission's thirty-fifth session to continue the consideration of matters mentioned in decision 4 (XXXIII) as well as those referred to the Commission by General Assembly resolution 32/130.

2. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 8/

The Economic and Social Council takes note of decision 10 (XXXIV) of the Commission on Human Rights and decides that the 12 seats allocated to the Afro-Asian group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities referred to in paragraph 2 of its resolution 1334 (XLIV) of 31 May 1968 shall be subdivided as follows:

African group of States: _____ seats

Asian group of States: _____ seats

3. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa 9/

(a) The Economic and Social Council approves the recommendation made by the Commission on Human Rights in its resolution 6 (XXXIV) that the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa be invited to present his report to the General Assembly at its thirty-third session and attend the meetings of the Assembly at which it is discussed.

7/ See chap. XXVI, sect. A, resolution 26 (XXXIV), and chap. IX.

8/ See chap. XXVI, sect. B, decision 10 (XXXIV), and chap. XXIII.

9/ See chap. XXVI, sect. A, resolution 6 (XXXIV), and chap. V.

(b) The Economic and Social Council approves the recommendation made by the Commission on Human Rights in its resolution 6 (XXXIV) that the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the adverse consequences for the enjoyment of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa be printed in its final form and given wide distribution.

4. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 10/

The Economic and Social Council approves the decision taken by the Commission on Human Rights in its resolution 12 (XXXIV), in response to General Assembly resolution 32/118, to extend the mandate of the Ad Hoc Working Group to inquire into the situation of human rights in Chile within the terms of the Commission resolution, and requests the General Assembly to make arrangements for the provision of adequate financial resources and staff for the implementation of that resolution.

5. Draft convention on torture and other cruel, inhuman or degrading treatment or punishment 11/

The Economic and Social Council approves the recommendation made by the Commission on Human Rights in paragraph 2 of its resolution 18 (XXXIV) and authorizes the holding of a meeting of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission with the task of preparing for the Commission concrete drafting proposals for a draft convention on torture and other cruel, inhuman or degrading treatment or punishment.

6. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 12/

The Economic and Social Council approves the recommendation made by the Commission on Human Rights in its resolution 21 B (XXXIV) and authorizes a meeting of an open-ended working group in December 1978, for at most three days, in order to carry out the functions provided for in Commission resolution 21 B (XXXIV).

10/ See chap. XXVI, sect. A, resolution 12 (XXXIV), and chap. III.

11/ See chap. XXVI, sect. A, resolution 18 (XXXIV), and chap. VIII.

12/ See chap. XXVI, sect. A, resolution 21 B (XXXIV), and chap. XX.

7. Organization of a symposium in southern Africa 13/

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 2 (XXXIV), to hold the symposium described in that decision in July 1978.

8. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 14/

The Economic and Social Council approves the decision of the Commission on Human Rights to set up a working group composed of five of its members to meet for one week prior to its thirty-fifth session to examine such particular situations as may be referred to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session under Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review.

13/ See chap. XXVI, sect. B, decision 2 (XXXIV), and chap. IV.

14/ See chap. XXVI, sect. B, decision 4 (XXXIV), and chap. X.

II. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

1. The Commission considered agenda item 4, jointly with item 9 (see chap. VII), at its 1431st to 1438th and 1440th meetings, held from 8 to 14 February 1978.
2. By its resolution 1 A (XXXIII) the Commission had decided to place this item on the provisional agenda of its thirty-fourth session as a matter of high priority. For its consideration of this question, the Commission had before it a report by the Secretary-General (E/CN.4/1264), submitted pursuant to the provisions of paragraph 11 of resolution 1 A (XXXIII), on the measures taken to bring that resolution to the attention of Governments, competent United Nations organs, specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity. The Commission also had before it a note by the Secretary-General (E/CN.4/1263 and Add.1 and E/CN.4/1263/Add.1/Corr.1) submitted pursuant to the provisions of paragraph 8 of resolution 1 A (XXXIII), and the following documents: A/32/13, A/32/35, A/32/204, A/32/228, A/32/240 and Add.1, A/32/263, A/32/264 and Corr.1 and Add.1, A/32/284, A/32/308.
3. At the request of the Permanent Representatives of Egypt, the Libyan Arab Jamahiriya, Jordan and the Syrian Arab Republic to the United Nations Office at Geneva, documents A/32/132, A/SPC/32/L.12 and A/32/22/Add.3 and General Assembly resolutions 32/5, 32/14, 32/20, 32/40, 32/42, 32/90, 32/91, 32/105 D, 32/122, 32/161 and 32/171 were made available to the Commission.
4. The Commission also had before it a letter dated 9 May 1977 from the Director-General of the Arab Educational, Cultural and Scientific Organization of the League of Arab States to the Chairman of the Commission (E/CN.4/1260).
5. Finally, the Commission had before it written statements submitted by the Inter-Parliamentary Union (E/CN.4/NGO/209), the World Peace Council (E/CN.4/NGO/216) and the Women's International Democratic Federation (E/CN.4/NGO/219).
6. The Commission heard statements by the observers for Iraq (1435th and 1437th meetings), Israel (1436th and 1438th meetings), Morocco (1438th meeting), the League of Arab States (1432nd meeting), the Palestine Liberation Organization (1432nd and 1437th meetings) and the Pan-Africanist Congress of Azania (1434th meeting).
7. The Commission also heard statements by observers for the following non-governmental organizations in consultative status: World Federation of Trade Unions (category I), the Anti-Slavery Society (category II).
8. The majority of speakers praised the report (A/32/284) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and stressed the integrity, dedication and competence of the members of the Committee, who were performing their task despite Israel's continuing refusal to co-operate.
9. Most delegations expressed grave concern at the continuous deterioration of the situation in the occupied Arab territories, including Jerusalem, since the Commission's last session. Mention was made in this connexion of the

evacuation, deportation and expulsion of Arab inhabitants of the occupied territories and the denial of their right to return, the confiscation and expropriation of Arab property in the territories, the destruction and demolition of houses, mass arrests and administrative detention, the pillaging of archaeological and cultural property, the interference with religious freedoms and practices as well as with family rights and customs, the illegal exploitation of the natural wealth and human resources of the territories and the ill-treatment of the civilian population.

10. The same speakers paid particular attention to the question of the frequent torturing of Arab administrative detainees. A number of references were made in this connexion to the article published in the Sunday Times of 19 June 1977, reporting the findings of two journalists who had also testified before the Special Committee, and to the report of the Special Committee. Those speakers also referred to the prison conditions and to the ill-treatment of and cruelty towards Arab prisoners.

11. One speaker asked the Secretariat what had resulted from Commission decision 1 (XXXIII) of 10 February 1977, by which the Commission had decided to send a telegram to the Government of Israel concerning the deterioration of the conditions of imprisonment of Arab detainees in Israeli prisons. He was told that, although the telegram had been sent immediately after the adoption of the above-mentioned decision, no reply had been received.

12. The annexation of parts of the occupied territories, the transfer there of an alien population and the establishment of Israeli settlements in the occupied territories were condemned by the great majority of delegations as constituting an obstacle to peace in the region.

13. The great majority of delegations supported the right of the Palestinian people to self-determination, to the exercise of their inalienable rights, to independence and to national sovereignty, but several opinions were expressed concerning the means of securing enjoyment of those rights.

14. The members of the Commission agreed to reaffirm that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the occupied territories and that there was a need to bring pressure to bear on Israel to fulfil its obligations in that connexion. They also deplored the fact that Israel did not recognize that the Convention applied to the occupied territories.

15. Several speakers drew a parallel between Zionism and apartheid and said that those selective and racist régimes should be outlawed by the international community.

16. The massive and deliberate destruction of Quneitra perpetrated during Israeli occupation and prior to the withdrawal of Israeli forces from the city in 1974 was again condemned by certain representatives.

17. Some speakers referred to the negotiations which were in progress in the Middle East with a view to settlement of the problem. Some of them described the Egyptian President's initiative as historic and courageous and expressed their

disappointment with the stand taken by Israel, which had failed to comprehend the profound significance of the initiative. One speaker expressed his disapproval of partial and fragmented approaches to peace.

18. In the opinion of one delegation, the current efforts at neogitation were illusory. The representative of the Libyan Arab Jamahiriya stated that the negotiations that were taking place in no way concerned the Palestinians because they were not taking part in the negotiations.

19. The observer for Israel rejected the accusations levelled against his Government. He questioned the methods and basic philosophy of the Special Committee and expressed amazement that a body composed of eminent personalities could be so easily misled. He denied the competence of the Special Committee in the question of the destruction of Quneitra, alleging that it was not an occupied territory. He stated that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was not applicable to the occupied Arab territories. He also denied that Jewish settlements in the occupied territories constituted an obstacle to peace and justified their existence on grounds of security. He expressed the hope that the Commission would avoid taking measures which might create difficulties in reaching a peace settlement.

20. Cuba, Cyprus, India, Nigeria, Pakistan, Rwanda, Senegal and Yugoslavia submitted draft resolutions (E/CN.4/L.1369, draft resolutions A and B). The draft resolutions were introduced by the representative of Pakistan at the 1438th meeting. The Ivory Coast joined the sponsors of the draft resolutions. Several representatives objected to the wording of draft resolution A, observing in particular that the Commission was not legally competent to take a decision on a matter that was currently being considered by the Security Council, that the negotiations that had been started with a view to an amicable settlement of the Middle East conflict might be impeded by a vote condemning Israel too categorically, the absence of sufficient proof of "the continued and increasing use of arbitrary detention, torture, ill-treatment and cruel treatment of Arab detainees and prisoners", the restricted meaning of "self-determination" given in the text, and the impracticability of some of the injunctions contained in the text. One speaker said that the negotiations referred to could not serve as a pretext for the position taken by those representatives, since the negotiations were not the subject of consideration by the Commission. The representative of the Libyan Arab Jamahiriya explained that his delegation understood the phrase "an affront to humanity" at the end of paragraph 3 of draft resolution A to mean "crimes against humanity".

21. Draft resolutions A and B contained in document E/CN.4/L.1369 were put to the vote at the 1440th meeting, on 14 February 1978. A number of representatives explained their vote.

22. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution A. The draft resolution was adopted by 23 votes to 2, with 7 abstentions. The voting was as follows:

III. STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE,
WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

25. The Commission considered agenda item 5 at its 1453rd to 1458th meetings, on 23, 24 and 27 February 1978; and at its 1467th meeting, on 6 March 1978.

26. In its resolution 9 (XXXIII) of 9 March 1977, the Commission had decided to consider at its thirty-fourth session, as a matter of high priority, the question of the violation of human rights in Chile. In that resolution, the Commission, acting in accordance with General Assembly resolution 31/124 of 16 December 1976, extended the mandate of the Ad Hoc Working Group established under Commission resolution 8 (XXXI) of 27 February 1975 to inquire into the situation of human rights in Chile, and it requested the Group to report to the General Assembly at its thirty-second session and to the Commission on Human Rights at its thirty-fourth session with such additional information as might be necessary. In the same resolution, the Commission requested the Secretary-General to invite Member States, United Nations agencies and international organizations to inform him of the steps taken to implement paragraph 4 of General Assembly resolution 31/124 and to report to the General Assembly at its thirty-second session and to the Commission at its thirty-fourth session.

27. The Ad Hoc Working Group, consisting of five members appointed in their personal capacity by the Chairman of the thirty-first session of the Commission, who exercised their functions under his chairmanship, was composed as follows: Mr. Ghulam Ali Allana (Pakistan), Chairman-Rapporteur; Mr. Leopoldo Benites (Ecuador); Mr. Felix Ermacora (Austria); Mr. Abdoulaye Biéye (Senegal) and Mrs. M.J.T. Kamara (Sierra Leone).

28. In section I of its resolution II (XXX), entitled "Study of certain questions relating to the situation of human rights in Chile", adopted on 31 August 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, in accordance with the request made by the Commission in its resolution 9 (XXXIII), to undertake a study on the consequences of the various forms of aid extended to the Chilean authorities; the Sub-Commission appointed Mr. Antonio Cassese as Rapporteur for the study and requested him to analyse the volume, origins, development and significance of the assistance given to the present régime in Chile, to study whether a quantitative or qualitative change in the aid now being given might contribute to restoring respect for human rights in Chile and to submit a progress report to the Commission at its thirty-fourth session.

29. In section II of the same resolution, the Sub-Commission recommended that a voluntary fund administered under the authority of an independent board of trustees should be established to receive contributions and distribute humanitarian, legal and financial aid to those detained or imprisoned in Chile under the state of siege and other emergency legislation, to those forced to leave the country and to their relatives, and requested the Secretary-General to prepare a report for the Commission on Human Rights at its thirty-fourth session which would include suggestions as to methods of establishing the fund, the administrative and legal structures of the fund, sources of financial contributions to the fund, and channels of distribution of the aid.

30. The Ad Hoc Working Group submitted its report to the General Assembly, at its thirty-second session in document A/32/227. The General Assembly, after considering the question of human rights in Chile, adopted resolution 32/118 of 16 December 1977

in which, after concluding that constant and flagrant violations of human rights continued to take place in Chile, it invited the Commission on Human Rights to extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the General Assembly at its thirty-third session and to the Commission at its thirty-fifth session, with such additional information as might be necessary. It further invited the Commission on Human Rights to present to the General Assembly at its thirty-third session, through the Economic and Social Council, specific recommendations on possible humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country and to their relatives and also to submit to the General Assembly at its thirty-third session, through the Economic and Social Council, a progress report on action taken in compliance with paragraph 5 (c) of General Assembly resolution 31/124.

31. The Commission had before it the following documentation:

(a) The report of the Ad Hoc Working Group to the General Assembly at its thirty-second session (A/32/227);

(b) The report of the Ad Hoc Working Group to the Commission on Human Rights at its thirty-fourth session, which supplements the Group's report to the General Assembly (E/CN.4/1266);

(c) The report of the Secretary-General on the implementation of paragraph 4 of General Assembly resolution 31/124 (A/32/234);

(d) The report of the Secretary-General to the Commission on the same subject (E/CN.4/1268 and Add.1);

(e) A progress report on the impact of foreign economic aid and assistance on respect for human rights in Chile prepared by Mr. Antonio Cassese, Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1267);

(f) The report of the Secretary-General containing suggestions relating to the establishment of a voluntary fund pursuant to Sub-Commission resolution 11 (XXX) (E/CN.4/1269);

(g) Observations of the Government of Chile on the report of the Ad Hoc Working Group to the General Assembly at its thirty-second session (A/32/C.3/6);

(h) Observations of the Government of Chile on the report of the Ad Hoc Working Group to the Commission on Human Rights at its thirty-fourth session (E/CN.4/1290);

(i) A letter dated 14 February 1978 from the Permanent Representative of Chile to the International Organizations at Geneva addressed to the Director of the Division of Human Rights (E/CN.4/L.1377 and Add.1);

(j) A written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/NGO/223);

(k) A written statement submitted by the World Peace Council, a non-governmental organization in consultative status (Roster) (E/CN.4/NGO/224);

(l) The summary records of meetings of the Third Committee of the General Assembly at its thirty-second session at which the question of human rights in Chile was discussed (A/C.3/32/SR.54, 56-64 and 72).

32. The Commission heard statements by the observers for Chile (1454th, 1458th and 1467th meetings), Czechoslovakia (1457th meeting), the German Democratic Republic (1455th meeting), Hungary (1456th meeting), Mongolia (1456th meeting) and Venezuela (1457th meeting).

33. The observers for the following non-governmental organizations in consultative status addressed the Commission: Amnesty International, Christian Democratic World Union, International Commission of Jurists, International Indian Treaty Council, Women's International Democratic Federation, World Federation of Trade Unions, World University Service (1456th meeting); International Association of Democratic Lawyers, Socialist International (1458th meeting).

34. At the 1453rd meeting the Chairman-Rapporteur of the Ad Hoc Working Group introduced the Group's report contained in document E/CN.4/1266. He also made a statement at the 1458th meeting, in which he appealed to the Government of Chile to co-operate with the Group with a view to agreeing on the modalities of a visit by the Group to Chile in fulfillment of the Group's mandate. The Chairman-Rapporteur considered that enhanced co-operation between the Government of Chile and the Group could greatly contribute to the restoration of human rights in that country.

35. At the 1454th meeting the Rapporteur of the Sub-Commission introduced his progress report on the study on the consequences of the various forms of aid extended to the Chilean authorities, entrusted to him under Sub-Commission resolution 11 (XXX). In the course of his statement, the Rapporteur indicated how he intended to proceed in the preparation of the study, the issues that he would examine and his methods of work. In another statement, at the 1458th meeting, the Rapporteur responded to questions which had been raised as to the scope of the study within the framework of his mandate.

36. Most of the speakers expressed appreciation to the Ad Hoc Working Group for its valuable work and commended its reports, which they found to contain an impartial and objective description of the situation of human rights in Chile, on the basis of the information available to the Group.

37. Several representatives welcomed the action taken by the Sub-Commission to undertake a study on the consequences of the various forms of aid extended to the Chilean authorities and to appoint a rapporteur to prepare such a study. Some of the speakers expressed appreciation for the progress report of the Rapporteur and support for the study undertaken. One representative recommended that the concepts of foreign aid and assistance should be objectively established and that the study should be carried out within the framework of the United Nations Charter.

38. Some speakers praised the progress made towards the establishment of a voluntary fund in order to receive contributions and distribute humanitarian, legal and financial aid to detained persons and their relatives and to those who were forced to leave the country and their families. These speakers urged that such a fund should be established without delay in view of its urgent humanitarian character. A few representatives emphasized that the fund, when established, should engage only in activities of a humanitarian nature; they felt that it should be a general fund rather than a fund for only one country.

39. Many representatives expressed concern over the continued violations of fundamental human rights in Chile under the state of siege. While some representatives welcomed the decrease in the number of arrests, in the number of persons disappearing for political reasons and in the number of reported cases of

torture, other representatives stressed that the situation as regards violations of human rights in Chile had not changed and that State security organs, under a different name, continued to arrest, intimidate and torture opponents of the régime.

40. Most speakers expressed indignation at the refusal of the Chilean Government to account for the large number of persons missing for political reasons and urged that the Chilean authorities co-operate in the investigation to determine the whereabouts or to clarify the fate of persons who had disappeared.

41. Several speakers stated that the measures taken by the Chilean Government against the political parties and political activity as well as the continuation of the state of siege were a step away from the hope for the restoration of democratic institutions in Chile and the constitutional safeguards to which the Chilean people were entitled. In this connexion they considered that the national consultation held by the Chilean authorities was, under the circumstances prevailing in Chile, not a reliable indication of the situation of human rights in Chile.

42. It was generally agreed that the mandate of the Group should be extended as recommended in General Assembly resolution 32/118. In this regard, most speakers deplored the refusal of the Chilean Government to permit the Group to visit Chile as was provided in its mandate and urged the Chilean Government to enter into a constructive dialogue with the Group aiming at arranging such a visit. Some representatives considered that the Chilean Government was bound by its original agreement to the creation of the Group, and that it was not possible at this stage to revert to different procedures in the inquiry into the situation of human rights in Chile.

43. The observer for Chile stated that his country had been subjected to unfair and discriminatory treatment by the United Nations and the international community. Any inquiry into the situation of human rights in Chile should be carried out on the basis of Economic and Social Council resolution 1503 (XLVIII). The resolution calling for a study of the impact on human rights in Chile of foreign economic aid and assistance was an unwarranted interference in the internal affairs of his country, as were certain aspects of the reports of the Ad Hoc Working Group. He considered the United Nations resolutions and the inquiry of the Ad Hoc Working Group as an interference in the internal affairs of his country and an infringement of its sovereignty. The national consultation held by the Chilean Government had shown, according to the observer for Chile, that the Chilean people rejected the discriminatory approach of the United Nations and the interference in their country's internal affairs. He further reiterated that the measures taken by the Chilean Government had greatly improved the situation of human rights and created an atmosphere and climate of progress, which his Government was determined to protect. His country would be open to any suggestions for an on-the-spot investigation but on condition that such an investigation would be carried out under generally accepted rules of procedure.

44. At the 1467th meeting the representative of Sweden introduced a draft resolution (E/CN.4/L.1398) sponsored by Cyprus and Sweden, and subsequently also by Cuba and Yugoslavia. At the same meeting the representative of Sweden also introduced a draft resolution (E/CN.4/L.1399/Rev.1) sponsored by Austria, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The representative of the Secretary-General made a statement concerning the administrative and financial implications of the draft resolutions. With regard to future implications, he stated that all operating costs, including costs relating

to the board of trustees, would be borne by the trust fund. The statement on the financial implications of draft resolution E/CN.4/L.1399/Rev.1 was distributed as document E/CN.4/L.1403.15/

45. At the 1467th meeting, on 6 March 1978, the draft resolutions were put to the vote. A number of representatives explained their votes on the draft resolutions.

46. At the request of the representative of the Union of Soviet Socialist Republics, a separate roll-call vote was taken on the seventh paragraph of the preamble of draft resolution E/CN.4/L.1399/Rev.1. The paragraph was adopted by 17 votes to 5, with 9 abstentions. The voting was as follows:

In favour: Australia, Austria, Brazil, Canada, Colombia, Egypt, France, India, Iran, Nigeria, Panama, Peru, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bulgaria, Cuba, Poland, Uganda, Union of Soviet Socialist Republics.

Abstaining: Cyprus, Ivory Coast, Jordan, Libyan Arab Jamahiriya, Pakistan, Rwanda, Senegal, Syrian Arab Republic, Yugoslavia.

47. Draft resolution E/CN.4/L.1399/Rev.1 as a whole was voted on by roll-call at the request of the representative of the USSR. It was adopted by 24 votes to 3, with 4 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Canada, Colombia, Cuba, Cyprus, Egypt, France, India, Iran, Libyan Arab Jamahiriya, Pakistan, Poland, Rwanda, Senegal, Sweden, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against: Brazil, Panama, Uruguay.

Abstaining: Ivory Coast, Jordan, Nigeria, Peru.

48. Draft resolution E/CN.4/L.1398 was adopted by 21 votes to 3, with 6 abstentions.

49. For the text of the resolutions see chapter XXVI, section A, resolutions 12 (XXXIV) and 13 (XXXIV).

50. The observer for Chile made a statement in which he expressed Chile's opposition to the new extension of the mandate of the Ad Hoc Working Group. He said that his Government would continue to collaborate with the United Nations, through the Secretary-General, and that it was open to any move by any country or any individual with a view to studying the conditions in which the Group might be accepted and to enabling two members representing the Group to visit Chilean territory.

15/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

IV. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

51. The Commission considered agenda item 6 at its 1440th, 1441st, 1443rd to 1446th, 1448th, 1450th and 1451st meetings, held between 14 and 22 February 1978.
52. The Commission heard statements by the observers for the German Democratic Republic (1444th meeting) and the Federal Republic of Germany (1445th meeting). It also heard statements by the representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (1446th meeting), by the observer for the Organization of African Unity (OAU) (1443rd meeting) and by the observers for the African National Congress (1446th meeting), the Palestine Liberation Organization (1445th meeting) and the Pan-Africanist Congress of Azania (1444th meeting).
53. At its 1448th meeting, the Commission heard a statement by Mr. Leslie O. Harriman, Chairman of the Special Committee against Apartheid.
54. The Commission also heard statements by the observers for the following non-governmental organizations in consultative status: Women's International Democratic Federation (1445th meeting), World Federation of Trade Unions (1446th meeting).
55. The Commission had decided, in its resolution 6 (XXXVIII) of 4 March 1977, that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violated human rights in South Africa, Namibia and Zimbabwe. It had requested the Group to institute an inquiry in respect of any person who has been guilty in Namibia of the crime of apartheid or of a serious violation of human rights and to bring the results of that inquiry to the attention of the Commission at its thirty-fourth session. By the same resolution, the Commission had requested the Group to evaluate the recommendations set forth in the Declaration and Programme of Action adopted by the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa held at Havana from 24 to 28 May 1976. The Group was requested to present a progress report at the thirty-fourth session and a report on its findings at the thirty-fifth session of the Commission. For its part the Economic and Social Council, by its decision 236 (LXII) of 13 May 1977, requested the Ad Hoc Working Group of Experts to continue to study allegations regarding infringement of trade union rights in South Africa. By its resolution 2082 A (LXII) the Council decided that the Ad Hoc Working Group of Experts, in conjunction with the Special Committee against Apartheid, should examine the treatment of prisoners in South Africa, Namibia and Zimbabwe, including the death of a number of detainees, as well as police brutality during peaceful demonstrations against apartheid in South Africa since the Soweto massacre of 16 June 1976.
56. The Commission accordingly had before it the progress report (E/CN.4/1270) of the Ad Hoc Working Group of Experts, prepared in accordance with Commission resolution 6 (XXXVIII) and Economic and Social Council decision 236 (LXII).
57. The Commission also had before it a letter dated 31 January 1978 from the Chairman of the Ad Hoc Working Group of Experts to the Chairman of the Commission (E/CN.4/1288) and a letter dated 2 February 1978 from the Chairman of the Special Committee against Apartheid to the Chairman of the Commission concerning the situation of human rights in South Africa (E/CN.4/1289).

58. The Commission also received written statements submitted by two non-governmental organizations in consultative status, the Inter-Parliamentary Union (E/CN.4/NGO/211) and Amnesty International (E/CN.4/NGO/218).

59. At the 1440th meeting of the Commission, the Vice-Chairman of the Ad Hoc Working Group of Experts, Mr. Branimir Janković, introduced the report of the Group (E/CN.4/1270) and drew particular attention to the number of deaths in prison and to police brutality in South Africa.

60. In his statement to the Commission, the Chairman of the Special Committee against Apartheid expressed deep concern about the deteriorating situation in South Africa and deplored the killing of peaceful demonstrators and the murder of political prisoners and detainees. The International Anti-Apartheid Year in 1978 should focus on mobilizing all Governments and peoples of the world to put an end to collaboration with the apartheid régime and to provide assistance to the oppressed peoples and their national liberation movements in their struggles. He appealed for a world-wide campaign for the unconditional release of all political prisoners in South Africa.

61. Most speakers praised the report of the Ad Hoc Working Group of Experts and paid tribute to the members of the Group for the excellent manner in which they had fulfilled their mandate. Several speakers subscribed to the facts described in the report and condemned the massive and attested violations of human rights in South Africa, Namibia and Zimbabwe.

62. A number of representatives expressed the view that a comparison of the racist régime in South Africa with the Nazi régime was inescapable. They stated that the policies and practices described in the report of the Group were a negation of all the human values enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and a challenge to the conscience of mankind. It was stressed that apartheid was a crime against humanity and represented a threat to international peace and security.

63. Several speakers expressed great concern over the mass removals of African populations from their enclaves and from urban areas into the most barren parts of the country. The policy of the so-called "homelands" and of "bantustanization" was condemned by all speakers. It was stated that the so-called "independence" granted under the "Bantu homelands" policy deprived the African people of real self-determination and destroyed the unity of the people.

64. Deep concern was voiced by many speakers at the situation in South Africa since the Soweto massacre which, they felt, had marked the beginning of a new and more brutal phase of the South African atrocities. They stated that the large-scale murder of children protesting against the inhuman policy of apartheid had become an integral part of the system. Some representatives referred to the death of Stephen Biko and were of the opinion that the number of less known Africans who had died through similar brutal treatment was unknown.

65. A large number of speakers expressed concern about the situation in Namibia and Zimbabwe and condemned police brutality against political prisoners and detainees. They observed that the racist régime of Pretoria continued the illegal occupation of Namibia and had also introduced the policy of apartheid into the Territory. Some speakers observed in this connexion that armed struggle by the people of South Africa, Namibia and Zimbabwe should be viewed as the only effective

means of countering apartheid and racist oppression. In particular, the Namibian people, in carrying out their struggle, were merely seeking to exercise their right to self-determination.

66. Several speakers referred to the International Conference in Support of the Peoples of Zimbabwe and Namibia, held in Maputo in May 1977, and the World Conference for Action against Apartheid, held in Lagos, in August 1977. Both conferences had called upon Governments, the United Nations and non-governmental organizations to provide political, moral, material and financial support to the people of Namibia, Zimbabwe and South Africa and to their national liberation movements. Several speakers called on the Commission on Human Rights to endorse the Declarations of Lagos and Maputo as well as the programme of action adopted by the Havana Seminar.

67. At the 1448th meeting, on 20 February 1978, the representative of Nigeria introduced a draft resolution (E/CN.4/L.1378) sponsored by Cyprus, Egypt, Jordan, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Pakistan, Senegal, the Syrian Arab Republic and Uganda. At the same meeting a draft resolution submitted by Cyprus, Egypt, the Ivory Coast, Jordan, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Pakistan, Rwanda, Senegal and Uganda (E/CN.4/L.1380) was also introduced by the Nigerian representative.

68. A draft decision (E/CN.4/L.1373) was submitted by the Chairman of the Commission.

69. At the 1440th meeting, the representative of the Secretary-General made a statement concerning the administrative and financial implications of the draft decision in document E/CN.4/L.1373. The statement was subsequently circulated in document E/CN.4/L.1384.

70. At the 1451st meeting, on 22 February 1978, draft resolution E/CN.4/L.1378 was adopted unanimously.

71. At the same meeting, draft resolution E/CN.4/L.1380, as orally revised, was adopted by 26 votes to none, with 4 abstentions.

72. For the text of the resolutions, see chapter XXVI, section A, resolutions 4 (XXXIV) and 5 (XXXIV).

73. The draft decision in document E/CN.4/L.1373 was adopted at the 1451st meeting without a vote.

74. For the text of the decision, see chapter XXVI, section B, decision 2 (XXXIV).

V. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA

75. The Commission considered agenda item 7 at its 1440th, 1441st, 1443rd to 1446th, 1448th, 1450th and 1451st meetings, held between 14 and 22 February 1978.

76. By its resolution 7 (XXXIII) of 4 March 1977 the Commission had decided to place this item on the agenda of its thirty-fourth session. In accordance with resolution 1 (XXX) of 26 August 1977 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission had before it the report of the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/383). The Special Rapporteur, Mr. Ahmed M. Khalifa, followed the discussion of his report in the Commission, as requested by Sub-Commission resolution 1 (XXX).

77. The Commission heard statements by the observers for the German Democratic Republic (1444th meeting) and the Federal Republic of Germany (1445th meeting). It also heard statements by the representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (1446th meeting) and by the observers for the Organization of African Unity (OAU) (1443rd meeting), the Pan-Africanist Congress of Azania (1444th meeting) and the African National Congress (1446th meeting).

78. At its 1448th meeting, the Commission heard a statement by Mr. Leslie O. Harriman, Chairman of the Special Committee against Apartheid.

79. Statements were also made by the observers for the Women's International Democratic Federation (1445th meeting) and the World Federation of Trade Unions (1446th meeting), non-governmental organizations in category I consultative status.

80. Introducing his report, Mr. Khalifa pointed out that the consequences of assistance to the colonial and racist régimes in southern Africa were seriously detrimental to the enjoyment of human rights. His conclusions, contained in chapter III of the report, established beyond doubt that increasing assistance to the racist régimes in southern Africa had been accompanied by a decrease in the realization of human rights in all fields for the blacks and a worsening of their economic conditions. There was an enormous gulf in the international community between rhetoric and action. The United Nations had consistently denounced apartheid but in practice Governments had not done their part by taking action.

81. In the course of the debate several representatives paid tribute to the research work of the Special Rapporteur. In their opinion, his report was most courageous and objective. It established the link between political, military and economic assistance given to South Africa and Southern Rhodesia, on the one hand, and the continuation of the repressive policies of apartheid, on the other hand. The study of the Special Rapporteur and the report of the Ad Hoc Working Group of Experts were complementary, the latter being a presentation of facts and the former an explanation of their causes.

82. Some other members expressed reservations concerning the approach and conclusions of the Special Rapporteur. In their view, his report was not convincing and in particular did not contain a definition of what constituted assistance to the racist and colonial régimes.

83. Various speakers emphasized that the racist régimes in southern Africa would not have lasted so long without the moral and material support of certain members of the international community and economic assistance from transnational corporations. At a time when the racist régimes in southern Africa were confronted with a grave crisis that struck at the roots of the apartheid system, their principal economic partners had considerably obstructed the process of eliminating apartheid by failing to take the necessary measures. The Special Rapporteur should identify precisely which States and private enterprises were involved in extending assistance to the racist régimes. The verbal condemnations of apartheid over the years had had little effect. The imposition of an arms embargo by the Security Council in November 1977 in the case of South Africa was an important first step. The only way to resolve the grave situation in southern Africa was to impose a complete arms embargo and economic sanctions against the colonial régimes. In this connexion it was said that it was regrettable that the Western Powers had vetoed economic sanctions against the South African régime.

84. One delegation expressed the view that the fact that the arms embargo against South Africa was not applied by Western countries allowed the racist régimes in southern Africa to commit acts of aggression against peaceful neighbouring countries.

85. Referring to the military assistance given to the racist régimes in southern Africa, one delegation raised the question whether those giving such assistance to the apartheid régimes should not, in the light of article 3 of the International Convention on the Suppression and Punishment of the Crime of Apartheid, be regarded as accomplices in the atrocities and murders committed by the régimes in South Africa and Southern Rhodesia.

86. Some representatives stated that their Governments, in view of their concern over developments in South Africa, were currently reviewing their economic and commercial relations with South Africa and had already taken measures to terminate diplomatic and trade relations and financial facilities, as well as technical, including nuclear, co-operation.

87. At the 1448th meeting, on 20 February 1978, the representative of Nigeria introduced a draft resolution sponsored by Egypt, Jordan, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Rwanda, Senegal, the Syrian Arab Republic and Uganda (E/CN.4/L.1375). A statement of the financial implications of the draft resolution (E/CN.4/L.1389) was brought to the attention of the Commission at the 1451st meeting. 16/

88. At the 1451st meeting, on 22 February 1978, the draft resolution (E/CN.4/L.1375) was adopted by 26 votes to none, with 3 abstentions. At the same meeting explanations of vote were given by some representatives.

89. For the text of the resolution, see chapter XXVI, section A, resolution 6 (XXXIV).

16/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

VI. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

90. The Commission considered agenda item 8 jointly with items 11, 19 and 26 at its 1448th to 1453rd and 1455th meetings, held from 20 to 24 February 1978. At the 1429th meeting, the title of the item had been amended (see para. 349 (c) below).

91. By resolution 2 (XXXI) of 10 February 1975, the Commission, considering the importance for the international community of the realization of economic, social and cultural rights, had decided to keep this item on its agenda as a standing item with high priority.

92. The Commission had before it two notes by the Secretary-General relating to this item (E/CN.4/1271 and E/CN.4/1272) and a statement submitted by 20 non-governmental organizations in consultative status with the Economic and Social Council (E/CN.4/NGO/214 and Corr.1).

93. The Commission heard statements by the observer for Romania at its 1449th meeting and by the observer for the Federal Republic of Germany at its 1452nd meeting.

94. During the debate, many speakers expressed the view that the realization of economic, social and cultural rights constituted a prerequisite for the enjoyment of civil and political rights. References were made in this connexion to Commission resolution 4 (XXXIII), to the preamble of the International Covenant on Economic, Social and Cultural Rights, to the Proclamation of Teheran (1968) and to General Assembly resolution 32/130.

95. With reference to General Assembly resolution 32/130 it was stated that it would not be an accurate interpretation of that resolution to conclude that economic, social and cultural rights should be given priority over civil and political rights. The indivisibility and interdependence of all human rights, without giving priority to any particular category of them, was underlined. The opinion was expressed that the main problem was not one of priority, but of establishing a flexible relationship between the two types of rights, taking fully into account the levels of economic and social development of the societies concerned. It was emphasized that the international community had the important responsibility to establish the necessary conditions for the full realization of economic, social and cultural rights as an essential means of ensuring the meaningful enjoyment of civil and political rights and fundamental freedoms.

96. Some representatives drew a distinction between the realization of economic, social and cultural rights, which was to a large extent dependent upon the level of development of each particular State, and the implementation of civil and political rights, which, according to those speakers, depended essentially upon the political will of Governments. Another view was that the enjoyment of economic, social and cultural rights depended mainly on the efforts of States themselves, through concrete domestic policies, beyond mere proclamations in constitutions.

97. Some representatives alleged that mass violations of the basic economic and social rights of the working people were taking place in various countries. It was also said that in certain developing countries, difficulties regarding the realization of those rights were basically the sequel of colonial domination. The difficulties were currently compounded by the exploitation of the natural resources and manpower of those countries by transnational corporations. Among other external factors mentioned as constituting important obstacles to the realization of economic, social and cultural rights in the developing countries were the policy of apartheid, aggression and foreign occupation.

98. Some speakers were of the opinion that the realization of economic, social and cultural rights could be accelerated in an atmosphere of détente, international peace, security and co-operation. The strengthening of international peace and security, it was stated, was also important because of its favourable impact on efforts to reach general and complete disarmament, thereby not only assisting international co-operation but also releasing enormous material resources at present wasted on arms.

99. One of the speakers, emphasizing the increasingly harmful consequences of the arms race for the exercise of economic, social and cultural rights, suggested that the question of human rights in relation to disarmament should be considered by the Commission at its thirty-fifth session. The Commission, it was said, might wish to consider at that time the results of the special session of the General Assembly on disarmament which was to take place later in 1978.

100. Many representatives stressed the importance of restructuring international economic relations along just and democratic lines and of implementing the Programme of Action on the Establishment of a New International Economic Order for the full realization of economic, social and cultural rights.

101. Interest was expressed by many representatives in the progress accomplished in the preparation of the study on the international dimensions of the human right to development, undertaken pursuant to Commission resolution 4 (XXXIII).

102. With reference to the note submitted by the Secretary-General pursuant to paragraph 6 of Commission resolution 4 (XXXIII) (E/CN.4/1271) on ways and means of updating the study by Mr. M. Ganji on the realization of economic, social and cultural rights, it was stated that the Commission, due to the complexity of that task, should give the matter thorough consideration before deciding on a course of action. The view was expressed that, bearing in mind that the reporting procedure envisaged in part IV of the International Covenant on Economic, Social and Cultural Rights was being put into operation, it might be wise to postpone the final decision on how to deal with the updating of the study. The opinion was expressed that the updating of the study could most advantageously be undertaken by its original author, and that, in view of the importance and dynamic nature of its subject, the study should be updated periodically.

103. With reference to General Assembly resolution 32/130 and to Commission resolution 4 (XXXIII), in which the concepts that were to guide the future work of the Commission had been laid down, a suggestion was made that the Commission might request the Sub-Commission to undertake a study of the effects of the present unjust international economic order on the enjoyment of economic, social and cultural rights, and hence of the civil and political rights, in the developing

countries. Such a study, it was said, might be regarded as a partial updating of the study on the realization of economic, social and cultural rights. It was also suggested that the Commission, in co-operation with the specialized agencies, might undertake the drafting of an international instrument on the right to work, which would include a system of periodic reporting to the Commission and a procedure for dealing with communications regarding violations of the right to work.

104. Disappointment was expressed by some speakers over the fact that only eight replies had been received from the economic organs of the United Nations containing their views and comments on Commission resolution 4 (XXXIII).

105. At the 1455th meeting, on 24 February 1978, the representative of Iran introduced a draft resolution (E/CN.4/L.1395) sponsored by Egypt, Iran, Senegal and Yugoslavia. At the same meeting the draft resolution was adopted without a vote. One representative stated that his delegation reserved its position on the question of updating the report of Mr. M. Ganji, Special Rapporteur.

106. For the text of the resolution, see chapter XXVI, section A, resolution 10 (XXXIV).

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND
ITS APPLICATION TO PEOPLES UNDER COLONIAL OR
ALIEN DOMINATION OR FOREIGN OCCUPATION

107. The Commission considered agenda item 9 jointly with item 4, at its 1431st to 1438th and 1440th meetings, held from 8 to 14 February 1978. At the 1429th meeting, during the consideration of the provisional agenda, the Commission had decided without vote to amend the title of agenda item 9 by adding at the end the words "or foreign occupation", on the proposal of the representative of the Syrian Arab Republic (see para. 349 (d) below).

108. The Commission heard statements by the observers for the German Democratic Republic and the Federal Republic of Germany at the 1433rd meeting, by the observer for Iraq at the 1435th meeting and by the observer for Israel at the 1438th meeting. The observer for the League of Arab States made a statement at the 1432nd meeting. The observer for the Palestine Liberation Organization made statements at the 1437th and 1440th meetings, and the observer for the Pan-Africanist Congress of Azania made statements at the 1434th and 1440th meetings.

109. In accordance with its resolution 5 (XXX), the Commission, at its 1438th meeting, heard Mr. Héctor Gros Espiell, Special Rapporteur of the Sub-Commission for the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination.

110. The Commission heard statements by the observers for the following non-governmental organizations: International Indian Treaty Council (1431st meeting), Anti-Slavery Society (1435th meeting).

111. During the debate, most speakers recognized the importance of self-determination as a basic human right and as the prerequisite for the exercise of other human rights and fundamental freedoms. References were made in this connexion to the Charter of the United Nations, article 1 of both International Covenants on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on Principles of International Law Governing Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and some other texts, in particular General Assembly resolution 32/14 of 7 November 1977.

112. Many representatives expressed their distress over the fact that some 30 million people were still under colonial domination. In particular, the subjugation of the peoples of Palestine, Namibia, South Africa and Zimbabwe was a total denial of the right to self-determination.

113. Many representatives stressed the inalienable right of the Palestinian people to self-determination, including particularly their right to establish a free and independent State and their right to return to their homes and lands. The view was expressed that no violations of human rights were more serious than those inherent in the occupation of one nation by another.

114. As one of its high priority tasks, the Commission must therefore recommend effective measures to isolate the racist and colonial régimes and assist peoples under colonial or alien domination or foreign occupation to achieve their right to self-determination, including the right to establish independent States.

115. The observer for Israel, referring to draft resolution E/CN.4/L.1372, stressed that an Arab State, Jordan, existed in historical Palestine and that there was no justification for setting up a State run by the Palestine Liberation Organization which would be a grave danger to Israel's existence. The Jordanian representative refuted this statement and said that Jordan existed outside the boundaries of Palestine as recognized by the United Nations.

116. In the view of many speakers, though there was still some delay in the process of achieving political independence, there were in many cases even greater delays in the realization of economic, social and cultural self-determination. Accession to statehood had little meaning if the sovereignty of nations over their natural resources was not affirmed and if peoples were not able freely to pursue their economic, social and cultural development. The right to self-determination in those respects should be regarded as a permanent one, applicable even after political independence.

117. The opinion was expressed that the right to self-determination could not be ensured without the co-operation of States, since, under the Charter, it was the primary responsibility of States, acting jointly with the Organization, to strive for the achievement of the purposes of the United Nations.

118. Several representatives emphasized the legitimacy of the struggle of peoples under colonial and alien domination to achieve self-determination and independence by all necessary means at their disposal. It was said that the peoples deprived of the right to self-determination were entitled to resort to armed struggle against the Powers repressing their aspirations to freedom and independence, and that they should receive political, military and economic assistance from the international community in their struggle. The practice was condemned of using mercenaries against national liberation movements and newly independent States. A suggestion was made that the Commission should request the liberation movements and organizations to comply with the principles of humanitarian law.

119. Some representatives believed that the support given by imperialist monopolies and transnational companies to the colonial and racist régimes was the main obstacle to the implementation of the right of oppressed peoples to self-determination.

120. Appreciation was expressed by many representatives to Mr. A. Cristescu and Mr. Héctor Gros Espiell, Special Rapporteurs of the Sub-Commission, for their valuable studies on self-determination.

121. In accordance with Commission resolution 5 (XXX), Mr. Gros Espiell introduced his study on the implementation of United Nations resolutions on self-determination (E/CN.4/Sub.2/390 and Corr.1 and Add.1). He gave a brief outline of the report, which included a systematic review of the situation regarding all territories mentioned in United Nations resolutions on self-determination, as well as an analysis of some basic concepts concerning the legal nature and the political, economic, social and cultural content of the concept of self-determination. In the latter part he had emphasized, notably, the growing trend towards recognizing self-determination as a peremptory norm of international law (jus cogens).

122. Several representatives commended highly the study by Mr. Gros Espiell. Support was expressed for some of the ideas elaborated in the study, including the recognition of the principle of self-determination as jus cogens and the view according to which the enjoyment of the right to self-determination was a sine qua non for the exercise of other human rights.

123. In the opinion of a few representatives, the study did not deal with some of the key problems, including the question of entitlement, the question of self-determination in regard to minorities, the question of United Nations responsibility for the fate of peoples after they had exercised their right to self-determination, and the problem of how the struggle for self-determination should be conducted.

124. The opinion was expressed by some speakers that the Special Rapporteur should elaborate further in his study on the effects of foreign occupation on the exercise of the right to self-determination. One view was that the Special Rapporteur should not limit himself to making general recommendations in his study but should further study specific situations and bring to light the obstacles to the exercise of the right to self-determination in specific cases. Another speaker said that the Special Rapporteur should also make a careful study of the effects on self-determination of the uprooting of indigenous populations from occupied areas, of the refusal to allow displaced persons to return, and of the implantation of settlers from abroad with the aim of changing the demographic structure of occupied territories and ultimately the imposition of dual self-determination.

125. The Special Rapporteur said that in updating the study for the Sub-Commission, he would take into consideration the various comments made.

126. Two draft resolutions were submitted to the Commission. At the 1438th meeting the representative of Pakistan introduced a draft resolution (E/CN.4/L.1372) sponsored by Cuba, Egypt, India, the Libyan Arab Jamahiriya, Nigeria, Pakistan, Rwanda, Senegal, the Syrian Arab Republic and Yugoslavia, and subsequently also by the Ivory Coast. At the same meeting the representative of Cuba introduced a draft resolution (E/CN.4/L.1374) sponsored by Cuba, Cyprus, Egypt, Jordan, the Libyan Arab Jamahiriya, Nigeria and the Syrian Arab Republic.

127. At the 1440th meeting, on 14 February 1978, the representative of the Syrian Arab Republic requested roll-call votes on both draft resolutions. The draft resolutions were adopted at the same meeting.

128. Draft resolution E/CN.4/L.1372 was adopted by 25 votes to 3, with 4 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, Colombia, Cuba, Cyprus, Egypt, India, Iran, Ivory Coast, Jordan, Lesotho, Libyan Arab Jamahiriya, Nigeria, Pakistan, Panama, Peru, Poland, Rwanda, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Canada, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, France, Sweden.

129. At the request of the representative of Uruguay, a separate vote was taken by roll-call on operative paragraph 5 of draft resolution E/CN.4/L.1374. Operative paragraph 5 was adopted by 21 votes to 6, with 5 abstentions. The voting was as follows:

In favour: Bulgaria, Colombia, Cuba, Cyprus, Egypt, India, Jordan, Lesotho, Libyan Arab Jamahiriya, Nigeria, Pakistan, Panama, Peru, Poland, Rwanda, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, France, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Brazil, Canada, Iran, Ivory Coast, Sweden.

After the vote, the representatives of Canada and Sweden said that they had intended to vote against operative paragraph 5.

130. Draft resolution E/CN.4/L.1374 as a whole was adopted by 24 votes to 3, with 5 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, Colombia, Cuba, Cyprus, Egypt, India, Iran, Ivory Coast, Jordan, Lesotho, Libyan Arab Jamahiriya, Nigeria, Pakistan, Panama, Peru, Poland, Rwanda, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: France, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Sweden, Uruguay.

131. Explanations of vote, before and after the voting, were made by some representatives at the 1440th meeting.

132. For the text of the resolutions, see chapter XXVI, section A, resolutions 2 (XXXIV) and 3 (XXXIV).

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (b) BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

133. The Commission considered agenda item 10 at its 1435th, 1468th, 1470th and 1471st meetings, on 10 February and 6 and 7 March 1978.

134. The General Assembly, by its resolution 32/62 of 8 December 1977, requested the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Assembly further requested the Commission to submit a progress report to it at its thirty-third session. In resolution 32/122 of 16 December 1977, the Assembly requested the Commission to continue to give particular attention to the question of the release of individuals detained or imprisoned as a result of their participation in the struggle against apartheid, racism and racial discrimination, colonialism, aggression and foreign occupation, and for self-determination, independence as well as social progress for their peoples. The Commission was requested to submit, through the Economic and Social Council, a report on the implementation of this resolution to the General Assembly at its thirty-third session. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, by its resolution 8 (XXX) of 31 August 1977, having discussed the draft body of principles for the protection of all persons under any form of detention or imprisonment prepared by its Rapporteur, Mr. Erik Nettel (Austria) (E/CN.4/Sub.2/395), recommended that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission to prepare a revised draft body of principles for consideration by the Sub-Commission at its thirty-first session.

135. The Commission had before it the text of a "Draft International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", proposed by the delegation of Sweden (E/CN.4/1285). It also had before it the text of a "Draft Convention for the Prevention and Suppression of Torture" presented by the International Association of Penal Law (E/CN.4/NGO/213). The relevant part of the report of the Sub-Commission on its thirtieth session (E/CN.4/1261, chap. IX), containing the summary of its debate on the draft body of principles mentioned in paragraph 134 above, was also before the Commission.

136. At the 1430th meeting, on 7 February, the Commission decided that an informal open-ended working group should be established to draw up the first draft of a convention on torture and other cruel, inhuman or degrading treatment or punishment.

137. At the 1435th meeting, on 10 February, the representative of Sweden introduced the Swedish draft Convention (E/CN.4/1285).

138. At the 1468th meeting of the Commission, on 6 March 1978, the Chairman-Rapporteur of the working group introduced the report of the group (E/CN.4/L.1400). The report read as follows:

"3. The informal working group held four meetings, on 10, 24 and 28 February and 2 March 1978. At the first meeting, on 10 February 1978, the group unanimously elected Mrs. V. Pandit (India) as its Chairman-Rapporteur.

"4. The group had before it the text of a draft International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, proposed by the delegation of Sweden (E/CN.4/1285). It also had before it the text of a draft Convention for the Prevention and Suppression of Torture presented by the International Association of Penal Law (E/CN.4/NGO/213).

"5. At the first meeting, the representative of Sweden introduced the draft Convention submitted by his delegation (E/CN.4/1285).

"6. At the same meeting, the observer for the International Commission of Jurists introduced the draft Convention submitted by the International Association of Penal Law.

"7. The view was expressed that the text of the Swedish proposal should be sent to the Governments of Member States for their comments.

"8. After some discussion on methods of work, the group decided to conduct its preliminary deliberations on the basis of the text proposed by the representative of Sweden. Most speakers, however, said that they were not in a position to make detailed observations on the draft Convention submitted by Sweden as they needed more time to examine it. It was understood, therefore, that no articles were to be adopted at the current session of the Commission and that all delegations would have the opportunity of submitting both amendments and suggestions at later discussions of the draft Convention. These might include some which would be based on the proposals of the International Association of Penal Law.

"9. Some delegations made general comments on the draft Convention. It was suggested, inter alia, that future discussion of a draft Convention should include an extensive debate on the question whether torture should be acknowledged as a crime under international law. Some support was expressed by some delegations for the idea of torture being recognized as an international crime, as the practice of torture was shocking to the conscience of mankind.

"10. Thereafter, the group turned to a preliminary reading of article 1 of the Swedish draft.

"11. Some representatives stated that the definition of torture in the Swedish draft was acceptable to them as a basis for further consideration. However, it was felt by some other speakers that more clarification and precision would be needed in the wording of article 1, as this definition was to serve as a basis for a legally binding instrument, which would go far beyond a declaration.

"12. A debate took place on whether the scope of article 1 and of the whole Convention should be limited to acts of torture or whether it should be extended to include other cruel, inhuman or degrading treatment or punishment.

Some speakers expressed the view that the Convention should cover only acts of torture, as the concept of "other inhuman treatment" was very difficult to define in terms acceptable to all countries and legal systems.

"13. It was suggested that such torture as was inflicted by persons other than public officials or other than at the instigation of a public official should also be included in the definition of torture. However, some speakers pointed out that the act of torture committed by a public official was different in nature from, and inherently more serious than, that inflicted by a private person, and that the elimination of the former category of torture should be the main target of the Convention.

"14. Regarding the purposes for which torture was used, while some speakers supported a reference to it in article 1, others stated that it should be deleted as too restrictive.

"15. The view was expressed that the reference to the Standard Minimum Rules for the Treatment of Prisoners in the definition of torture in a Convention unnecessarily complicated the issue by granting the Rules the character of a legally binding instrument.

"16. It was suggested that the word "pain" in the last sentence of paragraph 1 of the Swedish text should be deleted, since if that word were retained the last sentence might contradict the first sentence.

"17. At the third meeting of the group, on 28 February 1978, the representative of Sweden made a proposal whereby the Commission on Human Rights would request the Secretary-General to transmit all relevant documents of its thirty-fourth session regarding the draft Convention to the Governments of Member States for their comments. It would also recommend to the Economic and Social Council that it authorize the establishment of a working group open to all members of the Commission to meet for one week immediately before the thirty-fifth session of the Commission with a view to preparing concrete drafting proposals for the Commission.

"18. All speakers were of the opinion that the work of drafting a convention should be expedited, but there were differing views as to how this should be done. All speakers expressed their support for the proposal to ask Governments for their comments on the Swedish draft and on other relevant documents. Some supported the proposal to establish a working group before the next session of the Commission. Others, however, suggested an increased number of meetings for a sessional working group. It was also said that the establishment of too many working groups to meet simultaneously before the next session of the Commission might not be advisable, as it might be difficult for small delegations to deal with all of them at the same time.

"19. It was decided that before the next meeting of the working group the Swedish delegation would circulate a draft resolution which would include the Swedish proposal and any alternatives that might be suggested in the course of informal negotiations. One particular mode of carrying out some intersessional work on the draft Convention which was found to be most feasible and most widely acceptable would then be recommended in the report of the working group.

"20. At its fourth meeting, on 2 March 1978, the working group had before it a revised draft resolution submitted by Sweden, containing three alternative

proposals regarding methods of future work of the Commission in the drafting of a convention on torture. The revised draft resolution read as follows:

'The Commission on Human Rights,

'Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the General Assembly in resolution 3452 (XXX) of 9 December 1975,

'Noting General Assembly resolution 32/62 requesting the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration,

'Having taken cognizance of the report of the working group set up by the Commission [E/CN.4/L.1400],

'1. Requests the Secretary-General to transmit all relevant documents of the thirty-fourth session of the Commission on Human Rights concerning the draft Convention on torture and other cruel, inhuman or degrading treatment or punishment to the Governments of the Member States for their comments, and to prepare a summary of these comments;

'2. Recommends to the Economic and Social Council to authorize the holding of [a meeting of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission] [a meeting of a working group open to all members of the Commission for one week immediately before the thirty-third session of the General Assembly] with the task of preparing concrete drafting proposals to the Commission on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from the Governments of Member States;

or

'2. Decides that an open-ended working group composed of representatives from permanent missions of States Members of the Commission [in Geneva] [in New York] should be charged with the task of preparing concrete drafting proposals for the Commission on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from the Governments of Member States;

'3. Decides to accord priority to the consideration of the present item at its thirty-fifth session.'

"21. The Secretariat indicated, with respect to paragraph 2, that conference facilities would be available in Geneva during 5-9 February 1979. Many delegations felt that a decision concerning the working group would have to be made in plenary along with similar questions regarding working groups on other agenda items. After some discussion, the working group decided to transmit the Swedish proposals to the Commission. The group further agreed with a suggestion made by the representative of the United States of America, which read as follows:

'Although the working group was unable to reach a decision on the Swedish draft, most members recommend that an intersessional meeting take place which would allow the concentration needed to further our work on the drafting of a convention on torture.'

139. In the course of the debate at the 1470th and 1471st meetings appreciation was expressed to the Swedish delegation for its elaboration of a draft convention on torture. The draft body of principles prepared by Mr. Erik Nettel was also welcomed by various speakers as a valuable instrument for the protection of detained persons. In this connexion the attention of the Commission was drawn to article 2 of the Swedish draft and chapter III of the draft body of principles, which had the same goal, namely the protection of the human rights of detained persons during a public emergency.

140. Regarding the proposals as to methods of future work of the Commission in the drafting of a convention on torture (E/CN.4/L.1400, para. 20), while some representatives supported the proposal to establish a working group, open to all members of the Commission, to meet for one week immediately before the next session of the Commission, others preferred the formula of an informal, open-ended working group composed of representatives from permanent missions in Geneva of member States of the Commission.

141. Regarding the Sub-Commission's recommendation that it be authorized to establish a working group to prepare a revised draft body of principles, most speakers supported that recommendation. However, doubts were expressed about the pertinence of the proposal, as the establishment of too many working groups might cause difficulties for the work of the Sub-Commission.

142. At the 1468th meeting the observer for Switzerland made a statement.

143. At the 1470th meeting, on 7 March, the representative of Canada introduced a draft resolution (E/CN.4/L.1408) sponsored by Australia, Canada, Cuba, India, Lesotho, Rwanda and Sweden. The representative of the Secretary-General made a statement concerning the administrative and financial implications of draft resolution E/CN.4/L.1408. The statement was subsequently distributed as document E/CN.4/L.1416. 17/

144. At the same meeting the draft resolution was adopted without a vote.

145. For the text of the resolution see chapter XXVI, section A, resolution 19 (XXXIV).

146. At the 1470th meeting the representative of Sweden orally submitted a revised version of the draft resolution transmitted by the working group in document E/CN.4/L.1400. The revised draft resolution read as follows:

"The Commission on Human Rights,

"Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the General Assembly in resolution 3452 (XXX) of 9 December 1975,

17/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

"Noting General Assembly resolution 32/62 requesting the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration,

"Having taken cognizance of the report of the working group set up by the Commission (E/CN.4/L.1400),

"1. Requests the Secretary-General to transmit all relevant documents of the thirty-fourth session of the Commission on Human Rights concerning the draft Convention on torture and other cruel, inhuman or degrading treatment or punishment to the Governments of Member States, and other States wishing to express themselves on this subject, for their comments, and to prepare a summary of these comments;

"2. Recommends to the Economic and Social Council to authorize the holding of a meeting of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission with the task of preparing concrete drafting proposals for the Commission on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from Governments;

"3. Decides to accord priority to the consideration of the present item at its thirty-fifth session;

"4. Requests the Secretary-General to transmit to the General Assembly at its thirty-third session the present resolution, together with the relevant chapter of the report of the Commission to the Economic and Social Council, as constituting the Commission's progress report requested by General Assembly resolution 32/62."

147. At the 1471st meeting, on 7 March, the representative of the Secretary-General made a statement concerning the administrative and financial implications of the revised draft resolution submitted by Sweden. 18/

148. At the 1471st meeting, the Chairman orally proposed replacing the words "to the Governments of Member States, and other States wishing to express themselves," in operative paragraph 1 of the revised draft resolution submitted by Sweden by the words "to the Governments of States Members of the United Nations or members of specialized agencies wishing to express their views".

149. At the same meeting this oral amendment was adopted by 28 votes to none, with 4 abstentions.

150. At the same meeting the revised draft resolution, as amended, was adopted without a vote.

151. For the text of the resolution see chapter XXVI, section A, resolution 18 (XXXIV).

18/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

154. The Commission considered agenda item 11 at its 1442nd and 1446th to 1453rd meetings, held between 15 and 23 February, and at its 1472nd and 1473rd meetings, held on 8 March 1978.

155. By its decision 4 (XXXVIII) of 21 February 1977, the Commission had requested the Secretary-General to submit to it at its thirty-fourth session a report summarizing and analyzing the proposals and suggestions put forward in the course of the discussion of the item at the thirty-third and previous sessions of the Commission, as well as those contained in the relevant documentation before the Commission. The Commission had agreed as well that this report should also draw upon the views expressed during the consideration of the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, especially concerning the coexistence of public and confidential procedures for examining allegations of violations of human rights and fundamental freedoms, with a view to determining how the procedural difficulties that might arise in the simultaneous application of both procedures could be avoided. It had also been agreed that, before finalizing his report on this question for the thirty-fourth session of the Commission, the Secretary-General should seek the comments and observations of Member States. The Commission had further decided to establish at its thirty-fourth session a working group to study the report prepared in accordance with decision 4 (XXXVIII) and to submit its recommendations to the Commission.

156. The General Assembly, in resolution 32/130 of 16 December 1977, adopted under the item "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", requested the Commission to undertake at its thirty-fourth session, as a matter of priority, an over-all analysis of the said alternative approaches and ways and means in the light of the concepts formulated in the resolution, and to comply with the mandate established in Economic and Social Council resolution 1992 (IX) and Commission decision 4 (XXXVIII), also in the light of the General Assembly resolution. The Commission was requested to submit to the General Assembly at its thirty-fourth session, through the Economic and Social Council, a report with conclusions and recommendations on the work done with respect to the above-mentioned tasks and to submit, through the Council, a progress report to the Assembly at its thirty-third session.

157. Under the same item, the Third Committee of the General Assembly had before it at the thirty-second session a draft resolution (A/C.3/32/L.25/Rev.1) concerning the establishment of a United Nations High Commissioner for Human Rights. The General Assembly took note of the decision of the Third Committee, contained in the Committee's report (A/32/423, para. 23), not to vote on that draft resolution on the understanding that the said proposal and all the documents related to it that were before the Third Committee during the thirty-second session of the General Assembly, as well as the opinions advanced in the course of the debate on the said proposal, would be transmitted to the Commission on Human Rights to be considered at its thirty-fourth session.

158. By its resolution 3 (XXXIII) of 21 February 1977 the Commission had decided to recommend to Member States, the specialized agencies and all international organizations concerned with the protection and promotion of human rights to take appropriate measures to ensure that the thirtieth anniversary of the Universal Declaration of Human Rights was the occasion of special efforts to promote international understanding, co-operation and peace and the universal and effective respect for human rights, more particularly by laying stress on the educational approach both within and outside formal school systems. In addition, the Commission requested the Economic and Social Council to invite UNESCO to lay appropriate proposals before its member States and to submit to the Commission for study, at its thirty-fourth session, a report on the situation with regard to the teaching of human rights throughout the world, accompanied by detailed recommendations. By decision 228 (LXII) of 13 May 1977, the Council endorsed this recommendation of the Commission. In its resolution 32/123 of 16 December 1977, entitled "Observance of the thirtieth anniversary of the Universal Declaration of Human Rights", the General Assembly invited UNESCO to take the appropriate measures to consult with the Commission at its thirty-fourth session on the elaboration of a programme of action designed to develop education on human rights, in pursuance of Commission resolution 3 (XXXIII).

159. The Commission had before it the report of the Secretary-General prepared in accordance with Commission decision 4 (XXXIII) (E/CN.4/1273 and Add.1-4), as well as the documents transmitted by the General Assembly (A/C.3/32/L.25/Rev.1; A/C.3/32/L.34; A/C.3/32/L.35/Rev.1; A/C.3/32/L.36; A/32/PV.105; A/C.3/32/SR.42, 44, 49-55, 62, 64, 65 and 67-69; A/10235; A/32/178). The Commission also had before it a report prepared by UNESCO in accordance with Council decision 228 (LXII) (E/CN.4/1274).

160. Statements were made on this item by the observers for Argentina, Costa Rica, Czechoslovakia, Gambia, the German Democratic Republic, Israel, Mongolia and Romania. The representative of UNESCO made a statement at the 1453rd meeting.

161. It was pointed out that considerable progress had been achieved in the United Nations activities in promoting and encouraging respect for human rights and fundamental freedoms, especially in the struggle against colonialism, for national independence and for the social progress of peoples by the adoption of the International Covenants on Human Rights and other international instruments, as a basis for international co-operation in this field.

162. During the consideration of this item, speakers frequently referred to the concepts contained in General Assembly resolution 32/130 and some speakers stressed that those concepts should guide the Commission in its future work. It was admitted that they were not exhaustive and that many of them were already contained in the Universal Declaration of Human Rights. In this connexion it was pointed out that article 28 of the Universal Declaration of Human Rights, for example, provided that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. However, some speakers recognized that the resolution added some new concepts to those contained in the Universal Declaration.

163. Some speakers, however, pointed out that their delegations and others had been unable to support resolution 32/130 in the General Assembly because the ideas

and concepts which it contained had not been adequately defined; they further stated that the debate at the current session of the Commission had brought no further elucidation. This did not imply taking a position on the substance of the matter but a desire for information.

164. The view was expressed that the promotion and protection of human rights was a legitimate fundamental concern of the international community. Calls were made for the work of the United Nations to be improved in that respect. It was said that there was an international norm of jus cogens that every State was responsible for a protective system to ensure respect for human rights. This responsibility stemmed from Article 56 of the Charter, under which all Members pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55. Article 8 of the Universal Declaration also provided that everyone had the right to an effective remedy by the competent national tribunals for acts violating his fundamental rights. However, it was pointed out that the action of the United Nations should be based on international co-operation respecting the sovereignty and independence of States and the principle of non-interference in internal affairs. An atmosphere of detente, it was said, was conducive to the promotion of human rights.

165. It was emphasized by all speakers that all human rights were equal in importance, indivisible and interdependent, and that all human rights should be promoted and protected equally. It was suggested that the relationship between civil and political rights and economic, social and cultural rights could be the topic of a seminar under the programme of advisory services. The view was expressed that human rights should be respected in all circumstances, including adverse circumstances, and in the process of development. It was stated that while the Commission should analyse the causes of violations of human rights and take measures to eliminate them, it should also develop appropriate procedures and sanctions to prevent violations.

166. It was pointed out that, while individual human rights were paramount, attention should also be given to how these rights could be enhanced by strengthening the rights of peoples.

167. Reference was made to the important role of youth in promoting and protecting human rights and to the need for disseminating information on human rights. It was pointed out that, though teaching on human rights was sometimes offered at the university level, the primary and secondary levels were often forgotten. It was suggested that human rights should be taught as an independent discipline and should be stressed as a part of general culture.

168. It was suggested that the action of the international community in the field of human rights was governed by two fundamental principles: national sovereignty, on the one hand, and the interdependence of nations, which leads to the internationalization of a number of problems, on the other. Any constructive and effective international co-operation required a profound understanding of problems peculiar to each nation as well as a real will to accept specific mutual commitments. Assistance, understanding and co-operation should replace exploitation, confrontation and relationships based on force.

169. Importance was attached by several speakers to the establishment of the New International Economic Order with a view to bringing about the full realization of all human rights.

170. It was suggested that efforts should be concentrated on improving the functioning of the existing organs concerned with human rights rather than on creating new ones.

171. Certain problems concerning the working methods of the Commission were referred to in the course of the discussion, among them the lack of time to deal with the great number of items on the agenda and the need to develop objective standards in considering violations of human rights wherever they occurred.

172. It was suggested that the Commission should devote an essential part of its sessions to the implementation of human rights and that situations involving gross violations of human rights should be given special attention. Standard-setting and studies should continue but should be handled mainly by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was also said that the Commission should not duplicate the work of other organs, such as the Economic and Social Council, the General Assembly and the Security Council.

173. As regards the strengthening of the capacity of the United Nations to promote the effective enjoyment of human rights and fundamental freedoms, it was suggested that there should be a restructuring of the human rights sector of the United Nations and that the percentage of the United Nations budget allocated to human rights should be raised to at least 1 per cent.

174. It was suggested that the membership of the Commission should be enlarged in view of the increase in the membership of the United Nations. It was also suggested that the Commission should be elevated to the status of a Council on Human Rights and that in the meantime the Commission should report directly to the General Assembly.

175. It was suggested that the mandate of the Commission on Human Rights should be reviewed and extended in order to enable it to perform the tasks currently required of it. However, some speakers felt that the mandate of the Commission was adequate and that the question should not be reopened.

176. The proposal was advanced that the Commission should hold two sessions a year or a single session in two parts at different times of the year. Alternatively, the sessions of the Commission could be lengthened to six or seven weeks and extraordinary sessions devoted to specific topics could be held when needed. The view was expressed that if one regular session only were held annually, it should be held later in the year. It was also said that, as had been the case previously, the sessions of the Commission should alternate between Geneva and New York.

177. With regard to the subsidiary organs of the Commission, a suggestion was made that two additional sub-commissions of the Commission should be established: a Sub-Commission on the Promotion of Human Rights and a Sub-Commission on the Protection of Human Rights.

178. In connexion with the long-term programme of work of the Commission, it was suggested that existing gaps in international law relating to human rights should be filled by additional standards adopted through international treaties, codes, model rules, bodies of principles and other similar instruments. Among the topics mentioned for future standards were the right of peoples to live in conditions of international peace and security and the rights and freedoms of professional and labour organizations.

179. Regarding the procedures of the Commission, the view was expressed that the procedure established by Council resolution 1503 (XLVIII) should be strengthened and utilized to the fullest extent. It was also suggested that the Chairman or the Bureau of the Commission should be able to act between sessions of the Commission, particularly in response to reports of gross violations of human rights. The Chairman could be assigned the task of monitoring, either personally or by designating for this purpose a member of the Commission or of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, any urgent and pressing gross violations of human rights that occurred between sessions of the Commission and of reporting to the Commission thereon for action at its next session. The Bureau could meet in exceptional circumstances when prompt measures were required with regard to mass and flagrant violations of the human rights of peoples and persons, especially those affected by situations resulting from acts of violence, from torture, from apartheid, from any form of racial discrimination, from colonialism, from foreign domination or occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental right of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources.

180. The idea was advanced that permanent fact-finding machinery should be established. A permanent panel of experts could be established from which one or more members could be drawn, as needed, and entrusted with ascertaining the facts in particular situations.

181. It was also suggested that a High Commissioner for Human Rights should be appointed within the United Nations and that his tasks should encompass economic, social and cultural rights as well as civil and political rights. The idea was also advanced that there could be a Co-ordinator for Human Rights. On the other hand, the view was expressed that the creation of such new administrative posts would be contrary to the Charter of the United Nations and detrimental to international co-operation among States. It was pointed out that the Economic and Social Council already had the responsibility for co-ordination in the field of human rights.

182. The role of the Secretary-General in rendering good offices in the field of humanitarian problems was stressed and the view was expressed that it should be strengthened.

183. The Commission was urged to reinforce its global function by promoting action at the regional and national levels. Regional commissions on human rights should be encouraged in areas where they did not yet exist. National or local institutions in the field of human rights should also be encouraged in all countries. References were made to the experience of some countries in establishing such institutions.

184. It was also suggested that human rights field officers should be appointed in various parts of the world.

185. It was suggested that States that reported under the International Covenant on Civil and Political Rights should be exempted from reporting on similar questions under the system of periodic reports established under Council resolution 1074 C (XXXIX). The idea was advanced that ways and means should be studied of harmonizing the interpretation of the provisions of human rights instruments by the different bodies charged with implementing them.

186. It was suggested that co-ordination of human rights activities should be stepped up and that consideration should be given to ways and means of avoiding any overlapping between the activities of the Commission and those related to the implementation of the International Covenants on Human Rights.

187. It was also suggested that ways and means of taking into account the experience and expertise of the developing countries in the field of human rights should be considered.

188. Importance was attached to the role of non-governmental organizations and it was suggested that the Commission should study ways and means of enhancing their role in assisting the Commission.

189. At its 1430th meeting the Commission decided to establish an open-ended working group to consider the various issues arising under this item and to submit its recommendations to the Commission. The working group submitted the following report (E/CN.4/L.1413) to the Commission:

"...

"2. The working group held five meetings, on 20, 22 and 27 February and on 1 and 3 March 1978. At its first meeting, Mr. Waleed Sadi (Jordan) was elected Chairman-Rapporteur.

"3. The working group had before it the Secretary-General's report (E/CN.4/1273 and Add.1-4) as well as the relevant documents referred to the Commission by the General Assembly and the draft resolutions contained in documents E/CN.4/L.1368/Rev.1, E/CN.4/L.1386, E/CN.4/L.1387, E/CN.4/L.1392 and E/CN.4/L.1397.

"4. In discussing the general approach to be followed in the consideration of this item it was felt that it would be advisable for the Commission to take decisions at the present session on suggestions in respect of which there was general agreement and that arrangements should be made for continuing the discussion in the future.

"5. In the debate in the working group there was an exchange of views on a wide range of questions that might involve action at the international level. Considerable attention was paid to proposals designed to bring about the further improvement of the capacity of existing United Nations bodies concerned with human rights to accomplish their tasks. Ideas and suggestions were advanced on several broad topics, although it should be noted

noted that while support for some of the ideas was widespread the working group did not feel that it was possible to report that general agreement had been obtained. References were made, inter alia, to:

"(a) The advisability of reviewing the terms of reference of the Commission on Human Rights so as to facilitate the realization of the basic concepts contained in General Assembly resolution 32/130. There were also suggestions that the number of members of the Commission should be increased, while maintaining equitable geographic distribution. Other proposals included the extension of the Commission's annual session to six weeks or provision for the Commission to split its annual session into two parts, with three or more weeks for each such session. Suggestions were also made concerning the status of the Commission. Proposals were also made for increasing the budget for human rights activities;

"(b) The possibility of entrusting the Bureau of the Commission on Human Rights or its Chairman with certain functions between sessions (to meet for three days prior to each session to prepare suggestions concerning the organization of the work of the session, to meet in exceptional circumstances when prompt measures are called for to deal with mass and flagrant violations of the human rights of peoples and persons, provided that there should be consultation with members of the Commission on the measures to be taken in such cases);

"(c) The proposals transmitted from the thirty-second session of the General Assembly regarding the creation of a post of a High Commissioner for Human Rights. There were suggestions as well for the creation of other new offices, such as an Under-Secretary-General for Human Rights and Humanitarian Affairs, a Co-ordinator or other administrative official. There were also suggestions for new sub-commissions of the Commission;

"(d) The roles and functions of regional arrangements on human rights, advisory services, good offices rendered by the Secretary-General (with the consent of the State concerned), and the relationship between the activities of the Commission on Human Rights and the activities of the bodies entrusted with the implementation of the various international conventions in the field of human rights, and the desirability of further study of such issues.

It should be noted that the sub-paragraphs above do not contain either an exhaustive or a comprehensive description of the matters debated. Nor do they establish an order of priority.

"6. There was discussion of a proposal whereby Governments of Member States themselves would be invited to take action at the national level through the setting up of national institutions in the field of human rights.

"7. There was some discussion in the working group on the need for future consideration of the item. Wide agreement was noted for a suggestion that an open-ended working group of the Commission be convened for one or two weeks prior to the next session of the Commission to continue its consideration, in more detail, of the issues raised in the debate at the current session. It was suggested that the work of the working group might be facilitated if Member States, specialized agencies, organs within the

United Nations system and non-governmental organizations were to submit their views and suggestions as to how the organs and/or the structure of the United Nations system might best be improved with a view to ensuring the effective enjoyment of human rights and fundamental freedoms in the light of the concepts contained in General Assembly resolution 32/130. It was also felt that the open-ended working group, in such a session, might be able to devote attention to: (i) the problem of the work programmes, schedules and terms of reference of bodies other than the Commission on Human Rights over which the Economic and Social Council has jurisdiction, with a view to making recommendations for co-ordinating their work and avoiding duplication through rationalizing work programmes; (ii) continuing the analysis of the methods of work of the Commission on Human Rights, in particular, with reference to the frequency and duration of sessions; (iii) examining ways and means by which United Nations organs and specialized agencies could implement the concepts contained in General Assembly resolution 32/130; (iv) examining the treaty-making capacity of the United Nations in the field of human rights; (v) reviewing the need for new bodies in the field of human rights (taking due account of the functions of existing bodies and decisions made by the Economic and Social Council as a consequence of its review of the structure of the economic and social sectors of the United Nations); (vi) examining proposals to enhance the role of the Secretary-General in the field of human rights, including his advisory services function.

"8. It was also suggested that Member States, specialized agencies, organs within the United Nations system and non-governmental organizations should be invited to submit their suggestions and views as to how the organs and/or structure of the United Nations system might best be improved with a view to ensuring the effective enjoyment of human rights and fundamental freedoms in the light of the concepts contained in General Assembly resolution 32/130.

"RECOMMENDATIONS OF THE WORKING GROUP

"9. The working group recommends the following draft resolution for adoption by the Commission on Human Rights:

"Alternative approaches and ways and means within the United Nations system for improving the enjoyment of human rights and fundamental freedoms

"The Commission on Human Rights

"Noting General Assembly resolution 32/130,

"Bearing in mind that the over-all analysis called for in the above-mentioned resolution must be a continuous and on-going process which should respond to evolution in norms and requirements in the field of human rights,

"Recalling Economic and Social Council resolution 1992 (IX) and Commission decision 4 (XXXIII),

"1. Decides to continue at its thirty-fifth session, as a matter of priority, the work on the over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of the concepts contained in General Assembly resolution 32/130;

"2. Considers it advisable to set up an open-ended working group which will meet for a week immediately before the thirty-fifth session of the Commission to undertake the necessary work relating to this analysis and report to the Commission with its conclusions and recommendations;

"3. Requests the Secretary-General:

"(a) To invite the specialized agencies concerned and the United Nations organs in the field of human rights to supply information on those measures, within their respective areas of competence, already taken or to be taken in future, which would translate the concepts of General Assembly resolution 32/130 into practical terms;

"(b) To circulate the report of the Commission on the work done on agenda item 11 at its thirty-fourth session to Member States, specialized agencies, other organs within the United Nations system and the relevant non-governmental organizations and to invite their comments thereon, for submission by 31 October 1978;

"(c) To prepare, in time for the meeting of the above-mentioned working group, reports which would include:

- (i) The information supplied under subparagraph (a) above;
- (ii) Information relating to the work programmes, schedules and terms of reference of United Nations bodies concerned with human rights, other than the Commission on Human Rights, over which the Economic and Social Council has jurisdiction;
- (iii) The views, suggestions and proposals expressed or submitted at the thirty-fourth session of the Commission in relation both to the mandate of the working group set up under Commission decision 4 (XXXIII) and to the over-all analysis asked for by the General Assembly in resolution 32/130;
- (iv) All appropriate documents transmitted to the Commission at its thirty-fourth session;

"4. Recommends to the Economic and Social Council the following draft decision:

"The Economic and Social Council, noting Commission on Human Rights resolution ... (XXXIV), authorized the convening of an open-ended working group of the Commission on Human Rights to meet for one week immediately prior to the Commission's thirty-fifth session to continue the consideration of matters mentioned in decision 4 (XXXIII) as well as those referred to the Commission by General Assembly resolution 32/130."

"5. Requests the Secretary-General to bring the present resolution and the relevant chapter of the report of the Commission on its thirty-fourth session to the notice of the General Assembly."

190. At the 1472nd meeting of the Commission, the report of the working group was introduced by the Chairman-Rapporteur, Mr. W. Sadi (Jordan).

191. An amendment (E/CN.4/L.1414) to the draft resolution recommended in paragraph 9 of the report was submitted by the United States of America. After consultations among members of the Commission the amendment was not put to a vote. Prior to the adoption of the draft resolution, the Chairman-Rapporteur of the working group stated for the record that it was his understanding that the adoption by the Commission of the working group's report and its recommended draft resolution could not preclude consideration by the Economic and Social Council or the General Assembly, at any time, of the views, suggestions and proposals expressed or submitted at the thirty-fourth session of the Commission on Human Rights.

192. At the 1473rd meeting, on 8 March 1978, the title of the draft resolution was amended, and the draft resolution, as amended, was adopted without a vote.

193. For the text of the resolution see chapter XXVI, section A, resolution 26 (XXXIV).

194. At its 1473rd meeting also, the Commission considered the draft resolutions contained in documents E/CN.4/L.1368/Rev.1, E/CN.4/L.1386, E/CN.4/L.1387, E/CN.4/L.1392, E/CN.4/L.1397, E/CN.4/L.1404 and E/CN.4/L.1412.

195. The draft resolution contained in document E/CN.4/L.1386 and sponsored by Australia, Canada, Colombia, Cyprus, Egypt, India, Iran, Nigeria, Sweden and the Syrian Arab Republic was adopted without a vote.

196. For the text of the resolution see chapter XXVI, section A, resolution 23 (XXXIV).

197. The draft resolution contained in document E/CN.4/L.1412 was sponsored by Cyprus, Egypt, Lesotho, Nigeria, Senegal, Sweden and the United Kingdom of Great Britain and Northern Ireland. The representative of the Secretary-General stated that the relevant financial implications would be submitted at the time a decision was taken to hold a seminar in one of the three regions where no regional machinery existed. The draft resolution was adopted without a vote.

198. For the text of the resolution see chapter XXVI, section A, resolution 24 (XXXIV).

199. The draft resolution contained in document E/CN.4/L.1404 and sponsored by Jordan was orally amended and adopted, as amended, without a vote.

200. For the text of the resolution see chapter XXVI, section A, resolution 25 (XXXIV).

201. The sponsors of the draft resolutions contained in documents E/CN.4/L.1368/Rev.1, E/CN.4/L.1387, E/CN.4/L.1392 and E/CN.4/L.1397 announced that they would not insist on a vote being taken on their draft resolutions, on the understanding that they would be considered as part of the general analysis to be undertaken by the working group provided for in Commission resolution 26 (XXXIV).

202. At the same meeting the Commission adopted a decision proposed by the Chairman concerning the functioning of the working groups provided for in resolutions 18 (XXXIV) and 26 (XXXIV).

203. For the text of the decision see chapter XXVI, section B, decision 8 (XXXIV).

204. One delegation drew attention to the need to provide the Commission on Human Rights with information on the reorganization of the Division of Human Rights and to observe the principle of the equitable geographical distribution of posts in the staffing of any unit of the Secretariat.

205. In reply, the Director of the Division of Human Rights stated that the Secretary-General's bulletin outlining the reorganized structure of the Division would be made available to members of the Commission. He drew attention to the various criteria for the employment of staff as contained in Article 101 of the Charter of the United Nations and emphasized that the principle of equitable geographical distribution applied to the Secretariat as a whole but not automatically to each and every individual unit within the Secretariat.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,
WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

206. The Commission considered item 12 and its sub-items at the 1459th to 1465th (closed) and 1466th (partly closed) meetings, on 28 February to 3 March, and at the 1468th to 1470th and 1473rd (public) meetings, on 6, 7 and 8 March 1978.

207. In connexion with the item as a whole the Commission had before it the following documents: a list of decisions taken by United Nations bodies during 1977 relevant to the question of violations of human rights and fundamental freedoms (E/CN.4/923/Add.11); the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/1261); a note by the Secretary-General containing the annual reports of ILO and UNESCO on certain aspects of racial discrimination, submitted to the Commission in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1282 and Add.1); a report prepared by the Secretary-General pursuant to decision 4 (XXXIII) of the Commission on Human Rights concerning the further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission (E/CN.4/1273 and Add.1-4).

208. At the public part of the 1466th meeting, before opening the debate on the item as a whole, the Chairman announced that the Commission had taken decisions concerning Bolivia, Equatorial Guinea, Malawi, the Republic of Korea, Uganda, Ethiopia, Indonesia, Paraguay and Uruguay in private session under Economic and Social Council resolution 1503 (XLVIII) and had agreed that the situations in those countries should not be discussed in a public meeting. The Chairman explained that the agreement not to refer to such situations in public meetings applied only to the present session.

209. The representative of Panama requested that a statement prepared by his Government regarding a communication submitted by the Canal Zone Non-Profit Public Information Corporation be reproduced and circulated as an official document of the Commission. The Commission, after hearing a statement of financial implications made by the representative of the Secretary-General, agreed to that request.

210. The general debate on the item as a whole is reflected in the summary records of the 1466th (public part), 1468th, 1469th, 1470th and 1473rd meetings.

211. In the course of the debate, in which several members of the Commission participated, statements were also made by the observers for Argentina and the Federal Republic of Germany. The Commission also heard statements by representatives of the following non-governmental organizations: International League for Human Rights, Inter-Parliamentary Union, Pax Romana, World Confederation of Labour, World Federation of Trade Unions, World Peace Council.

212. In the course of the debate a few general remarks and suggestions were made regarding the question of how the Commission could function more responsively and effectively in handling allegations of gross violations of human rights. There were also a number of statements made alleging specific violations of human rights in certain countries. Those allegations, as well as the replies made thereto by representatives of the Governments concerned, are summarized in the records of the above-mentioned meetings.

213. At the 1466th meeting the representative of the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution (E/CN.4/L.1402), suggesting that the Commission should appoint a special rapporteur to investigate reports, which he quoted, of extensive violations of human rights in Democratic Kampuchea and to seek contact with the Government of that country to obtain its comments. Australia, Austria and Sweden subsequently joined in sponsoring the draft resolution.

214. At the 1473rd meeting the Chairman proposed a draft decision on the subject, which was adopted without a vote. One delegation stated that it had not participated in the decision taken on that question because it was improper to adopt any decision concerning a sovereign State on the basis of one-sided information and without consultation with that State. The sponsors of draft resolution E/CN.4/L.1402 did not press the draft resolution to a vote but indicated that it would remain before the Commission.

215. For the text of the decision, see chapter XXVI, section B, decision 9 (XXXIV).

216. At the 1470th meeting, on 7 March 1978, two draft resolutions were introduced: a draft resolution introduced by the representative of Senegal (E/CN.4/L.1405), sponsored by Australia, Colombia, India, Senegal, Sweden and the United States of America, requesting the Secretary-General to keep the members of the Commission informed on a regular basis of actions being taken to implement measures determined by the Commission under Economic and Social Council resolution 1503 (XLVIII) and to provide quarterly progress reports, and a draft resolution introduced by the representative of Austria (E/CN.4/L.1410), sponsored by Austria, Canada and Sweden, requesting the Secretary-General to prepare an analytical study of existing United Nations procedures for dealing with communications concerning violations of human rights, with a view towards avoiding possible duplication and overlapping. At the same meeting a draft decision was introduced by the representative of Canada (E/CN.4/L.1407), expressing the Commission's appreciation to the Secretary-General for responding to requests addressed to him by the Commission at its thirty-third session concerning alleged situations of violations of human rights in particular countries.

217. At the same meeting the Commission adopted the two draft resolutions and the draft decision without a vote.

218. For the text of the resolutions, see chapter XXVI, section A, resolutions 15 (XXXIV) and 16 (XXXIV). For the text of the decision, see chapter XXVI, section B, decision 6 (XXXIV).

A. Question of human rights in Cyprus

219. The Commission took up item 12 (a) at its 1470th meeting, on 7 March 1978. It had before it a report of the Secretary-General (E/CN.4/1275) submitted in accordance with Commission decision 6 (XXXIII), containing information relevant to the consideration of this question with special reference to developments which had occurred since the circulation of the Secretary-General's earlier report on this matter (E/CN.4/1239 and Add.1).

220. There was no general debate on the item. A draft resolution (E/CN.4/L.1406) concerning human rights in Cyprus sponsored by Cuba, Egypt, India, Senegal and Yugoslavia was introduced by the representative of India. The representative of

Turkey made a statement on the draft resolution. The draft resolution was then adopted without a vote. The representative of Cyprus spoke following the adoption of the resolution.

221. For the text of the resolution, see chapter XXVI, section A, resolution 17 (XXXIV).

B. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-third session

222. The Commission considered item 12 (b) at its 1459th to 1466th (closed) meetings on 28 February to 3 March 1978. At the invitation of the Commission (decision 1 (XXXIV)); ^{19/} the Chairman-Rapporteur of the Working Group on Communications established by Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 2 (XXIV), in accordance with Economic and Social Council resolution 1503 (XLVIII), Mr. Kofi Sekyiamah, attended the meetings and furnished information to the Commission.

223. The Commission had before it confidential documents containing material referred to it under Economic and Social Council resolution 1503 (XLVIII) and observations thereon received from Governments, as well as a confidential report submitted to the Commission by its working group established by Commission decision 5 (XXXIII) to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII). The Commission also had before it the relevant chapter of the report of the Sub-Commission on its thirtieth session (E/CN.4/1261, chap. XIII).

224. The views expressed and the action taken by the Commission during the consideration of the item in closed session are confidential pursuant to paragraph 8 of Council resolution 1503 (XLVIII) and are reflected in the confidential summary records of the closed meetings.

225. At its 1466th (closed) meeting the Commission adopted general decisions as follows: (a) that the Chairman-Rapporteur of the Sub-Commission's Working Group on Communications should be invited to be present during the deliberations of the Commission regarding communications under Economic and Social Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review; (b) that a working group of five of its members should be established to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII); (c) that the Sub-Commission and its Working Group on Communications should have access to the records of the closed meetings of the Commission and to other documentation relating to the item, on a permanent basis; (d) that during the first week of each session of the Commission invitations should be issued to those

^{19/} A statement of the financial implications of the Commission's decision to invite the Chairman-Rapporteur of the Working Group to attend the meetings was made by the representative of the Secretary-General (see annex III).

States whose situations were to be considered under Economic and Social Council resolution 1503 (XLVIII) to send representatives to address the Commission and to answer any questions put by members of the Commission.

226. At a subsequent meeting it was decided that those decisions should be made public (see chap. XXVI, sect. B, decisions 3 (XXXIV), 4 (XXXIV) and 5 (XXXIV)).

227. At the 1476th meeting the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members and alternates of the Commission had been nominated to serve on the working group on situations of violations of human rights:
Mr. Aleksandar Bozović (Yugoslavia), Mr. Amara Essy (Ivory Coast),
Mr. Waleed M. Sadi (Jordan), Mr. Héctor Charry Samper (Colombia),
Mr. Jean-Claude Soyer (France).

XI. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

228. The Commission considered agenda item 13 at its 1439th and 1473rd meetings, held on 14 February and 8 March 1978.

229. The Commission had before it the following documents:

(a) A further report of the Secretary-General on developments elsewhere in the United Nations system of interest to the Commission (E/CN.4/1276);

(b) An addendum to the report of the Secretary-General on human rights and national machinery for decision-making on science policy, with particular reference to technology assessment (E/CN.4/1235/Add.1);

(c) A note by the Secretary-General on the programme of work, prepared in accordance with paragraph 1 of Commission resolution 11 (XXXI) (E/CN.4/L.1313 and Corr.1);

(d) A report by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the impact of scientific and technological developments on economic, social and cultural rights (E/CN.4/1196);

(e) A report of the Secretary-General on the impact of scientific and technological developments on economic, social and cultural rights (E/CN.4/1198);

(f) A note by the Secretary-General on existing and proposed texts which could be used in the drafting of a further international instrument on human rights and scientific and technological developments (E/CN.4/1233);

(g) A report of the Secretary-General on developments elsewhere in the United Nations system of interest to the Commission (E/CN.4/1234);

(h) The report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/1261).

230. During the discussion, the view was expressed that scientific and technological developments - though affording great possibilities for the material and spiritual advancement of mankind, the growth of agricultural and industrial production, the development of culture, improved health and better living standards - had potential negative consequences which needed to be kept under careful review. Automation could raise productivity but could also increase unemployment. Similarly, nuclear energy offered a constant source of power; it could, however, be abused and lead to massive destruction in the event of war.

231. In connexion with the latter point, some speakers drew attention to the dangers of the neutron bomb, a new weapon which would destroy human life - without distinction between civilians and military personnel - while leaving buildings and other installations virtually unscathed. This weapon, it was said, ran counter to all international instruments on human rights and should be unequivocally condemned as a menace to the most fundamental of all human rights - the right to live in peace and security. The matter should be brought to the attention of the special session of the General Assembly on disarmament to be held in 1978 and to the 1979 United Nations Conference on the Application of Science and Technology to Development.

232. Several speakers disputed the truth of those statements and asked why the Commission on Human Rights should seek to intervene in complex disarmament negotiations which were being conducted in other forums. They also underlined the danger of singling out one element which was not yet effective and which was by no means the most dangerous, being entirely overshadowed by other existing armaments - both nuclear and conventional - already deployed in the field and on the oceans.

233. One delegation expressed support for the suggestion made in paragraph 151 of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/1261) that a member of the Sub-Commission might undertake, in collaboration with the Secretariat, a continuing study of the question of the protection of persons detained on grounds of mental ill-health against treatment which might adversely affect the human personality, with a view to elaborating standards and setting priorities.

XII. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

234. The Commission considered agenda item 14 together with items 6, 7 and 18 at its 1440th and 1441st, 1443rd to 1446th, 1448th, 1450th and 1451st meetings, held from 14 to 22 February 1978.

235. In accordance with the provisions of article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Chairman of the Commission on Human Rights appointed, at the thirty-third session, a group of three members of the Commission, consisting of representatives of Cuba, Nigeria and the Syrian Arab Republic, which are States parties to the Convention, to consider reports submitted by States parties in accordance with article VII.

236. By its resolution 13 (XXXIII) of 11 March 1977, the Commission decided that the group of three members of the Commission appointed in accordance with the provisions of article IX would meet for a period of five days before the Commission's thirty-fourth session to consider the reports submitted by States parties in accordance with article VII of the Convention, and it invited States parties to submit to the group, through the Secretary-General, reports on the legislative, judicial, administrative or other measures that they had adopted to give effect to the provisions of the Convention. The Commission also adopted several other decisions relating to the exercise of the functions assigned to it by article X of the Convention.

237. In its resolution 32/12 of 7 November 1977, the General Assembly welcomed the establishment by the Chairman of the thirty-third session of the Commission of the group of three members and invited the Commission to continue its efforts to undertake the functions set out in article X of the Convention.

238. The group met from 30 January to 3 February 1978.

239. The Commission had before it, at its thirty-fourth session, the report and recommendations of the group to the Commission (E/CN.4/1286) and a note by the Secretary-General (E/CN.4/1277) concerning reports submitted by States parties under article VII of the Convention. The following reports transmitted to the Secretary-General by 16 States parties to the Convention were made available to the Commission: Kuwait (E/CN.4/1277/Add.1), Panama (E/CN.4/1277/Add.2), United Republic of Cameroon (E/CN.4/1277/Add.3), German Democratic Republic (E/CN.4/1277/Add.4), United Arab Emirates (E/CN.4/1277/Add.5), Czechoslovakia (E/CN.4/1277/Add.6), Bulgaria (E/CN.4/1277/Add.7), Cuba (E/CN.4/1277/Add.8), Syrian Arab Republic (E/CN.4/1277/Add.9), Senegal (E/CN.4/1277/Add.10), Union of Soviet Socialist Republics (E/CN.4/1277/Add.11), Nigeria (E/CN.4/1277/Add.12), Madagascar (E/CN.4/1277/Add.13), Byelorussian Soviet Socialist Republic (E/CN.4/1277/Add.14), Poland (E/CN.4/1277/Add.15), Hungary (E/CN.4/1277/Add.16). The Commission also had before it a note by the Secretary-General (E/CN.4/1278 and Add.1) relating to the exercise of the functions set out in article X of the Convention.

240. At its 1440th meeting, the Commission heard a statement by Mr. Oluyemi Adeniji (Nigeria), the Chairman-Rapporteur of the group, who introduced the report of the group on its first session.

241. During the general debate, most members of the Commission stressed the importance of the International Convention on the Suppression and Punishment of the Crime of Apartheid as an international instrument in support of action to eliminate all practices of segregation and racial discrimination. They took note with satisfaction of the reports submitted by States parties under article VII of the Convention and expressed the hope that a larger number of States, particularly States members of the Commission, would become parties to the Convention.

242. One member of the Commission also invited it to draw the attention of the States parties to the Convention to the general guidelines prepared by the group of three members of the Commission concerning the form and contents of reports to be submitted under article VII of the Convention. He also invited the Commission to recommend to States parties that they should take measures for the establishment of the international penal tribunal envisaged in article V of the Convention. He said he hoped that the Commission would soon be in a position actively and effectively to undertake the functions entrusted to it by article X of the Convention and he welcomed the fact that, in its report to the Commission (E/CN.4/1270, para. 567), the Ad Hoc Working Group of Experts on southern Africa had prepared a preliminary list of six cases of persons guilty of the crime of apartheid or of gross violations of human rights in Namibia. In his opinion, the names of those persons should be widely circulated and transmitted to the States parties to the Convention.

243. In his statement to the Commission, the Chairman of the Special Committee against Apartheid also expressed the hope that, in accordance with article X of the Convention, the Commission would prepare a list of persons, organizations, institutions and representatives of States alleged to be responsible for the crime of apartheid. The view was expressed that the names of States which were, as a result of their policies, guilty of the crime of apartheid should also be given in the list to be prepared by the Commission.

244. At the 1448th meeting, on 20 February 1978, the representative of Nigeria submitted a draft resolution (E/CN.4/L.1379) on behalf of Egypt, Jordan, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Senegal, the Syrian Arab Republic and Uganda. At the same meeting, the representative of the Secretary-General made a statement concerning the administrative and financial implications of the draft resolution. This statement was later circulated in document E/CN.4/L.1391. 20/

245. At the 1451st meeting, on 22 February 1978, the draft resolution was adopted by 23 votes to none, with 8 abstentions.

246. Certain delegations, which had abstained in the voting, recalled that their Governments had been unable to accede to the Convention and saw no prospect that they would be able to do so. They were therefore unable to support actions based on it.

247. For the text of the resolution, see chapter XXVI, section A, resolution 7 (XXXIV).

20/ A statement of the financial implications of the resolutions and decisions adopted by the Commission at its thirty-fourth session appears in annex III.

XIII. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING: (a) CHANNELS OF COMMUNICATION WITH YOUTH AND INTERNATIONAL YOUTH ORGANIZATIONS; (b) QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

248. The Commission considered agenda item 15 at its 1471st and 1472nd meetings, on 7 and 8 February 1978.

249. In connexion with sub-item (a), the Commission had before it the reports of the Secretary-General on policies and programmes relating to youth (A/32/161 and A/32/170) and the notes by the Secretary-General on policies and programmes relating to youth (A/32/162 and A/32/171). The following relevant documents, which had been before the Commission at its thirty-third session, were also available: the reports on the second and third meetings of the Ad Hoc Advisory Group on Youth (E/CN.4/1240 and E/CN.4/1241); a report of the Secretary-General containing the information received pursuant to Commission resolution 1 B (XXXII) (E/CN.4/1223 and Add.1-3); a report of the Secretary-General concerning channels of communication with youth and international youth organizations (A/10275). In addition, the attention of the Commission was drawn to the reports of the Secretary-General on popular participation, women, youth and children (E/CN.5/549) and on problems facing youth (E/CN.5/534), submitted at the request of the Economic and Social Council in its resolution 2078 (LXII) on youth in the contemporary world.

250. Regarding sub-item (b) the Commission had before it the report of the Secretary-General (E/CN.4/1118 and Corr.1 and Add.1-3), prepared in accordance with resolution 11 B (XXVII), which had been before the Commission at previous sessions, and two written statements on the question of conscientious objection to military service submitted by non-governmental organizations in consultative status (E/CN.4/NGO/217 and E/CN.4/NGO/220).

251. With regard to the role of youth in the promotion and protection of human rights, it was stated that all young people should be educated in the respect for human rights, peace and tolerance, and to understand the struggle against colonialism and imperialism; all children should be brought up to have no prejudices against any country. It was also said that the remaining years of the twentieth century, which had seen so much suffering, should be devoted to the attainment of the ideal of all peoples living in friendship, security and peace, and that the Commission should consider at its thirty-fifth session an item dealing with the role of youth in promoting peace and friendship among nations. The interest demonstrated by youth organizations in the establishment of the New International Economic Order and in the efforts to eliminate racial discrimination was also noted by another speaker.

252. At the 1471st meeting the Commission heard a statement by the observer of the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I).

253. At the 1472nd meeting the Commission decided to maintain on its agenda the question of conscientious objection to military service.

XIV. DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS
OF INTOLERANCE AND OF DISCRIMINATION BASED
ON RELIGION OR BELIEF

254. The Commission considered agenda item 16 at its 1472nd meeting, on 8 March 1977.

255. The Commission had decided at its thirty-third session, by resolution 11 (XXXIII) of 11 March 1977, to continue the elaboration of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief and to establish an open-ended working group, which would meet three times weekly from the first week of the thirty-fourth session, and requested the assistance of the Secretary-General to ensure the good functioning of the working group. At its thirty-second session the General Assembly adopted resolution 32/143 of 16 December 1977 entitled "Elimination of all forms of religious intolerance" whereby it requested the Commission to give this matter the priority necessary to finalize the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

256. The Commission had before it the following documentation:

- (a) A working paper prepared by the Secretariat (E/CN.4/1145);
- (b) Comments and suggestions of Governments (E/CN.4/1146 and Add.1-3; A/C.3/SR.2006, 2009-2014, 2091-2096; A/PV.2311);
- (c) A written statement submitted by the International Humanistic and Ethical Union, a non-governmental organization in consultative status (Roster) (E/CN.4/NGO/215).

257. At its 1430th meeting, held on 7 February 1978, the Commission established an informal, open-ended working group to continue the consideration of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. The representative of Austria was elected Chairman-Rapporteur.

258. At the 1472nd meeting of the Commission, the Chairman-Rapporteur of the informal working group introduced the report of the group (E/CN.4/L.1401) and orally revised it. He also introduced a draft resolution (E/CN.4/L.1409), which he orally revised.

259. The report of the Working Group (E/CN.4/L.1401), as orally revised, read as follows:

"...

"3. The open-ended working group held meetings on 9, 13, 16, 17, 20, 23 and 27 February and 1 and 2 March 1978. At its first meeting, the group elected as its Chairman-Rapporteur Mr. F. Ermacora (Austria), who recalled that the informal working group set up to consider the item at the thirty-third session of the Commission on Human Rights had completed its consideration of the text of the preamble of the draft declaration.

"4. At the first meeting, the suggestion was made that the text of article 1 of the draft convention adopted by the Third Committee of the General Assembly in 1967 (A/6934) presented a reasonable and satisfactory compromise, some elements of which might well be used for the purpose of the declaration under consideration. On the other hand, the view was expressed that a declaration was quite different from a convention, as conventions were legal instruments and intended to be of a binding nature, and that it would therefore be difficult to apply to a declaration work done on a convention.

"5. One representative suggested that the Group should proceed article by article and place between square brackets wording on which no agreement could be reached. However, other representatives felt that it would be preferable to have one text that would satisfy all the countries discussing the matter.

"6. It was observed by several representatives that the basic problem with article 1 was to make it clear that the term 'belief' encompassed religious belief.

"7. After a discussion, the group proceeded to consider the first paragraph of the operative part of the draft declaration on the basis of all the following texts on the subject; article 1 of the draft convention referred to in the foregoing paragraphs; article I of the text prepared by the working group set up by the Commission on Human Rights at its twentieth session (E/CN.4/1145, para. 21); article IV of the preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/3873, para. 294); article I of the draft proposed by the Netherlands and Sweden at the thirty-first session of the Commission on Human Rights (E/CN.4/L.1289/Add.1); and the proposed texts of article 1 submitted by the Byelorussian SSR and Italy at the thirty-third session of the Commission (E/5927; pp. 45 and 46). At its second meeting, the group had before it the texts mentioned above.

"8. During the discussion, several representatives stated that all efforts should be made to encourage religious freedom and the practice and exercise of it in public or private.

"9. The observer for the Holy See proposed a text for article 1 based on the provisions contained in document E/CN.4/1145, paragraph 21, but including a number of modifications, particularly the following:

"(a) Inclusion of a reference to the right to manifest and practise a religion or belief;

"(b) The insertion of a phrase based on the Universal Declaration of Human Rights and on article 18 of the International Covenant on Economic, Social and Cultural Rights;

"(c) A fuller statement of the various kinds of possible coercion (legal, administrative, political, economic or other).

The text of article 1 as proposed by the Holy See read as follows:

'Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or belief, to manifest and practise a religion or belief, either alone or in community with others and in public or private, and to change his religion or belief, in accordance with the dictates of his conscience, without being subjected to any legal, administrative, political, economic or other coercion likely to impair his freedom of choice or decision in this matter.'

"10. The view was expressed that the texts proposed by the Byelorussian SSR and Italy were very important; a number of reservations were, however, expressed on the concept of 'freedom to express anti-religious views', as contained in the proposal of the Byelorussian SSR, though other speakers were in favour of this concept.

"11. The Chairman-Rapporteur, speaking as the representative of Austria, proposed a text reading as follows:

'Everyone has the right to freedom of religion or belief, including theistic, non-theistic and atheistic beliefs.

'This right includes the right to adhere or not to adhere to any religion or belief, to manifest or not to manifest, to practise or not to practise a religion or belief; the right includes further the right to choose and change his religion or belief, in accordance with the dictates of his conscience, without being subjected to any legal, administrative, political, economic or other coercion likely to impair his freedom of choice or decision in this matter.

'The right to manifest or to practise a religion or belief can be exercised either alone or in community with others, in public or in private.'

"12. At the third meeting, some representatives took the view that provision should be made in article 1 for the right to criticize religion.

"13. The representative of Bulgaria submitted a proposal for inclusion in article 1 reading as follows:

'The right to freedom of religious belief shall not be used for purposes of endangering the security of the society or for any kind of activity which may cause harm to the health of citizens or encroach on the personality or rights of citizens, or which may incite citizens to refrain from public activity and from performing their obligations as citizens or which may lead to the involvement of minors in any such activities.'

"14. At its fourth meeting, the group had before it, in addition to the text of the Bulgarian proposal, a new Austrian proposal reading as follows:

'The right of everyone to freedom of thought, conscience and religion enshrined in article 18 of the International Covenant on Civil and Political Rights is confirmed. For the purposes of the present declaration, this right includes the freedom of belief, including theistic, non-theistic and atheistic beliefs.'

"15. The opinion was expressed that, instead of attempting to consider article 1 as a whole, the group would be better advised to consider its different aspects as separate paragraphs, the first of which could reflect concepts of a general character which were contained in various proposals and which might be acceptable to the members, such as freedom of thought, conscience, religion and belief, including theistic, non-theistic and atheistic beliefs. There was a tentative general agreement among those delegations present at that meeting that the following text suggested by the delegation of the USSR, as a combination of different views expressed by other representatives, was acceptable:

'Everyone has the right to freedom of thought, conscience, religion and belief, including theistic, non-theistic and atheistic beliefs.'

The USSR delegation assumed that the above text could be accepted as the first paragraph of article 1, provided that a consensus on the other paragraphs of the same article could be achieved.

"16. The group decided to consolidate for discussion purposes several proposed paragraphs in one text, composed as follows: the USSR proposal to become paragraph 1, an amalgamated Holy See and Austrian proposal to become paragraph 2, and the Bulgarian proposal to become paragraph 3. As proposed for discussion, the text of the consolidated draft article 1 then read as follows:

'1. Everyone has the right to freedom of thought, conscience, religion and belief, including theistic, non-theistic and atheistic beliefs.

'2. This right includes the right to adhere or not to adhere to any religion or belief, to manifest or not to manifest, and to practise or not to practise a religion or belief, either alone or in community with others and in public or private. The right includes further the right to choose and change any religion or belief, in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair the freedom of choice or decision in this matter.

'3. The right to freedom of religious belief shall not be used for purpose of endangering the security of the society or for any kind of activity which may cause harm to the health of citizens or encroach on the personality or rights of citizens, or which may incite citizens to refrain from public activity and from performing their obligations as citizens or which may lead to the involvement of minors in any such activities.'

"17. At the fifth meeting of the working group, one representative suggested that the parts of the various paragraphs of article 1 on which agreement could not be reached should be placed in square brackets, but others felt that the text should be adopted in its entirety.

"18. Some representatives voiced their support for paragraphs 1 and 2 of the consolidated text but expressed reservations about paragraph 3, which they regarded as too restrictive in its scope. It was also felt that to place limitations on the freedom of thought, conscience, religion and belief in the very first article would set a rather negative tone and detract from the

optimistic and inspiring character of the Declaration and that therefore a statement on limitations should appear later in the Declaration: paragraph 3 should, for example, be included in article 9, as proposed by the Soviet Union in 1973 (E/CN.4/1145, p.18). One delegation expressed considerable reluctance to have any limitations at all appear in the Declaration. Another representative explained that the proposed paragraph 3 was not intended to be interpreted as imposing limitations; the paragraph was rather intended to serve as a warning against possible abuse of the right to freedom of religious belief for purposes such as those mentioned in paragraph 3.

"19. The representative of Canada suggested a new draft for article 1, in which paragraph 1 would read as follows:

'The right of everyone to freedom of thought, conscience, religion and belief as set forth in article 18 of the International Covenant on Civil and Political Rights is confirmed.'

Paragraph 2, following this suggestion, would consist of the USSR proposals as set out in paragraph 16 above, and paragraph 3 would be the amalgamated version of the texts proposed by Austria and the Holy See.

"20. The representative of the United Kingdom proposed a new text for paragraph 3, which read as follows:

'The exercise of the right to freedom of thought, conscience, religion and belief shall be consistent with the purposes and principles of the United Nations and the Universal Declaration of Human Rights and subject only to such limitations as are embodied in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.'

"21. The representative of the United States of America also proposed a text for paragraph 3, which read as follows:

'The right to freedom of thought, conscience, religion and belief for individuals and groups recognized in this Declaration implies the correlative duty to exercise these rights with due regard for the rights of other individuals and groups and the peace and welfare of society.'

"22. The observer for the Federal Republic of Germany suggested for paragraph 3 of article 1 the same wording as that of article 18, paragraph 3, of the International Covenant on Civil and Political Rights, namely:

'Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.'

"23. There was an Austrian proposal for paragraph 3 of article 1, in line with article 29, article 2, of the Universal Declaration, which read as follows:

'The exercise of the right to freedom of thought, conscience, religion and belief within the meaning of paragraph 1 above */ is subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a given democratic society.'

"24. At the group's sixth meeting, the representative of Canada acted as Chairman. The representative of Bulgaria presented a new text for paragraph 3 with the aim of reaching a mutually acceptable formula and taking into account various views expressed by other delegations. The new proposal reads as follows:

'The right to freedom of thought, conscience, religion and belief implies the correlative duty to exercise this right with due regard for the peace and welfare of society, provided that the freedom to manifest one's religion or beliefs may be subject to such limitations only as those prescribed by law and those necessary to protect public safety, order, health, morals and the fundamental rights and freedoms of others, to prevent the incitement of people to refrain from public activity and from the performance of their obligations as citizens and to ensure the bringing up of minors in such a way.'

"25. There was some support for the view that there were no absolute rights or freedoms and that the Bulgarian proposal was a good compromise and could be the basis for further negotiations.

"26. One representative felt that there were not enough representatives of Islamic countries present to ensure a fully satisfactory text.

"27. The representative of Egypt suggested the following modifications to the proposed texts set out in paragraph 16 above:

(a) The text proposed by the USSR should read as follows:

'Everyone has the right to freedom of thought, conscience, religion and belief.'

(b) In the amalgamated text of Austria and the Holy See, the words 'and change' should be omitted, as they were already implicit in the words 'to choose'.

"28. The representative of the United Kingdom proposed a new text for paragraph 3 of article 1 which read as follows:

'In the exercise of the right to individual freedom of thought, conscience, religion and belief, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.'

*/ As contained in the USSR proposal reproduced in paragraph 16 above.

"29. At the seventh meeting of the working group, the view was put forward that express provision might be made for animistic and polytheistic and polytheistic beliefs, although some felt that the term 'non-theistic' was sufficiently broad to cover that point. The view was also expressed that freedom of thought, conscience, religion and belief should also embrace the right of every individual either to adhere to or not to adhere to any particular religion and belief, and to have the right to be free from the imposition of such religion or belief, in order to avoid discrimination against those who held other than religious views.

"30. The representative of the Libyan Arab Jamahiriya expressed support for the two changes proposed by the representative of Egypt at the previous meeting as reflecting the Islamic point of view. He therefore suggested that the words 'including theistic, non-theistic and atheistic beliefs' in paragraph 1 of the consolidated text should be deleted. Another representative suggested that the expression 'religion and belief' should be replaced by 'religion and beliefs'. Alternatively it was suggested by some delegations that the same phrase should be placed within square brackets.

"31. The representative of the United Kingdom proposed the following text for article 1:

'1. Everyone has the right to freedom of thought, conscience, religion and beliefs. [This right includes theistic, non-theistic and atheistic beliefs.]

'2. This right includes the right of everyone to choose his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance, without being subjected to any coercion likely to impair the freedom of choice or decision in this matter.

'3. In the exercise of this right to individual freedom of thought, conscience, religion and belief, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.'

"32. One representative suggested that the words 'only as those prescribed by law' in the proposal submitted by the representative of Bulgaria (see para. 24 above) should be replaced by 'only as are prescribed by law'. This suggestion was accepted by the representative of Bulgaria.

"33. The representative of the USSR proposed the addition of the words 'and to criticize religious beliefs' in the amalgamated Austrian and Holy See proposal. He accepted the changes proposed by the representative of Egypt, on condition that the suggested text of article 1 was accepted as a package deal including the second Bulgarian proposal, as referred to in paragraphs 16 and 24 above. The revised USSR proposal read as follows:

'1. Everyone has the right to freedom of thought, conscience, religion and belief.'

'2. This right includes the right to adhere or not to adhere to a religion or belief, to manifest or not to manifest, to practise or not to practise a religion or belief and to criticize religious beliefs, either alone or in community with others and in public or private. The right includes further the right to choose a religion or belief, in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair the freedom of choice or decision in this matter.

'3. The right to freedom of thought, conscience, religion and belief implies the correlative duty to exercise this right with due regard for the peace and welfare of society, provided that the freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and as are necessary to protect public safety, order, health, morals and the fundamental rights and freedoms of others and to prevent the incitement of people to refrain from public activity and from the performance of their obligations as citizens, and to ensure the bringing up of minors in such a way.'

"34. Several representatives stated that they found difficulty in the addition of the phrase 'to criticize religious beliefs' in the text above. One representative suggested that if this phrase was to remain in the text the words 'and other' should be inserted between 'religion' and 'beliefs'.

"35. At the eighth meeting, there was further discussion on the latest proposals of the United Kingdom and the USSR. Since no agreement could be reached, the representative of Austria proposed the following compromise text, based on the first three paragraphs of article 18 of the International Covenant on Civil and Political Rights:

'1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

'2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

'3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'

"36. The representatives of the United Kingdom, Canada, the United States of America and Italy expressed support for this proposal.

"37. The representative of Canada, in expressing his disappointment that a compromise had not been reached on a draft article 1, noted with satisfaction that at the current session the working group had attracted the support of more delegations, in particular those representing States where the Islamic faith was practised. He could accept the latest Austrian proposal (see para. 35) since, though it did not represent a step forward - which in his view a Declaration should do - it did confirm an important element of the Covenant.

"38. The representative of Bulgaria expressed his disappointment that, though his proposals, aimed at reaching a generally acceptable formula for article 1 (see paras. 16 and 24), were supported by a number of delegations, they had not met with the agreement of others. He also expressed the view that article 1 should contain a reaffirmation of the right to freedom of thought, conscience, religion and belief, including theistic, non-theistic and atheistic beliefs, so that there should be no discrimination whatever against people who chose the freedom not to adhere to any religion or even chose to criticize religious belief.

"39. The representative of Egypt felt that the addition of the words 'and to criticize religious beliefs' as proposed in one text took only into account the right to criticize religious beliefs while leaving other thoughts and beliefs beyond criticism. In his view criticism of religious beliefs led to religious intolerance. Also, from the point of view of Islam, criticism of religions was not acceptable. He therefore suggested the deletion of the words 'and to criticize religious beliefs' as proposed in the said text.

"40. The representative of the Libyan Arab Jamahiriya supported the Egyptian proposal and suggested the deletion in paragraph 2 of 'and to criticize religious beliefs, either alone or in community with others and in public or private' as he felt that these principles were already implicit in the text.

"41. The representative of the United States of America informed the group that, because of the slow progress on this draft, the United States delegation would invite, on an informal, unofficial basis, representatives of all the Permanent Missions to the United Nations in New York interested in this subject to a series of open-ended meetings to look at the whole draft declaration and, perhaps, to suggest wordings or alternative wordings to next year's working group.

"42. The representative of Austria proposed the following wording for the first part of paragraph 2 of the USSR proposal (see para. 33):

'This right includes the right, either alone or in community with others and in public or private, to adhere or not to adhere, to manifest or not to manifest, to practise or not to practise, to criticize or not to criticize a religion or belief.'

260. During the discussion disappointment was expressed concerning the slow progress made on the draft declaration despite the fact that this question had been on the agenda of the Commission for the past 16 years. It was also noted that the representatives of some countries could not agree to use - as article 1 of the declaration - the wording of article 18 of the International Covenant on Civil and Political Rights, which dealt with the same subject and had already been ratified by over 40 States Members of the United Nations.

261. The representative of the Holy See offered to prepare, based on the discussion at the thirty-fourth session, a new and concise text of the draft declaration, which could be sent to Governments so that they could submit their observations in writing, as suggested in draft resolution E/CN.4/L.1409.

262. Some representatives expressed their regret that the working group had been unable to reach agreement on article 1, while others felt that the group had made some progress towards a text that would be acceptable to all.

263. The representative of the United States of America said that his Government intended to convene in New York an informal, unofficial meeting of representatives of all Permanent Missions to the United Nations, who would hold a series of open-ended meetings to examine the whole draft declaration, and possibly to recommend a text to next year's working group.

264. The representative of Bulgaria felt that the above-mentioned meetings should in no way replace the functions of the working group and expressed doubt as to whether his delegation would be able to assign an expert to follow those discussions.

265. At the 1472nd meeting the representative of Agudas Israel World Organization, a non-governmental organization in consultative status (category II), made a statement.

266. The representative of the Syrian Arab Republic mentioned the dangers to religious freedom posed by the new Israeli law entitled "Penal Code Amendment Law (Enticement to Change of Religion) 1977", which called for fines and prison sentences for those who offered or received material inducements that could lead to a change of religion. The aim of that law, he said, was to encourage the Israeli authorities to persecute Christian missionaries for their activities.

267. The representative of Israel expressed his displeasure with the discordant note introduced by the representative of the Syrian Arab Republic and said that the law referred to aimed at the protection of individuals against religious pressure. He added that the whole world had had proof of the freedom of religious expression in Israel on the occasion of the visits of Pope Paul VI and President Sadat.

268. At the 1472nd meeting, on 8 March 1978, draft resolution E/CN.4/L.1409, as orally revised, was adopted without a vote.

269. For the text of the resolution, see chapter XXVI, section A, resolution 22 (XXXIV).

XV. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION; IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

270. The Commission considered agenda item 18 at the 1440th, 1450th and 1451st meetings, on 14, 21 and 22 February 1978. At the 1440th meeting, the Deputy Director of the Division of Human Rights introduced the item.

271. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/L.1261), General Assembly resolutions 3057 (XXVIII) and 32/10, entitled "Decade for Action to Combat Racism and Racial Discrimination", and General Assembly resolution 32/129, entitled "World Conference to Combat Racism and Racial Discrimination".

272. At the 1450th meeting, a draft resolution sponsored by Egypt, Lesotho, Nigeria and Rwanda (E/CN.4/L.1376) was introduced. A statement on financial implications appearing in document E/CN.4/L.1390 was brought to the attention of the Commission. 21/

273. At the 1451st meeting on 22 February 1978, the sponsors revised operative paragraph 2 of the draft resolution by replacing the word "Commends" by the words "Takes note of" and operative paragraph 4 by inserting after the words "should consider" the words "among other things".

274. At the same meeting, the draft resolution (E/CN.4/L.1376), as revised, was adopted without a vote. After the draft resolution had been adopted, two representatives expressed reservations about paragraphs 2 and 4 of the resolution.

275. For the text of the resolution, see chapter XXVI, section A, resolution 8 (XXXIV).

21/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

XVI. STATUS OF THE INTERNATIONAL COVENANTS ON
HUMAN RIGHTS

276. The Commission considered agenda item 19 jointly with items 8, 11 and 26 at its 1448th to 1453rd and 1455th meetings, from 20 to 24 February 1978.

277. In its resolution 2 (XXXIII) of 18 February 1977, the Commission had requested the Secretary-General to continue to inform it at each session of any new developments with regard to ratification and implementation of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. The Commission had before it a note by the Secretary-General (E/CN.4/1279 and Corr.1) prepared in response to that request.

278. The Commission heard statements by the observers for Romania, Czechoslovakia and Argentina at the 1449th meeting, by the observers for Costa Rica and Gambia at the 1451st meeting and by the observer for the Federal Republic of Germany at the 1452nd meeting.

279. All speakers stressed the importance of the entry into force of the Covenants as a major step in the international effort to promote universal respect for and observance of human rights and fundamental freedoms for all. The rights inscribed in the International Covenant on Civil and Political Rights and those in the International Covenant on Economic, Social and Cultural Rights were considered equally important and, indeed, inseparable. All human beings were equally entitled to each and every one of them, and States parties were under the legal obligation to see that they were enjoyed by all.

280. The legally binding character of the Covenants was considered by some members to be conducive to further co-operation by States in the attainment of the purposes and principles of the Charter of the United Nations. It was also considered to be a basis for separate and detailed conventions covering certain rights provided for in the Covenants. The draft Convention on the Rights of the Child submitted to the Commission at the current session was mentioned as an example.

281. Some speakers noted with satisfaction that the number of States adhering to the Covenants and the Optional Protocol had increased since the thirty-third session of the Commission. They observed, however, that two thirds of the total membership of the United Nations had yet to become parties to either of them - though among those States were some which invoked on occasion the principles set forth in the Covenants.

282. Several speakers praised the work already accomplished by the Human Rights Committee established under the International Covenant on Civil and Political Rights and expressed their confidence in the role it was called upon to play in the promotion of human rights.

283. Regret was expressed by one speaker that consideration of reports submitted by States parties to the International Covenant on Economic, Social and Cultural Rights had not been entrusted to a group of experts, similar to the Human Rights Committee, rather than to the Economic and Social Council, which in view of its heavy workload might not be in a position to devote to their consideration the thorough attention they deserved.

284. Some speakers stressed, in general terms, the need for the Commission to study during its thirty-fifth session the system of reporting on human rights matters under certain conventions and resolutions with a view to attaining procedural harmony and co-ordination.

285. A draft resolution (E/CN.4/L.1383) was submitted by Bulgaria. Two amendments were submitted to that draft, one by Sweden (E/CN.4/L.1388) and the other by the United Kingdom of Great Britain and Northern Ireland (E/CN.4/L.1394).

286. At the 1455th meeting, on 24 February 1978, the two amendments were adopted without a vote. The draft resolution, as amended, was then adopted without a vote. After the voting, several representatives expressed reservations concerning the amendment that had been submitted by Sweden.

287. For the text of the resolution see chapter XXVI, section A, resolution 9 (XXXIV).

XVII. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES ON ITS THIRTIETH SESSION

288. The Commission considered agenda item 20 at its 1470th meeting, on 7 March 1978.

289. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/1261).

290. The representatives who spoke on this item pointed out that this year, as in previous years, the report of the Sub-Commission reflected the very important work done by it and by its special rapporteurs. In this connexion it was emphasized that many of the resolutions and decisions taken by the Commission at the present session under other agenda items had their origin in action taken by the Sub-Commission.

291. Mention was made of the studies recently carried out by special rapporteurs of the Sub-Commission and of those still pending submission in final form. All were deemed important contributions to the work of the United Nations in the field of human rights. It was stressed that action taken at the thirty-second session of the General Assembly had opened many new perspectives for strengthening action by all United Nations bodies dealing with human rights questions. In particular, certain aspects of economic and social rights were mentioned as the subjects of possible future studies; these included: the right to employment; the rights of youth, including the right to education and to the choice of occupation; the right to adequate remuneration; the living conditions of women workers.

292. It was also suggested that other important and useful tasks to be undertaken by the Sub-Commission should include an analysis of the results of United Nations seminars dealing with the prevention of discrimination and the protection of minorities. In connexion with the Sub-Commission's Working Group on Slavery, it was further suggested that a detailed analysis of the materials submitted to it should be undertaken without delay.

293. A statement was made by the representative of the Anti-Slavery Society, a non-governmental organization in consultative status (category II).

294. At the proposal of the Chairman, the Commission decided without a vote to take note of the report of the Sub-Commission on Prevention and Discrimination and Protection of Minorities on its thirtieth session (see chap. XXVI, sect. B, decision 7 (XXXIV)).

XVIII. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

295. The Commission considered agenda item 21 at its 1439th and 1466th to 1468th meetings, on 14 February and 3 and 6 March 1978. The item had been included in the agenda by a decision of the Commission at its 1429th meeting, on 6 February 1978, on the proposal of the representative of Yugoslavia (see para. 349 (a) below).

296. The Commission had before it the report of the Sub-Commission on its thirtieth session (E/CN.4/1261), the study of the rights of persons belonging to ethnic, religious and linguistic minorities (E/CN.4/Sub.2/384 and Add. 1-7) prepared by Mr. Francesco Capotorti, Special Rapporteur of the Sub-Commission, and a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities proposed by Yugoslavia (E/CN.4/L.1367/Rev.1). The observer for Iraq made a statement (1467th and 1468th meetings).

297. At its 1431st meeting, on 8 February 1978, the Commission decided to create an informal, open-ended working group in connexion with item 21.

298. It was indicated that the draft declaration proposed by the representative of Yugoslavia was meant to serve as a starting-point for an exchange of views on questions of the protection of the rights of minorities and for the drafting of such a declaration. In the view of several representatives, the draft declaration constituted a good basis for unofficial consultations. To this end the draft should be referred to the working group.

299. At the 1466th meeting, on 3 March 1978, Mr. Francesco Capotorti, the Special Rapporteur on the rights of persons belonging to ethnic, religious and linguistic minorities, presented the conclusions and recommendations of his report to the Commission. He pointed out that the subject of his study was in conformity with article 27 of the International Covenant on Civil and Political Rights. His study was based on many monographs, which had been established mainly from information furnished by Governments, summarizing the situation of ethnic, religious and linguistic minorities. Referring to conclusion 10 of the study, the Special Rapporteur said that his definition of the term "minority" led to a non-restrictive interpretation of article 27 of the International Covenant on Civil and Political Rights. That article contained not only the obligation to tolerate minorities that were trying to preserve their identity but the positive obligation for States to take measures to ensure that the essential values of minorities were safeguarded. A declaration on the rights of persons belonging to ethnic, religious or linguistic minorities would promote the protection of the rights of those minorities.

300. One speaker said that the report needed some adjustment before it took its final form, in view of the complexity of the subject; such flexibility was necessary in order that various facts related to the question might be reflected more adequately.

301. At the 1467th meeting, the Chairman-Rapporteur of the informal working group introduced the report of the group (E/CN.4/L.1381). At the same meeting, he introduced two draft resolutions submitted by the working group and contained in paragraph 12 of its report. He orally revised draft resolution A.

302. The report of the working group (E/CN.4/L.1381) read as follows:

"1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 5 (XXX) of 31 August 1977, recommended that the Commission on Human Rights consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights.

"2. At its 1431st meeting, on 8 February 1978, the Commission decided that an informal working group, open to all its members, should be established to consider questions connected with drafting a declaration on the rights of members of national, ethnic, religious and linguistic minorities.

"3. The working group held two meetings, on 14 and 16 February 1978. At its first meeting, the working group elected Mr. Y. Beaulne (Canada) as its Chairman-Rapporteur.

"4. At the first meeting, the representative of Austria said that the debate in the working group might have been more fruitful if Mr. Capotorti had already introduced his report to the Commission.

"5. The representative of Yugoslavia pointed out that the discussion in the working group was preliminary. It was not feasible to elaborate a declaration at the current session, in a few meetings of a working group. An exchange of views should take place as a basis for future work. The text of the draft declaration proposed by his delegation (E/CN.4/L.1367) was a working paper which should be improved in such a way that it could be accepted by all States Members of the United Nations. When dealing with problems of minorities, the various historical, social and other circumstances which had resulted in their formation had to be taken into account. Furthermore, the ensuring and promotion of the rights of minorities had to be based upon strict respect for the sovereignty, territorial integrity and political independence of the countries in which minorities lived and upon non-interference in the internal affairs of those countries. Finally, the rights of minorities should be used only for their protection and not to foster separatism. As regards procedure, the working group, after having discussed the various aspects of the questions under study, should ask the Commission to request the Secretary-General to transmit to all Member States, for their comments, the relevant documents of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights concerning the rights of national, ethnic, religious and linguistic minorities. At the thirty-fifth session of the Commission on Human Rights, the discussion on the rights of national, ethnic, religious and linguistic minorities should be continued on the basis of the answers received from the Governments of Member States.

"6. The representative of France supported the proposal made by the representative of Yugoslavia concerning the procedure of the working group.

"7. The representative of Senegal expressed the opinion that it was beyond the scope of the working group to draft a convention on the rights of national, ethnic, religious and linguistic minorities. The task of the

working group should be to elaborate an outline of a draft declaration. He stressed the need for members of minority groups to maintain the national integrity; they had the same duties and obligations as all citizens of the country.

"8. In the view of the observer for the Federal Republic of Germany, the cultural rights of minority groups depended to some extent upon whether they lived in the same geographical area within a country. Therefore the working group should also consider that aspect of the question.

"9. At the second meeting, the representative of Austria stressed that, in the view of his Government, a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities should include an article containing the following general principles:

'(a) No one belonging to a national, ethnic, religious or linguistic minority shall be expelled by means either of an individual or of a collective measure from the territory of the State of which he is a national.

'(b) Genocide against national, ethnic, religious or linguistic minorities should be considered a crime against humanity.

'(c) The changing of the demographic composition of a territory in which national, ethnic, religious and linguistic minorities live is incompatible with the spirit of international human rights instruments.'

It would also be necessary to determine how far the right to self-determination as specified in the United Nations Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations was applicable to national and ethnic minorities.

"10. The representatives of France and Canada and the observer for the Federal Republic of Germany pointed out that the working group was faced with highly complicated questions. To this end, Governments should be given the opportunity of studying the relevant documents of the Sub-Commission and the Commission regarding the rights of persons belonging to national, ethnic, religious and linguistic minorities before continuing the discussion on the contents of a draft declaration. The representative of Cyprus supported this proposal.

"11. In summarizing the debate in the working group, the Chairman stated that there was an agreement to proceed as follows: after having exchanged views on general principles for a draft declaration which were acceptable to all, the working group should prepare a draft resolution for the Commission requesting the Secretary-General to transmit the relevant documents of the Sub-Commission and the Commission concerning the rights of national, ethnic, religious and linguistic minorities to the Member States for their comments. The Commission should also decide, in the resolution, to continue the consideration of this item at its thirty-fifth session.

"12. The working group transmits the following draft resolutions to the Commission on Human Rights:

"A

"The Commission on Human Rights,

"Recalling Economic and Social Council resolution 1418 (XLVI) of 6 June 1969 on the study of the rights of persons belonging to ethnic, religious and linguistic minorities,

"Noting resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977 recommending that the Commission on Human Rights consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights,

"Having taken cognizance of the report of the working group (E/CN.4/L. ...),

"Considering the conclusions and recommendations presented by the Special Rapporteur, Mr. Francesco Capotorti,

"1. Requests the Secretary-General to transmit the relevant documents of the thirtieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the thirty-fourth session of the Commission on Human Rights concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities to the Governments of the Member States for their comments;

"2. Decides to consider at its thirty-fifth session the item entitled 'Rights of persons belonging to national, ethnic, religious and linguistic minorities'.

"B

"The Commission on Human Rights,

"Noting resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977,

"Decides to recommend to the Economic and Social Council the adoption of the following draft resolution:

"The Economic and Social Council,

"Recalling its resolution 1418 (XLVI) of 6 June 1969 on the study of the rights of persons belonging to ethnic, religious and linguistic minorities,

"Noting Commission on Human Rights resolution ... (XXXIV) of ... 1978,

XIX. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

305. The Commission considered agenda item 22 at its 1438th, 1471st and 1472nd meetings, on 13 February and 7 and 8 March 1978.

306. At the 1438th meeting the representative of Poland introduced draft resolution E/CN.4/L.1366/Rev.1, sponsored by Austria, Bulgaria, Colombia, Jordan, Poland, Senegal and the Syrian Arab Republic. He recalled that in 1959 the General Assembly had adopted the Declaration on the Rights of the Child, which had been instrumental in promoting the rights of children throughout the world as well as in shaping various forms of international co-operation in that field. He felt that, almost 20 years after the proclamation of the principles of that Declaration by the General Assembly, it was time to take further and more consistent steps by adopting an internationally binding instrument in the form of a convention, and expressed the view that the draft Convention should be based on the principles of the Declaration of the Rights of the Child.

307. At the 1471st meeting a revised draft resolution (E/CN.4/L.1366/Rev.2) was presented by the representative of Poland on behalf of Austria, Bulgaria, Colombia, Jordan, Peru, Poland, Senegal and the Syrian Arab Republic.

308. Several speakers pointed out the pressing need to put the rights of the child in the developing world into proper perspective and the importance of having a document of a binding nature, because children were suffering through wars and other forms of aggression, and under colonialism, racism and apartheid. The view was also expressed that the International Year of the Child should be marked by the adoption of a convention on the rights of the child. That was possible because the proposed draft Convention was based on the existing Declaration.

309. One representative reserved his position on the adoption of a convention during the International Year of the Child. There were many studies and projects which might well not be completed by 1979 but which would have a bearing on any Convention. Member States should study the subject thoroughly before proceeding to draft a convention and should also consider very carefully the substantive work of the non-governmental organizations.

310. At the 1471st meeting the Commission heard a statement by the representative of the International Union for Child Welfare, a non-governmental organization in consultative status (category II).

311. After consultations it was agreed to make the following changes in the draft resolution contained in document E/CN.4/L.1366/Rev.2:

(a) In operative paragraph 2 the words "a matter of priority" were replaced by the words "one of its priorities"; the word "the" preceding "draft Convention" was replaced by the word "a"; the word "adopting" was replaced by the word "concluding"; and the words "if possible" were inserted after the word "concluding";

(b) In operative paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council, the word "work" was replaced by the word "initiative", the word "preparing" by the word "concluding", and the words "its decision finally to adopt such a Convention at its thirty-fifth session" by the words "to the adoption of this Convention by the General Assembly, if possible during the International Year of the Child";

XX. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE
HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

315. The Commission considered agenda item 23 at its 1472nd meeting, on 8 March 1978.

316. On 13 February 1978, the Commission had set up an informal working group, open to all its members, to consider this agenda item.

317. At the Commission's 1472nd meeting, the Chairman-Rapporteur of the informal working group submitted the group's report (E/CN.4/L.1411), which contained two draft resolutions and proposals drawn up by the working group.

318. The report of the working group (E/CN.4/L.1411) read as follows:

"1. The informal working group held four meetings, on 21 and 27 February and 2 and 3 March 1978, and an informal meeting on 6 March 1978. Mr. Hasim Utkan (Turkey) was elected Chairman-Rapporteur by acclamation.

"2. In the course of the discussion, several speakers stressed the importance of the work accomplished in the last decade by the Member States and by organizations of the United Nations system in improving the situation and ensuring the human rights and dignity of migrant workers. A large number of representatives considered, however, that greater efforts should be made to that end at both the national and the international levels.

"3. It was agreed to give high priority to the formulation and implementation of measures to ensure the well-being and harmonious development of the children of migrant workers, with particular regard to health, education, adaptation to the host country and preservation of the cultural values of the country of origin. Activities in those fields could no doubt be effectively encouraged and co-ordinated in the context of the International Year of the Child.

"4. Some speakers wondered whether policies to assist the children of migrant workers should not, to be really effective, consider, in addition to the question of equality of treatment, certain measures to compensate for the social and cultural handicaps from which such children suffered.

"5. Emphasis was laid also on the need to encourage the reunion of the families of migrant workers and to promote the well-being and rights of migrant women.

"6. Among the other types of measures which the host countries might take or develop further, mention was made of the dissemination of accurate information on migrant workers among the local people; the application of more effective housing policies, including better controls on the quality of housing; the improvement of health care and greater frequency of medical check-ups; and the provision of various facilities for migrant workers to learn the language of the host country and receive training.

"7. Stress was laid on the importance for migrant workers of access to effective remedies in the event of a violation of their rights. Some speakers alluded in that connexion to problems relating to expulsion procedures.

"8. Various speakers mentioned problems connected with the economic, social and cultural reintegration of workers on their return to their own country. Such problems were particularly serious during the present period of recession and unemployment. It was suggested that steps should be taken by the authorities of both countries, acting in co-operation, to prepare them for their return before they left the host country.

"9. Stress was laid on the need to strengthen bilateral co-operation between the two types of country in various areas relating to the protection of the human rights of migrants, for example, in the recruitment and transport of workers and in combating the illicit labour traffic.

"10. Several speakers said that the first thing to be done at the international level was to prepare a consolidated report on the work already accomplished and the programmes in progress in the different intergovernmental organizations. Full account should be taken of the work of ILO, UNESCO, WHO and other organizations in order to determine what direction the future activities of the United Nations in that domain might take.

"11. It was considered that a report of that kind, which would increase the effectiveness of the work done by the Commission on Human Rights, would in no way duplicate the document recapitulating the principles adopted by United Nations bodies on the subject of migrant workers which was being prepared by ILO for the twenty-sixth session of the Commission for Social Development, pursuant to Economic and Social Council resolution 1926 (LVIII), but that it would take into account the results of ILO's work to implement that resolution.

"12. Some other speakers suggested that the Commission should envisage the preparation of a wide-ranging declaration on the human rights of migrant workers to form the basis for a future convention that would ensure more effective protection of their human rights.

"13. Lastly, it was suggested that it might be possible to introduce a procedure whereby Member States would be invited to furnish periodic reports every two or three years on the economic and social rights of migrant workers.

"14. At its meeting on 3 March 1978, the group considered its draft report and the proposals submitted by Colombia, Turkey and Yugoslavia (see Annex III below); it also considered two draft resolutions submitted by Colombia, Turkey and Yugoslavia: draft resolution A (see annex I below) and draft resolution B (see annex II below).

"15. At the same meeting, draft resolution A was adopted without a vote subject to the following amendments:

"(a) In the second preambular paragraph, on the proposal of the representative of the Federal Republic of Germany, the words 'the work of the International Labour Organisation and its pertinent instruments, especially' were inserted between the word 'Considering' and the words 'the Convention';

"(b) In the third preambular paragraph, on the proposal of the representative of the United States of America, the word 'pathological' was deleted;

"(c) In the fourth preambular paragraph, on the proposal of the representative of the Federal Republic of Germany, the words 'going beyond equality of treatment' were replaced by the words 'in view of their special situation';

"(d) In the same paragraph, on the proposal of the representative of France, the words 'with a view to promoting effective equality of opportunity and of treatment' were added after the words 'homogeneity of their families';

"(e) On the proposal of the representative of France, the word 'bi-cultural' was deleted from the fourth and sixth preambular paragraphs, it being clearly understood that the removal of that term did not imply that the children of migrant workers could not receive education in the language of the host country;

"(f) On the proposal of the representative of Colombia, the word 'psychological' was deleted from the sixth preambular paragraph.

"16. Introducing draft resolution B, the Chairman-Rapporteur of the working group pointed out, with regard to the first alternative for operative paragraph 2, that the sponsors were thinking of a meeting lasting two or three days at Geneva. He also said, with regard to the second alternative, that they had in mind a meeting which would be held at one of the permanent missions without it being necessary to call on the Secretariat.

"17. The delegation of the Union of Soviet Socialist Republics said that the work to be carried out on the basis of the documentation submitted by the Secretary-General should be done by the informal working group at the thirty-fifth session of the Commission on Human Rights.

"18. In the second preambular paragraph of draft resolution B (see annex II below), on the proposal of the representative of Italy, the words 'the Commission for Social Development and' were added after the words 'such as'.

"19. In the second alternative for operative paragraph 2 of draft resolution B, on the proposal of the representative of Egypt, the words 'comprising the representatives of the permanent missions of Member States' were deleted.

"20. At the fifth meeting of the working group, the sponsors of draft resolution B decided to withdraw the second alternative for operative paragraph 2 of the draft resolution, since it had proved to be an alternative that was not practicable.

"21. At the same meeting the working group adopted without a vote the following revised texts of the draft resolutions:

"A

"The Commission on Human Rights,

"Recalling General Assembly resolutions 2920 (XXVII) of 15 November 1972, 3224 (XXIX) of 6 November 1974, 3449 (XXX) of 9 December 1975, 31/127 of 16 December 1976 and 32/120 of 15 December 1977 concerning migrant workers, as also Economic and Social Council resolutions 1749 (LIV) and 1926 (LVIII),

which affirm the need for the United Nations to consider the situation of migrant workers in an interrelated manner and in relation with the general factors which affect human rights and human dignity,

"Considering the work of the International Labour Organisation and its pertinent instruments, especially the Convention on migrant workers (supplementary provisions), 1975, and the Recommendation concerning migrant workers, 1975, adopted by the General Conference of the International Labour Organisation,

"Particularly concerned about the situation of the children of migrant workers and the effects upon their cultural, medical and psychosociological well-being and the difficulties of adaptation and separation to which they are exposed, and aware of the gravity of the conflict of loyalty facing these children and the need to remedy it by the adoption of adequate measures,

"Convinced of the need to adopt special measures in favour of these children in view of their special situation, and in particular to secure for them an education preserving their cultural values and strengthening the homogeneity of their families, with a view to promoting effective equality of opportunity and of treatment,

"Recognizing that the access of children to education should not be jeopardized by the status, regular or otherwise, of their parents vis-à-vis the immigration laws,

"Convinced that the effectiveness of measures concerning the family in general, and the children in particular, of migrant workers depends essentially on the mother of the family and that it is therefore necessary to adopt social and educational measures to prevent her isolation and to enable her to take an active part in the education of her children,

"Bearing in mind General Assembly resolution 31/169 on the International Year of the Child, in which the General Assembly urges Governments to devote special attention to children in the most vulnerable and the most disadvantaged groups,

"1. Notes that in resolution 32/120 the General Assembly considered that, in view of the importance that the problems of migrant workers have assumed, the Commission on Human Rights should take immediate measures to ensure the human rights and dignity of all migrant workers, and that in operative paragraph 2 (b) of that resolution the Assembly invites all States to promote and facilitate by all the means in their power the implementation of the relevant international instruments and the adoption of bilateral agreements designed, inter alia, to eliminate the illicit traffic in alien workers;

"2. Requests Member States to strengthen and develop the measures designed to ensure the welfare of children of migrant workers and of their families as a whole;

"3. Also requests the appropriate international organizations of the United Nations system to give special attention, in the light of their respective contributions to the International Year of the Child, to these questions in the framework of their activities in connexion with migrant workers

and together to ensure by appropriate means a very wide dissemination of information on the measures taken to alleviate the difficulties encountered by migrant workers and their families;

"4. Invites the Governments of host countries to consider the adoption of definitive measures to promote the normalization of the family life of migrant workers in their territory by the reunion of their families.

"B

"The Commission on Human Rights,

"Having taken cognizance of the report of the Working Group (E/CN.4/L. ...),

"Aware of the work done in the field of migrant workers by the specialized agencies, particularly the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and by other United Nations agencies, such as the Commission for Social Development and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recalling the satisfaction which it expressed concerning the study on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the seminar on the human rights of migrant workers held at Tunis from 12 to 24 November 1975 (ST/TAO/HR/50),

"Noting, however, that in order to be in a position to undertake the full in-depth study recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned,

"Appreciating the work done by the non-governmental organizations concerned in the field of the human rights of migrant workers and recognizing the importance of any information that the latter organizations might consider it useful to furnish to the Commission on this question, in accordance with the provisions relating to consultative status,

"1. Requests the Secretary-General to prepare a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action;

"2. Recommends that the Economic and Social Council should authorize a meeting of an open-ended working group in December 1978, for at most three days, in order to analyse the substance of the Secretary-General's report and to submit specific proposals to the Commission at its thirty-fifth session;

"3. Requests the Secretary-General to communicate this consolidated report to Member States not less than two weeks before the meeting of the working group;

"4. Decides to consider as a matter of priority at its thirty-fifth session the item entitled 'Measures to improve the situation and ensure the human rights and dignity of all migrant workers'.

"Annex I. Draft resolution submitted by
Colombia, Turkey and Yugoslavia

"A

"The Commission on Human Rights,

"Recalling General Assembly resolutions 2920 (XXVII) of 15 November 1972, 3224 (XXIX) of 6 November 1974, 3449 (XXX) of 9 December 1975, 31/127 of 16 December 1976 and 32/120 of 15 December 1977 concerning migrant workers, as also Economic and Social Council resolutions 1749 (LIV) and 1926 (LVIII), which affirm the need for the United Nations to consider the situation of migrant workers in an interrelated manner and in relation with the general factors which affect human rights and human dignity,

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

"Particularly concerned about the situation of the children of migrant workers and the effects upon their cultural, medical and psychosociological well-being and the pathological difficulties of adaptation and separation to which they are exposed, and aware of the gravity of the conflict of loyalty facing these children and the need to remedy it by the adoption of adequate measures,

"Convinced of the need to adopt special measures in favour of children, going beyond equality of treatment, and in particular to secure for them a bi-cultural education preserving their cultural values and strengthening the homogeneity of their families,

"Recognizing that the access of these children to education should not be jeopardized by the status, regular or otherwise, of their parents vis-à-vis the immigration laws,

"Convinced that the effectiveness of measures concerning the family in general, and the children in particular, of migrant workers depends essentially on the mother of the family and that it is therefore necessary to adopt social, psychological and educational measures to prevent her isolation and to enable her to take an active part in the bi-cultural education of her children,

"Bearing in mind General Assembly resolution 31/169 on the International Year of the Child, in which the General Assembly urges Governments to devote special attention to children in the most vulnerable and the most disadvantaged groups,

"1. Notes that in resolution 32/120 the General Assembly considered that, in view of the importance that the problems of migrant workers have assumed, the Commission on Human Rights should take immediate measures to ensure the human rights and dignity of all migrant workers, and that in operative paragraph 2 (b) of that resolution the Assembly invites all States to promote

and facilitate by all the means in their power the implementation of the relevant international instruments and the adoption of bilateral agreements designed, inter alia, to eliminate the illicit traffic in alien workers;

"2. Requests Member States to strengthen and develop the measures designed to ensure the welfare of children of migrant workers and of their families as a whole;

"3. Also requests the appropriate international organizations of the United Nations system to give special attention, in the light of their respective contributions to the International Year of the Child, to these questions in the framework of their activities in connexion with migrant workers and together to ensure by appropriate means a very wide dissemination of information on the measures taken to alleviate the difficulties encountered by migrant workers and their families;

"4. Invites the Governments of host countries to consider the adoption of definitive measures to promote the normalization of the family life of migrant workers in their territory by the reunion of their families.

"Annex II. Draft resolution submitted by
Colombia, Turkey and Yugoslavia

"B

"The Commission on Human Rights,

"Having taken cognizance of the report of the working group (E/CN.4/...),

"Aware of the work done in the field of migrant workers by the specialized agencies, particularly the International Labour Organization and the United Nations Educational, Scientific and Cultural Organisation and by other United Nations organs, such as the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recalling the satisfaction which it expressed concerning the study on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the seminar on the human rights of migrant workers, held at Tunis from 12 to 24 November 1975 (ST/TAO/HR/50),

"Noting, however, that in order to be in a position to undertake the full in-depth study as recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned,

"Appreciating the work done by the non-governmental organizations concerned in the field of the human rights of migrant workers and recognizing the importance of any information that the latter organizations might consider it useful to furnish to the Commission on this question, in accordance with the provisions relating to consultative status,

"1. Requests the Secretary-General to prepare a consolidated report preferably including proposals which would enable the Commission to define the scope of its future action;

"[2. Recommends that the Economic and Social Council should authorize an open-ended working group to meet before the thirty-fifth session of the Commission on Human Rights in order to analyse the substance of the Secretary-General's report and to submit specific proposals to the Commission at its thirty-fifth session;]

or

"[2. Decides that an open-ended working group comprising representatives of the permanent missions of Member States at Geneva should be instructed to analyse the substance of the Secretary-General's report and to submit specific proposals to the Commission on Human Rights at its thirty-fifth session;]

"3. Requests the Secretary-General to communicate this consolidated report to Member States not less than two weeks before the meeting of the working group;

"4. Decides to consider as a matter of priority at its thirty-fifth session the item entitled 'Measures to improve the situation and ensure the human rights and dignity of all migrant workers'.

"Annex III. Proposals submitted by
Colombia, Turkey and Yugoslavia

"1. In resolution 32/120, which follows on resolution 31/127, the General Assembly recommended that the Commission on Human Rights at its thirty-fourth session should make a comprehensive and detailed analysis of measures to improve the situation and ensure the human rights and dignity of migrant workers, at the same time emphasizing the need for the Commission on Human Rights and other relevant organs of the United Nations to take immediate steps in the matter. Although the Commission is thus called upon to develop action in this field, there is no ignoring the evidence that in the present state of affairs it is difficult, even within the working group set up for that purpose by the Commission, to undertake and carry out the detailed study envisaged by the General Assembly. This does not, of course, debar the working group and the Commission from concentrating on questions - such as those concerning the children and families of migrant workers - which are of such importance and urgency as to deserve special attention.

"2. The above-mentioned difficulty with regard to carrying out a detailed analysis is due mainly to the breadth of the subject, to the state of the documentation available and to the fact that the work achieved in this field by various governmental and non-governmental organizations is rather scattered. It is true that the Commission has some valuable documentation on the subject in the Warzazi report (E/CN.4/Sub.2/L.640) and the report of the Tunis seminar (ST/TAO/HR/50), but it must be borne in mind that those documents date back to 1975 and that they were drawn up either from a well-defined angle - though it was later broadened - or to form a preliminary outline for the analysis of the question. It must be recognized that the question of the human rights of migrant workers has been developing rapidly in so far as it is functionally linked to the international economic situation, but also

because of the emphasis that has been placed since that date on co-operation between the host countries and the countries of origin. Consequently, while it must be recognized that the reports mentioned constitute basic documents for the analysis to be undertaken by the Commission, it does not seem that they could be adequate for this task and they should be supplemented by a consolidated report by the Secretary-General which would make it possible in particular to determine the state of the work done by the various bodies that are taking action in this field, including the work done by the ILO in conformity with the provisions of Economic and Social Council resolution 1926 (LVIII). Such a report would also make it possible to avoid any overlapping of the work of our Commission with that of other organizations and to produce some lines of thought and of action, thus contributing essentially to the elaboration of an approach by the Commission to the question of the human rights of migrant workers. As far as the form that this report should take is concerned, in order to help the Commission in its work and to make it possible to define the sectors in which some future action by the Commission is required, it would be useful if, over and above the essential synthesis, it could incorporate some proposals or suggestions in direct line with the 1975 report of the Secretary-General on strengthening the programmes designed to improve the lot of migrant workers (E/CN.5/515 and Corr. 1 and 2).

"3. In accordance with the terms of General Assembly resolution 32/120, the ILO, UNESCO, WHO and UNICEF and all other interested agencies of the United Nations system should be called upon to make as large a contribution as possible to the preparation of this report and to the future work of the Commission in this field. At the same time, in order to enable the Commission to have as broad and comprehensive a view as possible of the international co-operation undertaken in this field, it would be useful to ensure the participation of interested non-governmental organizations and intergovernmental bodies such as the Intergovernmental Committee for European Migration (ICEM).

"4. It must be recognized that, despite the appeals that the General Assembly and the Economic and Social Council have for long been making to the Commission on Human Rights to undertake an analysis of the substance of the question of the human rights of migrant workers, the work of the Commission has not kept pace with the interest taken in this question by the higher organs of the United Nations. This shows how necessary it is for the Commission on Human Rights to make some progress in this field. With this in view, it would be both useful and appropriate to consider whether an open-ended working group could meet before the next session of the Commission on Human Rights, for one week at the most, to study the report of the Secretary-General mentioned in paragraph 2 of these proposals and to make an analysis of the substance of the question, with a view to submitting specific suggestions to the Commission at its next session. This procedure would enable the Commission to have specific proposals before it and would provide it with elements of analysis of the substance of the question, thus giving it an opportunity to go beyond the exploratory stage of its work in this field. Lastly, it would be desirable for the Secretariat to arrange for member countries to receive this report at least two weeks before the above-mentioned working group meets."

319. At the 1472nd meeting, on 8 March 1978, the Commission adopted the two draft resolutions without a vote.

320. For the text of the resolutions, see chapter XXVI, section A, resolutions 21 A and B (XXXIV).

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

321. The Commission considered agenda item 26 at its 1433rd, 1451st and 1455th meetings held on 9, 22 and 24 February 1978.
322. The Commission had decided at its thirty-third session to postpone to its thirty-fourth session consideration of the item on advisory services in the field of human rights. It therefore had before it at its thirty-fourth session the report of the Secretary-General on the programme of advisory services submitted at the thirty-third session (E/CN.4/1228). It also had before it a report of the Secretary-General prepared for the thirty-fourth session (E/CN.4/1280 and Corr.1).
323. In introducing the item, the Deputy Director of the Division of Human Rights gave background information on the programme of advisory services in the field of human rights, which was established in 1956 on the basis of General Assembly resolution 926 (X). He informed the Commission that during the period under review (1975 to 1977, inclusive) the programme had provided for one international seminar, three training courses and 59 fellowship awards. He noted that the importance and the usefulness of the advisory services programme for the promotion and protection of human rights could not be over-emphasized. He stated that since its inception the programme had been very much appreciated by the Member States. To illustrate this point he informed the Commission that during the period 1967-1977 there had been an increase of 86 per cent in the number of applications for human rights fellowship awards.
324. He also called the attention of the Commission to two resolutions adopted by the General Assembly at its thirty-second session. In the first one, resolution 32/123, relating to the thirtieth anniversary of the Universal Declaration of Human Rights, the Assembly requested the Secretary-General to organize a world-wide seminar on the subject of national and local institutions for the promotion and protection of human rights. In the other, resolution 32/127, it requested the Secretary-General, under the programme of advisory services in the field of human rights, to give priority to the organization, in areas where no regional commission on human rights existed, of seminars for the purpose of discussing the establishment of appropriate machinery for the promotion and protection of human rights.
325. Unfortunately, in spite of the increasing interest of Member States in the programme, the funds made available for its implementation had been reduced to the minimum, thus making it very difficult for the Division of Human Rights to comply with the wish of the Commission, as stated in its resolution 17 (XXIII), to include in the annual programme the holding of two seminars, one training course and an adequate number of fellowships. He therefore requested the Commission to give the financial aspects of the programme its special consideration so as to make it possible for the Division to implement the programme as fruitfully and as efficiently as possible.
326. All the participants in the general debate recognized the importance and the usefulness of the advisory services programme for the promotion of better understanding of questions relating to human rights. There was a unanimous opinion concerning the important role it played in the education and training of students and officials involved in human rights matters, and in the dissemination of information in this field.

327. The speakers expressed concern at the continued reduction of funds made available for the implementation of the programme and stated that it was very important that the management of the advisory services component be brought under the responsibility of the Division of Human Rights and its budget included in the human rights section of the programme budget. There was general agreement that the Commission should take appropriate action to ensure that, in the future, adequate funds would be allocated for the advisory services programme.

328. With regard to the fellowship component of the programme, it was suggested that in developing and broadening the programme, recipients of fellowship awards and participants in the training courses should include more nationals from all regions. Likewise, the countries of placement should in future include countries of all regions. It was suggested that instead of leaving the choice of subjects for study to the candidates, the topics to be studied by the fellows should correspond with the needs of the Commission on Human Rights.

329. It was suggested that the topics of the seminars should be more closely related to the work of the Commission. In connexion with the International Year of the Child, a seminar on the rights of the child should be organized in co-operation with the interested non-governmental organizations, such as the International Association of Democratic Lawyers and the International Commission of Jurists. Details should also be worked out for the implementation of General Assembly resolution 32/127, concerning the holding of seminars in regions where there were no regional human rights commissions, in order to discuss the establishment of appropriate regional machinery for the promotion and protection of human rights.

330. At the 1455th meeting, on 24 February 1978, the representative of Austria introduced a draft resolution (E/CN.4/L.1393), which was also sponsored by India, Iran, Jordan, Nigeria and Sweden. A statement of the administrative and financial implications of the draft resolution (E/CN.4/L.1396) was brought to the attention of the Commission. ^{22/} The draft resolution was then adopted without a vote. The representatives of France, Poland and the United States of America made statements following the adoption of the draft resolution.

331. For the text of the resolution, see chapter XXVI, section A, resolution 11 (XXXIV).

^{22/} A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

XXIII. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES

333. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968, the Commission at its thirty-fourth session had to elect the 26 members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from nominations of experts made by States Members of the United Nations, on the following basis:

From the Afro-Asian group of States:	12 members;
From Western European and other States:	6 members;
From Latin American States:	5 members;
From Eastern European States:	3 members.

334. The three-year term of the previous membership of the Sub-Commission, elected by the Commission on Human Rights at its thirty-first session, at the 1332nd meeting, had expired in 1977.

335. The Secretary-General had received the following nominations for election to membership in the Sub-Commission: Mr. Mario Amadeo (Argentina), Mr. Yuli Bahnev (Bulgaria), Mr. Abdelwahab Bouhdiba (Tunisia), Mr. Beverly Carter, Jr. (United States of America), Mr. Antonio Cassese (Italy), Mr. Dumitru Ceausu (Romania), Mr. Gilberto Chacón Pazos (Guatemala), Mr. Abu Sayeed Chowdhury (Bangladesh), Mrs. Erica-Irene Daes (Greece), Mr. Abdullah Fikri El Khani (Syria), Mr. Raúl Ferrero Costa (Peru), Mr. Hicri Fisek (Turkey), Mr. Manouchehr Ganji (Iran), Mr. Carlos Holguín Holguín (Colombia), Mr. H.W. Jayawardene (Sri Lanka), Mr. Ibrahim Jimeta (Nigeria), Mr. Ahmed Khalifa (Egypt), Mrs. Kezia Njeri Kinyanjui (Kenya), Mr. Endeley Moka Liffafa (United Republic of Cameroon), Mr. Antonio Martínez Báez (Mexico), Mr. José Martínez Cobo (Ecuador), Mr. Gutamega G. Mboma (Zaire), Mr. Yoshinobu Mizokuchi (Japan), Mr. Ernesto Navarro Richardson (Nicaragua), Mr. Erik Nettel (Austria), Mr. Marcel Nguini (United Republic of Cameroon), Mr. Kwadwo Faka Nyamekye (Ghana), Mr. Gonzalo Ortiz Martín (Costa Rica), Mrs. Elsie Isalie Payne (Barbados), Mr. Shariffuddin Pirzada (Pakistan), Mrs. Nicole Questiaux (France), Mr. Waleed Sadi (Jordan), Mr. Marc Schreiber (Belgium), Mr. Taki Ould Sidi (Mauritania), Mr. L.M. Singhvi (India), Mr. Sergey N. Smirnov (Union of Soviet Socialist Republics), Mr. Arsène Usher (Ivory Coast), Mrs. Halima Warzazi (Morocco), Mr. Benjamin Whitaker (United Kingdom of Great Britain and Northern Ireland), Mr. Basil Yussif (Iraq).

336. Biographical data relating to the candidates were circulated in documents E/CN.4/1281 and Add.1 and Add.1/Corr.1 and Add.2-5.

337. At the Commission's 1474th meeting, on 9 March 1978, the representative of Senegal announced that it had been agreed upon that the 12 members of the Sub-Commission to be elected from the Afro-Asian group would consist of seven Africans and five Asians.

338. At the same meeting, in accordance with Economic and Social Council resolution 1334 (XLIV), the Commission elected the following persons to serve as members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for a three-year term: Mr. Mario Amadeo (Argentina), Mr. Yuli Bahnev (Bulgaria), Mr. Abdelwahab Bouhdiba (Tunisia), Mr. Beverly Carter, Jr. (United States of America), Mr. Dumitru Ceausu (Romania), Mr. Abu Sayeed Chowdhury (Bangladesh), Mrs. Erica-Irene Daes (Greece), Mr. Abdullah Fikri El Khani (Syrian Arab Republic), Mr. Raúl Ferrero Costa (Peru), Mr. Hicri Fisek (Turkey),

Mr. Manouchehr Ganji (Iran), Mr. Carlos Holguín Holguín (Colombia), Mr. H.W. Jayawardene (Sri Lanka), Mr. Ibrahim Jimeta (Nigeria), Mr. Ahmed Khalifa (Egypt), Mr. Antonio Martínez Báez (Mexico), Mr. José Martínez Cobo (Ecuador), Mr. Erik Nettel (Austria), Mr. Sharifuddin Pirzada (Pakistan), Mrs. Nicole Questiaux (France), Mr. Waleed Sadi (Jordan), Mr. L.M. Singhvi (India), Mr. Sergey N. Smirnov (Union of Soviet Socialist Republics), Mr. Arsène Usher (Ivory Coast), Mrs. Halima Warzazi (Morocco), Mr. Benjamin Whitaker (United Kingdom of Great Britain and Northern Ireland).

339. It was agreed that the implementation of agreements such as that outlined in paragraph 337 above presented certain difficulties. For this reason and to facilitate the conduct of future elections, the Commission decided to recommend to the Economic and Social Council that at its first regular session in 1978 it amend the provisions relating to the election of members of the Sub-Commission contained in paragraph 2 of its resolution 1334 (XLIV) of 31 May 1968 so as to reflect the five geographical regions recognized by the United Nations, subdividing accordingly the seats allocated to the Afro-Asian group of States, bearing in mind the principle of equitable geographical distribution (see chap. XXVI, sect. B, decision 10 (XXXIV)).

XXIV. CONSIDERATION OF THE DRAFT PROVISIONAL AGENDA
FOR THE THIRTY-FIFTH SESSION OF THE COMMISSION

340. The Commission considered agenda item 29 at its 1475th meeting, on 9 March 1978.

341. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), a note by the Secretary-General (E/CN.4/L.1415) containing a draft provisional agenda for the thirty-fifth session of the Commission, indicating the documents to be submitted under each item and the legislative authority for their preparation, was before the Commission.

342. After an exchange of views, the Commission adopted the following draft provisional agenda for its thirty-fifth session: 23/

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session

Relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission will be brought to the Commission's attention.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

By resolution 1 A (XXXIV), the Commission decided to place this item on the provisional agenda of its thirty-fifth session as a matter of high priority.

The Secretary-General will make available to the Commission relevant information concerning detainees, such as their number, identity, place and duration of detention.

The Secretary-General will report to the Commission on the measures taken to bring that resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity.

The Secretary-General will make available to the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the civilians of these territories.

The Secretary-General will report on the measures taken to bring that resolution to the attention of all Governments, the competent

23/ An asterisk indicates that the document is likely to exceed the 32-page limit referred to in Economic and Social Council resolution 1894 (LVII).

United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations.

Legislative authority: Commission resolution 1 A (XXXIV), paragraphs 10, 14 and 15; Commission resolution 1 B (XXXIV), paragraph 6.

5. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment

By resolution 12 (XXXIV), the Commission decided to consider this item at its thirty-fifth session as a matter of high priority.

Report of the Working Group.*

Legislative authority: Commission resolution 12 (XXXIV); Commission resolution 13 (XXXIV), subject to approval by the Economic and Social Council.

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

Report of the Ad Hoc Working Group of Experts established under Commission resolution 2 (XXIII).*

Legislative authority: Commission resolution 6 (XXXIII), approved by the Economic and Social Council in resolution 2082 (LXII) and decision 236 (LXII).

7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

The results of the Sub-Commission's work on the preparation of a provisional general list of all those whose activities constitute assistance to the colonial and racist régimes in southern Africa.

Legislative authority: Commission resolution 6 (XXXIV).

8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

By its resolution 2 (XXXI) the Commission had decided to keep the item "Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries" on its agenda as a standing item with high priority. At the thirty-fourth session the Commission decided to amend the title of the item to read as above (see para. 349 (c) below).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

In accordance with Commission resolution 3 (XXXI) the item "The right of peoples to self-determination and its application to peoples under colonial and alien domination" has been placed on the provisional agenda of the Commission every year as a priority item. At the thirty-fourth session the Commission decided to amend the title of the item to read as above (see para. 349 (d) below).

Studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B.

Legislative authority: Commission resolution 2 (XXXIV), paragraph 5.

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

- (a) Torture and other cruel, inhuman or degrading treatment or punishment
- (b) Body of principles for the protection of all persons under any form of detention or imprisonment

By resolution 18 (XXXIV) the Commission decided to resume consideration of item 10 (a) at its thirty-fifth session as a matter of priority.

Report of the Secretary-General, containing a summary of the comments submitted by the Governments of States Members of the United Nations or members of specialized agencies wishing to give their views on the contents of the relevant documents of the thirty-fourth session of the Commission on Human Rights concerning the draft convention on torture and other cruel, inhuman or degrading treatment or punishment.

Report of the working group which is to meet before the thirty-fifth session of the Commission, containing concrete proposals for the text of a draft Convention, on the basis of the relevant documents of the thirty-fourth session of the Commission and the comments received from Governments.

Legislative authority: Commission resolution 18 (XXXIV), paragraphs 1 and 2, subject to approval by the Economic and Social Council.

Report of the Sub-Commission, together with draft principles for the protection of all persons under any form of detention or imprisonment.

Legislative authority: Commission resolution 19 (XXXIV).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

By resolution 26 (XXXIV) the Commission decided to continue consideration of this question at its thirty-fifth session as a matter of priority.

Report of the working group which is to meet before the Commission's thirty-fifth session.

Legislative authority: Commission resolution 26 (XXXIV), subject to approval by the Economic and Social Council.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

- (a) Question of human rights in Cyprus
- (b) Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-fourth session

Annual supplement to document E/4226 (E/CN.4/923/Add.12), listing decisions taken by United Nations bodies during 1978 relevant to the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories.

Legislative authority: Economic and Social Council resolution 1102 (XL).

Information which may be submitted by the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Legislative authority: General Assembly resolution 2785 (XXVI).

Report of the Secretary-General on the question of human rights in Cyprus.

Legislative authority: Commission resolution 17 (XXXIV).

Confidential documents, including those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Communications and the report of the Working Group established by the Commission at its thirty-fourth session.

Legislative authority: Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) and Commission on Human Rights decision 4 (XXXIV).

13. Question of a convention on the rights of the child

By resolution 20 (XXXIV), the Commission decided to continue at its thirty-fifth session, as one of its priorities, its consideration of this item.

Report by the Secretary-General containing the views, observations and suggestions of Member States and of the competent specialized agencies, regional intergovernmental organizations and non-governmental organizations concerning the draft Convention on the Rights of the Child.

Legislative authority: Commission resolution 20 (XXXIV), paragraph 1.

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

By resolution 21 B (XXXIV), the Commission decided to consider this item as a matter of priority at its thirty-fifth session.

Consolidated report by the Secretary-General, accompanied by proposals and outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned.

Report of the working group which is to meet before the Commission's thirty-fifth session.

Legislative authority: Commission resolution 21 B (XXXIV), paragraphs 1 and 2, subject to approval by the Economic and Social Council.

15. Human rights and scientific and technological developments

By resolution 10 (XXVII) of 18 March 1971, the Commission decided to retain the item on human rights and scientific and technological developments as a standing item on its agenda.

16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

By resolution 7 (XXXIV), the Commission decided to maintain this item on its agenda as a standing item.

Reports submitted by States parties to the Convention under article VII of the Convention.*

Report of the group established in accordance with article IX of the Convention.

Information provided by competent United Nations organizations relevant to the preparation of the list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention.

Information provided by competent United Nations organs concerning measures taken by the authorities responsible for the administration of Trust and Non-Self-Governing Territories, and all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, with regard to individuals alleged to be responsible for crimes under article II of the Convention who are believed to be under their territorial and administrative jurisdiction.

Information provided by United Nations organs, when transmitting copies of petitions to the Committee on the Elimination of Racial Discrimination under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, drawing the attention of the Commission to complaints concerning acts enumerated in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Legislative authority: Commission resolution 7 (XXXIV).

17. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service

At the 1472nd meeting, on 8 March 1978, the Commission agreed to place this item on the provisional agenda of the thirty-fifth session.

18. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief

By resolution 22 (XXXIV) the Commission decided to continue at its thirty-fifth session the elaboration of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief.

Report of the Secretary-General to the Commission containing the views communicated by States, specialized agencies, regional intergovernmental organizations and non-governmental organizations on the elaboration of the draft declaration.

Legislative authority: Commission resolution 22 (XXXIV).

19. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination
- (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

20. Status of the International Covenants on Human Rights

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

Legislative authority: Commission resolution 9 (XXXIV).

21. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session

Report of the Sub-Commission on its thirty-first session.*

Legislative authority: Commission decision 7 (XXXIV).

22. Rights of persons belonging to national, ethnic, religious and linguistic minorities

By resolution 14 A (XXXIV), the Commission decided to consider this item at its thirty-fifth session.

Observations by Governments of Member States on the documents of the thirtieth session of the Sub-Commission and the thirty-fourth session of the Commission concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 14 A (XXXIV).

23. Advisory services in the field of human rights

Report by the Secretary-General on the programme of advisory services in the field of human rights.

Legislative authority: General Assembly resolution 926 (X); Economic and Social Council resolutions 684 (XXVI) and 1008 (XXXVII) and decision 146 (LX); Commission resolution 11 (XXXIV), subject to approval by the Economic and Social Council.

24. Communications concerning human rights

Confidential and non-confidential lists of communications and documents containing the replies of Governments to communications furnished to them and a confidential document of a statistical nature.

Legislative authority: Economic and Social Council resolution 728 F (XXVIII) and Commission resolutions 14 (XV) and 15 (XV).

25. Question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred

Consideration of this item was deferred to the thirty-fifth session (see para. 351 below).

26. Periodic reports on freedom of information

Consideration of this item was deferred to the thirty-fifth session (see para. 351 below).

27. Draft provisional agenda for the thirty-sixth session of the Commission

Note by the Secretary-General containing the draft provisional agenda for the thirty-sixth session of the Commission, together with information concerning documentation relating thereto.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

28. Report to the Economic and Social Council on the thirty-fifth session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions.

XXVI. RESOLUTIONS AND DECISIONS ADOPTED BY THE
COMMISSION AT ITS THIRTY-FOURTH SESSION

A. Resolutions

1 (XXXIV). Question of the violation of human rights in
the occupied Arab territories, including
Palestine

A 24/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of other relevant conventions and regulations,

Recalling General Assembly resolutions 32/5, 32/14, 32/20, 32/40, 32/42, 32/90, 32/91, 32/122, 32/161 and 32/171,

Taking into account that the General Assembly has, in resolution 31/20, recalled its resolution 3376 (XXX), in which it expressed grave concern that no progress has been achieved towards:

(a) The exercise by the Palestinian people of its inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty,

(b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted,

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX), which defines as an act of aggression the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,

Recalling the statement adopted by the Security Council at its 1969th meeting, on 11 November 1976, by which the Council, inter alia, expressed its grave anxiety and concern over the serious situation in the occupied Arab territories as a result of continued Israeli occupation,

24/ Adopted at the 1440th meeting, on 14 February 1978, by a roll-call vote of 23 in favour, 2 against and 7 abstentions. See chap. II.

Taking note of the reports of the United Nations organs, specialized agencies and international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants,

Taking into account the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 25/ which contained, inter alia, public statements made by leaders of the Government of Israel, indicating Israel's determination to pursue and consolidate its expansionist and annexationist policies,

Noting with deep concern the fears expressed by the Special Committee "that the situation of civilians in the occupied territories, especially the situation of the detainees which has been shown during recent months to be a matter of particular concern, may deteriorate still further in the near future" and its statement that "The international community must assume its responsibilities to ensure the protection of the fundamental rights of civilians in the occupied territories, 26/

Greatly alarmed by the continuation of the violations of human rights and fundamental freedoms by Israel in the occupied Arab territories, particularly the measures aiming at annexation, as well as the continuing establishment of settlers' colonies, mass destruction of homes, torture and ill-treatment of detainees, expropriation of properties and imposition of economic and fiscal measures aimed at the exploitation of the population of the occupied territories,

1. Expresses its grave anxiety and concern over the deteriorating serious situation in the occupied Arab territories as a result of continued Israeli occupation and aggression, in particular:

(a) The intensification of the establishment of settlers' colonies;

(b) The continued and increasing use of arbitrary detention, torture, ill-treatment and cruel treatment of Arab detainees and prisoners;

2. Calls upon Israel to take immediate steps for the return of the Palestinians and the other displaced inhabitants of the occupied Arab territories to their homes;

3. Declares that Israel's grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are war crimes and an affront to humanity;

4. Condemns the following Israeli policies and practices:

(a) The annexation of parts of the occupied territories;

(b) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

25/ A/32/284, para. 14.

26/ Ibid.

(c) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other;

(e) The destruction and demolition of Arab houses;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population;

(g) The ill-treatment and torture of persons under detention;

(h) The pillaging of archaeological and cultural property;

(i) The interference with religious freedoms and practices as well as family rights and customs;

(j) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

5. Further condemns administrative and legislative measures by the Israeli authorities to encourage, promote and expand the establishment of settlers' colonies in the occupied territories, which further demonstrate Israel's determination to annex those territories;

6. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new settlers in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;

7. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 4, 5 and 6 above;

8. Demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

9. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories, and to accord to them, pending their release, the protection envisaged in the relevant provisions concerning the treatment of prisoners of war;

10. Renews its request to the Secretary-General to collect all relevant information concerning detainees, such as their number, identity, place and duration of detention, and to make this information available to the Commission at its thirty-fifth session;

11. Condemns once more the massive deliberate destruction of Quneitra perpetrated during Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974, and considers this act a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

12. Reiterates its call upon all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 4 of that Convention, and upon international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

13. Calls upon Israel to report, through the Secretary-General, to the Commission at its thirty-fifth session on the implementation of paragraphs 2, 7, 8 and 9 above;

14. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its thirty-fifth session;

15. Decides to place on the provisional agenda of the thirty-fifth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", and requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the civilians of these territories.

B 27/

The Commission on Human Rights,

Recalling its resolution 1 B (XXXIII) and General Assembly resolutions 3092 A (XXVIII) and 32/91 A,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict,

Recalling resolution 10, on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in the occupied territories in the Middle East, of the Twenty-third International Conference of the Red Cross held in Bucharest in October 1977,

27/ Adopted at the 1440th meeting, on 14 February 1978, without a vote.
See chap. II.

Taking into account that States parties to the Geneva Conventions of 12 August 1949 undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Conventions in all circumstances,

1. Expresses its deep concern at the consequences of Israel's refusal to apply fully and effectively the Geneva Convention relative to the Protection of Civilian Persons in Time of War in all its provisions to all the Arab territories occupied since 1967, including Jerusalem;

2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

3. Strongly deplores the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

4. Calls upon Israel to abide by and respect the obligation arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in all the Arab territories occupied since 1967, including Jerusalem;

5. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations.

2 (XXXIV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 28/

The Commission on Human Rights,

Recalling General Assembly resolutions 1514 (XV), 3236 (XXIX), 32/14, 32/20, 32/40 and 32/42,

Recognizing that the Palestinian people are entitled to self-determination in accordance with the Charter of the United Nations and other relevant United Nations resolutions,

Recalling further Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI),

28/ Adopted at the 1440th meeting, on 14 February 1978, by a roll-call vote of 25 in favour, 3 against and 4 abstentions. See chap. VII.

Reaffirming its resolutions 3 (XXXI) and 6 (XXXI),

Bearing in mind the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/32/35),

Expressing its grave concern that the Palestinian people have been prevented by force from enjoying their inalienable rights, in particular their right to self-determination,

1. Affirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State in Palestine;
2. Reaffirms the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return in the exercise of their right to self-determination;
3. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations;
4. Urges all States and international organizations to extend their support to the Palestinian people through their representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter;
5. Requests the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B.

3 (XXXIV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 29/

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the importance of its implementation,

Recalling also its resolutions 3 (XXXI) of 11 February 1975 and 9 (XXXII) of 5 March 1976,

Mindful of the different resolutions adopted by the General Assembly on the recruitment and employment of mercenaries against national liberation movements and sovereign States, particularly resolutions 2465 (XXIII) of 20 December 1968, 2708 (XXV) of 14 December 1970 and 3314 (XXIX) of 14 December 1974,

29/ Adopted at the 1440th meeting, on 14 February 1978, by a roll-call vote of 24 in favour, 3 against and 5 abstentions. See chap. VII.

Taking into account General Assembly resolution 32/14 of 7 November 1977,

Noting with interest the Declaration and Programme of Action adopted by the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo in 1977, and the declaration adopted by the World Conference for Action against Apartheid, held at Lagos in August 1977,

Welcoming the declaration adopted by the First Afro-Arab Summit Conference, held at Cairo in March 1977, on this question,

Stressing the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the enjoyment of human rights,

Expressing its profound indignation at the continued and serious violations of the human rights of the peoples still under colonial or alien domination or foreign occupation, the continuation of the illegal occupation of Namibia and South Africa's attempts to dismember its territory, the perpetuation of the racist minority régimes in Zimbabwe and South Africa and the denial to the Palestinian people of their inalienable rights,

1. Calls upon all States to implement the resolutions of the United Nations regarding the right to self-determination of peoples under colonial domination or foreign occupation;

2. Reaffirms the legitimacy of the peoples' struggle for independence, territorial integrity and liberation from colonial or alien domination or foreign occupation by all available means, including armed struggle;

3. Reaffirms also the inalienable right of the peoples of Namibia, South Africa and Zimbabwe, of the Palestinian people and of all peoples under colonial or alien domination or foreign occupation to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference;

4. Condemns the practice of using mercenaries against national liberation movements and sovereign States as a criminal act and the mercenaries themselves as criminals, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territory and their transit through it to be punishable offences and prohibiting their nationals from serving as mercenaries, and to inform the Commission of the legislation enacted to that effect;

5. Condemns in particular the policy of those countries which, in disregard of the wishes of the major part of the international community as expressed in numerous United Nations resolutions, maintain political, economic, military or sporting relations with the racist régimes in southern Africa and elsewhere, thereby encouraging them to persist in their suppression of the aspirations of peoples to self-determination and independence;

6. Censures all government policies which do not recognize in practice the right to self-determination and independence of all peoples still under colonial or alien domination or foreign occupation, notably the peoples of southern Africa

and the Palestinian people, and draws attention to the grave responsibility incurred by the authors and promoters of those policies in the eyes of the community of nations and world public opinion;

7. Expresses its appreciation for the material and other forms of assistance which the peoples under colonial or alien domination or foreign occupation continue to receive from Governments, United Nations agencies and intergovernmental and non-governmental organizations, and requests the maximization of this assistance;

8. Decides to continue giving the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-fifth session.

4 (XXXIV). International Anti-Apartheid Year 30/

The Commission on Human Rights,

Recalling General Assembly resolution 32/105 B by which the Assembly proclaimed the year beginning on 21 March 1978 as International Anti-Apartheid Year,

Bearing in mind the purposes and objectives of the Anti-Apartheid Year,

Aware that gross violations of human rights continue unabated in South Africa, as evidenced in the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1270),

1. Decides to participate actively in the launching of the International Anti-Apartheid Year;

2. Requests the Secretary-General to organize a formal meeting at the United Nations Office at Geneva on 21 March 1978, the day when the Anti-Apartheid Year will be launched at United Nations Headquarters in New York;

3. Decides that the Commission should be represented at the meeting in Geneva by the Chairman of its thirty-fourth session, who should be invited to address the meeting;

4. Requests the Secretary-General to invite the heads of specialized agencies in Geneva to participate in the meeting.

30/ Adopted unanimously at the 1451st meeting, on 22 February 1978.
See chap. IV.

5 (XXXIV). Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 31/

The Commission on Human Rights,

Recalling its resolution 6 (XXXIII),

Having considered the progress report of the Ad Hoc Working Group of Experts established by its resolution 2 (XXIII) (E/CN.4/1270),

Convinced that the proclamation of 1978 as International Anti-Apartheid Year and the celebration in August of the same year of the World Conference to Combat Racism and Racial Discrimination will also contribute to the aims of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

1. Expresses its satisfaction to the Ad Hoc Working Group of Experts for the progress report which it has submitted;
2. Reaffirms the inalienable right of the peoples of South Africa, Namibia and Zimbabwe to self-determination and independence and the right to enjoy all the rights recognized in the Universal Declaration of Human Rights and the various international instruments on human rights;
3. Denounces with indignation the inhuman treatment of the freedom fighters arrested by the racist régime in South Africa and the illegal and minority régime in Zimbabwe;
4. Denounces the ill-treatment of prisoners in South Africa, Namibia and Zimbabwe, in particular the deaths of persons who have been subjected to brutality by the police on the occasion of peaceful demonstrations against apartheid since the Soweto massacre;
5. Vehemently condemns the criminal acts committed by the South African authorities on children protesting against apartheid;
6. Takes note of the list of persons who are suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, as contained in the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1270);
7. Requests the Secretary-General to bring this list to the attention of States and the competent United Nations bodies, including the group of three members of the Commission on Human Rights appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid;

31/ Adopted at the 1451st meeting, on 22 February 1978, by 26 votes to none, with 4 abstentions. See chap. IV.

8. Notes with interest the declaration and programme of action of the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa, held in Havana in 1976;

9. Endorses the Declaration and the Programme of Action of the World Conference for Action against Apartheid, held in Lagos in 1977;

10. Requests the Ad Hoc Working Group of Experts to continue to maintain close co-operation with the Special Committee against Apartheid in the investigation of gross violations of human rights in South Africa, especially with a view to ensuring that any developments requiring urgent action are drawn to the attention of the General Assembly and the Security Council.

6 (XXXIV). The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa 32/

The Commission on Human Rights,

Recalling its resolutions 3 (XXX), 6 (XXXII) and 7 (XXXIII), as well as Economic and Social Council resolution 1864 (LVI) and General Assembly resolution 31/33,

Having considered the report of Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (E/CN.4/Sub.2/383),

1. Expresses its appreciation to the Special Rapporteur for his pioneering study;
2. Requests the Special Rapporteur to undertake a final revision of his report and update it as necessary before its submission to the General Assembly at its thirty-third session, taking into account the comments and suggestions made in the Sub-Commission at its thirtieth session and in the Commission at the present session;
3. Recommends to the Economic and Social Council that the report of the Special Rapporteur be printed in its final form and given wide distribution;
4. Further recommends to the Economic and Social Council that the Special Rapporteur be invited to present his report to the General Assembly at its thirty-third session and to attend the meetings of the Assembly at which it is discussed;

32/ Adopted at the 1451st meeting, on 22 February 1978, by 26 votes to none, with 3 abstentions. See chap. V.

5. Takes note of the decision of the Sub-Commission in paragraph 5 of its resolution 1 (XXX) to invite the Special Rapporteur to prepare the necessary material for a provisional general list identifying those whose activities constitute assistance to the colonial and racist régimes in southern Africa, as requested in Commission resolution 7 (XXXIII), and looks forward to receiving as early as possible the results of the work of the Sub-Commission in this matter.

7 (XXXIV). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 33/

The Commission on Human Rights,

Recalling its resolution 13 (XXXIII), in which it welcomed the entry into force of the International Convention on the Suppression and Punishment of the Crime of Apartheid and requested the group of three members of the Commission appointed under article IX of the Convention to meet before the thirty-fourth session,

Having considered the report of the group (E/CN.4/1286),

1. Takes note with appreciation of the report of the group, in particular the general guidelines proposed by the group concerning the form and the contents of reports to be submitted by States parties under article VII of the Convention;
2. Requests States parties to take the guidelines fully into account in submitting their reports under article VII of the Convention;
3. Calls upon the States parties to submit their first report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at two-yearly intervals, with the understanding that they may submit additional information to the group at any time they wish in the intervening period;
4. Commends those States parties that have submitted their reports and urges other States parties to submit theirs as soon as possible;
5. Appeals to all States that are not yet parties to the Convention to ratify or accede to it;
6. Calls upon competent United Nations organs to provide to the Commission through the Secretary-General information relevant to the preparation of the list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention;

33/ Adopted at the 1451st meeting, on 22 February 1978, by 23 votes to none, with 8 abstentions. See chap. XII.

7. Further calls upon the competent United Nations organs to provide to the Commission through the Secretary-General information concerning measures taken by the authorities responsible for the administration of Trust and Non-Self-Governing Territories, and all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, with regard to individuals alleged to be responsible for crimes under article II of the Convention who are believed to be under their territorial and administrative jurisdiction;

8. Further requests United Nations organs, when transmitting copies of petitions to the Committee on the Elimination of Racial Discrimination under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, to draw the attention of the Commission through the Secretary-General to complaints concerning acts enumerated in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid;

9. Decides that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of five days before the thirty-fifth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

10. Decides to maintain on its agenda as a standing item the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

8 (XXXIV). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 34/

The Commission on Human Rights,

Reiterating its firm conviction that racism and racial discrimination are the total negation of the purposes and principles of the Charter of the United Nations and that they militate against human progress, peace and justice,

Recalling its resolution 1 (XXIX) by which it submitted the draft programme for a decade for action to combat racism and racial discrimination to the Economic and Social Council for submission to the General Assembly,

Mindful of General Assembly resolution 3057 (XXVIII) in which the Assembly designated the ten-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination and approved the Programme for the Decade,

Noting General Assembly resolution 32/10 in which the Assembly urges United Nations organs, specialized agencies and intergovernmental and non-governmental organizations to strengthen and enlarge the scope of their activities in support of the objectives of the Programme for the Decade,

34/ Adopted at the 1451st meeting, on 22 February 1978, without a vote. See chap. XV.

in particular by, inter alia, offering all assistance to and co-operating with the Secretary-General to ensure the success of the World Conference to Combat Racism and Racial Discrimination,

Welcoming General Assembly resolution 32/129 which requested the Secretary-General to invite the Commission on Human Rights to attend the World Conference to Combat Racism and Racial Discrimination as an observer,

Having considered the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/1261),

1. Designates the Ad Hoc Working Group of Experts on southern Africa to represent the Commission at the World Conference to Combat Racism and Racial Discrimination to be held in Geneva from 14 to 25 August 1978;

2. Takes note of resolution 3 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission decided to consider, as a major part of its own contributions to the Decade for Action to Combat Racism and Racial Discrimination, ways and means of using national courts, administrative tribunals and domestic forums, including legislative forums, to help implement United Nations resolutions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters;

3. Welcomes the recommendations made by the working group of the Sub-Commission and adopted by the Sub-Commission, as contained in paragraph 75 of the Sub-Commission's report on its thirtieth session (E/CN.4/1261);

4. Suggests that the World Conference to Combat Racism and Racial Discrimination should consider, among other things, the adoption of measures containing the following elements:

(a) All States which are not parties to international conventions dealing with racism, racial discrimination and apartheid should consider, as a matter of priority, ratifying or acceding to these instruments as soon as possible;

(b) The inclusion in curricula of education of children and youth of the subject of human rights, with special emphasis, in the primary stages of education, on the equality of all human beings and the evils of racial discrimination;

(c) The development of national programmes guaranteeing access to education, including higher education, for all citizens;

(d) The use of available information media to educate the public continuously and systematically in the spirit of respect for human rights and, in particular, against all policies, practices and manifestations of racism and racial discrimination;

(e) Strengthening the human rights advisory services programme: education, training and dissemination of information are vital if the root causes of racial discrimination and other violations of human rights are to be eliminated;

(f) Increasing assistance to the liberation movements, and greater pressure on Governments and transnational corporations whose co-operation with South Africa is hindering the rapid realization of racial equality in southern Africa called for by numerous United Nations resolutions and decisions relating to southern Africa;

(g) Denial of any support or assistance to racist régimes that could enable them to perpetuate racist policies or practices, including policies aimed at depriving people of their inalienable rights;

(h) Recommending to the General Assembly that consideration be given to the establishment of an international fund on a voluntary basis with a view to implementing the Programme for the Decade;

(i) Provision for improved co-operation as well as co-ordination within the United Nations family, including the regional commissions, with a view to the implementation of the Programme for the Decade and the total elimination of racial discrimination;

5. Appeals to the Conference in particular:

(a) To recommend the establishment at the national and local level of recourse procedures to be invoked against any act of racial discrimination which may be suffered by an individual and which violates his human rights and fundamental freedoms;

(b) To request the Secretary-General to invite Governments to include in their reports to the Secretary-General made in accordance with the provisions of the Programme for the Decade a concise account of recourse procedures which can be invoked against any act of racial discrimination which may be suffered by an individual and which violates his human rights and fundamental freedoms.

9 (XXXIV). Status of the International Covenants on Human Rights 35/

The Commission on Human Rights,

Recalling its resolution 2 (XXXIII) of 18 February 1977 and General Assembly resolution 32/66 of 8 December 1977, welcoming with deep satisfaction the entry into force of the International Covenants on Human Rights as a major step in the international efforts to promote universal respect for and observance of human rights and fundamental freedoms for all and considering that it contributed greatly to the co-operation of States in the attainment of the purposes and principles of the Charter of the United Nations,

Having noted the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (E/CN.4/1279 and Corr.1),

35/ Adopted at the 1455th meeting, on 24 February 1978, without a vote. See chap. XVI.

Convinced that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights.

1. Recognizes once again the importance of the International Covenants on Human Rights as a major step in the international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
2. Invites again all the States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider the possibility of acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;
3. Further invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of that Covenant;
4. Welcomes the request of the General Assembly to the Secretary-General to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination;
5. Requests the Secretary-General to submit to the Commission on Human Rights at its thirty-fifth session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights and to include in this report information on the work of the Economic and Social Council and its Working Group on the implementation of the International Covenant on Economic, Social and Cultural Rights.

10 (XXXIV). Question of the realization, in all countries, of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems encountered by the developing countries in their efforts to realize these human rights 36/

The Commission on Human Rights,

Recalling its resolutions 2 (XXXI) and 4 (XXXIII),

Bearing in mind General Assembly resolution 32/130,

Noting with satisfaction the increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights,

36/ Adopted at the 1455th meeting on 24 February 1978, without a vote.
See chap. VI.

Noting also that the Economic and Social Council will, at its next session, begin consideration of the reports submitted by States parties under article 16 of that Covenant,

Aware of the importance of the study undertaken by the Secretary-General on "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs",

1. Requests the Secretary-General to inform the Commission on Human Rights of the work accomplished by the Economic and Social Council in application of article 16 of the International Covenant on Economic, Social and Cultural Rights;

2. Decides to consider at its thirty-fifth session, in the light of the study on "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and fundamental human needs", the question of updating the report of the Special Rapporteur, Mr. M. Ganji, entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress.

11 (XXXIV). Advisory services in the field of human rights 37/

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955 which established the advisory services programme in the field of human rights,

Further recalling its own resolution 17 (XXIII) requesting the Secretary-General to organize two seminars and one training course and to grant a number of fellowships annually,

Deeply concerned that, owing to a lack of funds, the programme of advisory services in the field of human rights has been curtailed seriously in recent years,

Recommends to the Economic and Social Council that it adopt the following draft resolution:

[For the text see chap. I, sect. A, draft resolution I.]

37/ Adopted at the 1455th meeting, on 24 February 1978, without a vote.
See chap. XXI.

12 (XXXIV). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 38/

The Commission on Human Rights,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling that the Universal Declaration of Human Rights solemnly declares that everyone has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted by the General Assembly in its resolution 3452 (XXX),

Further recalling General Assembly resolutions 3219 (XXIX), 3448 (XXX), 31/124 and 32/118 concerning the protection of human rights in Chile,

Considering its resolutions 8 (XXXI), by which an Ad Hoc Working Group to inquire into the situation of human rights in Chile was established, and 9 (XXXIII), by which the mandate of the Ad Hoc Working Group was extended,

Having considered the report of the Ad Hoc Working Group (E/CN.4/1266), the observations and documents submitted by the Chilean authorities (E/CN.4/1290 and E/CN.4/L.1377 and Add.1), the report of the Secretary General (E/CN.4/1268 and Add.1) and the progress report prepared by the Rapporteur of the Sub-Commission on the consequences for human rights in Chile of the various forms of aid extended to the Chilean authorities (E/CN.4/1267),

Taking note of the "Third Report on the Situation of Human Rights in Chile" of the Inter-American Commission on Human Rights,

Acknowledging recent developments which, according to the report of the Ad Hoc Working Group, indicate a decrease in the number of political prisoners, of reported cases of torture and of detainees under the state of siege and which are mainly attributable to the efforts of the Chilean people and of the international community,

Concluding that flagrant violations of human rights nevertheless continue to take place in Chile, in some cases systematic and institutionalized, and noting in particular the absence of constitutional safeguards for human rights and the continuation of the state of siege with its limitations of fundamental freedoms,

1. Shares the profound indignation expressed by the General Assembly in its resolution 32/118 that the Chilean people continue to be subjected to constant and flagrant violations of human rights and fundamental freedoms, to lack adequate

38/ Adopted at the 1467th meeting, on 6 March 1978, by a roll-call vote of 24 in favour, 3 against and 4 abstentions. See chap. III.

constitutional and judicial safeguards of their rights and liberties and to suffer assaults on the freedom and integrity of their persons, in particular by methods of intimidation, including torture, disappearance of persons for political reasons and the refusal to adequately account for about one thousand missing detainees, limitations on freedom of expression, the suspension of political activity, the systematic campaign against suspected opponents of the régime, against trade unionists and against the humanitarian activities of the Roman Catholic Church, infringement of the right to a nationality and the right to return to one's country, arbitrary arrest, detention and exile;

2. Views with particular concern and indignation the continued refusal of the Chilean authorities to accept responsibility or account for the large number of persons who have disappeared and whose disappearance is shown by the available evidence to be attributable to political reasons;

3. Demands that the Chilean authorities clarify forthwith the fate of the numerous persons who have thus disappeared in Chile;

4. Expresses its grave concern at the new measures taken recently by the Government of Chile in order to suppress any political opposition in the country;

5. Deeply deplores the destruction of democratic institutions and of constitutional safeguards formerly enjoyed by the Chilean people;

6. Calls once again upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile is a party;

7. Considers that the plebiscite recently arranged by the Chilean authorities, following the adoption of General Assembly resolution 32/118, was an exercise lacking relevance as a reliable guide to the state of human rights in Chile and to the views of the Chilean people in this respect;

8. Expresses its appreciation to international organizations, Governments, non-governmental organizations, private individuals and all those members of national and international society who work for the restoration of human rights in Chile and who, both from within and from outside Chile, provide humanitarian assistance and relief to victims of violations of human rights in that country;

9. Commends once again the Chairman and the members of the Ad Hoc Working Group for the objective and impartial manner in which they have fulfilled their mandate and for the thorough and accurate reports they have prepared, despite the persistent refusal of the Chilean authorities to permit the Group to visit the country in accordance with the prior international commitment given by Chile;

10. Extends for one year the mandate of the present Ad Hoc Working Group, made up of the following members, to work as experts in their personal capacity: Mr. Ghulam Ali Allana (Pakistan), Chairman-Rapporteur, Mr. Leopoldo Benites (Ecuador), Mr. Felix Ermacora (Austria), Mr. Abdoulaye Diéye (Senegal) and Mrs. M.J.T. Kamara (Sierra Leone), and requests it to report to the General Assembly at its thirty-third session and to the Commission on Human Rights at its thirty-fifth session with such additional information as may be necessary;

11. Calls once again upon the Chilean authorities to admit the Ad Hoc Working Group into Chile, thereby contributing to an impartial examination of the human rights situation in the country;

12. Requests the Secretary-General to render to the Ad Hoc Working Group all the assistance which it may require in its work;

13. Welcomes the decision by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 11 (XXX) to undertake a study on the consequences of the various forms of aid extended to the Chilean authorities and the subsequent initiation of the study by a specially appointed Rapporteur and invites the Rapporteur to present his report to the Sub-Commission at its thirty-first session, and further instructs the Sub-Commission to transmit this report to the General Assembly at its thirty-third session;

14. Recommends to the Economic and Social Council that it make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

15. Decides to consider at its thirty-fifth session as a matter of high priority the question of the violation of human rights in Chile.

13 (XXXIV). Establishment of a trust fund for Chile 39/

The Commission on Human Rights,

In pursuance of General Assembly resolution 32/118,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 11 (XXX),

1. Invites the Economic and Social Council to recommend to the General Assembly the establishment of a voluntary fund for Chile by adopting the following draft resolution:

[For the text see chap. I, sect. A, draft resolution II.]

2. Requests the Secretary-General to submit to the Economic and Social Council at its first regular session in 1978 specific proposals for management rules for the operation of the fund in accordance with the principles set forth in paragraph 1 of the draft resolution recommended for adoption by the General Assembly.

39/ Adopted at the 1467th meeting, on 6 March 1978, by 21 votes to 3, with 6 abstentions. See chap. III.

14 (XXXIV). Rights of persons belonging to national, ethnic, religious and linguistic minorities 40/

A

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1418 (XLVI) of 6 June 1969 on the study of the rights of persons belonging to ethnic, religious and linguistic minorities,

Noting resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977 recommending that the Commission on Human Rights consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights,

Having taken cognizance of the report of the working group (E/CN.4/L.1381),

Considering the conclusions and recommendations presented by the Special Rapporteur, Mr. Francesco Capotorti,

1. Requests the Secretary-General to transmit the relevant documents of the thirtieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the thirty-fourth session of the Commission on Human Rights concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities to the Governments of the Member States for their comments;

2. Decides to consider at its thirty-fifth session the item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities".

B

The Commission on Human Rights,

Noting resolution 5 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 31 August 1977,

Decides to recommend to the Economic and Social Council the adoption of the following draft resolution:

[For the text see chap. I, sect. A, draft resolution III.]

40/ Adopted at the 1468th meeting, on 6 March 1978, without a vote. See chap. XVIII.

- 15 (XXXIV). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 41/

The Commission on Human Rights,

Observing the provisions of Economic and Social Council resolution 1503 (XLVIII),

Desiring that its members be informed on a regular basis of the manner in which its decisions are being implemented,

Requests the Secretary-General to keep the members of the Commission informed of any action taken to implement measures determined by the Commission in accordance with Economic and Social Council resolution 1503 (XLVIII), and to convey to the members of the Commission, quarterly, a full report on progress achieved in carrying out the decisions taken in this respect.

- 16 (XXXIV). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 42/

The Commission on Human Rights

Requests the Secretary-General to prepare for the thirty-fifth session of the Commission an analysis of existing United Nations procedures for dealing with communications concerning violations of human rights, to assist the Commission in studying measures to avoid possible duplication and overlapping of work in the implementation of these procedures.

- 17 (XXXIV). Question of human rights in Cyprus 43/

The Commission on Human Rights,

Guided by the purposes and principles of the United Nations,

Mindful of the Universal Declaration of Human Rights and other relevant international instruments in the field of human rights,

41/ Adopted at the 1470th meeting, on 7 March 1978, without a vote.
See chap. X.

42/ Adopted at the 1470th meeting, on 7 March 1978, without a vote.
See chap. X.

43/ Adopted at the 1470th meeting, on 7 March 1978, without a vote.
See chap. X.

Noting General Assembly resolutions 3212 (XXIX), 3395 (XXX), 3450 (XXX), 31/12, 32/13, 32/15 and 32/128,

Recalling its previous resolutions 4 (XXXI) and 4 (XXXII),

Mindful of the need to restore human rights in Cyprus without delay,

Recommending to the two communities to do their utmost to find a just and lasting peaceful solution to the Cyprus problem, based on respect for the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus,

Noting with appreciation the report of the Secretary-General under Commission decision 6 (XXXIII) (E/CN.4/1275),

1. Reiterates its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees;
2. Expresses its appreciation to the Secretary-General for all his efforts and hopes that the agreement of 12 February 1977 towards reaching a solution of various aspects of the Cyprus problem may constitute an important step in the search for a lasting peaceful solution to the Cyprus problem;
3. Requests the Secretary-General to provide the Commission on Human Rights at its thirty-fifth session with information relevant to the implementation of the present resolution;
4. Decides to consider the question of human rights in Cyprus at its thirty-fifth session.

18 (XXXIV). Draft convention on torture and other cruel, inhuman or degrading treatment or punishment 44/

The Commission on Human Rights,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the General Assembly in resolution 3452 (XXX) of 9 December 1975,

Noting General Assembly resolution 32/62 requesting the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration,

44/ Adopted at the 1471st meeting, on 7 March 1978, without a vote. See chap. VIII.

Having taken cognizance of the report of the working group set up by the Commission (E/CN.4/L.1400),

1. Requests the Secretary-General to transmit all relevant documents of the thirty-fourth session of the Commission on Human Rights concerning the draft convention on torture and other cruel, inhuman or degrading treatment or punishment to the Governments of States Members of the United Nations or members of specialized agencies wishing to express their views on this subject for their comments, and to prepare a summary of those comments;

2. Recommends to the Economic and Social Council that it authorize the holding of a meeting of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission with the task of preparing concrete drafting proposals for the Commission on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from Governments;

3. Decides to accord priority to the consideration of the present item at its thirty-fifth session;

4. Requests the Secretary-General to transmit to the General Assembly at its thirty-third session the present resolution, together with the relevant chapter of the report of the Commission to the Economic and Social Council, as constituting the Commission's progress report requested by the General Assembly in resolution 32/62.

19 (XXXIV). Body of principles for the protection of all persons under any form of detention or imprisonment 45/

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

[For the text see chap. I, sect. A, draft resolution IV.]

20 (XXXIV). Question of a convention on the rights of the child 46/

The Commission on Human Rights,

Taking into consideration the draft convention on the Rights of the Child submitted by Poland on 7 February 1978,

45/ Adopted at the 1470th meeting, on 7 March 1978, without a vote.
See chap. VIII.

46/ Adopted at the 1472nd meeting, on 8 March 1978, without a vote.
See chap. XIX.

1. Requests the Secretary-General to transmit the draft Convention to Member States and to the competent specialized agencies, regional intergovernmental organizations and non-governmental organizations, inviting them to communicate to him not later than 31 October 1978 their views, observations and suggestions on such a convention and requests him to submit a report thereon to the Commission on Human Rights at its thirty-fifth session;

2. Decides to continue at its thirty-fifth session, as one of its priorities, its consideration of a draft Convention on the Rights of the Child, taking into account both the draft Convention annexed to the present resolution and the report of the Secretary-General, with a view to concluding, if possible, a convention at that session for transmission to the General Assembly through the Economic and Social Council;

3. Recommends that the Economic and Social Council should adopt the following draft resolution:

[For the text see chap. I, sect. A, draft resolution V.]

Annex

DRAFT CONVENTION ON THE RIGHTS OF THE CHILD

The States Parties to the present Convention,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations have, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing also that the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Having in mind that the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the United Nations Declaration of the Rights of the Child of 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in its articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in its article 10) and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Proclaiming that mankind owes to the child the best it has to give,

Have agreed as follows:

Article I

Every child, without any exception whatsoever, shall be entitled to the rights set forth in this Convention, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Article II

The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Article III

The child shall be entitled from his birth to a name and a nationality.

Article IV

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Article V

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Article VI

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Article VII

1. The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement and his sense of moral and social responsibility, and to become a useful member of society.

2. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

3. The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Article VIII

The child shall in all circumstances be among the first to receive protection and relief.

Article IX

1. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

2. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Article X

The child shall be protected from practices which may foster racial, religious or any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

Article XI

The States Parties undertake to submit to the Economic and Social Council, through the Secretary-General, periodic reports on the implementation of this Convention. These reports shall be submitted initially one year after the entry into force of the Convention for the State concerned, and thereafter every five years.

Article XII

The reports submitted by the States Parties under article XI shall be considered by the Economic and Social Council, which may make general observations and bring them to the attention of the General Assembly.

Article XIII

The present Convention is open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it.

Article XIV

1. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article XV

1. The present Convention shall enter into force six months after the date of the deposit with the Secretary-General of the United Nations of the fifteenth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the fifteenth instrument of ratification or instrument of accession, the Convention shall enter into force six months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article XVI

Any State Party may denounce the present Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article XVII

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article XVIII

The Secretary-General of the United Nations shall inform all States of the following particulars:

- (a) Signatures, ratifications and accessions under articles XIII and XIV;
- (b) The date of entry into force of the present Convention under article XV;
- (c) Denunciations under article XVI;
- (d) Notifications under article XVII.

Article XIX

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

21 (XXXIV). Measures to improve the situation and ensure the human rights and dignity of all migrant workers 47/

A

The Commission on Human Rights,

Recalling General Assembly resolutions 2920 (XXVII) of 15 November 1972, 3224 (XXIX) of 6 November 1974, 3449 (XXX) of 9 December 1975, 31/127 of 16 December 1976 and 32/120 of 16 December 1977 concerning migrant workers, as also Economic and Social Council resolutions 1749 (LIV) and 1926 (LVIII), which affirm the need for the United Nations to consider the situation of migrant workers in an interrelated manner and in relation with the general factors which affect human rights and human dignity,

Considering the work of the International Labour Organisation and its pertinent instruments, especially the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Recommendation concerning Migrant Workers, 1975, adopted by the General Conference of the International Labour Organisation,

Particularly concerned about the situation of the children of migrant workers and the effects upon their cultural, medical and psychosociological well-being and the difficulties of adaptation and separation to which they are exposed, and aware of the gravity of the conflict of loyalty facing these children and the need to remedy it by the adoption of adequate measures,

Convinced of the need to adopt special measures in favour of these children in view of their special situation, and in particular to secure for them an education preserving their cultural values and strengthening the homogeneity of their families, with a view to promoting effective equality of opportunity and of treatment,

Recognizing that the access of children to education should not be jeopardized by the status, regular or otherwise, of their parents vis-à-vis the immigration laws,

Convinced that the effectiveness of measures concerning the family in general, and the children in particular, of migrant workers depends essentially on the mother of the family and that it is therefore necessary to adopt social and educational measures to prevent her isolation and to enable her to take an active part in the education of her children,

Bearing in mind General Assembly resolution 31/169 on the International Year of the Child, in which the General Assembly urges Governments to devote special attention to children in the most vulnerable and the most disadvantaged groups,

47/ Adopted at the 1472nd meeting, on 8 March 1978, without a vote.
See chap. XX.

1. Notes that in resolution 32/120 the General Assembly considered that, in view of the importance that the problems of migrant workers have assumed, the Commission on Human Rights should take immediate measures to ensure the human rights and dignity of all migrant workers, and that in operative paragraph 2 (b) of that resolution the Assembly invites all States to promote and facilitate by all the means in their power the implementation of the relevant international instruments and the adoption of bilateral agreements designed, inter alia, to eliminate the illicit traffic in alien workers;

2. Requests Member States to strengthen and develop the measures designed to ensure the welfare of children of migrant workers and of their families as a whole;

3. Also requests the appropriate international organizations of the United Nations system to give special attention, in the light of their respective contributions to the International Year of the Child, to these questions in the framework of their activities in connexion with migrant workers and together to ensure by appropriate means a very wide dissemination of information on the measures taken to alleviate the difficulties encountered by migrant workers and their families;

4. Invites the Governments of host countries to consider the adoption of definitive measures to promote the normalization of the family life of migrant workers in their territory by the reunion of their families.

B

The Commission on Human Rights,

Having taken cognizance of the report of the working group (E/CN.4/L.1411),

Aware of the work done in the field of migrant workers by the specialized agencies, particularly the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and by United Nations organs such as the Commission for Social Development and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the satisfaction which it expressed concerning the study on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the seminar on the human rights of migrant workers, held at Tunis from 12 to 24 November 1975 (ST/TAO/HR/50),

Noting, however, that in order to be in a position to undertake the full in-depth study recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned,

Appreciating the work done by the non-governmental organizations concerned in the field of the human rights of migrant workers and recognizing the importance of any information that the latter organizations might consider it useful to furnish to the Commission on this question, in accordance with the provisions relating to consultative status,

1. Requests the Secretary-General to prepare a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action;

2. Recommends that the Economic and Social Council should authorize a meeting of an open-ended working group in December 1978, for at most three days, in order to analyse the substance of the Secretary-General's report and to submit specific proposals to the Commission at its thirty-fifth session;

3. Requests the Secretary-General to communicate this consolidated report to Member States not less than two weeks before the meeting of the working group;

4. Decides to consider as a matter of priority at its thirty-fifth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

22 (XXXIV). Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief 48/

The Commission on Human Rights,

Taking note of the report of the working group on the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/L.1401),

1. Suggests that States Members of the United Nations or members of specialized agencies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council which have views to submit on the elaboration of the draft declaration may wish to do so in writing to the Secretary-General in order that their views will be available to all members prior to the thirty-fifth session,

2. Decides to continue at its thirty-fifth session the elaboration of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief;

3. Decides to establish an open-ended working group which would meet on a regular basis throughout the thirty-fifth session of the Commission and requests the assistance of the Secretary-General to ensure the good functioning of this working group.

48/ Adopted at the 1472nd meeting, on 8 March 1978, without a vote.
See chap. XIV.

23 (XXXIV). National institutions in the field of human rights 49/

The Commission on Human Rights,

Recalling General Assembly resolutions 1961 (XVIII) of 12 December 1963 and 2200 C (XXI) of 16 December 1966 and Economic and Social Council resolutions 9 (II) of 21 June 1946, 772 B (XXX) of 25 July 1960 and 888 (XXXIV) of 24 July 1962,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the international instruments in the field of human rights,

Recalling also the concepts contained in General Assembly resolution 32/130 of 16 December 1977,

Recognizing the importance of action by Member States to develop and utilize their national machinery for the effective realization of human rights,

Recognizing also that at present the international community has insufficient information regarding existing types of national institutions for the promotion and protection of human rights,

1. Invites Member States, within the framework of their national legislation and policy and according to their available means, to set up national institutions for the promotion and protection of human rights;
2. Recommends that these national institutions should have such structure, composition and recommendatory or other powers as the Government of the Member State concerned may wish to give them, keeping in mind both the legal, judicial, executive and other systems of the country and the goal of the realization and effective achievement of all human rights and fundamental freedoms;
3. Decides that the seminar on national and local institutions in the field of human rights, to be held under the advisory services programme in September 1978, should, as a part of its task, suggest certain possible guidelines for the structure and functioning of national institutions, based on the provisions of the present resolution and the annex thereto;
4. Requests the Secretary-General to circulate both the present resolution and the above-mentioned guidelines suggested by the seminar to all Member States for their comments and suggestions;
5. Requests Member States to comment upon the guidelines circulated by the Secretary-General in accordance with paragraph 4 above and to make suggestions regarding future guidelines which could be available to Governments of Member States for their assistance in setting up such national institutions in the field of human rights;

49/ Adopted at the 1473rd meeting, on 8 March 1978, without a vote.
See chap. IX.

6. Invites Member States, with a view to the exchange of information and experience in regard to the functioning of national and local institutions in the field of human rights, to communicate to the Secretary-General all relevant information on that subject;

7. Requests the Secretary-General to prepare a report containing all the information so received from Member States, together with their comments and suggestions regarding possible guidelines for national institutions to be set up in the future and to circulate this report to the members of the Commission on Human Rights as early as possible, before the thirty-fifth session of the Commission;

8. Decides to consider this report of the Secretary-General under a sub-item entitled, "The importance of national institutions in the field of human rights", under the item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

Annex

SOME POSSIBLE FUNCTIONS WHICH COULD BE PERFORMED BY NATIONAL INSTITUTIONS IN THE FIELD OF HUMAN RIGHTS, IF SO DECIDED BY THE GOVERNMENT CONCERNED

National institutions could:

(a) Act as a source of relevant information for the Government of a Member State and for the people of that country regarding matters connected with human rights;

(b) Assist in the education of public opinion towards an awareness of and respect for human rights;

(c) Consider, deliberate upon and make recommendations, within their specified terms of reference, regarding any particular state of affairs that may exist nationally that the Government may wish to refer to them;

(d) Advise on any questions regarding human rights referred to them from time to time by their national Government;

(e) Study and keep under review the status of legislation, judicial decisions and administrative arrangements for the promotion of human rights, and prepare and submit, in this connexion, periodic reports at prescribed intervals to the appropriate authorities designated by the Government of the Member State concerned;

(f) Perform any function which the Government of a Member State may wish to assign to them in connexion with its duties under those international conventions in the field of human rights to which it is a State party.

24 (XXXIV). Regional arrangements for the promotion and protection of human rights 50/

The Commission on Human Rights,

Recalling its resolution 7 (XXIV) in which it noted the report of the Ad Hoc Study Group established to consider the question of the possibility of the establishment of regional arrangements on human rights,

Recalling also its resolution 6 (XXVI) in which it requested the Secretary-General to extend all appropriate assistance under the programme of advisory services in the field of human rights and to arrange for appropriate consultation and exchange of information between the Commission and the Organization of African Unity as regards the possible establishment of a regional commission for Africa,

Bearing in mind General Assembly resolution 32/127 in which the Secretary-General was requested to consider the possibility of arranging suitable regional seminars under the programme of advisory services in the field of human rights in those regions where no regional commission on human rights existed, for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights,

Taking note of the conclusions of the United Nations seminar on the study of new ways and means for promoting human rights, with special attention to the problems and needs of Africa, held at Dar es Salaam from 23 October to 5 November 1973, which recommended that the Organization of African Unity should consider appropriate steps, including the convening of a preparatory committee with a view to establishing such a commission,

1. Once again requests the Secretary-General to consider the possibility of arranging suitable regional seminars under the programme of advisory services in the field of human rights in those regions where no regional commission on human rights exists at present, for the purpose of discussing the usefulness and advisability of the establishment of regional commissions on human rights;
2. Further requests the Secretary-General to take appropriate steps to give the Organization of African Unity, if it so requests, such assistance as it may require in facilitating the establishment of a regional commission on human rights for Africa;
3. Decides to give due attention to this question at its thirty-fifth session;
4. Requests the Secretary-General to report to the Commission at its thirty-fifth session on the steps taken to implement this resolution.

50/ Adopted at the 1473rd meeting, on 8 March 1978, without a vote.
See chap. IX.

- 25 (XXXIV). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission 51/

The Commission on Human Rights,

Recalling Article 68 of the Charter of the United Nations,

Bearing in mind the adoption of various international human rights instruments and the need to facilitate the implementation of those instruments,

Recognizing the importance of the role of the Commission on Human Rights and the bodies established by the various human rights instruments in assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Concerned at the lack of adequate resources available to permit the effective implementation of human rights programmes,

Recommends to the Economic and Social Council that it adopt the following draft resolution:

[For the text see chap. I, sect. A, draft resolution VI.]

- 26 (XXXIV). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 52/

The Commission on Human Rights,

Noting General Assembly resolution 32/130,

Bearing in mind that the over-all analysis called for in the above-mentioned resolution must be a continuous and ongoing process which should respond to evolution in norms and requirements in the field of human rights,

Recalling Economic and Social Council resolution 1992 (IX) and Commission decision 4 (XXXIII),

1. Decides to continue at its thirty-fifth session, as a matter of priority, the work on the over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of the concepts contained in General Assembly resolution 32/130;

51/ Adopted at the 1473rd meeting, on 8 March 1978, without a vote.
See chap. IX.

52/ Adopted at the 1473rd meeting, on 8 March 1978, without a vote.
See chap. IX.

2. Considers it advisable to set up an open-ended working group which will meet for a week immediately before the thirty-fifth session of the Commission to undertake the necessary work relating to this analysis and report to the Commission with its conclusions and recommendations;

3. Requests the Secretary-General:

(a) To invite the specialized agencies concerned and the United Nations organs in the field of human rights to supply information on those measures, within their respective areas of competence, already taken or to be taken in the future, which would translate the concepts of General Assembly resolution 32/130 into practical terms;

(b) To circulate the report of the Commission on the work done on agenda item 11 at its thirty-fourth session to Member States, specialized agencies, other organs within the United Nations system and the relevant non-governmental organizations and to invite their comments thereon, for submission by 31 October 1978;

(c) To prepare, in time for the meeting of the working group referred to in paragraph 2 above, reports which would include:

(i) The information supplied under subparagraph (a) above;

(ii) Information relating to the work programmes, schedules and terms of reference of United Nations bodies concerned with human rights, other than the Commission on Human Rights, over which the Economic and Social Council has jurisdiction;

(iii) The views, suggestions and proposals expressed or submitted at the thirty-fourth session of the Commission in relation both to the mandate of the working group set up under Commission decision 4 (XXXIII) and to the over-all analysis asked for by the General Assembly in resolution 32/130;

(iv) All appropriate documents transmitted to the Commission at its thirty-fourth session;

4. Recommends to the Economic and Social Council the following draft decision:

[For the text see chap. I, sect. B, draft decision 1.]

5. Requests the Secretary-General to bring the present resolution and the relevant chapter of the report of the Commission on its thirty-fourth session to the notice of the General Assembly.

B. Decisions

1 (XXXIV). Organization of work 53/

The Commission decided to invite the following rapporteurs to attend the relevant meetings of its thirty-fourth session:

(a) Mr. Cassese, Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the consequences of the various forms of aid extended to the Chilean authorities, in connexion with agenda item 5;

(b) Mr. Janković, Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa, in connexion with agenda item 6;

(c) Mr. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa, in connexion with agenda item 7;

(d) Mr. Sekyjamah, Chairman-Rapporteur of the 1977 Working Group on Communications established under Sub-Commission resolution 2 (XXIV), in connexion with agenda item 12 (b);

(e) Mr. Capotorti, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the study on the rights of persons belonging to ethnic, religious and linguistic minorities, in connexion with agenda item 21.

2 (XXXIV). Organization of a symposium in southern Africa 54/

The Commission, recalling its resolutions 5 (XXXI), 8 (XXXII) and 6 (XXXIII) relating to the organization in southern Africa of a symposium on the economic and cultural exploitation of the blacks in South Africa and Namibia and on prison conditions in the South African gaols, including, in particular, the Robben Island maximum security prison, and noting with appreciation the offer by the Government of Lesotho to act as host to this symposium in its territory in 1978, decided to request the Secretary-General to make all the necessary administrative and financial arrangements for the organization of the symposium in July 1978 within the framework of the mission of investigation which the Ad Hoc Working Group of Experts was to carry out in accordance with its mandate under Commission resolution 6 (XXXIII).

53/ Adopted at the 1430th meeting, on 7 February 1978. See chap. XXVII.

54/ Adopted at the 1451st meeting, on 22 February 1978. See chap. IV.

- 3 (XXXIV). General decision to invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to attend meetings of the Commission 55/

The Commission decided that when dealing with communications under Economic and Social Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present during the deliberations of the Commission on that item and to take the floor if he so wished.

- 4 (XXXIV). General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and situations which the Commission has decided to keep under review, and the future access of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the confidential records of the Commission and other confidential documents 56/

(a) The Commission decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its thirty-fifth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session under Economic and Social Council resolution 1503 (XLVIII) and those situations which the Commission had decided to keep under review.

(b) The Commission decided that, in line with established practice, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Communications should henceforth have access to the records of the closed meetings of the Commission in which it examined situations referred to it under Economic and Social Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

- 5 (XXXIV). General decision to invite States in respect of which situations are being considered under Economic and Social Council resolution 1503 (XLVIII) to send representatives to address the Commission and to answer any questions put by members of the Commission 57/

The Commission decided, within the framework of Economic and Social Council resolution 1503 (XLVIII) and in the light of its deliberations at its thirty-fourth session:

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- 55/ Adopted at the 1466th (closed) meeting, on 3 March 1978. See chap. X.
56/ Adopted at the 1466th (closed) meeting, on 3 March 1978. See chap. X.
57/ Adopted at the 1466th (closed) meeting, on 3 March 1978. See chap. X.

(a) To invite States in respect of which situations were being considered under Economic and Social Council resolution 1503 (XLVIII) to send representatives to address the Commission and to answer any questions put by members of the Commission;

(b) To issue the invitations to the States concerned during the first week of the Commission's session.

6 (XXXIV). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 58/

The Commission, having regard to the decisions it took at its thirty-third session concerning alleged situations of violations of human rights in particular countries, decided to express its appreciation to the Secretary-General for responding to the requests addressed to him by the Commission.

7 (XXXIV). Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session 59/

The Commission decided to take note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session.

8 (XXXIV). Organization of the work of pre-sessional working groups 60/

The Commission decided that the working group referred to in paragraph 2 of its resolution 18 (XXXIV) and that referred to in paragraph 2 of its resolution 26 (XXXIV) would be one and the same group, which would examine as its principal task the subject of resolution 26 (XXXIV) and secondarily the subject of resolution 18 (XXXIV).

9 (XXXIV). Human rights situation in Democratic Kampuchea 61/

The Commission decided to request the Secretary-General to transmit to the Government of Democratic Kampuchea the documents and summary records of the thirty-fourth session of the Commission relating to the human rights situation in that country, with a view to inviting that Government to send its comments and observations, and to transmit the response of the Government of Democratic Kampuchea, together with all the information that might be available about the situation, to the Commission at its thirty-fifth session, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

58/ Adopted at the 1470th meeting, on 7 March 1978. See chap. X.

59/ Adopted at the 1470th meeting, on 7 March 1978. See chap. XVII.

60/ Adopted at the 1471st meeting, on 7 March 1978. See chap. VIII.

61/ Adopted at the 1473rd meeting, on 8 March 1978. See chap. X.

10 (XXXIV). Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 62/

The Commission decided to recommend to the Economic and Social Council that at its first regular session in 1978 it amend the provisions relating to the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities contained in paragraph 2 of Council resolution 1334 (XLIV) of 31 May 1968 so as to reflect the five geographical regions recognized by the United Nations, subdividing accordingly the seats allocated to the Afro-Asian group of States, bearing in mind the principle of equitable geographical distribution.

62/ Adopted at the 1476th meeting, on 10 March 1978. See chap. XXIII.

XXVII. ORGANIZATION OF THE THIRTY-FOURTH SESSION

A. Opening and duration of the session

344. The Commission on Human Rights held its thirty-fourth session at the United Nations Office at Geneva from 6 February to 10 March 1978.

345. The session was opened (1428th meeting) by Mr. A. Bozović (Yugoslavia), Chairman of the Commission at its thirty-third session, who made a statement, in the course of which he welcomed the new members of the Commission: Australia, Brazil, Colombia, France, Ivory Coast and Poland. The Director-General of the United Nations Office at Geneva welcomed the participants in the session on behalf of the Secretary-General. The Director of the Division of Human Rights then made a statement. 63/

B. Attendance

346. The session was attended by representatives of all States members of the Commission, by observers from other States Members of the United Nations, by the observer from one non-member State and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

C. Election of officers

347. At its 1428th and 1429th meetings, on 6 February 1978, the Commission elected the following officers by acclamation:

Chairman:	Mr. Kéba M'Baye (Senegal)
Vice-Chairmen: <u>64/</u>	Mr. Yvon Beaulne (Canada)
	Mr. Waleed M. Sadi (Jordan)
	Mr. Adam Lopatka (Poland)
Rapporteur:	Mrs. Angela Herrán (Colombia)

D. Agenda

348. The Commission had before it the provisional agenda for the thirty-fourth session (E/CN.4/1262), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council on the basis of the draft provisional agenda considered by the Commission at its thirty-third session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

63/ Summaries of the statements appear in the record of the 1428th meeting (E/CN.4/SR.1428).

64/ The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

349. At the 1429th meeting the Commission considered the provisional agenda and took the following decisions:

(a) A proposal by the representative of Yugoslavia to include in the agenda an additional item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities" was adopted without a vote;

(b) A proposal by the representative of Poland to include in the agenda an additional item entitled "Question of a Convention on the Rights of the Child" was adopted without a vote;

(c) On a proposal by the representative of India, as amended by the representative of Yugoslavia and supported by several members, the Commission decided without a vote to amend the title of agenda item 8 to read "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights";

(d) On a proposal by the representative of the Syrian Arab Republic, as amended by the representative of Pakistan, the Commission decided without a vote to amend the title of agenda item 9 to read "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation";

(e) On a proposal by the representative of India, the Commission decided without a vote to amend the title of agenda item 10 to read "Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: (a) Torture and other cruel, inhuman or degrading treatment or punishment; (b) The body of principles for the protection of all persons under any form of detention or imprisonment".

350. The agenda, as adopted, is given in annex II below.

E. Organization of work

351. With regard to the order of consideration of the items on its agenda, the Commission at its 1430th meeting, on 7 February 1978, bearing in mind the priority of the various items and the availability of the relevant documentation, accepted a recommendation by its officers to the effect that the following priority items should be considered in the following order: 4, 9, 6, 7, 14, 18, 5. The Commission agreed to examine the remaining items in the following order: 8, 11, 19, 26, 12, 10, 20, 21, 15, 22, 23, 28, 29, 16, 30. The Commission further agreed to examine the following items jointly: items 4 and 9; items 6, 7, 14 and 18; items 8, 11, 19 and 26; items 20 and 21; items 15 and 22; items 28 and 29; items 10, 11 and 16. It was also agreed that agenda items 17 and 25 should be deferred to the thirty-fifth session.

352. The Commission decided at its 1430th and 1431st meetings that informal open-ended working groups should be established for the consideration of items 10, 11, 16, 21 and 23.

353. The Commission also decided to invite the following rapporteurs to attend its relevant meetings:

(a) In connexion with item 5, on the consequences of the various forms of aid extended to the Chilean authorities, Mr. Cassese, Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Commission resolution 9 (XXXIII));

(b) In connexion with item 6, Mr. Janković, Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa (Commission resolution 6 A (XXXIII));

(c) In connexion with item 7, Mr. Khalifa, Special Rapporteur of the Sub-Commission for the study on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (Commission resolution 7 (XXXIII));

(d) In connexion with items 12 (b), Mr. Sekyiamah, Chairman-Rapporteur of the 1977 Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII) (confidential resolution adopted by the Sub-Commission at its thirtieth session) (see E/CN.4/1261, para. 177);

(e) In connexion with item 21, Mr. Capotorti, Special Rapporteur of the Sub-Commission for the study on the rights of persons belonging to ethnic, religious and linguistic minorities (Sub-Commission resolution 5 (XXX)).

F. Meetings, resolutions and documentation

354. The Commission held 49 meetings (1428th to 1476th meetings). In accordance with Commission decision 3 (XXXI) of 5 February 1975, summary records were dispensed with for procedural matters and were accordingly prepared only in respect of questions of substance. Summary records were issued for the 1428th to 1475th meetings, or parts thereof.

355. The resolutions and decisions adopted by the Commission at its thirty-fourth session are contained in chapter XXVI of the present report. Draft resolutions and decisions for action by the Economic and Social Council and other matters of concern to the Council are set out in chapter I.

356. Annex III to this report contains statements of the administrative and financial implications of certain decisions. Annex IV contains a list of documents submitted for the Commission's consideration. The working documents of the thirty-fourth session are contained in document E/CN.4/1293.

ANNEXES

Annex I

ATTENDANCE

Members

Australia: Mr. Owen Lennox Davis, Mr. C. L. Lamb,* Mr. M. A. S. Landale*

Austria: Mr. Felix Ermacora, Mr. Rudolf Torovsky,* Mrs. Leonore Abele-Emich,**
Mr. Heinrich Querner*

Brazil: Mr. Carlos Calero-Rodrigues, Mr. Italo Mastrogiovanni,*
Mr. Guilherme Raymundo Barbedo Arroio,* Mr. Antonio José Guerreiro*

Bulgaria: Mr. Ivan Garvalov, Mr. Boris Petzev*

Canada: Mr. Y. Beaulne, Mr. F. E. K. Chandler,* Mr. Alan D. Rowe,*
Mr. J. Daniel Livermore,** Mr. B. Gillies,** Mr. G. Voisin**

Colombia: Mr. Héctor Charry Samper, Miss Angela Herrán,* Mr. Mauricio Botero**

Cuba: Mr. Carlos Lechuga Hevía, Mrs. María de los Angeles Flórez Prida,*
Mr. Humberto Rivero Rosario,* Mr. Julio Heredia Pérez*

Cyprus: Mr. M. Triantafyllides, Mr. Michael Sherifis,* Mr. Nicolas Macris,**
Mrs. Myrna Kleopa**

Egypt: Mr. Omran El-Shafei, Mr. Ahmed F. Aboul Kheir,* Miss Laila Emara,*
Miss Minou Serry*

France: Mr. Jean-Claude Soyer, Mr. René Gros,* Mr. Robert Fauris,*
Mrs. Germaine Hirlemann**

India: Mrs. Vijaya Lakshmi Pandit, Mr. C. R. Gharekhan,* Mr. K. S. Sodhi,**
Mrs. Nina Sibal,** Mr. B. Balakrishnan**

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. Manoutchehr Fartash,*
Mr. Djamal Shemirani,** Miss Chirine Tahmasseb,** Miss Soheila Shahkar**

Ivory Coast: Mr. Amara Essy, Mr. Amadou Traore,* Mr. Denis Ouapeu Gueu,**
Mr. Gilbert Doh,** Miss Liliane Boa**

Jordan: Mr. Waleed M. Sadi, Mr. Saleh Kabariti,* Mr. Talal Hasan,*
Mr. Kamal Hasa*

Lesotho: Mr. Tseliso Thamae

* Alternate.

** Adviser.

Libyan Arab Jamahiriya: Mr. Youssef M. Arebi, Mr. Massaoud El Houfari,*
Mr. Mohamed Jamal Ghellali,* Mr. Attia Embark,** Miss Hussnia Markous**

Nigeria: Mr. Oluyemi Adeniji, Mr. D. S. Coker,* Mr. S. G. Laoye,*
Mr. A. E. B. Ayeni,* Mr. K. Ahmed,* Mr. T. O. Orimobi,* Mr. B. C. M. Ihekuna*

Pakistan: Mr. Ghulam Ali Allana, Mr. Mohammed Yunus,* Mr. Khalid Saleem,*
Mr. A. A. Hashmi**

Panama: Mr. Dídimo Ríos, Mr. Aquilino P. Vallamonte R.*

Peru: Mr. Luis Chávez Godoy, Mr. Juan Aurich Montero*

Poland: Mr. Adam Lopatka, Mr. Andrzej Olszowka,* Mr. Waldemar Rokoszewski**

Rwanda: Mr. Fulgence Seminega, Mr. Antoine Ntashamaje*

Senegal: Mr. Kéba M'Baye, Mr. Abdoulaye Diéye,* Mr. Ousmane Tanor Dieng*

Sweden: Mr. Hans Danielus, Mr. Johan Nordenfelt,* Mr. Lars Grundberg*

Syrian Arab Republic: Mr. Dia Allah El-Fattal, Miss Mawia Sheikh Fadli,*
Mr. Clovis Khoury,* Mr. Antanios Hanna*

Turkey: Mr. Erçument Yavuzalp, Mr. Unal Harasli,* Mr. Elvend Kantar,*
Mr. Hasim Utkan*

Uganda: Mr. Mohamed Saied, Mr. Khalid Younis Kinene,* Mr. Francis Ayume,*
Mr. Emmanuel Lujumwa Ssendaula,** Mr. Idi Osman Rizingala,** Mr. Mahmud Musa,**
Mr. Mohamed Ali,** Mr. Nassur Hassan,** Mr. Peter Limbe,** Mr. J. K. Oumo**

Union of Soviet Socialist Republics: Mr. V. A. Zorin, Mr. D. V. Bykov,*
Mr. M. I. Vezel,** Mr. K. F. Gutsenko,** Mr. S. V. Chernichenko,**
Mr. S. B. Nikiforov,** Mr. K. L. Kelin,** Mr. P. G. Dziubenko,**
Mr. P. G. Evstratov**

United Kingdom of Great Britain and Northern Ireland: Sir Keith Unwin,
Mr. R. J. Edis,* Mr. Evan Luard,* Mr. K. MacInnes,** Mr. D. R. Snoxell,**
Miss Frances Elliot**

United States of America: Mr. Edward M. Mezvinsky, Mr. William J. vanden Heuvel,*
Mr. Warren E. Hevitt,* Mr. George Dalley,* Mr. John H. Buchanan,**
Mr. Cesar Chavez,** Mrs. Coretta Scott King,** Mr. Gilbert Padilla,**
Ms. Estralita Jones,** Mr. Jones Salzburg,** Ms. Janean Mann,**
Mrs. Gloria Gaston-Shapiro,** Ms. Constance Grice,** Ms. Lois Matteson,**
Mr. Robert Maxim,** Mr. Brady Tyson**

* Alternate.

** Adviser.

Uruguay: Mr. Carlos Giambruno, Mr. Mario Fernández,* Mr. Alberto Larroque,**
Miss Graziella Dubra,** Mr. Carlos M. Nadal**

Yugoslavia: Mr. Aleksandar Božović, Miss Zagorka Ilić,* Mr. Ivan Toševski,*
Mr. Silvo Devetak,* Mrs. Gordana Diklić-Trajković*

States Members of the United Nations represented by observers

Algeria, Argentina, Bangladesh, Belgium, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Denmark, Ecuador, Ethiopia, Finland, Gambia, German Democratic Republic, Federal Republic of Germany, Greece, Guatemala, Honduras, Hungary, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Kuwait, Lebanon, Luxembourg, Mongolia, Morocco, Netherlands, New Zealand, Norway, Paraguay, Philippines, Portugal, Romania, Spain, Sri Lanka, Thailand, Tunisia, United Arab Emirates, Venezuela, Viet Nam.

Non-member States represented by observers

Holy See, Switzerland.

United Nations bodies

Office of the United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization.

Regional intergovernmental organizations

Council of Europe, League of Arab States, Organization of African Unity, Organization of American States.

National liberation movements

African National Congress of South Africa, Palestine Liberation Organization, Pan-Africanist Congress of Azania.

Non-governmental organizations in consultative status

Category I

International Alliance of Women - Equal Rights, Equal Responsibilities, International Council of Women, International Planned Parenthood Federation, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Women's International Democratic Federation, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations.

* Alternate.

** Adviser.

Category II

Agudas Israel World Organization, All-India Women's Conference, Amnesty International, Anti-Slavery Society, Arab Lawyers Union, Association for the Study of the World Refugee Problem, Bahá'i International Community, Caritas Internationalis (International Confederation of Catholic Organizations for Charitable and Social Action), Christian Democratic World Union, Commission of the Churches on International Affairs, Consultative Council of Jewish Organizations, Friends World Committee for Consultation, International Association of Democratic Lawyers, International Catholic Child Bureau, International Catholic Migration Commission, International Commission of Jurists, International Committee of the Red Cross, International Co-operation for Socio-Economic Development, International Council of Jewish Women, International Federation for Human Rights, International Federation of Business and Professional Women, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Indian Treaty Council, International Law Association, International Movement for Fraternal Union among Races and Peoples, International Union for Child Welfare, International Union of Family Organizations, International University Exchange Fund, International Young Christian Workers, Pan-Pacific and South-East Asia Women's Association, Pax Romana, Socialist International, St. Joan's International Alliance, Union of Arab Jurists, Women's International League for Peace and Freedom, World Association of World Federalists, World Jewish Congress, World Union of Catholic Women's Organizations, World University Service, World Young Women's Christian Association.

Roster

International Humanist and Ethical Union, International Union of Socialist Youth, Minority Rights Group, World Peace Council.

Annex II

AGENDA

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the violation of human rights in the occupied Arab territories, including Palestine
5. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment
6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts
7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa
8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
 - (a) Torture and other cruel, inhuman or degrading treatment or punishment
 - (b) Body of principles for the protection of all persons under any form of detention or imprisonment
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission
12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
 - (a) Question of human rights in Cyprus
 - (b) Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLIII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-third session

13. Human rights and scientific and technological developments
14. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid
15. The role of youth in the promotion and protection of human rights, including:
 - (a) Channels of communication with youth and international youth organizations
 - (b) Question of conscientious objection to military service
16. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief
17. Periodic reports on freedom of information
18. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination
- (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination
19. Status of the International Covenants on Human Rights
20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session
21. Rights of persons belonging to national, ethnic, religious and linguistic minorities
22. Question of a convention on the rights of the child
23. Measures to improve the situation and ensure the human rights and dignity of all migrant workers
24. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live
25. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred
26. Advisory services in the field of human rights
27. Communications concerning human rights
28. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
29. Draft provisional agenda for the thirty-fifth session of the Commission
30. Report to the Economic and Social Council on the thirty-fourth session of the Commission.

Annex III

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY
THE COMMISSION AT ITS THIRTY-FOURTH SESSION

1. In the course of its thirty-fourth session, the Commission adopted nine resolutions and three decisions that have financial implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.
2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request from the General Assembly at its thirty-third session any additional resources needed to implement the proposals in 1978 and 1979.
3. The financial implications arising from proposals emanating from the thirty-fourth session of the Commission are summarized as follows:

Summary table of financial implications of resolutions and decisions
adopted by the Commission at its thirty-fourth session

<u>Resolution or decision number and subject</u>	<u>Requirements</u>	<u>1978</u>	<u>1979</u> <u>(US dollars)</u>	<u>1980</u>	<u>1981</u>
Resolution 4 (XXXIV). International Anti-Apartheid Year	Travel (economy class) and subsistence of Chairman of Commission on Human Rights to represent the Commission at the meeting to be held in Geneva to mark the launching of the International Anti-Apartheid Year	1,400	-	-	-
Resolution 6 (XXXIV). The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa	Printing of the report of the Special Rapporteur in four languages and travel and subsistence of Rapporteur to present his report to the General Assembly at its thirty-third session	24,550	-	-	-
Resolution 7 (XXXIV). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid	Conference servicing costs (interpretation and sound engineer, English, French, Spanish)	-	9,800	-	-
Resolution 8 (XXXIV). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination	Subsistence of six members at expert rate	7,200	-	-	-
Resolution 11 (XXXIV). Advisory services in the field of human rights	Organization of two international seminars and one training course and granting of 25 fellowship awards each year	-	-	437,500	437,500
Resolution 12 (XXXIV). Study of reported violations of human rights in Chile with particular reference to torture and other cruel, inhuman or degrading treatment or punishment	Travel and subsistence of five members of the Working Group, of staff of Division of Human Rights, of witnesses and of Chairman-Rapporteur; conference servicing costs, general expenses, temporary assistance and contractual services	478,525	157,400	-	-
Resolution 18 (XXXIV). Draft convention on torture and other cruel, inhuman or degrading treatment or punishment	Conference servicing costs for the holding of meetings of a working group open to all members of the Commission [see decision 8 (XXXIV)]	-	28,600	-	-
Resolution 26 (XXXIV). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms					
Resolution 19 (XXXIV). Body of principles for the protection of all persons under any form of detention or imprisonment	Subsistence of five members of the Sub-Commission during five working days prior to the thirty-first session of the Sub-Commission; conference servicing costs (interpretation and sound engineer, English, French, Spanish)	12,390	-	-	-
Resolution 21 B (XXXIV). Measures to improve the situation and ensure the human rights and dignity of all migrant workers	Conference servicing costs and temporary professional assistance for preparation of a report	28,000	-	-	-
Decision 2 (XXXIV). Organization of a symposium in southern Africa	Travel (economy class) and subsistence of 32 participants, five representatives of recognized national liberation movements, ten former political detainees, and six members of the Working Group and of substantive, administrative and conference servicing staff; conference servicing costs, general expenses and consultant services for the organization of a symposium in Maseru, Lesotho	175,600	-	-	-
Decision 3 (XXXIV). General decision to invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission to attend meetings of the Commission	Travel and subsistence of Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission to be present during certain meetings of the Commission	-	2,000	-	-
Decision 4 (XXXIV), paragraph (a). General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and situations which the Commission has decided to keep under review	Conference servicing costs (meeting of a working group composed of five members of the Commission to meet for one week prior to the thirty-fifth session)	-	9,800	-	-
	TOTAL	715,275	207,600	437,500	437,500

Resolution 4 (XXXIV). International Anti-Apartheid Year

4. In paragraph 3 of resolution 4 (XXXIV), the Commission decided that it should be represented by the Chairman of its thirty-fourth session at the meeting to be held at Geneva to mark the launching of the International Anti-Apartheid Year.

5. On the basis of the foregoing, the relevant costs are estimated as follows:

Travel (economy class) and subsistence of Chairman of Commission on Human Rights (Dakar/Geneva/Dakar, total estimated time two days)	<u>1978</u> (US dollars) 1,400 a/
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Resolution 6 (XXXIV). The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

6. In paragraph 3 of resolution 6 (XXXIV), the Commission recommended to the Economic and Social Council that the report of the Special Rapporteur be printed in its final form and given wide distribution.

7. In paragraph 4 it further recommended to the Council that the Special Rapporteur be invited to present his report to the General Assembly at its thirty-third session and to attend the meetings of the Assembly in which it was discussed.

8. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>1978</u> (US dollars)
Editing and preparation of report for printing (100 pages)	8,300
Printing of the report in English, French, Russian and Spanish	13,900
Travel and subsistence of Special Rapporteur to present his report to the General Assembly at its thirty-third session (Cairo/New York/ Cairo, total time five days)	2,350
	<hr/> 24,550 b/

Resolution 7 (XXXIV). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

9. In paragraph 9 of resolution 7 (XXXIV), the Commission decided that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of five days before the thirty-fifth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

10. For the purpose of determining the financial implications of that decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provisions for the attendance of members at the Commission session.

11. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>1979</u>
	(US dollars)
Conference costs (interpretation and sound engineer, English, French, Spanish)	9,800 c/

Resolution 8 (XXXIV). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

12. In paragraph 1 of resolution 8 (XXXIV), the Commission designated the Ad Hoc Working Group of Experts on southern Africa to represent the Commission at the World Conference to Combat Racism and Racial Discrimination to be held in Geneva from 14 to 25 August 1978.

13. For the purpose of determining the financial implications of that decision, it has been noted that the travel expenses of the six members of the Working Group would be covered within the framework of the mission of investigation which the Group is to undertake during late July 1978.

14. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>1978</u>
	(US dollars)
Subsistence of six members for 14 days, at expert rate (40 per cent above standard rate)	7,200 d/

Resolution 11 (XXXIV). Advisory services in the field of human rights

15. By resolution 11 (XXXIV), the Commission recommended to the Economic and Social Council that it reiterate its request to the Secretary-General to organize at least two seminars and one training course annually and to grant at least 25 fellowships each year, giving special attention to the needs of the developing countries.

16. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>1980</u> (US dollars)	<u>1981</u> (US dollars)
1. Two international seminars (32 participants)	260,000	260,000
2. Regional training course (20 participants)	90,000	90,000
3. 25 fellowship awards at \$3,500 per fellow	87,500	87,500
	<u>437,500 e/</u>	<u>437,500 e/</u>

Resolution 12 (XXXIV). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment

17. In paragraph 10 of resolution 12 (XXXIV), the Commission extended the mandate of the present Ad Hoc Working Group of five members of the Commission, acting in their personal capacity as experts, and requested it to report to the General Assembly at its thirty-third session and to the Commission on Human Rights at its thirty-fifth session with such additional information as might be necessary.

18. Under paragraph 12 of the resolution, the Secretary-General was requested to render to the Ad Hoc Working Group all the assistance which it might require in its work.

19. In paragraph 13 of the resolution, the Commission invited the Rapporteur who had been appointed by the Sub-Commission to prepare a study on the consequences of the various forms of aid extended to the Chilean authorities to present his report to the Sub-Commission at its thirty-first session and instructed the Sub-Commission to transmit that report to the General Assembly at its thirty-third session.

20. In paragraph 14, the Commission recommended to the Economic and Social Council that it make arrangements for the provision of adequate financial resources and staff for the implementation of the resolution.

21. For the purpose of determining the financial implications of the resolution, the following assumptions have been made:

(a) The Working Group would visit Chile during 1978 for a period of three weeks, accompanied by one Principal Secretary, three substantive officers, two secretaries experienced in the work of the Division of Human Rights, and information, administrative and technical staff. The visit to Chile would be preceded by one week of meetings in Geneva, at the end of May, in order to organize the Group's work and the field mission to Chile and consult as appropriate with the Government of Chile on modalities of the visit to Chile. Alternatively, these meetings may be held in May for a period of two weeks either in Geneva or at United Nations Headquarters for the same purpose. A further week for hearing testimony and gathering oral and written information in a suitable country in Latin America is also envisaged.

(b) Should the mission to Chile not materialize in the available time, the Group would require one week of meetings in Latin America for hearing testimony and gathering oral and written information as well as one week at Headquarters, New York, and one week in Geneva, for the same purpose.

(c) The Working Group would meet for a further period of three weeks in Geneva in late summer 1978 for the purpose of gathering information and preparing and adopting its report to the General Assembly at its thirty-third session under General Assembly resolution 32/118.

(d) The Chairman-Rapporteur of the Working Group would spend three weeks at Headquarters, New York, at the time of the submission of the report of the Working Group to the General Assembly at its thirty-third session.

(e) The Working Group would meet for a period of three weeks in Geneva in January 1979, for the purpose of gathering additional information and preparing and adopting its report to the Commission on Human Rights at its thirty-fifth session, scheduled to begin on 12 February 1979.

(f) In case the Chairman-Rapporteur is not a member of the Commission on Human Rights, provision should be made for his presence during one week in Geneva, in February 1979, to present the report to the Commission.

(g) Pursuant to paragraphs 12 and 14 of the resolution, the Secretary-General would propose the recruitment on a temporary assistance basis of a junior professional staff member and a secretary for the purpose of assisting in the preparation of the material necessary for the report.

22. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>Human rights</u> <u>(section 18)</u>	<u>Conference services</u> <u>(section 23)</u>		
	<u>1978</u> <u>(US dollars)</u>	<u>1979</u>	<u>1978</u> <u>(US dollars)</u>	<u>1979</u>
I. Meeting in Geneva, May 1978 (one week) <u>f/</u>				
Travel and subsistence of five members				
(a) Travel (first class) <u>g/</u>	7,300	-	-	-
(b) Subsistence	3,100	-	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	10,800	-
(b) Pre-session, in-session and post-session documentation	-	-	34,200	-
(c) Travel and subsistence of witnesses	2,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	400	-	-	-
Press clippings and other related services required on a yearly subscription basis				
Subscriptions to newspapers and periodicals and purchase of newspapers	2,000	-	-	-
Total I	14,800		45,000	
II. Field mission to Chile (three weeks) plus one week in another Latin American country, summer 1978 (total four weeks)				
Travel and subsistence of five members				
(a) Travel (first class) <u>g/</u>	15,200	-	-	-
(b) Subsistence	9,700	-	-	-

<u>Human rights</u>		<u>Conference services</u>	
<u>(section 18)</u>		<u>(section 23)</u>	
<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
<u>(US dollars)</u>		<u>(US dollars)</u>	

II. continued

Travel and subsistence of staff of
Division of Human Rights

Principal Secretary 1
Substantive officers 3
Secretaries 2

(a) Travel	14,100	-	-	-
(b) Subsistence	7,900	-	-	-

Conference servicing costs
(Santiago, three weeks, plus one
week in another Latin American
country)

(a) Interpretation and sound technicians (salaries) <u>h/</u>	43,300	-	-	-
(b) In-session documentation (salaries) <u>h/</u>	31,100	-	-	-
(c) Travel and subsistence of witnesses	9,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1,200	-	-	-
(e) General expenses:	9,000	-	-	-

Rental of conference
facilities and office
space; local transportation
and communications; air
freight for equipment and
documentation; rental of
equipment; miscellaneous
expenses

(f) List of staff which may be
provided by other United
Nations offices in Latin
America without charge:

Administrative Officer 1
Information Officer 1
Bilingual secretaries 2
Typists 2

Total II 140,500

<u>Human rights</u>		<u>Conference services</u>	
<u>(section 18)</u>		<u>(section 23)</u>	
<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
<u>(US dollars)</u>		<u>(US dollars)</u>	

III. In the event that the field mission to Chile does not materialize, field mission to Latin America, summer 1978 (one week), plus one week at Headquarters, New York, and one week in Geneva (total, three weeks)

Travel and subsistence of five members

(a) Travel (first class) <u>g/</u>	16,400	-	-	-
(b) Subsistence	9,700	-	-	-

Travel and subsistence of staff of Division of Human Rights

Principal Secretary 1
Substantive Officers 2
Administrative Officer 1
Secretaries 2

(a) Travel of six staff members	19,500	-	-	-
(b) Subsistence	5,800	-	-	-

Conference servicing costs (Latin American country, one week)

(a) Interpretation and sound technicians (salaries) <u>h/</u>	10,400	-	-	-
(b) In-session documentation (salaries) <u>h/</u>	6,300	-	-	-
(c) Travel and subsistence of witnesses	2,000	-	-	-
(d) General expenses:	5,000	-	-	-

Rental of conference facilities and office space; local transportation and communications; air freight for equipment and documentation; rental of equipment; miscellaneous expenses

<u>Human rights</u>		<u>Conference services</u>	
<u>(section 18)</u>		<u>(section 23)</u>	
<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
<u>(US dollars)</u>		<u>(US dollars)</u>	

III. continued

- (e) List of staff which may be provided by UNDP, Caracas, without charge:

Information Officer	1
Bilingual secretaries	2
Typist	1

Conference servicing costs
(New York, one week)

(a) Interpretation and sound technicians (salaries) <u>h/</u>	-	-	10,400	-
(b) In-session documentation (salaries) <u>h/</u>	-	-	12,600	-
(c) Travel and subsistence of witnesses	2,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	400	-	-	-

Conference servicing costs
(Geneva, one week)

(a) Interpretation and sound technicians	-	-	10,400	-
(b) In-session documentation	-	-	11,000	-
(c) Travel and subsistence of witnesses	3,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	800	-	-	-

Total III

81,300	44,400
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IV. Meeting in Geneva, late summer 1978
(three weeks)

Travel and subsistence of five members

(a) Travel (first class) <u>g/</u>	7,300	-	-	-
(b) Subsistence	8,100	-	-	-

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
IV. continued				
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	32,500	-
(b) Pre-session, in-session and post-session documentation	-	-	104,000	-
(c) Travel and subsistence of witnesses	5,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1,200	-	-	-
(e) Overtime	500	-	-	-
Total IV	22,100		136,500	
V. Travel and subsistence of Chairman-Rapporteur of Working Group for mission to Headquarters, New York, at thirty-third session of General Assembly (three weeks)				
(a) Travel (first class) <u>g/</u>	3,000			
(b) Subsistence	1,500			
Total V	4,500			
VI. Meeting in Geneva, January 1979 (three weeks)				
Travel and subsistence of five members				
(a) Travel (first class) <u>g/</u>	-	7,300	-	-
(b) Subsistence	-	8,100	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	-	32,500

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
VI. continued				
(b) Pre-session, in-session and post-session documentation	-	-	-	104,000
(c) Travel and subsistence of witnesses	-	2,000	-	-
(d) Temporary assistance for transcription of taped evidence	-	400	-	-
(e) Overtime	-	500	-	-
		<hr/>		<hr/>
Total VI		18,300		136,500
VII. Travel of Chairman-Rapporteur to Geneva to thirty-fifth session of Commission on Human Rights (one week)				
(a) Travel (first class) g/	-	2,000	-	-
(b) Subsistence	-	600	-	-
		<hr/>		<hr/>
Total VII		2,600		
VIII. Supplementary staff to service Working Group				
(a) Temporary assistance for assisting in the preparation of the material necessary for the report (P-2 staff member for one year)	35,500	-	-	-
(b) Secretarial assistance (one G-4 staff member for one year)	25,800	-	-	-
	<hr/>			
Total VIII	61,300			
IX. Travel and subsistence of Rapporteur and contractual services				
(a) Travel (economy class) and subsistence of Rapporteur to consult with Division of Human Rights. Two				

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
<u>Summary</u>				
I. Meeting in Geneva, May 1978 (one week)	14,800	-	45,000 i/	-
II. Field mission to Chile (three weeks) plus one week in another Latin American country (four weeks)	140,500	-	-	-
III. In the event mission to Chile does not materialize, field mission to Latin America, summer 1978, one week, plus one week at Headquarters, New York, and one week at Geneva (three weeks)	(81,300) j/	-	44,400 i/	-
IV. Meeting in Geneva, late summer 1978 (three weeks)	22,100	-	136,500 i/	-
V. Travel and subsistence of Chairman-Rapporteur of Working Group for mission to Headquarters, New York, at thirty-third session of General Assembly (three weeks)	4,500	-	-	-
VI. Meeting in Geneva, January 1979 (three weeks)	-	18,300	-	136,500 i/
VII. Travel of Chairman-Rapporteur to Geneva to thirty-fifth session of Commission on Human Rights (one week)	-	2,600	-	-
VIII. Supplementary staff to service Group	61,300	-	-	-
IX. Travel and subsistence of Rapporteur and contractual services	9,425	-	-	-
Total	<u>252,625 d/</u>	<u>20,900 y/</u>	<u>225,900 i/</u>	<u>136,500 i/</u>

Resolution 18 (XXXIV). Draft convention on torture and other cruel, inhuman or degrading treatment or punishment

Resolution 26 (XXXIV). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

23. In paragraph 2 of its resolution 18 (XXXIV) the Commission recommended to the Economic and Social Council that it authorize the holding of a meeting of a working group open to all the members of the Commission for one week immediately before the thirty-fifth session of the Commission. A similar recommendation was made under paragraphs 2 and 4 of resolution 26 (XXXIV). The Commission decided by its decision 8 (XXXIV) that the working group referred to in its resolution 18 (XXXIV) and that referred to in its resolution 26 (XXXIV) would be one and the same group.

24. For the purpose of determining the financial implications of these resolutions, it has been noted that the travel expenses of the members concerned will be covered under the normal provisions for the attendance of members at the Commission.

25. On the basis of the foregoing, the relevant costs are estimated as follows:

<u>Conference services</u>	
<u>(section 23)</u>	
1978	1979
(US dollars)	

 Holding of meetings of a working group open to all members of the Commission for one week immediately before the thirty-fifth session of the Commission on Human Rights at Geneva

Conference servicing costs

28,600 c/

Resolution 19 (XXXIV). Body of principles for the protection of all persons under any form of detention or imprisonment

26. In paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council under Commission resolution 19 (XXXIV), the Council would authorize the Chairman of the Sub-Commission to appoint a working group of five members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission.

27. For the purpose of determining the financial implications, it has been noted that the travel expenses of the members concerned would be covered under the normal provisions for the attendance of members at the thirty-first session of the Sub-Commission.

28. On the basis of the foregoing, the relevant costs are estimated as follows:

1978
(US dollars)

Subsistence of five members of the Sub-Commission during five working days prior to the thirty-first session of the Sub-Commission	2,590
Conference costs (interpretation and sound engineer, English, French Spanish)	<u>9,800 c/</u>
	12,390

Resolution 21 B (XXXIV). Measures to improve the situation and ensure the human rights and dignity of all migrant workers

29. In resolution 21 B (XXXIV), the Commission requested the Secretary-General to prepare a consolidated report outlining the work of various organs of the United Nations system and that of the intergovernmental organizations concerned and recommended to the Economic and Social Council that it should authorize a meeting of an open-ended working group of the Commission in December 1978, for at most three days, in order to analyse the report and submit specific proposals to the Commission at its thirty-fifth session.

30. For the purpose of determining the financial implications of the resolution, the following assumptions have been made:

(a) The working group would meet in Geneva for a period of three days in December 1978;

(b) In order to fulfil the request made to the Secretary-General to prepare a consolidated report, temporary professional assistance will be necessary for a period of two man-months at the P.2/P.1 level;

(c) No travel costs will be involved for the meeting.

31. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>Human rights</u> <u>(section 18)</u> <u>1978</u> (US dollars)	<u>Conference services</u> <u>(section 23)</u> <u>1978</u> (US dollars)
Conference servicing costs for meeting of working group for a maximum period of three days in December 1978 in Geneva	-	23,000 c/
Temporary professional assistance for preparation of report (two man-months at P.2/P.1 level, estimated at \$2,500 per month)	5,000 d/	

Decision 2 (XXXIV). Organization of a symposium in southern Africa

32. By its decision 2 (XXXIV), the Commission decided to request the Secretary-General to make all the necessary administrative and financial arrangements for the organization of a symposium in Maseru, Lesotho, during July 1978 within the framework of the mission of investigation which the Ad Hoc Working Group of Experts was to carry out in accordance with its mandate under Commission resolution 6 (XXXIII).

33. On the basis of the foregoing, the relevant costs are estimated as follows:

	<u>1978</u> (US dollars)
Travel and subsistence of 32 participants	
(a) Travel (economy class)	40,000
(b) Subsistence	7,500
Travel and subsistence of five representatives of recognized national liberation movements and ten former political detainees	
(a) Travel (economy class)	15,000
(b) Subsistence	3,000
Travel and subsistence of six members of the Working Group	
(a) Travel (first class) <u>g/</u>	18,900
(b) Subsistence	2,200
Travel and subsistence of substantive, administrative and conference servicing staff (composition of staff listed below) <u>d/</u>	
(a) Travel (economy class) for seven staff members	11,200
(b) Subsistence	2,900
Representative of the Secretary-General	1
Secretary of Symposium	1
Substantive officers	2
Documents officer	1
Bilingual stenographers (English/French)	2
(c) Salaries, travel and subsistence of conference servicing staff	48,800
Interpreters	9
Translators	5
Stenotypists	8

1978
(US dollars)

(d) Pre-session, in-session and post-session documentation: translation, typing and reproduction in English, French and Spanish	17,600
(e) General expenses	6,500
Freight expenditures for approximately 500 kgs of documentation and equipment	
(f) Consultant services	<u>2,000</u>
	175,600 d/

Decision 3 (XXXIV). General decision to invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to attend meetings of the Commission

34. In decision 3 (XXXIV), the Commission decided that when dealing with communications under Economic and Social Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission to be present during the deliberations of the Commission on that item and to take the floor if he so wished.

35. On the basis of the foregoing, the relevant costs are estimated as follows:

1979
(US dollars)

Travel (first class) g/ and subsistence (one week) of Chairman-Rapporteur of the 1978 Working Group on Communications of the Sub-Commission (calculated on a notional basis)	2,000 a/
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Decision 4 (XXXIV). General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and situations which the Commission has decided to keep under review

36. Under the terms of decision 4 (XXXIV), paragraph (a), the Commission decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its thirty-fifth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session under Economic and Social Council resolution 1503 (XLVIII) and those situations which the Commission had decided to keep under review.

37. For the purpose of determining the financial implications of that decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members at the thirty-fifth session of the Commission.

38. On the basis of the foregoing, the relevant costs are estimated as follows:

	1979 (US dollars)
Conference costs (interpretation and sound engineer, English, French, Spanish)	9,800 <u>c/</u>

a/ These costs will be met under section 18 of the budget.

b/ These costs will be included in the first performance report in 1978, at which time it will be indicated to what extent they can be absorbed within the existing appropriations.

c/ These costs will be met under section 23 of the budget.

d/ To be submitted for allotment under unforeseen and extraordinary expenses.

e/ These costs will be dealt with under the biennial budget for 1980-1981.

f/ Should the meetings be held for a period of two weeks in Geneva, estimates would have to be increased by \$2,500 under section 18 and by \$45,000 under section 23. Should the meetings be held at Headquarters for a period of two weeks, rather than Geneva, costs are estimated at \$26,500 under section 18 and \$90,000 under section 23.

g/ Economy class travel if flight time is less than nine hours (General Assembly resolution 32/198).

h/ These estimates are based on conference staff being recruited locally. Should conference staff not be available locally, these estimates would have to be increased by \$84,800 in the case of the field mission to Chile and \$82,500 in the case of the field mission to another Latin American country, in order to allow for travel and subsistence costs of conference staff from Geneva.

i/ These costs will be met under the global allocations at the disposal of the Geneva Office and Headquarters to service meetings under section 23 of the budget for the biennium 1978-1979.

j/ Not included in over-all total of costs.

Annex IV

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b/ The sponsors listed here include those who became sponsors of the draft resolution or amendment subsequent to the issue of the document.

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